

21 May 2024

ACM Corporation Pty Ltd
C/- GSPC
via email: admin@gspc.com.au

Attention: Sunil Govind

Dear Sunil,

RE: – Development Application for Development Permit for Reconfiguring a Lot (1 lot into 19 lots, being for 18 Residential lots and 1 Commercial lot) and Preliminary Approval involving a variation request to vary the Local Planning Instrument at Murdochs Road, Moore Park Beach 4670; land described as Lot 3 on SP174813.

Thank you for your Development Application for a Combined Application for Development Permit for Reconfiguring a Lot (1 lot into 19 lots, being for 18 Residential lots and 1 Commercial lot) and Preliminary Approval involving a variation request to vary the Local Planning Instrument at Murdochs Road, Moore Park Beach 4670; land described as Lot 3 on SP174813 lodged with Council on Monday, 20 December 2021.

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: 525.2021.29.1 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Grant Barringer on telephone 1300 883 699.

Yours sincerely

Richard Jenner
Management Development Assessment

ENCL.

- **DECISION NOTICE**
- **APPROVED PLANS**
- **ADOPTED INFRASTRUCTURE CHARGES NOTICE**

Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 20 December 2021. Please be advised that Bundaberg Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: ACM Corporation Pty Ltd
C/- Garcemere Surveying and Planning Consultants Pty Ltd

Email: admin@gspc.com.au

Phone No.: (07) 4922 7033

2. Location details

Street address: Murdochs Road MOORE PARK BEACH 4670

Real property description: Lot 3 on SP174813

Local government area: Bundaberg Regional Council

3. Details of the proposed development

Development Permit for Reconfiguring a Lot (1 Lot into 19 lots, being for 18 residential lots and 1 Commercial lot) and Preliminary Approval involving a variation request to vary the Local Planning Instrument.

4. Decision

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		☒	☒

5. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Reconfiguring a Lot				
Plan of Proposed Lots 1 to 21 cancelling part of Lot 3 on SP174813	GSPC	7/11/23	150741-49	
Plan of Proposed Building Envelopes and Effluent Disposal Area in Lots 1 to 18 cancelling part of Lot 3 on SP174813	GSPC	7/11/23	150741-50	

6. Variation approval details

A preliminary approval which includes a variation approval is given and the assessment manager has approved a **variation to the local planning instrument(s)**:

- Bundaberg Regional Council Planning Scheme 2015.

The variation approved is:/The variations approved are:

Local Planning Instrument	Variation Approval
Bundaberg Regional Council Planning Scheme 2015	<p>Part 5 – Tables of Assessment – Table 5.4.7 Local centre zone – Levels of Assessment for Material Change of Use (excluding proposed lot 21) is overridden by the provisions of Table 5.4.1 Low density residential zone.</p> <p>Part 5 – Tables of Assessment – Table 5.5.1 – Levels of Assessment for Reconfiguring a lot (excluding proposed lot 21 to remain as a Local centre zone) is overridden by provisions of Low-density residential zone.</p> <p>Part 5 – Tables of Assessment – Table 5.6.1 Building work. Local centre zone is overridden by provisions of Low-density residential zone (excluding proposed lot 21).</p> <p>Part 5 – Tables of Assessment – Table 5.9.1 Overlays. Local centre zone is overridden by provisions of Low-density residential zone (excluding proposed lot 21).</p>

7. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

8. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Operational Work (that is not accepted development)

9. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Alan MacDonald	86 Moore Park Road, Moore Park	
Bernard Roser and Ulrike Roser	47 Egret Lane, Moore Park	bernardroser@mail.com
Marie Uren	58 Moore Park Road, Moore Park	mur07409@bigpond.net.au

10. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 – Reconfiguring a lot near a State-controlled Road intersection. Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor and Schedule 10, Part 17, Subdivision 3, Table 5, Item 1 – Reconfiguring a lot in a coastal management district.	Department of State Development, Infrastructure, Local Government & Planning	<i>Concurrence Agency</i>	State Assessment and Referral Agency (SARA) <i>E:</i> WBBSARA@dsdilgp.qld.gov.au <i>P:</i> PO Box 979 Bundaberg Qld 4670

11. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

12. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

13. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
18, 19, 23, 25, 27, 28	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

14. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITION	TIMING
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	At all times unless otherwise stated
2.	Unless otherwise stated in a particular condition or associated note, where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
CONSTRUCTION MANAGEMENT		
4.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made: <ul style="list-style-type: none"> a. on a business day or Saturday, before 6:30am or after 6:30pm b. on any other day, at any time. 	At all times during construction
APPROVED PLANS		
5.	Submit to and have approved by the Assessment Manager amended plans and/or documents which incorporate the following: <ul style="list-style-type: none"> a. A Reconfiguration of Lot Plan that amalgamates Lots 6 and 20 b. A Reconfiguration of Lot Plan that relocates the 6m wide Vegetated Buffer (or a minimum of 4m, where approved in accordance with condition 13) on lot 21 to the southern boundaries of Lots 15-17 (inclusive). c. An updated Bushfire Hazard Assessment and Management Plan that assesses and references the approved layout. d. An amended Ecological Assessment Report that assesses and references the approved layout. e. Where necessary amended Building Envelopes and Effluent Disposal Area plans as a result of the necessary changes. Once approved, the amended plans/ reports will form part of the Approved plans.	Prior to the submission of an Operational work or endorsement of the survey plan whichever happens first.

