



Enquiries: Amanda Rykoff  
Direct Phone: 07 3480 6514  
Our Ref: DA/2024/1526  
Your Ref: 2223218(2)  
Date: 23 September 2024

D. Alexander & E. Himmighofer  
c/- Elizabeth Franklin  
PO Box 221  
BRIBIE ISLAND QLD 4507

Dear Applicant,

**Re: DEVELOPMENT APPROVAL**

***Planning Act 2016***

**Development Application No.: DA/2024/1526**

**Property Location: 55-65 Emu Road ELIMBAH**

**Property Description: Lot 10 SP171576**

Please be advised that on 23 September 2024 the above development application was approved by Council's Delegate as the Assessment Manager subject to conditions.

The following type of approval has been issued:

- Reconfiguring a Lot - Development Permit for Subdivision (1 into 5 Lots, access easement and road)

The development allowed by this approval must be carried out in accordance with the attached Decision package.

In addition to this approval you may also be required to obtain a water approval from Unity Water.

Attached is an extract from the *Planning Act 2016* which details your appeal rights and the appeal rights of any submitters, if applicable, regarding this decision.

Should you have any further queries in relation to this decision, please contact Amanda Rykoff as referenced above.

Yours faithfully



Amanda Rykoff

**Planner**

Development Services

Enclosures: Attachment 1 - Decision Notice  
Attachment 2 - Assessment Manager Conditions  
Attachment 3 - Approved Plans/ Documents  
Attachment 4 - Infrastructure Charges Notice  
Attachment 5 - Appeal Rights

**ATTACHMENT 1**

**Decision Notice**

## Decision Notice

### *Planning Act 2016, section 63*

#### APPLICATION DETAILS

**Application No:** DA/2024/1526  
**Applicant:** D. Alexander & E. Himmighofer  
**Street Address:** 55-65 Emu Road ELIMBAH QLD 4516  
**Real Property Description:** Lot 10 SP171576  
**Planning Scheme:** Moreton Bay Regional Council Planning Scheme

#### APPROVAL DETAILS

**Date of Decision:** 23 September 2024

The development application was approved by Council's Delegate as the Assessment Manager subject to conditions (refer Attachment 2).

APPROVAL TYPE	Development Permit	Preliminary Approval
Reconfiguring a Lot for Subdivision (1 into 5 Lots)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### OTHER NECESSARY PERMITS

Listed below are other permit/s that are necessary to allow the development to be carried out:

- Operational Works - Electrical Reticulation
- Operational Works - Roadworks
- Operational Works - Stormwater

#### CURRENCY PERIOD OF APPROVAL

In accordance with section 85 of the *Planning Act 2016*, the currency period for each aspect of the development approval is as outlined below:

- Reconfiguring a Lot – 4 years from the date this approval starts to have effect.

#### INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions under Chapter 4, section 145 of the *Planning Act 2016*.

Infrastructure Charges are applicable for this development approval.

## ASSESSMENT MANAGER CONDITIONS

The conditions relevant to this development approval are listed in Attachment 2 of the Decision package.

## APPROVED PLANS / DOCUMENTS

The approved plans and/or documents as listed below for this development approval are included in Attachment 3 of the Decision package.

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Plan of Development Footprint Plan	A3/201330/DEV FPlan/A	Murray & Associates	04/09/2024
Stormwater Management Plan	CIV3511-SWMP01, Rev. B	Contour Consulting Engineers	22/07/2024

## ASSESSMENT BENCHMARKS

The Assessment Benchmarks that applied to the development from the following Categorising Instruments include;

### Categorising Instrument (*Planning Regulation 2017*)

State Planning Policy

- *State Planning Policy 2017, Part E*

Regional Plan

- *South East Queensland Regional Plan 2023 (ShapingSEQ 2023)*

### Local Categorising Instrument (*Moreton Bay Regional Council Planning Scheme*)

- Reconfiguring a Lot Code - Rural Residential Zone

### Local Categorising Instrument (*Variation Approval*)

Not applicable.

### Local Categorising Instrument (*Temporary Local Planning Instrument*)

Not applicable.

## REASONS FOR DECISION

Subject to development conditions being imposed (refer Attachment 2), the development can comply with the applicable Assessment Benchmarks against which the application was required to be assessed. For further details, refer to the Reasons for the Decision section of the Assessment Report which is available on Council's website (via *DA Tracker*) <https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Tracker> using the application number referenced in this Notice.

**REFERRAL AGENCY CONDITIONS**

There are no Referral Agencies applicable to this development approval.

**APPEAL RIGHTS**

Attachment 5 of the Decision package is an extract from the *Planning Act 2016* which details your appeal rights and the appeal rights of any submitters, if applicable, regarding this decision.

**OTHER DETAILS**

If you wish to obtain more information about Council's decision, please refer to the Assessment Report for the application on Council's (via *DA Tracker*) <https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Tracker> using the application number referenced in this Notice.

## **ATTACHMENT 2**

### **Assessment Manager Conditions of Approval**

CONDITION		TIMING
<b>RECONFIGURING A LOT - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
<b>2</b>	<b>Compliance with Conditions of DA/2023/4579</b>	
	<p>Demonstrate that works for the approved Reconfiguring a Lot - Development Permit for Subdivision (1 into 5 Lots) (Council Reference: DA/2023/4579, or as amended) has been completed.</p> <p>Note: Nothing in this Condition prohibits the development being completed concurrently with - DA/2023/4579, or as amended.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>3</b>	<b>Water</b>	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <p>(a) a reticulated water supply network connection is available to the land;</p> <p>(b) all the requirements of Unitywater have been satisfied.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>4</b>	<b>Telecommunications Infrastructure</b>	
	Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>5</b>	<b>Existing Service Connections</b>	
	<p>Submit certification from a suitably qualified person that:</p> <ol style="list-style-type: none"> <li>1. All of the existing service connections (electricity, telecommunications, water) to an existing building or a private property pole is wholly contained in the lot it serves; and</li> <li>2. Any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</li> </ol>	Prior to Council endorsement of any survey plan.
<b>6</b>	<b>Electricity</b>	



CONDITION		TIMING
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an electricity supply network has or will be constructed within all new roads and along the frontage of each proposed lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
B	Provide electricity supply to each proposed lot as follows: <ul style="list-style-type: none"> <li>• Lots 5-8 - Underground connections.</li> <li>• Lot 101 - Maintain the connection to the existing Dwelling as per Condition 5 of DA/2023/4579 or underground.</li> </ul>	
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: <ol style="list-style-type: none"> <li>1. any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and</li> <li>2. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</li> </ol>	
<b>7</b>	<b>Street Trees</b>	
	Provide street trees within the development in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.  Note: Street tree planting in the Rural Residential Zone requires one street tree to be planted per 25.00metres.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>8</b>	<b>Certify Lots are in Accordance with Approved Plan</b>	
	Provide certification from a Licensed Surveyor that the lots created accord with the approved plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>9</b>	<b>Payment of Rates</b>	
	Pay all outstanding rates and charges applicable to the subject land.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>10</b>	<b>Remove /Demolition of Existing Buildings</b>	
	Remove / demolish all existing structures not located on Lot 101.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>11</b>	<b>Existing Buildings to be Retained - Lot 101</b>	

CONDITION		TIMING
	<p>Provide certification from a Licensed Surveyor that the new boundary is not less than 1.50 metres clear of the nearest projection of all buildings located on Lot 101.</p> <p>OR</p> <p>Provide certification from a licensed building certifier that the reduced setbacks to the proposed lot boundaries from any buildings and/or structures on the site comply with the Building Act 1975 with respect to fire separation.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>12</b>	<b>Advice to Purchasers Regarding Temporary Access - Lot 101</b>	
	<p>Acknowledge in writing that potential purchasers will be advised that vehicle access to proposed Lot 101 from Emu Road is interim only. Ultimate vehicle access from Abigail Street will be required to be established as part of any future development of proposed Lot 101.</p> <p>Note: A property note will be included on Council's electronic property system alerting future owners of this interim access arrangement. Refer to Council's records for an indicative structure plan for Lot 101.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>13</b>	<b>Plan of Development - Lot 5, Lot 6 and Lot 7</b>	
	Development must comply with the approved Plan of Development unless otherwise approved in writing by Council.	To be maintained at all times.
<b>14</b>	<b>Advice to Purchasers Regarding Plan of Development - Lot 5, Lot 6 and Lot 7</b>	
	Acknowledge in writing that potential purchasers will be advised of the approved Plan of Development for Lot 5, Lot 6 and Lot 7 and the requirement to comply with the approved Plan of Development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>DEVELOPMENT ENGINEERING</b>		
<b>15</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>16</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

CONDITION		TIMING
<b>17</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>18</b>	<b>Stormwater Management</b>	
A	Submit and have approved by Council, a development application for operational works for stormwater infrastructure to service the development.  Note: Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.
B	Construct stormwater infrastructure to service the development appropriate to each stage at no cost to Council and in accordance with the approved plans and documents of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
C	Provide registered easements in favour of Council over any drainage paths and drainage infrastructure within all new lot/s in accordance with the approved plans and documents of development.  Note: All easements are to be shown on plans submitted as part of operational works applications.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>19</b>	<b>Council Roads</b>	
A	Submit and have approved by Council, a development application for operational works for the following:  1. Roads and associated works with the following classifications:  a. Road 01 - Modified Rural Residential Design ESA - 2.0 *10 <sup>5</sup> <ul style="list-style-type: none"> <li>• 17.0m Road reserve</li> <li>• 7.0m Pavement Width</li> <li>• 5.0m wide verge</li> <li>• Kerb and Channel on both sides</li> </ul> Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.

