



# Blackall-Tambo Regional Council

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## DECISION NOTICE APPROVAL

*PLANNING ACT 2016, SECTION 63*

I refer to your application and advise that on 16 March 2022, Blackall-Tambo Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

### 1. APPLICATION DETAILS

**Application Number:** DA 28-2021-2022  
**Properly Made Date:** 1 March 2022  
**Decision Date:** 16 March 2022  
**Planning Scheme:** Blackall-Tambo Region Planning Scheme 2020

### 2. APPLICANT DETAILS

**Name:** David Elmes C/- Murray and Associates (QLD) Pty Ltd  
**Postal Address:** PO Box 665  
Emerald QLD 4720  
**Email Address:** [andrewb@mursurv.com](mailto:andrewb@mursurv.com)

### 3. PROPERTY DETAILS

**Street Address:** Langlo Road, Scrubby Creek  
**Real Property Description:** Lot 1 and 2 on SP322476  
**Local Government Area:** Blackall-Tambo Regional Council

### 4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (Boundary Realignment – two lots into two lots)

## **5. CURRENCY PERIOD**

This development approval will lapse at the end of the period set out in section 85(1)(b)(ii) of the *Planning Act 2016*.

## **6. ASSESSMENT MANAGER CONDITIONS**

### **1.0 ENDORSEMENT OF SURVEY PLAN**

- 1.1 Council will not endorse or release the survey plan for this development until such time as:
- (a) All conditions attached to this development approval for Reconfiguring a Lot have been fully satisfied;
  - (b) A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and
  - (c) All outstanding rates and charges relating to the site have been paid.

### **2.0 APPROVED PLANS AND DOCUMENTS**

- 2.1 The approved reconfiguration of a lot must be completed and maintained generally in accordance with the Proposed Boundary Realignment Cancelling Lots 1 & 2 on SP322476 Creating Lot 1 & 2, with reference 400187, prepared by Murray and Associates and dated 17/11/21.
- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

### **3.0 ACCESS**

- 3.1 The existing access to Langlo road must be maintained.

### **4.0 SERVICES**

- 4.1 Maintain existing services and utility connections to approved lots 1 and 2 where applicable.
- 4.2 Any service connection to an existing building that traverses a lot boundary is to be:
- 4.2.1 removed; or
  - 4.2.2 relocated so that it does not traverse a lot boundary; or
  - 4.2.3 covered by an easement.

### **5.0 PUBLIC UTILITIES**

- 5.1 The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
- 5.2 Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.
- 5.3 Any damage caused to any public utility during the course of construction shall be repaired to the satisfaction of Council's Delegated Officer and at no cost to Council prior to the sealing of the Survey Plan.

## 7. ADVISORY NOTES

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
- D. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

## 8. STATEMENT OF REASONS

### 8.1 Description of Development

The development application is for a Development Permit for Reconfiguring a Lot (Boundary Realignment - two lots into two lots) approved as per Decision Notice DA 28-2021-2022.

### 8.2 Assessment Benchmarks

The following are the benchmarks that are applicable to this development:

Benchmark applying for the development	Benchmark reference
<ul style="list-style-type: none"><li>• Reconfiguring a Lot Code</li><li>• Rural Zone Code</li></ul>	<i>Blackall-Tambo Region Planning Scheme 2020</i>

### 8.3 Relevant Matters

Nil.

### 8.4 Matters Raised in Submission

The development application did not require public notification.

### 8.5 Reason for Decision

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- a) The proposal creates lots that are functional, suitable and consistent with the existing zone intent. While the proposal results in one (1) lot that does not comply with the 5,000 hectare minimum lot size requirement for the Rural zone, the proposal can be justified on account of the size of the proposed lots is still sufficient for rural uses including agriculture, grazing and animal production;
- b) The proposal will not prejudice the future use of the lots for rural purposes;
- c) The proposal complies with the relevant codes contained in the Blackall-Tambo Region Planning Scheme 2020
- d) The proposal does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

**9. PROPERLY MADE SUBMISSIONS**

The development application did not require public notification.

**10. REFERRAL AGENCIES**

The development application did not require referral to any referral agencies.

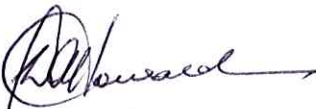
**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

No further development permits are required.

**12. 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* (included in the attachment to this decision notice). 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*).

**13. DELEGATED PERSON**



**DA Howard**  
**CHIEF EXECUTIVE OFFICER**

**Date:** 21 March 2022

Encl: **Attachment 1** – Stamped Approved Plan  
**Attachment 2** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)

**Attachment 1 – Stamped Approved Plans**

**Attachment 2** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*)