NO.	CONDITION	TIMING
6.	Ensure a legible copy of each relevant Development approval, including Approved drawings, is made available on site at all times during construction.	During construction
BUILDING ENVELOPES		
7.	<p>Prepare and submit for approval to the Assessment Manager an amended Building envelope plan for the development that:</p> <ol style="list-style-type: none"> is prepared by a Surveyor identifies by metes and bounds a building envelope for each lot identified on the approved plans as having a building envelope dimensions each envelope to a point on the lot boundary with a maximum area of 250m², unless otherwise identified on the approved plans provided sufficient setbacks within lots 15, 16 and 17 to cater for a 6-metre-wide landscaping strip/ vegetation buffer (or a minimum of 4m, where approved in accordance with condition 13) includes setback to road reserves and side and rear boundaries in accordance with the Queensland Development code MP1.2 (Design and Siting Standard for Lots 450m² & Over) includes, where necessary revised building envelopes that are updated as necessary to achieve compliance with the revised Bushfire Hazard Assessment and Management Plan as required by conditions of this approval. <p>Once approved, amendments to the Building envelope can only be made with the agreement of the Assessment Manager. Any agreement must be obtained in writing.</p>	Prior to the endorsement of the survey plan
8.	Ensure a copy of the Building envelope plan is included in the contract of sale, together with a clause which requires future dwellings and associated buildings and structures to be constructed in accordance with the plan, for each and every lot of the development.	As indicated
9.	Any future Dwelling house and associated onsite wastewater disposal and treatment system to be located on approved lots 1 to 18 must be sited and constructed in accordance with the approved building envelope shown on the Approved Plans.	At all times

NO.	CONDITION	TIMING
FENCES		
10.	<p>Provide and maintain a solid screen fence along all boundaries adjacent to proposed lot 21 and Lot 2 on SP174813.</p> <p>The fence is to have a height of 2m.</p> <p>The erection of a second boundary fence parallel to any existing fence is prohibited.</p>	Prior to the endorsement of the survey plan
LAND DEDICATION		
11.	<p>Dedicate land shown on the Approved plans as follows:</p> <p>a. land identified as road reserve must be dedicated to the State as road reserve</p>	When the survey plan is endorsed
12.	The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.	When the survey plan is endorsed
LANDSCAPING		
13.	<p>Prepare and submit for approval to the Assessment Manager a landscape plan for the 6-metre-wide vegetation buffer at the rear and side boundaries of lots 9-17 (inclusive) adjacent to proposed lot 21 and Lot 2 on SP174813. The plan must be prepared and certified by a suitably qualified person.</p> <p>The plan is to include, but not be limited to the following:</p> <p>a. the area set aside for landscaping</p> <p>b. take into consideration and comply with the requirements of the approved Bushfire Hazard Assessment and Management Plan</p> <p>c. location and name of any existing trees</p> <p>d. a plan and schedule of all species which identifies:</p> <p>i. the location and sizes at planting and at maturity and how the number, size, and location of plantings sufficient screens the residential lots from the adjacent Commercial zone land and Business Activities.</p> <p>ii. the botanical and common names</p> <p>iii. the location of all areas to be covered by turf or other surface materials including pavement</p> <p>e. measures to ensure that the landscaping will be retained and managed to allow growth to maturity</p> <p>f. details of cutting and filling and all retaining structures, fences and associated finishes</p> <p>g. contours or spot levels if appropriate</p> <p>h. fences size and materials</p> <p>i. inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved testable backflow prevention device</p>	Prior to the endorsement of the survey plan and then to be maintained until such time as agreed to by the Assessment Manager

NO.	CONDITION	TIMING
	<p>j. location of any overhead or underground services that traverse the site e.g. drainage, sewerage, electricity</p> <p>k. property boundary garden/landscape bed edge walls to be provided with sleeper or equivalent retaining walls to contain the garden material within the site.</p> <p>Where demonstrated, the landscaping strip may be reduced to a minimum of 4 metres for proposed lots 15-17 (inclusive) where sufficient landscaping treatments are proposed to satisfactorily maintain adequate vegetated screening/ buffering of the commercial activities adjacent to the proposed residential lots in perpetuity.</p> <p>All landscaping must be carried out in accordance with an approved Landscaping plan.</p> <p>Once approved, amendments to the Landscaping Plan can only be made with the agreement of the Assessment Manager. Any agreement must be obtained in writing.</p> <p>Burning of cleared vegetation in association with site works is not permitted and is instead to be chipped or mulched.</p> <p>Note: <i>Submission of the landscape plan must form part of an Operational works application.</i></p>	
14.	<p>Provide certification from a Landscape Architect or other suitably qualified person that the landscaping has been constructed and established in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager.</p> <p>Note: <i>Council does not require the submission of an Operational works development application for landscaping that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development.</i></p>	Prior to the endorsement of the survey plan
SEA TURTLE LIGHTING		
15.	<p>Design and install all street, park, and other external lighting to be most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the foreshore) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015).</p>	Prior to the endorsement of the survey plan

NO.	CONDITION	TIMING
STREET AND PARK NAMES		
16.	<p>Submit for approval to the Assessment Manager a written request for the proposed naming of the streets and parks. The request is to be in accordance with the Planning scheme policy for development works.</p> <p>Note: <i>Where a street is extended, the new section created will retain the name of the extended street.</i></p>	Prior to the endorsement of the survey plan
17.	Supply and erect all necessary street signs and posts	Prior to the endorsement of the survey plan
PEDESTRIAN AND CYCLIST PATHS		
18.	<p>Provide pedestrian and cyclist paths in accordance with Planning (Walkable Neighbourhoods) Amendment Regulation 2020, including:</p> <p>a) 1.5m wide concrete footpath for the full length of all internal Access Places providing connection to existing Footpath infrastructure on Murdochs Road and Moore Park Road;</p> <p>Note: a. <i>Submission of the detail design must form part of an Operational works application for each stage of development that the pathway locates in.</i></p>	Prior to the endorsement of the survey plan
STORMWATER		
19.	<p>Carry out all stormwater drainage work in accordance with RMA stormwater management plan 23E-0083 Rev 0 dated 7 November 2023 except the following:</p> <p>a. If detailed design reveals additional room is required to contain treatment devices than is available on RMA Stormwater Management Plan 23E-0083 dated 7 November 2023 and drawing 23E-0083 C-SK0001A, amend the layout to achieve standards.</p> <p>b. The proposed pipe discharge along Moore Park Road is to be parallel to the adjacent property boundary.</p> <p>All stormwater drainage work must be carried out in accordance with the approved amended Stormwater management plan.</p>	Prior to site work commencing and at all times during construction and then to be maintained
20.	All stormwater quality treatment infrastructure shall be maintained by the developer for a period of 2 years following the last stage of development directing flows to the infrastructure in accordance with the approved Operational	As indicated