CONDITION		TIMING
	<p>B Construct, at no cost to Council and in accordance with the approved plans and documents of development the following:</p> <ol style="list-style-type: none"> <li>1. Roads and associated works</li> <li>2. Frontage roads and associated works</li> </ol> <p>This condition has been imposed under section 145 of the Planning Act 2016.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>20</b>	<b>Turnarounds</b>	
	<p>A Submit and have approved by Council a development application for operational works for a sealed turnaround at the end of internal road.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application and the following:</p> <ol style="list-style-type: none"> <li>1. The turnaround is to be of a configuration that enables Council's standard waste collection vehicle to undertake a three point turn or better.</li> <li>2. Include Line marking and signage to denote no parking.</li> </ol> <p>Note: turnarounds within a balance lot are to be contained within an access easement.</p>	Prior to commencement of works associated with this condition.
	<p>B Construct a sealed turnaround at the end of internal road, at no cost to Council and in accordance with approved plans and documents of development.</p> <p>This condition has been imposed under section 145 of the Planning Act 2016.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>21</b>	<b>Existing Dams</b>	
	<p>A Drain, desilt, remove embankments of existing dams and fill the dam to reinstate the ground levels generally as they existed prior to the dam being constructed and in accordance with the plans and documents of development.</p> <p>The dam area is to be made free draining and stabilized to prevent erosion. Any filling required to ensure the area is free draining is to be carried out in accordance with Level 1 supervision as detailed in AS3798.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
	<p>B Provide certification from a suitable geotechnical testing authority that filling has been conducted in accordance with AS3798.</p>	Prior to submitting to the Council any request for approval of a plan of

CONDITION		TIMING
		subdivision (i.e. a survey plan).
22	<b>Access and Service Easement</b>	
	<p>Provide a 3m (minimum) wide access easement over Lot 5 in favour of Council in accordance with the approved plans and documents of development.</p> <p>Note: All easements are to be shown on plans submitted as part of operational works applications.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
23	<b>On-Site Effluent Disposal - Lot 101</b>	
	<p>Provide certification from a registered surveyor that the existing on-site wastewater system serving the existing dwelling on proposed Lot 101 is contained wholly within the new lot containing the dwelling and that it complies with the land application system setback distances required by the Plumbing and Drainage Act. Note: Any relocation/modification of the existing wastewater treatment unit or land application system will require a plumbing approval prior to the commencement of work.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
24	<b>Rear Allotment Access Driveway - Lot 101</b>	
	<p>Maintain the rear allotment access driveway as constructed per Condition 17 of development approval DA/2023/4579 for proposed Lot 101.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

ADVICES	
1	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>

ADVICES	
<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 10) dated 5 October 2022 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3</b>	<b>Biosecurity Act 2014 - Fire Ant Control</b>
	<p>Significant portions of the Moreton Bay are within Fire Ant Biosecurity Zone 2 and must remain vigilant for the presence of fire ants. Under the Biosecurity Act 2014, individuals and businesses are responsible for ensuring that they follow the movement controls for specific organic materials to help prevent the spread of fire ants within South East Queensland's fire ant biosecurity zones. Movement of a fire ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit.</p> <p>More information is available on <a href="https://www.fireants.org.au/treat/business-and-industry/movement-controls">https://www.fireants.org.au/treat/business-and-industry/movement-controls</a></p>

PROPERTY NOTES	
<b>4</b>	<b>DS01 Siting Requirements - Lot 5, Lot 6 and Lot 7</b>
	<p>The following property note will be attached to Council's database for Lots 5, 6 and 7:</p> <p><i>"A plan has been approved by Council for this lot identifying how and/or where development on this lot is to occur. Any development on this lot must be in accordance with the approved plan and associated conditions.</i></p> <p><i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a>."</i></p>
<b>5</b>	<b>DS07 Additional Development Requirements - Lot 101</b>
	<p>The following property note will be attached to Council's database for Lot 101.</p> <p><i>"Additional development requirements apply to this lot. Any development on this lot must be in accordance with the approved plan and associated conditions.</i></p> <p><i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a>."</i></p>

## **ATTACHMENT 3**

### **Approved Plans / Documents**





# STORMWATER MANAGEMENT PLAN

**PROPOSED RURAL RESIDENTIAL  
DEVELOPMENT  
55-65 EMU ROAD, ELIMBAH**

Prepared for:  
D & E Himmighofer

Reference: CIV3511-SWMP01

Revision B  
22/07/2024



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Final Issue Approval					
Date		Name		Signature	
06/03/2024		Rebecca Saltmarsh		A	
Revision Record					
Rev	Date	Comments		Status	Author
A	06/03/2024	Issued for Approval		A	RS
B	22/07/2024	Lot Layout Amended		A	RS

A - Approval	B - Building Approval	C - Construction	P - Preliminary
R - Revision	T - For Tender	X - Information	D - Draft

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## 1. INTRODUCTION

This Stormwater Management Plan has been prepared to support a Reconfiguring a Lot (RAL) application to the City of Moreton Bay for a proposed rural residential development located at 55-65 Emu Road, Elimbah. The site is described as part Lot 101 (balance lot) of the Development Approval DA/2023/4579 on Lot 10 on SP171576. The balance lot has an overall area of 3.417 hectares. A site locality plan is presented in Figure 1-1 below:

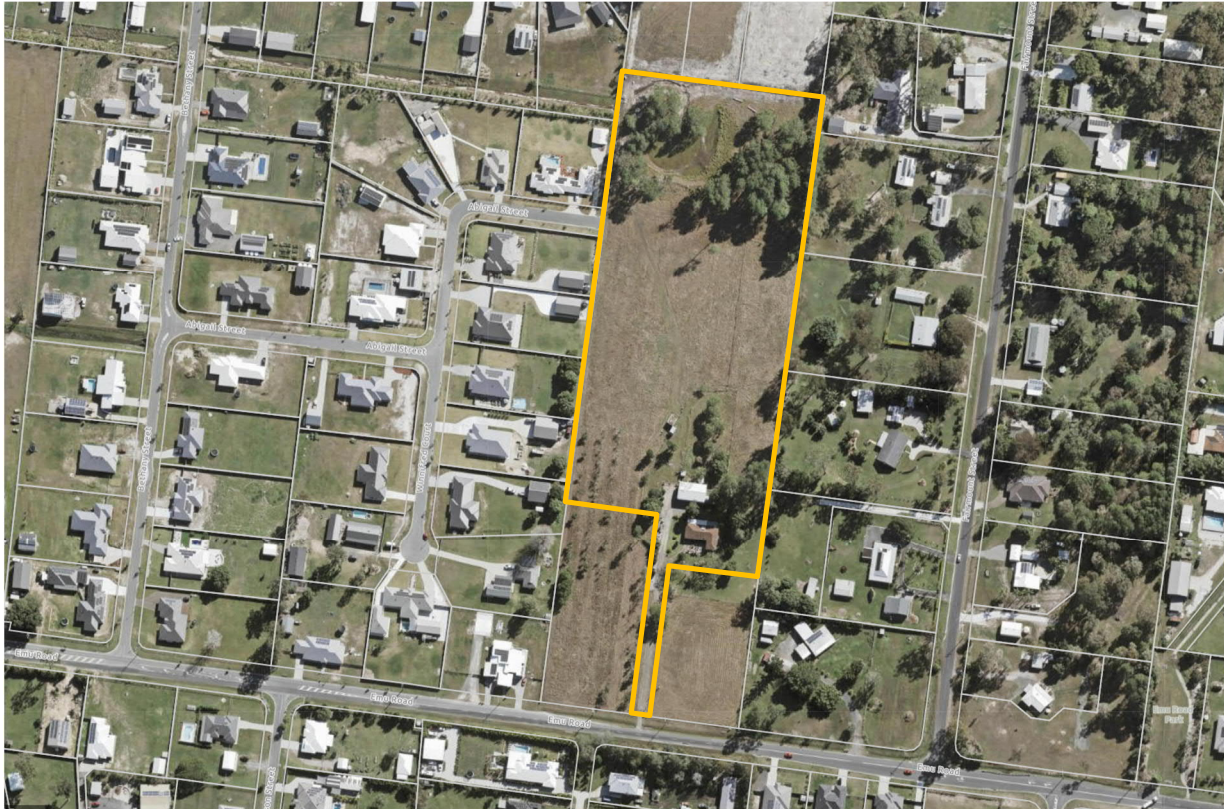


FIGURE 1-1 SITE LOCALITY PLAN

The purpose of this report is to address specific stormwater management requirements for the site with regards to stormwater quantity. This report will therefore:

- Determine detailed infrastructure requirements relevant to stormwater.
- Address water quantity objectives demonstrating non-worsening and a Lawful Point of Discharge; and
- Provide a stormwater quality statement addressing Councils Planning Scheme and the State Planning Policy (SPP).