NO.	CONDITION	TIMING
	<p>Management and Maintenance Manual for Stormwater Quality Improvement Devices.</p> <p>Once the maintenance period has ended, the lands identified as BIO01 & BIO02 on RMA 'Concept Layout Plan', drawing number 23E-0083 C-SK0001, version A, dated 7 November 2023 must be permanently accessible to Council for maintenance purposes.</p>	
BUSHFIRE		
21.	<p>Submit to and have approved by the Assessment Manager a revised Bushfire Hazard Assessment and Management Plan that reflect the approved layout plan.</p> <p>The plan must be certified by a suitably qualified person. The revised Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan must be prepared in accordance with SC6.5.3.3 of Bundaberg Regional Council's Planning Scheme Policy.</p> <p>Once approved, the amended plans/ reports will form part of the Approved plans. Amendments to the approved Bushfire Hazard Assessment and Management Plan can only be made with the agreement of the Assessment Manager. Any agreement must be obtained in writing.</p>	Prior to the endorsement of the survey plan and then to be maintained
ECOLOGY		
22.	<p>Submit to and have approved by the Assessment Manager a revised Ecological Assessment that reflect the approved layout plan.</p> <p>The plan must be certified by a suitably qualified person. The revised Ecological Assessment Report must be prepared in accordance with SC6.5.3.4 of Bundaberg Regional Council's Planning Scheme Policy.</p> <p>Once approved, the amended plans/ reports will form part of the Approved plans. Amendments to the approved Ecological Assessment Report can only be made with the agreement of the Assessment Manager. Any agreement must be obtained in writing.</p>	Prior to the endorsement of the survey plan and then to be maintained
WATER		
23.	Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.	Prior to the endorsement of the survey plan

NO.	CONDITION	TIMING
ROADWORKS		
24.	Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.	When the survey plan is endorsed
25.	<p>Construct all new roads in accordance with the standard drawing R2005.</p> <p>Note: Bundaberg Regional Council's standard drawing R2005 – Urban Road Access Place (15m road corridor instead of 18) is relevant with the reduced lot yield and change from link road to cul-de-sacs.</p>	Prior to the endorsement of the survey plan
STREET TREES		
26.	<p>Provide street trees in accordance with Planning (Walkable Neighbourhoods) Amendment Regulation 2020 and Bundaberg Regional Council's standard drawing R4501.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the endorsement of the survey plan
ELECTRICITY, STREET LIGHTING, TELECOMMUNICATIONS		
27.	<p>Provide for underground electrical reticulation in accordance with the Planning scheme policy for development works.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the endorsement of the survey plan
28.	<p>Provide lighting to public areas (e.g. roads and pathways) in accordance with the Planning scheme policy for development works.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the endorsement of the survey plan
29.	<p>Enter into an agreement with the Telecommunications Authority or Cable Serve provider (whichever is applicable) to ensure that telecommunications/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the endorsement of the survey plan.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the endorsement of the survey plan

NO.	CONDITION	TIMING
30.	Locate any padmount transformers within the road reserve fronting the development, unless otherwise agreed in writing by the Assessment Manager.	Prior to the endorsement of the survey plan
EASEMENTS		
31.	<p>Lodge to the State (Titles office) for registration the following easements:</p> <ol style="list-style-type: none"> a. Drainage easement in gross over the defined flood event through lot 3 on SP174813 b. Drainage easement in gross over the proposed water treatment devices near the main drain (part of proposed amalgamated lots 6 & 20) and associated maintenance access c. Drainage easement in gross over the proposed water treatment devices near Moore Park Road (part of proposed lot 18) and associated maintenance access d. Right of way easement for Council to access the proposed water treatment device for the new cul-de-sac off Murdochs Road (within proposed amalgamated lots 6 & 20) e. Drainage easement in gross catering for runoff from the proposed cul-de-sac off Murdochs Road to the associated outlet headwall (Bioretention underdrain outlet IL 2.1m) f. Inter-allotment drainage easement catering for runoff from neighbouring lot 2 on SP174813 (Tavern – nominally 4m wide through proposed lot 10 per GSPC drawing 150741-49 dated 7 November 2023) g. Inter-allotment drainage easement catering for runoff from neighbouring lot 1 on SP174813 (IGA – if any) h. Inter-allotment drainage easement catering for runoff from neighbouring lot 42 on RP868532 (48 Egret) through proposed lot 2 i. Inter-allotment drainage easement catering for runoff from neighbouring lot 41 on RP868532 (47 Egret) through proposed lot 3 	When the survey plan is endorsed
32.	Submit all draft easement documentation to the Assessment Manager with the lodgement of the survey plans for endorsement.	When the survey plan is endorsed
33.	Drainage easement G on RP814878 must be surrendered and replaced by conditioned drainage easement in gross over the defined flood event through lot 3 on SP174813.	When the survey plan is endorsed

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
GENERAL		
1.	The certifying RPEQ bears full responsibility for all aspects of the engineering assumptions and judgements contained within the submitted 'Stormwater Management Plan' prepared by RMA (Joshua Goodall - RPEQ 18370), dated 7 November 2023 (Rev 0).	At all times
2.	The on-site effluent disposal system designer bears full responsibility for all aspects, assumptions and judgements contained within the submitted 'Assessment of Domestic Wastewater Disposal' Report prepared by Bio-Track ABN 91 056 237 275 (Peter Edmiston & Ted Gardner), dated 24 November 2022.	At all times
INFRASTRUCTURE CHARGES		
3.	Infrastructure charges notice (331.2021.1334.1) applicable to the development is attached to this Development approval.	At all times
RATES AND CHARGES		
4.	In accordance with the <i>Planning Act 2016</i> , all rates, charges, or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.	Prior to the endorsement of the survey plan
ENVIRONMENTAL HARM		
5.	The <i>Environmental Protection Act 1994</i> states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil, or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.	At all times

NO.	ADVICE	TIMING
FENCES		
6.	Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval at the Developer's expense.	Prior to the endorsement of the survey plan
7.	Fencing should be undertaken in accordance with the provisions of this approval and the <i>Neighbourhood Disputes (Dividing Fences and trees) Act 2011</i> . This includes appropriate mediation practices and agreements regarding the type of materials. Where a conflict exists between this approval and the Act, the approval prevails.	Prior to the endorsement of the survey plan
ABORIGINAL CULTURAL HERITAGE		
8.	All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i> . Penalties may apply where duty of care under that act has been breached.	At all times
SUBMISSION OF AMENDED PLANS FOR APPROVAL		
9.	The conditions of this Decision Notice require submission of amended plan(s) or report(s) to the Assessment Manager. Address the amended documents to the Assessment Manager and reference 525.2021.29.1.	Prior to the pre-start meeting

PART 1C – PROPERTY NOTES

NO.	ADVICE
1.	<p>Development approval 525.2021.29.1 – Sewerage</p> <p>The following notation applies to the approved lots:</p> <p>This property is not serviced by Council's reticulated sewerage network. Any future development or dwelling must be provided with an on-site wastewater treatment and effluent disposal system have a capacity sufficient for the use.</p> <p>The establishment of a wastewater treatment and disposal system for the site requires a Compliance permit to be obtained from Council under the <i>Plumbing and Drainage Act 2018</i>. The system must be designed in accordance with the Queensland plumbing and wastewater code 2019 and AS1547 – On-site domestic wastewater management.</p>
2.	<p>Development approval 525.2021.29.1 – Flood hazard</p> <p>The following notation applies to the approved amalgamated lot 6 & 20:</p>

NO.	ADVICE
	All future purchasers of the subject land should note that the land is subject to flooding. Future purchasers are advised to download a Flood hazard property report via Council's website.
3.	<p>Development approval 525.2021.29.1 – Trunk collector road</p> <p>The following notation applies to the approved lots 1, 14, 15, 18 & 21:</p> <p>All future purchasers of the subject land should note that the land is in proximity to a trunk collector road (Moore Park Road and Murdochs Road) and may be subject to adverse environmental effects associated with the road.</p>
4.	<p>Development approval 525.2021.29.1 – Drainage</p> <p>The following notation applies to the approved lots 5, amalgamated 6 & 20 & 7:</p> <p>All future purchasers of the subject land should note that the site adjoins a drainage easement area. Council's maintenance and management of these reserve areas may be limited.</p>
5.	<p>Development approval 525.2021.29.1 – Building Envelopes</p> <p>The following notation applies to the approved lots 1- 18 (inclusive):</p> <p>Building envelope restrictions apply in respect to the use and development of this property. A copy of the Plan of development or Building envelope plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting Council's Development Assessment Branch.</p>
6.	<p>Development approval 525.2021.29.1 – Bushfire hazard</p> <p>The following notation applies to the approved lots 3-11 (inclusive) and 5-8 (inclusive), 15 and 18.</p> <p>A Bushfire Asset protect Zone (APZ) applies in respect to the property. Obligations on lot owners are prescribed in the Bushfire Hazard Management Plan. A copy of the Management Plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting Council's Development Assessment Branch.</p>
7.	<p>Development approval 525.2021.29.1 – Bushfire hazard</p> <p>The following notation applies to the approved amalgamated 6 & 20:</p> <p>A Bushfire Hazard Management Plan applies in respect to the property. All future purchasers of the subject land should note their obligations under the Management Plan, including but not limited to, the measures required to establish and maintain the identified Asset Protection Zone (APZ).</p> <p>For further details of the Bushfire Hazard Management Plan attributes to the subject lot. A copy of the Management Plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting Council's Development Assessment Branch.</p>

PART 2—CONCURRENCE AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government & Planning, by letter dated 6 January 2023 (copy letter attached for information).

SCHEDULE 2 – PA EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
- (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or

- (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

**Table 2
Appeals to the P&E Court only**

<p>2. Eligible submitter appeals</p> <p>An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—</p> <p>(a) any part of the development application for the development approval that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

SCHEDULE 3 – RIGHT OF APPEAL WAIVER



Mail To: Bundaberg Regional Council
Email Address: development@bundaberg.qld.gov.au
Attention: Development Assessment

RE:

Council reference: 525.2021.29.1

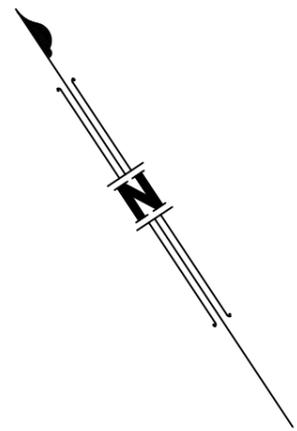
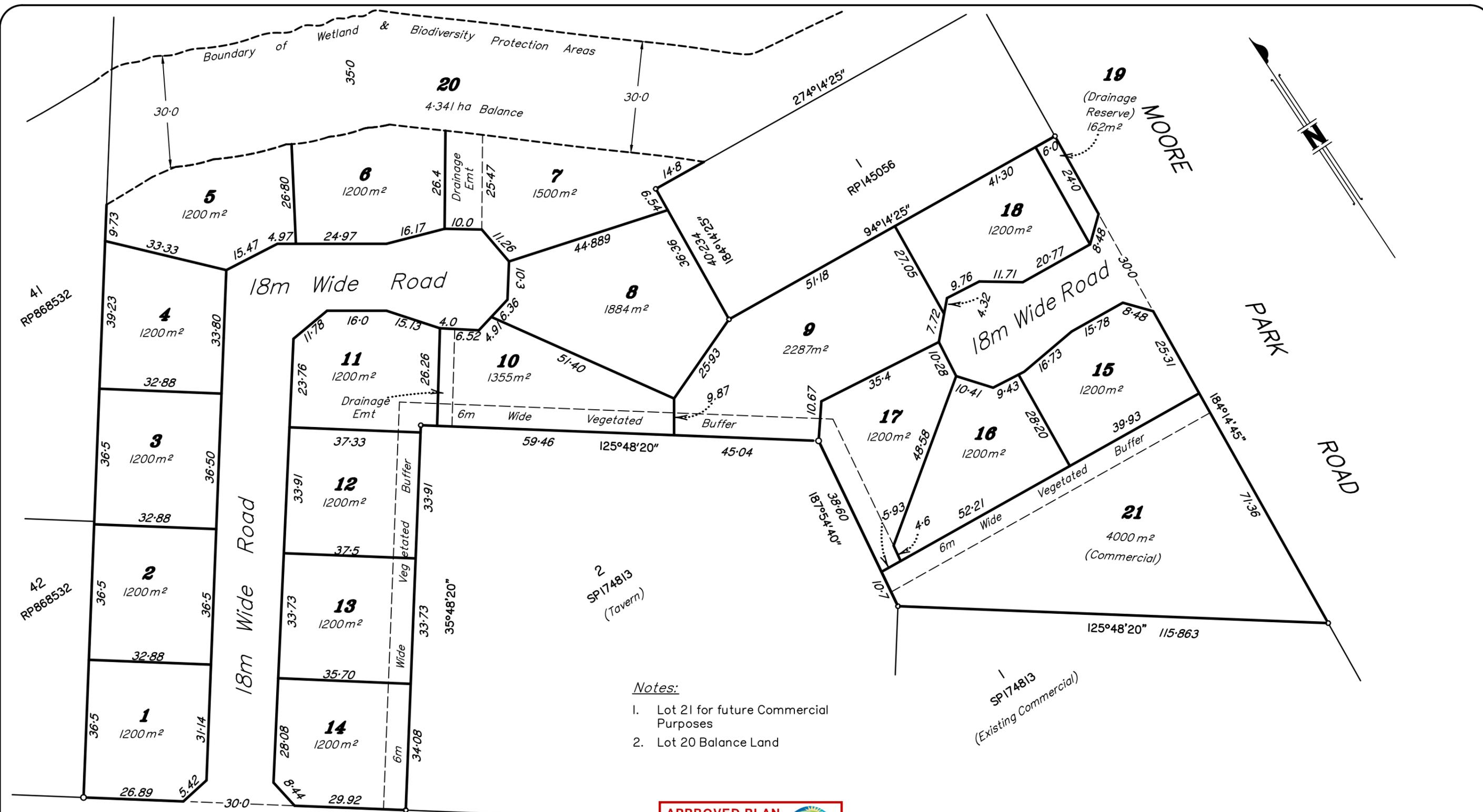
Property Address: Murdochs Road, Moore Park Beach 4670; land described as Lot 3 on SP174813