The report is based on site survey provided by Murray & Associates Pty Ltd.

## 2. EXISTING SITE

A detail survey has been undertaken and is attached at the rear of this report in Appendix A. The site grades in a number of directions from the mid-East property boundary at RL.23.70m AHD towards the western boundary and towards the Emu Road frontage. Levels along the Emu Road frontage are at approximately RL.18.80m AHD. An existing dam is located at the North-western corner of the site, with an overflow point discharging to an existing drainage easement on Lot 34 SP297302. Existing drainage easements are located generally along the western



boundary adjoining properties to capture and divert overland sheet flow towards the larger drainage easement mentioned above.

An existing easement is located on the subject site at the north-eastern corner and is identified as Easement B on SP134336. The easement appears to direct road flow from Fairmount Street to the site via the adjoining properties.

Flood information mapping has been investigated for this report, and there are no defined flood events noted on the land parcels. The site is identified within an overland flowpath as shown in Figure 2-1 below. The overland flow appears over the existing dam area. The dam will be filled as part of Development Approval DA/2023/4579 and the subsequent Operational Works application.



FIGURE 2-1 OVERLAND FLOW MAPPING (CITY OF MORETON BAY)

### 3. PROPOSED DEVELOPMENT

The proposal is for a 1 into 5 lot development with a new road reserve area running along the western boundary of the site. The development proposal plan, prepared by Murray & Associates is attached in Appendix A and as shown below in Figure 3-1.

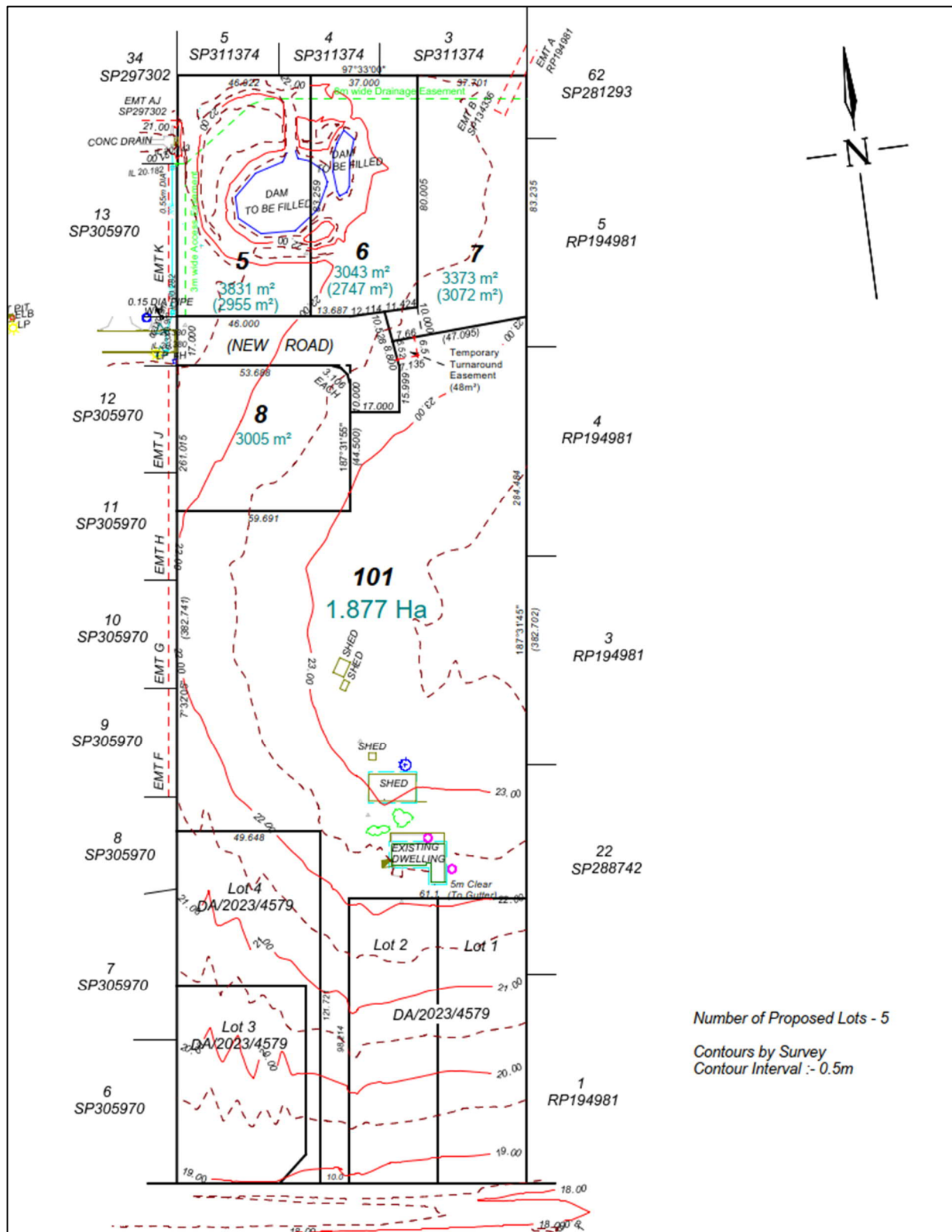


FIGURE 3-1 - PROPOSED DEVELOPMENT (SOURCE: MURRAY &amp; ASSOCIATES)

Lot 101 will maintain the existing house, and the vehicular access will be retained from Emu Road until it is further developed in the future and the rest of the cul-de-sac is built. The proposed engineering services plan is provided in Appendix A on drawing 3511-SW01. The following components will be designed and constructed as part of the Operational Works application:

- Continuation of Abigail Court with a new internal road.

- Temporary turnaround area to end of road.
- Water, electrical & telecommunications along the frontage of the site.
- Piped stormwater drainage system to existing stormwater infrastructure in Abigail Court.

An alternative road reserve width of 17m has been proposed. The road reserve area provides 5m of verge area on both sides of the 7.0m wide rural residential sealed road and suitable pedestrian movement without compromising any services. The 17m wide road reserve continues as per Abigail Court.

The temporary turnaround area at the end of the internal road will be suitable for 12.5m HRV manoeuvring. A temporary easement is provided around the concrete turnaround. Vehicle swept paths are provided in Appendix A on drawing 3635-SW01.

#### 4. STORMWATER QUANTITY MANAGEMENT

The site has been surveyed by Murray & Associates and the development detailed survey and development proposal plan is provided in Appendix A. The top of the site catchment is RL.23.7 at the midway along the eastern boundary. The site flows in numerous directions.

A third of the site flows towards the existing dam in the north-western corner which is at approximately RL.21.5m AHD. The dam will be filled as part of the Operational Works associated with DA/2023/4579. An existing stormwater easement also flows into the north-eastern corner of the site. Flows from the upstream external catchment have been collected within a drainage channel designed as part of the Operational Works for DA/2023/4579.

A stormwater management plan provided as part of the Madison Ridge development for Stage 1 to 4 (DA/31198/2015/VCHG/1) by MRG Water Consulting Pty Ltd, indicates that the channel design allowed for a developed upstream catchment which included the subject site. The information is provided in Appendix A depicting the developed catchments for the drainage channel immediately to the West of the existing dam.

Details of the channel along the northern boundary of the site with 1% AEP flood levels are also provided in Appendix A on drawing 3511-405. The catchment plan for the drainage channel is presented on drawing 3511-400 with the channel properties table shown on 3511-406. The drain has been designed with a minimum of 150mm freeboard within the channel. A small section of the proposed drain has a velocity x depth (d.V) value of 0.66 as the flow transitions into the existing drain. It is recommended that transparent fencing be erected at the rear of proposed Lot 5 and potentially Lot 6 along the easement line. Rational method calculations are provided in Appendix B for the channel.

Similarly, a third of the site flows toward the western boundary whereby roofwater pits and stormwater pipes collect the runoff from the site and direct the piped flow towards an existing drainage channel. The approved drawings from the adjoining property (Stage 7 Madison Ridge) indicates the stormwater infrastructure has been adequately sized for a developed upstream catchment.

The existing piped network connecting to Abigail Court was designed by MRG Water Consulting for a 39% AEP under Council's Planning Scheme Policies (PSP) at the time of development. Preliminary assessment has been undertaken to determine if the existing piped network can support the development flows for a 18% AEP, under current PSP's. Catchments and stormwater long sections are provided in Appendix A drawings 3511-SW01 & SW02. The existing piped network has the capacity to support the development runoff towards the western boundary.

The remaining catchment flows towards Emu Road. The Operational Works for DA/2023/4579 has been lodged with Council with appropriately sized stormwater infrastructure within Emu Road upgrade to accommodate the developed catchment of the site. Details for the stormwater



catchments and stormwater infrastructure are provided in Appendix A on drawings 3511-300, 400 & 401.

Final stormwater design details for the new internal road are expected to be approved as part of the Operational Works, but it has been demonstrated that the stormwater from the site can be appropriately managed.

As per Councils Planning Scheme, the development does not create 6 or more lots and therefore demonstrating pollution target reductions is not required. Some treatment will be achieved within the downstream bio-retention basin, constructed as part of the Madison Ridge Estate.