This advice is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waiver My/Our appeal rights available under the *Planning Act 2016*.

Applicant's Name: _____

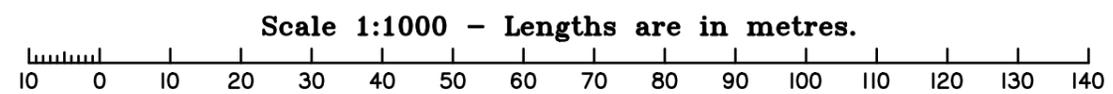
Signature: _____

Date: _____



- Notes:**
1. Lot 21 for future Commercial Purposes
 2. Lot 20 Balance Land

APPROVED PLAN
 Date: 20/05/2024
 Application No: 525.2021.29.1



This plan has been prepared for a reconfiguration of a Lot Application to Bundaberg Regional Council and should not be used for any other purposes, especially for any financial dealings. Areas and dimensions are approximate only and subject to final Survey.

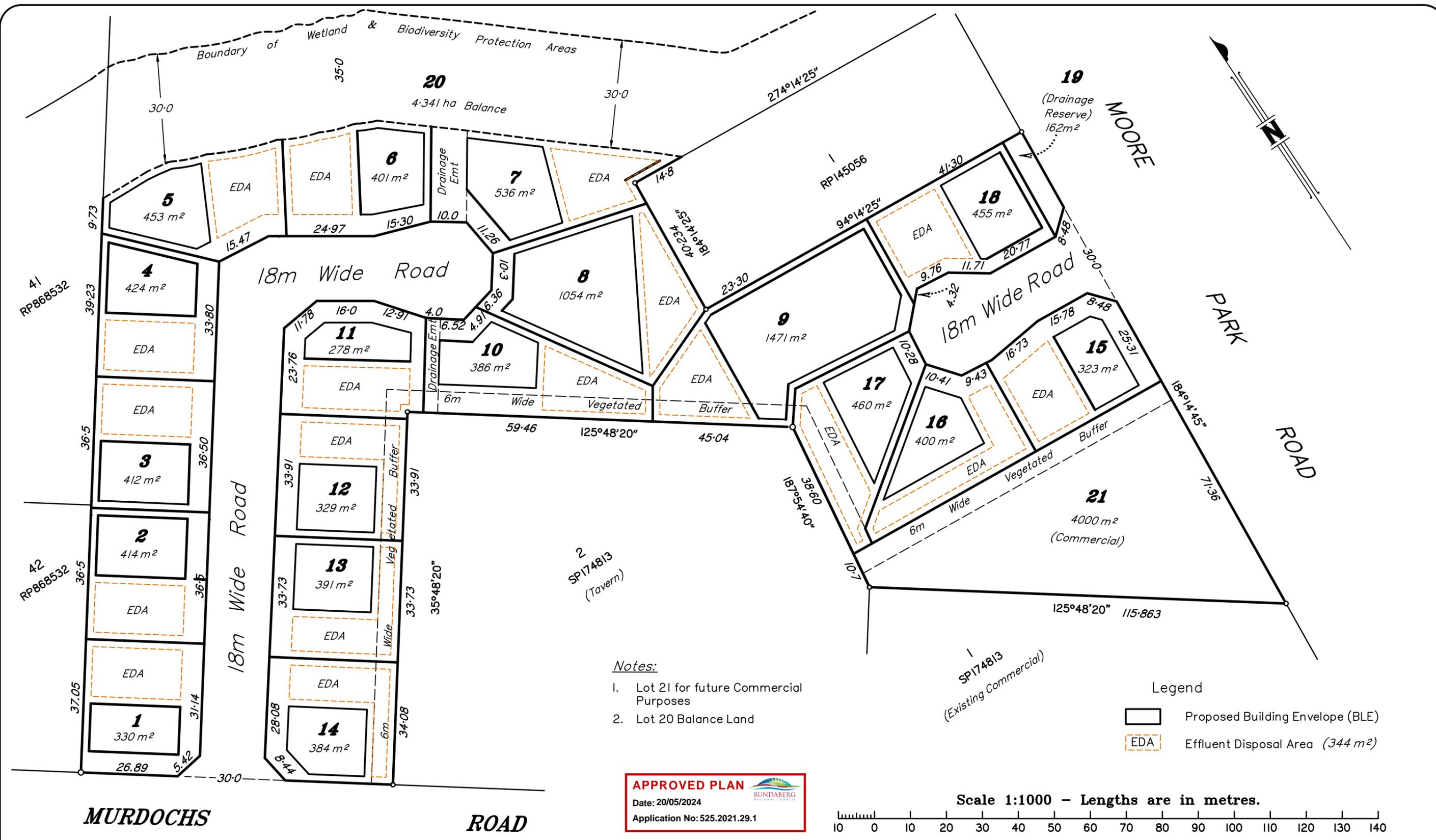
GSPC
 (Gracemere Surveying and Planning Consultants Pty Ltd)
 ABN: 40 124 780 445
 PO Box 379 Gracemere QLD 4702
 Rockhampton & Toowoomba
 PH: (07) 4922 7033
 FAX: (07) 4922 7044
 email: admin@gspc.com.au

**Plan of Proposed Lots 1 to 21
 cancelling part of Lot 3 on
 SP174813**

LOCALITY
 Moore Park Beach
 LOCAL GOVERNMENT
 Bundaberg R.C.
 MAP REF I
 9348-13324
 MERIDIAN
 SP174813

VERTICAL DATUM
 AHD
 DERIVED vide
 PSM 59973
 HORIZONTAL DATUM
 CAM
 PLAN SCALE
 1:1000
 AUTOCAD SCALE
 1:1000

DATE
 07/11/23
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 SHEET 1 OF 1
 REF.
 150741-49



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Plan of Proposed Building Envelopes and Effluent Disposal Area in Lots 1 to 18 cancelling part of Lot 3 on SP174813

LOCALITY Moore Park Beach	VERTICAL DATUM AHD	DATE 07/11/23
LOCAL GOVERNMENT Bundaberg R.C.	DERIVED vide PSM 59973	DRAWN Rupesh
MAP REF I 9348-13324	HORIZONTAL DATUM CAM	SHEET 1 OF 1
MERIDIAN SP174813	PLAN SCALE 1:1000	REF. 150741-50
	AUTOCAD SCALE 1:1000	

Our reference: 2201-26747 SRA
Your reference: 525.2021.29.1
Applicant reference: 150741

6 January 2023

The Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670
development@bundaberg.qld.gov.au

Attention: Mr Grant Barringer

Dear Mr Barringer

SARA Response – Murdochs Road, MOORE PARK BEACH

(Given under Section 56 of the *Planning Act 2016*)

The development application described below was confirmed as being properly referred to the State Assessment and Referral Agency (SARA) on 11 January 2022.

Response

Outcome:	Referral Agency Response under Section 56(1)(b) of the <i>Planning Act 2016</i> and Section 56(2)(a) (Variation Request – no requirements) of the <i>Planning Act 2016</i> (condition applied under Section 56(1)(b))
Date of response:	6 January 2023
Conditions:	The approval is subject to the conditions in Attachment 1
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development Details

Description:	Development Permit for Reconfiguring a Lot (RAL) – 1 Lot into 37 Lots, 1 Commercial Lot and 1 Balance Lot over 2 stages Preliminary Approval for Material Change of Use (MCU)
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including a Variation Request seeking to vary the effect of the *Bundaberg Regional Council Planning Scheme 2015*

SARA role: Referral agency

SARA triggers: Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 – Reconfiguring a lot near a State-controlled road intersection (Planning Regulation 2017)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor (Planning Regulation 2017)

Schedule 10, Part 17, Subdivision 3, Table 5, Item 1 – Reconfiguring a lot in a coastal management district (Planning Regulation 2017)

SARA reference: 2201-26747 SRA

Assessment Manager: Bundaberg Regional Council

Street address: Murdochs Road, MOORE PARK BEACH

Real property description: Lot 3 on SP174813

Applicant name: ACM Corporation Pty Ltd

Applicant contact details: C/- Gracemere Surveying and Planning Consultants Pty Ltd
PO Box 379
GRACEMERE QLD 4702
juhil@gspc.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6152 or via email WBBSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

enc Attachment 1 – Referral agency conditions

Attachment 2 – Advice to the applicant
Attachment 3 – Reasons for referral agency response
Attachment 4 – Representations about a referral agency response
Attachment 5 – Approved plans and specifications

cc ACM Corporation Pty Ltd
C/- Gracemere Surveying and Planning Consultants
juhil@gspc.com.au

Department of Transport and Main Roads
Wide.Bay.Burnett.IDAS@tmr.qld.gov.au

Department of Environment and Science
sara.coastalwetlands@des.qld.gov.au

Attachment 1—Referral agency conditions

(Under Section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Development Permit for Reconfiguring a Lot (RAL) - 1 Lot into 37 Lots, 1 Commercial Lot and 1 Balance Lot over 2 stages		
Schedule 10, Part 17, Division 3, Table 5, Item 1 of the <i>Planning Regulation 2017</i> —The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The reconfiguring of a lot must be undertaken generally in accordance with the following plan:</p> <p><i>Plan of Proposed Building Envelopes and Effluent Disposal Area in Lots 1 to 22 cancelling part of Lot 3 on SP174813</i> prepared by Gracemere Surveying and Planning Consultants Pty Ltd, Reference: 150741-46, Sheet 1 of 1 dated 25 November 2022.</p>	Prior to submitting the Plan of Survey to the local government for approval.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under Section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development complies with the assessment benchmarks and purpose statements within State Code 8: Coastal development and tidal works of the State Development Assessment Provisions, as the proposed development:

- protects life, buildings and infrastructure from the impacts of coastal erosion
- avoids adverse impacts on Matters of State Environmental Significance (MSES)