## 5. STORMWATER QUALITY MANAGEMENT

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The objectives for stormwater quality management are outlined in Council's Planning Scheme and the State Planning Policy (SPP) 2017. The State Planning Policy 2017 specified the following triggers in regard to the treatment of stormwater:

*"Reconfiguring a lot for urban purposes that involves premises 2,500 metres<sup>2</sup> or greater in size and will result in six or more lots".*

Similarly Reconfiguring a Lot Code Rural Residential Zone - Performance Outcome PO20 identifies the following:

*"PO20 - Where development:*

- involves a land area of 2500m<sup>2</sup> or greater; and*
- results in 6 or more lots"*

In this case the development involves less than 6 allotments and therefore the State Planning Policy and Council's Planning Scheme has not been triggered.

Despite the SPP and the planning scheme not being triggered, Contour expects that Water Quality Objectives are to be achieved during the construction phase of the development. The addition of coarse / fine sediments and other pollutants to stormwater runoff from the development sites may increase nutrient loads of receiving water. Impacts on the surrounding environment will be minimised during the construction phase with measures as outlined in this Site Based Stormwater Management Plan and Erosion and Sediment Control Plans to be provided at the operational works stage.

An existing bio-retention basin is located in the downstream development adjacent to Hamilton Road as shown in Figure 5-1 below. Additional water quality treatment to the site catchment is likely to occur within this basin.

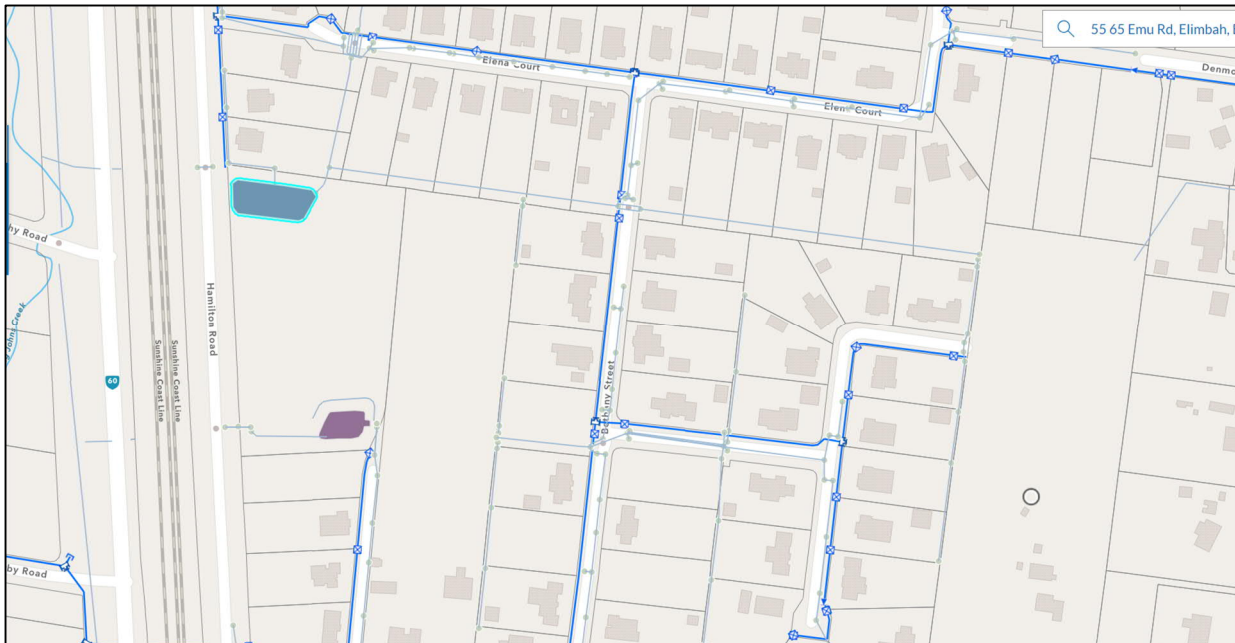


FIGURE 5-1 EXISTING BIO-RETENTION BASIN HAMILTON ROAD

## 6. QUALIFICATIONS

This report has been prepared by Contour Consulting Engineers Pty Ltd, under the direction of a Registered Professional Engineer of Queensland. This report has been tailored to investigate issues in the context of the proposal and at the area of interest, as detailed herein.

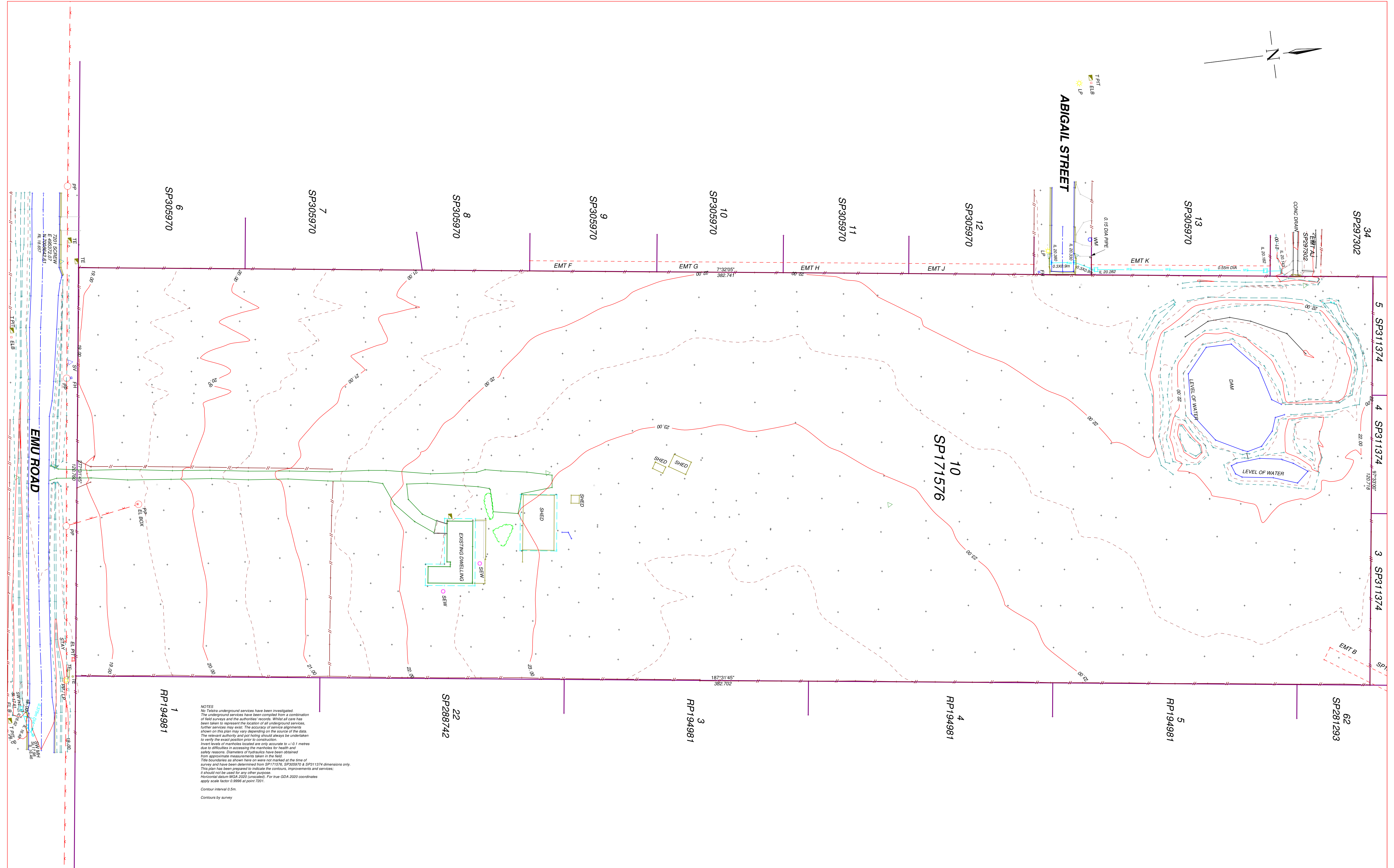
The information contained in this report is not to be used outside of the subject area.

We consider that this report accurately reflects the conditions of the area of interest, at the time the study was undertaken. The results/recommendations/conclusions of this report are to be reviewed if the details of proposal change, or if conditions change, or if the amendment are made to built-infrastructure in the future.

This report is only to be used in full and may not be used to support objectives other than those set out herein, except where written approval, with comments, are provided by Contour Consulting Engineers Pty Ltd. Contour Consulting Engineers Pty Ltd accepts no responsibility for the accuracy of information supplied to them by second and third parties.

## Appendix A. Engineering & Survey Plans

---



MURRAY & ASSOCIATES

SURVEYORS & TOWN PLANNERS

M

4/75 King St. CABOOLTURE

Ph. (07)54951478

NAMBOUR Currie St.

Ph. (07) 5441 2188

MAROOCHYDORE Bungama St.

Ph. (07) 5443 0646

GYMPIE Reef St.

Ph. (07) 5402 1484

EMERALD Opal St.

Ph. (07) 4807 5303

ROMA Lewis St.