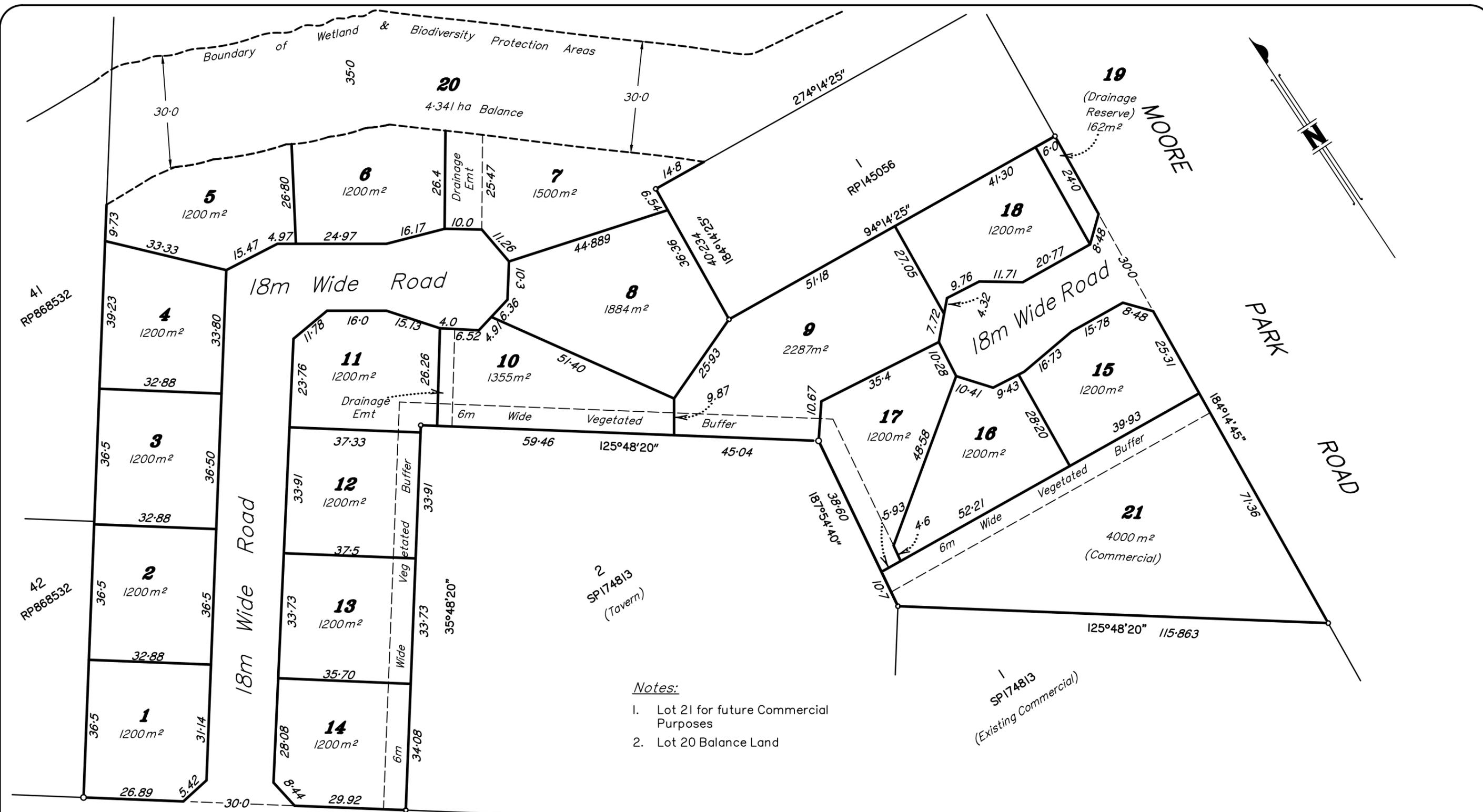
A condition has been applied to ensure compliance with State Code 8.

Material used in the assessment of the application:

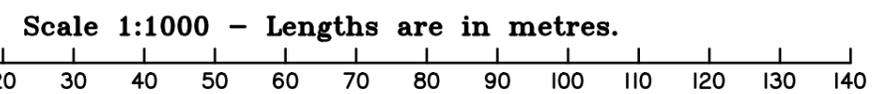
- The development application material.
- *Planning Act 2016*.
- Planning Regulation 2017.
- The *State Development Assessment Provisions* (Version 2.6).
- The Development Assessment Rules (DA Rules).
- SARA DA Mapping system.
- SARA SPP Mapping system.
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response

Attachment 5—Approved plans and specifications



- Notes:**
1. Lot 21 for future Commercial Purposes
 2. Lot 20 Balance Land



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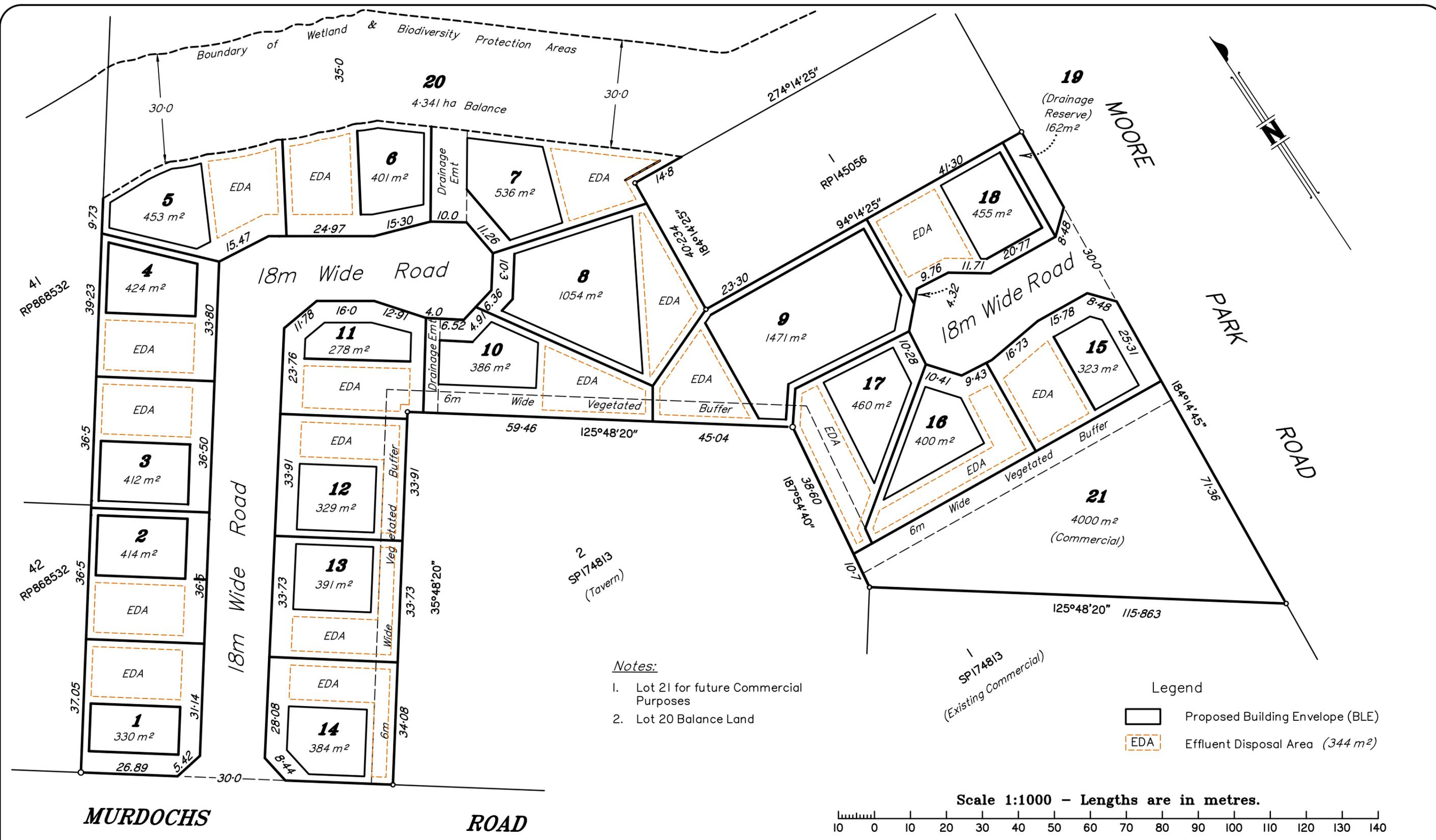
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 PO Box 379 Gracemere QLD 4702
 Rockhampton & Toowoomba
 PH: (07) 4922 7033
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 email: admin@gspc.com.au

**Plan of Proposed Lots 1 to 21
 cancelling part of Lot 3 on
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 MAP REF I
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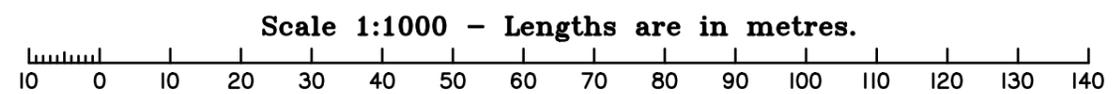
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 SHEET 1 OF 1
 REF.
 150741-49



- Notes:**
- Lot 21 for future Commercial Purposes
 - Lot 20 Balance Land

Legend

- Proposed Building Envelope (BLE)
- Effluent Disposal Area (344 m²)



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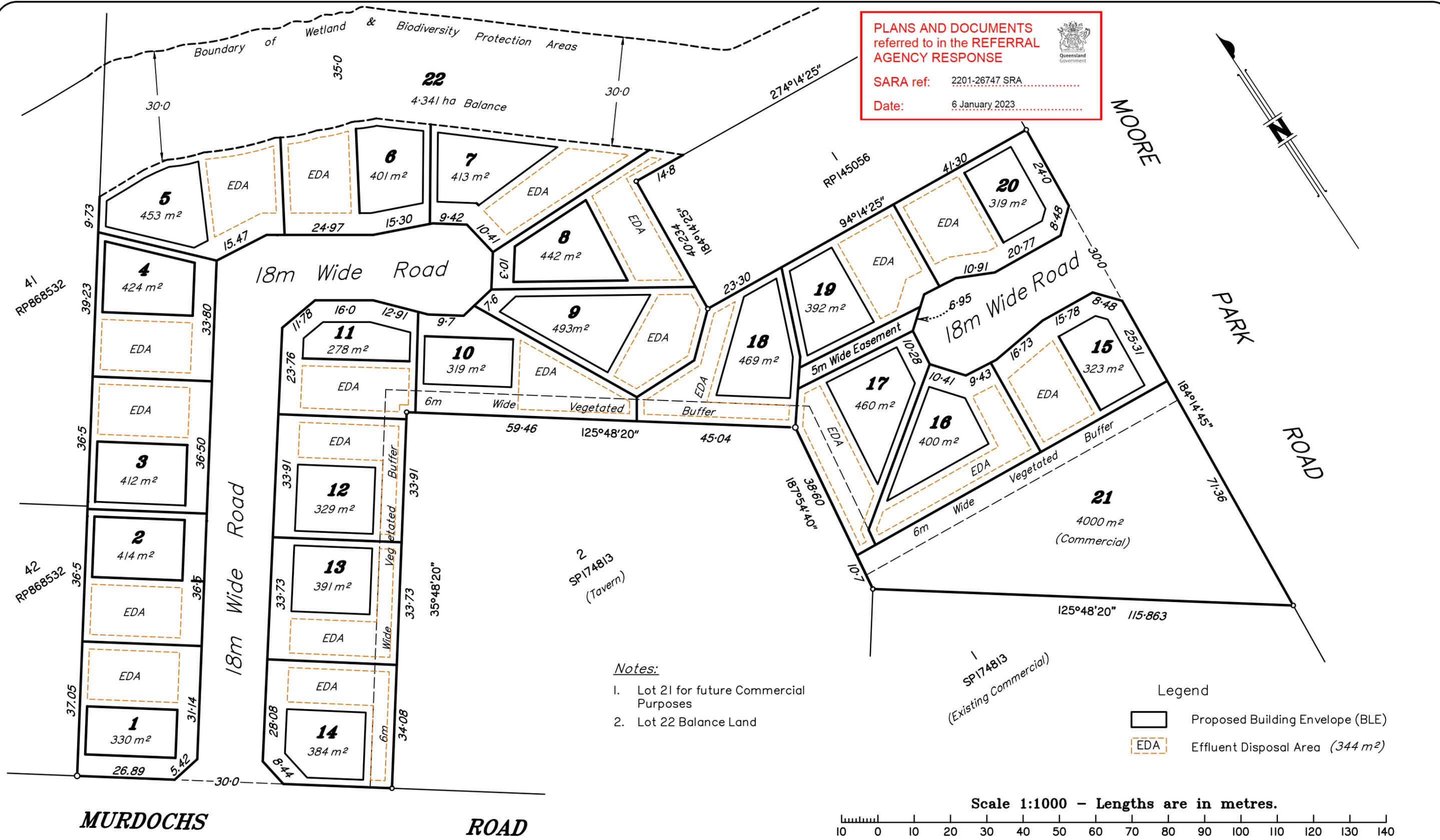
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	AUTOCAD SCALE 1:1000	

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2201-26747 SRA

Date: 6 January 2023

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SHEET 1 OF 1

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