Ph. (07) 4822 1686

CHINCHILLA Heency St.

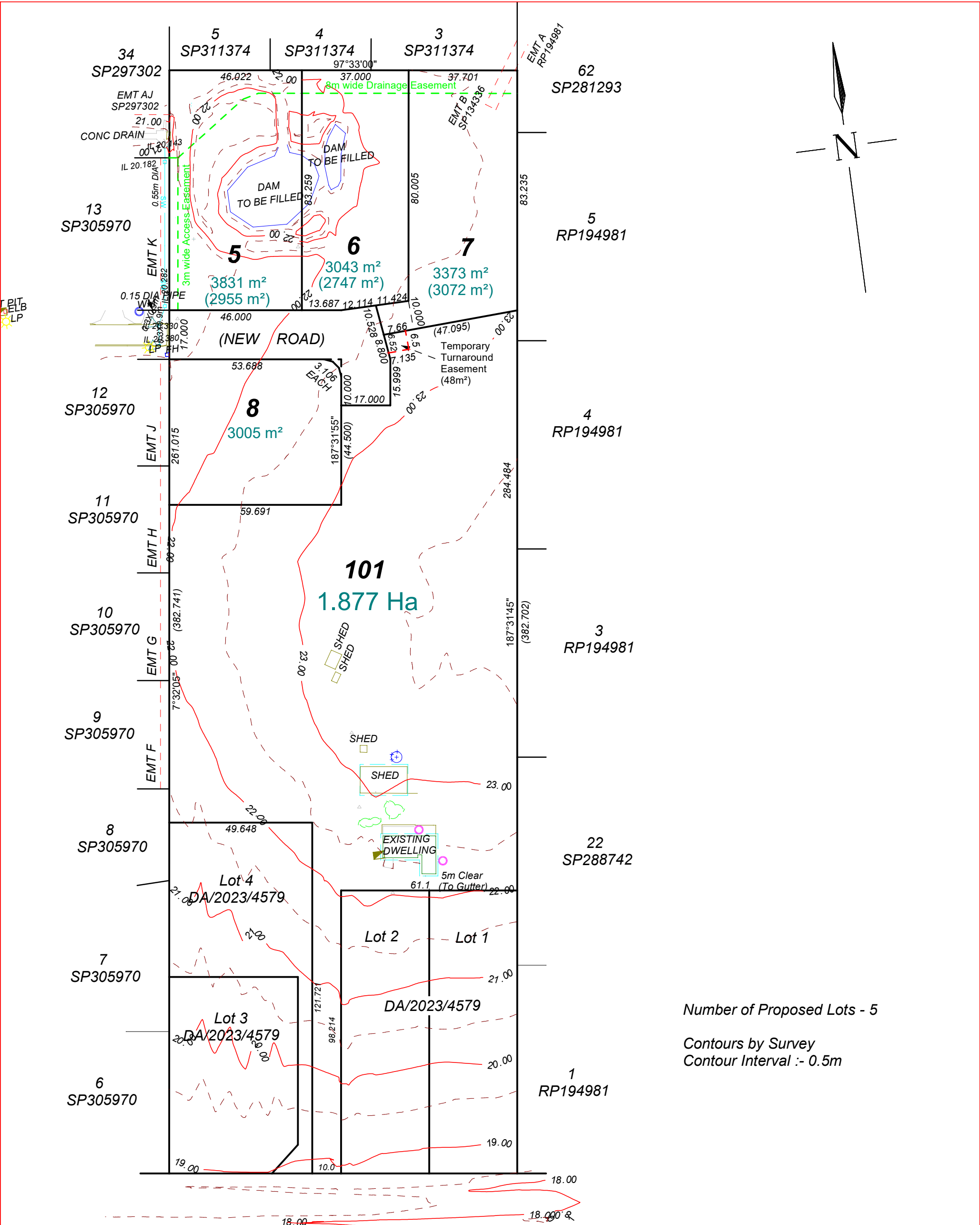
Ph. (07) 4682 8100

Plan of				CLIENT					
DETAIL AND CONTOUR SURVEY OVER LOT 10 ON SP171576				EDGAR HIMMIGHOFER					
				POR	225	LEVEL DATUM			
				DRAWN	FW	DB	CHK CRA		
				LOCALITY:	ELIMBAH		SCALE 1:500		
				LOCAL GOV'T:	MORETON BAY RC		DATE 19/06/2023		
FILE				CADASTRAL SURVEYOR					
201330				A1/ 201330 / DTM					
NO.				DESCRIPTION					
DATE				INIT.					
REVISIONS									

Approved Subject to Conditions of Decision Notice DA/2024/1526

23/09/2024





Number of Proposed Lots - 5  
Contours by Survey  
Contour Interval :- 0.5m

<div><div><div>MURRAY &amp; ASSOCIATES</div><div>SURVEYORS &amp; TOWN PLANNERS</div></div><div><div>4/75 King St.</div><div>CABOOLTURE</div><div>Ph. (07)54951478</div></div></div> <div><div>NAMBOUR Currie St.</div><div>MAROOCHYDORE Bungama St.</div><div>GYMPIE Reef St.</div><div>EMERALD Opal St.</div><div>ROMA Lewis St.</div><div>CHINCHILLA Heeney St.</div></div> <div><div>Ph. (07) 5441 2188</div><div>Ph. (07) 5443 9646</div><div>Ph. (07) 5482 1484</div><div>Ph. (07) 4987 5363</div><div>Ph. (07) 4622 1666</div><div>Ph. (07) 4662 8100</div></div> <div>CADASTRAL SURVEYOR</div>	Plan of PROPOSED LOTS 5-8 and 101  CURRENTLY LOT 10 ON SP171576 (PROPOSED LOT 100 on SP342523)		CLIENT  E. HIMMIGHOFER	
	LOCALITY: ELIMBAH		LEVEL DATUM PSM 75488 RL 16.991m AHD D	DATE 19/03/2024 POR 225
	LOCAL GOV'T: MORETON BAY C.C.		FILE 201330-Prop Plan 2	
			DRAWN CRA	FW DB CHK CRA
		SCALE 1:1250	DWG REF. A3/201330/PROP PLAN	

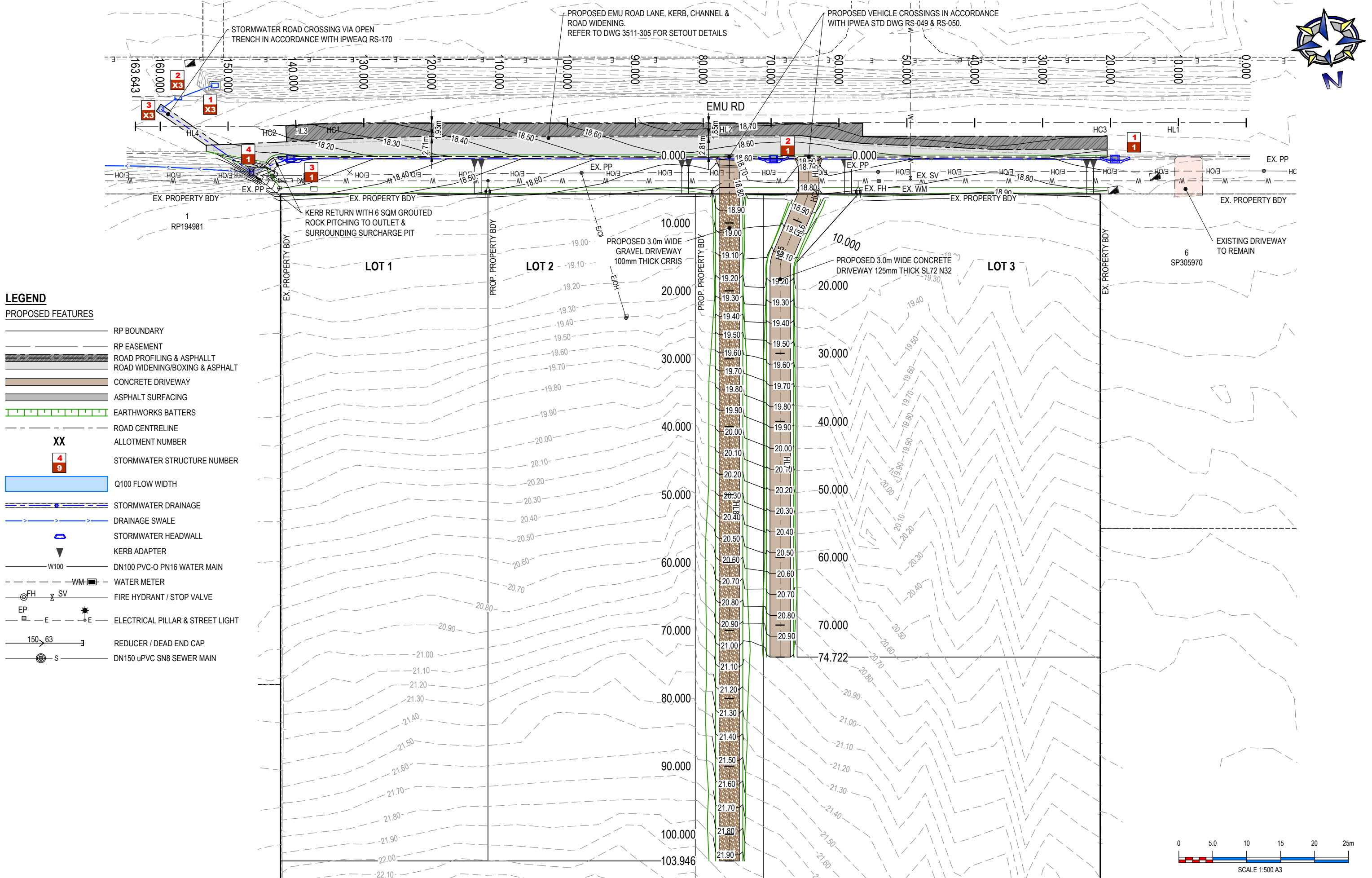


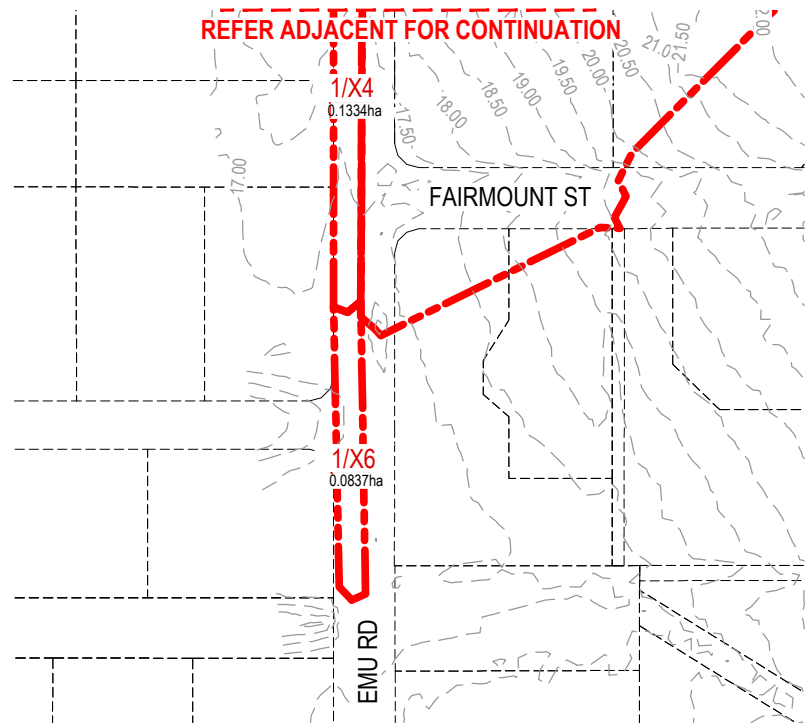
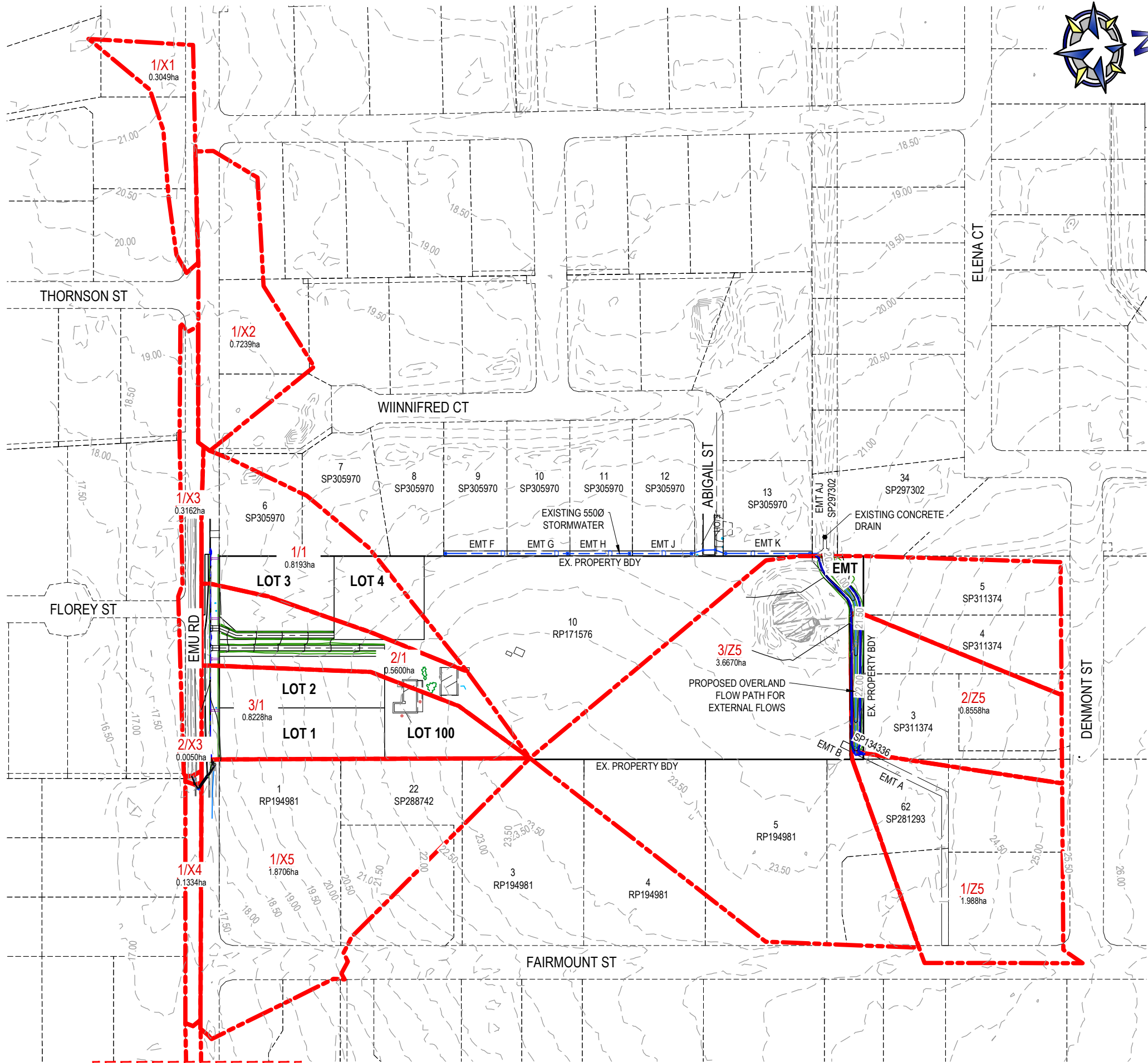










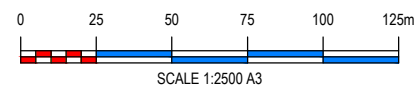


#### LEGEND

##### PROPOSED FEATURES

- RP BOUNDARY
- RP EASEMENT
- XX ALLOTMENT NUMBER
- STORMWATER DRAINAGE
- DRAINAGE SWALE
- CATCHMENT BOUNDARY
- DESIGN CONTOUR
- NATURAL CONTOUR

NOTE:  
• Z DESIGNATED LINES ARE  
CALCULATION NODES AND DO NOT  
HAVE ANY PHYSICAL STRUCTURES



#### PLAN DETAILS:

Designed: **BH**  
Drawn: **SF**  
Checked: **RS**  
Vert. Datum: **AHD**  
Hori. Datum: **MGA GDA 2020**

REBECCA SALTmarsh  
(FOR & ON BEHALF OF CONTOUR CIE PTY LTD)

#### PLAN AMENDMENTS:

Rev	Date	Comment	Alt	Chkd	RP/EC
A	3/5/2024	ISSUE FOR APPROVAL	SF	BH	RS
B	5/27/2024	COUNCIL REF	BH	BH	RS

### PROPOSED RESIDENTIAL DEVELOPMENT AT 55-65 EMU ROAD ELIMBAH FOR E.HIMMIGHOFER & D.ALEXANDER

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#### PLAN TITLE:

### STORMWATER CATCHMENT PLAN

FOR APPROVAL - NOT FOR CONSTRUCTION

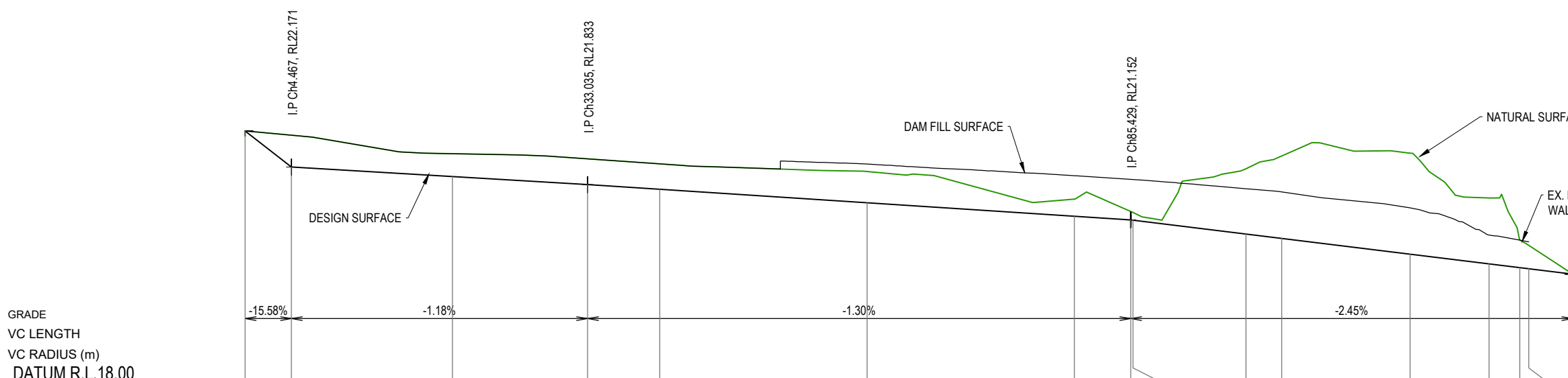
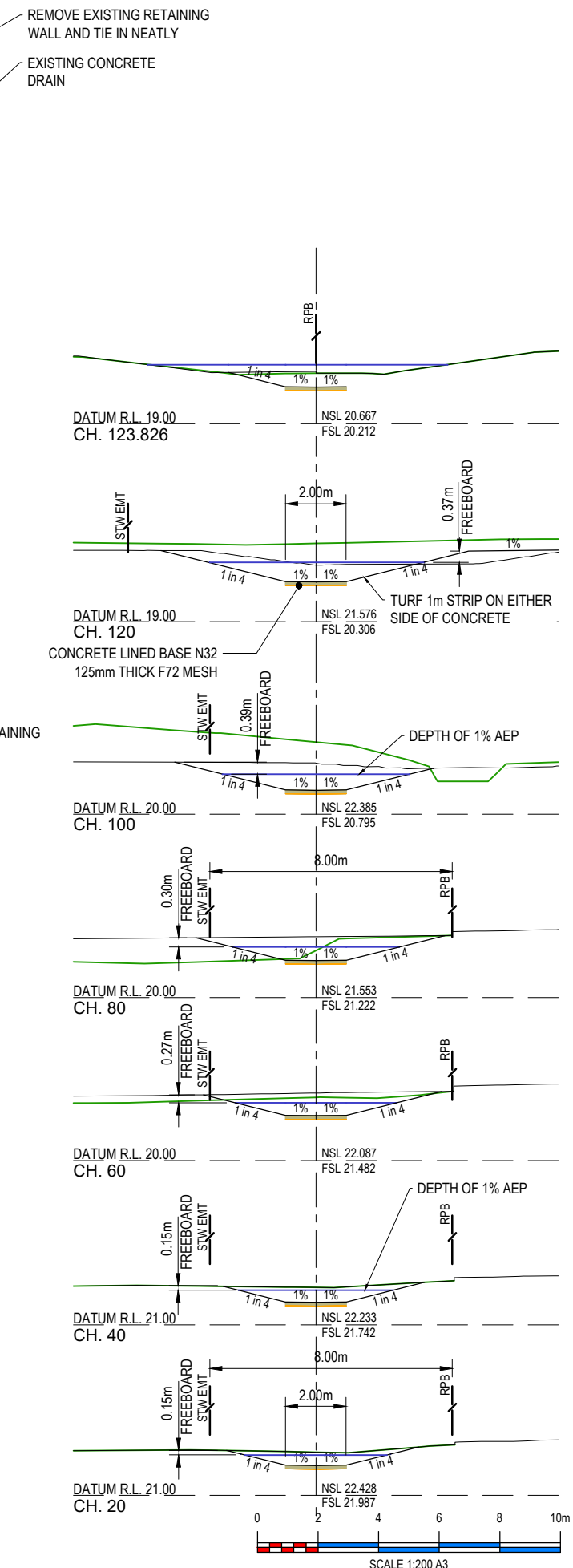
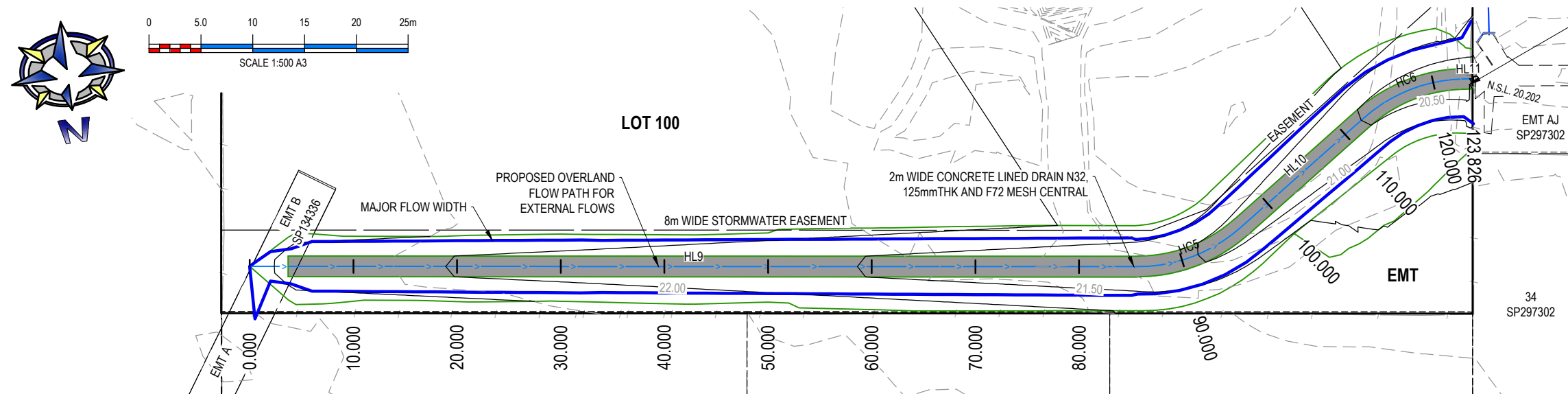
PLAN No: **3511 - 400**

REVISION: **B**

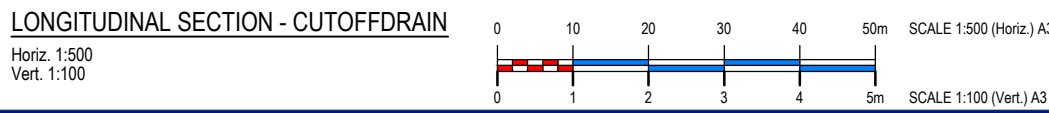
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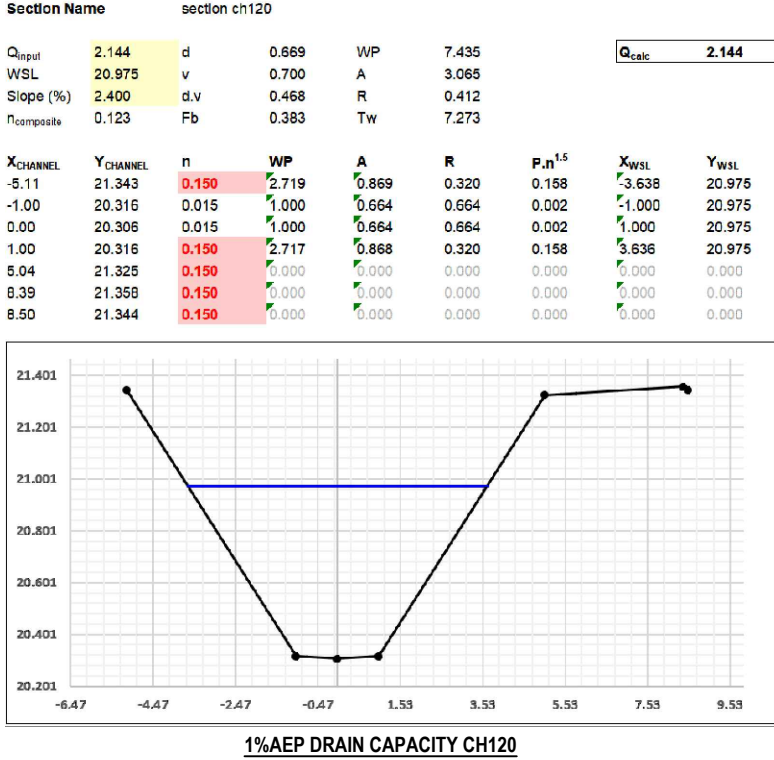
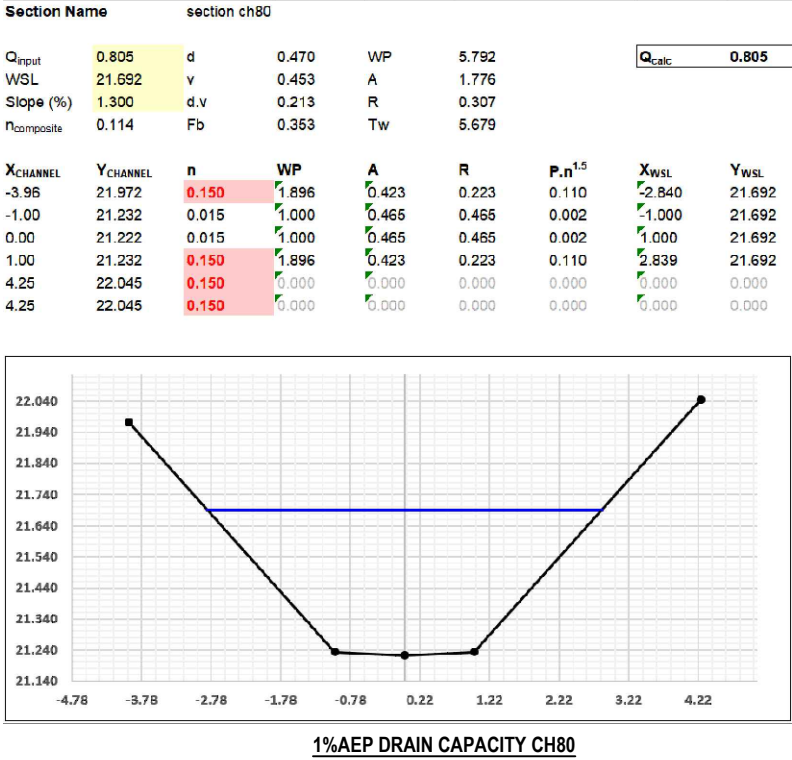
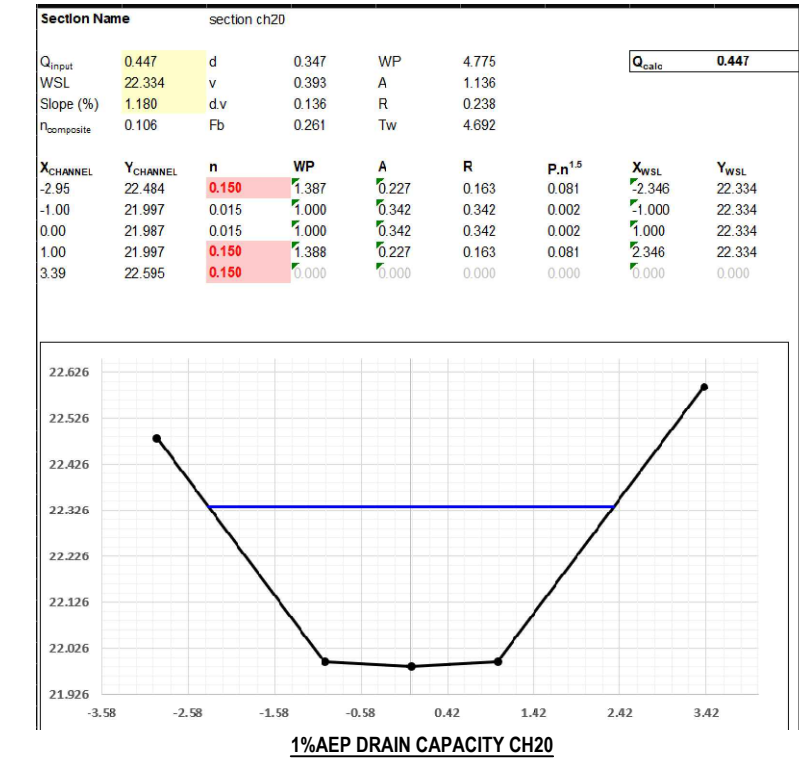



EDGE OF BASE RHS	22.867	22.181	21.997	21.843	21.752	21.492	21.232	21.162	21.156	20.889	20.805	20.502	20.316	20.243	
EDGE OF BASE LHS	22.867	22.181	21.997	21.843	21.752	21.492	21.232	21.162	21.156	20.889	20.805	20.502	20.316	20.243	
CUT(-)/FILL(+) FINISHED TO NATURAL	-0.000	-0.615	-0.441	-0.496	-0.491	-0.604	-0.331	-0.163	-0.149	-1.259	-1.590	-1.948	-1.271	-0.533	-0.455
DESIGN SURFACE LEVELS	22.867	22.171	21.987	21.833	21.742	21.482	21.222	21.152	21.146	20.879	20.795	20.492	20.306	20.233	20.212
NATURAL SURFACE LEVELS	22.867	22.786	22.428	22.329	22.233	22.087	21.553	21.314	21.295	22.138	22.385	22.441	21.576	20.767	20.667
CHAINAGE	0.000	4.467	20.000	33.035	40.000	60.000	80.000	85.429	85.649	96.550	100.000	112.369	120.000	122.955	123.826
HC DATA	HL9 85.65m HC5 HL10 HC6 HL11 R-15 HC7 15.82m HL12 R-15 HC8 0.87m HL13														



			3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	
LOCATION			CATCHMENT PROPERTIES				FULL AREA RUNOFF				PART AREA RUNOFF					INLET DESIGN										DRAIN DESIGN								HEADLOSSES								PART FULL				DESIGN LEVELS									
			fi	Ci	Cp	tc	I	A	CA	Q	tc	I	A	CA	Q	Qa								Qg	Qb		tc	I	CA	Qp	L	S		Vf	S/Do	Qg/Qo	Du/Do		Vf/2g	Ku	hu	Kw	hw	Sf	hf	dn	Vn								
STRUCTURE No.	DRAIN SECTION	AEP	FRACTION IMPERVIOUS	COEFFICIENT OF RUNOFF IMPERVIOUS AREA	COEFFICIENT OF RUNOFF PERVIOUS AREA	TIME OF CONCENTRATION	RAINFALL INTENSITY	SUB-CATCHMENT AREA	EQUIVALENT IMPERVIOUS AREA	SUB-CATCHMENT DISCHARGE	TIME OF CONCENTRATION	RAINFALL INTENSITY	PARTIAL CATCHMENT AREA	EQUIVALENT IMPERVIOUS AREA	SUB-CATCHMENT DISCHARGE	FLOW IN K&C(INC. BYPASS)	FLOW WIDTH	FLOW DEPTH	FLOW DxV	ROAD GRADE AT INLET	ROAD XFALL AT INLET	INLET TYPE	FLOW INTO INLET	BYPASS FLOW	BYPASS STRUCTURE No.	CRITICAL TIME OF CONC.	RAINFALL INTENSITY	TOTAL (C x A)	PIPE FLOW	REACH LENGTH	PIPE GRADE	PIPE SIZE	FULL PIPE VELOCITY	SUBMERGENCE RATIO	GRATE FLOW RATIO	DIAMETER RATIO	CHART(S) USED	VELOCITY HEAD	U/S HEAD LOSS COEFFICIENT	U/S HEAD LOSS	W.S.E COEFFICIENT	CHANGE IN W.S.E	PIPE FRICTION SLOPE	PIPE FRICTION HEAD LOSS	NORMAL DEPTH	NORMAL DEPTH VEL.	PIPE U/S I.L	PIPE D/S I.L	PIPE U/S H.G.L	PIPE D/S H.G.L	W.S.E	GRATE LEVEL	FREEBOARD	STRUCTURE No.	
						min	mm/h	Ha	Ha	L/s	min	mm/h	Ha	Ha	L/s	L/s	m	m		%	%		L/s	L/s		min	mm/h	Ha	L/s	m	%	mm	m/s				m	m			m	%	m	m	m/s	m	m	m	m	m	m	m	m	m	
1/1	1/1 b 2/1	18% 1%	20	0.9 0.9	0.7 0.88	19	115 167	0.819	0.606 0.724	194 335	10	149 214	0.509	0.389 0.451	161 268	194 335		0.113 0.15		0.5		SAG SMALL L.I.L	194 151	184	1/23	19	115 167	0.606 0.724	194 151	50.776	0.5	450	1.22 0.95	2.64 2.48	1		20	0.076 0.046	3.58 3.79	0.272 0.174		0.272 0.174	0.46 0.28	0.236 0.142	0.355 0.29	1.44 1.39	17.35	17.096	18.267 18.293	18.032 18.151	18.54 18.467	18.645	0.105 0.178	1/1	
2/1	2/1 b 3/1	18% 1%	20	0.9 0.9	0.7 0.88	20	113 163	0.56	0.414 0.495	130 224	10	149 214	0.336	0.258 0.298	106 177	130 409		0.09 0.15		0.7	4.3	SAG SMALL L.I.L	130 151	258	1/24	19.42	114 165	1.012 1.208	321 297	71.123	0.6	600	1.13 1.05	1.59 1.79	0.4	0.75 0.75	20	0.066 0.056	1.17 1.47	0.077 0.082		0.077 0.082	0.27 0.23	0.194 0.166	0.361 0.343	1.81 1.77	17.076	16.649	17.955 18.068	17.761 17.902	18.032 18.151	18.512	0.48 0.362	2/1	
3/1	3/1 b 4/1	18% 1%	20	0.9 0.9	0.7 0.88	20	113 163	0.823	0.609 0.727	190 330	10	149 214	0.494	0.378 0.438	156 260	190 588	4.452 7.648	0.13 0.182	0.11 0.2	0.9	4.0	ON-GRADE SMALL L.I.L	142 211	48 376	4/1	20.02	112 163	1.621 1.935	458 501	6.166	0.48	600	1.62 1.77	1.95 2.2	0.31	1 1	20	0.134 0.16	1.7 1.63	0.227 0.261	1.99 1.93	0.266 0.309	0.56 0.66	0.034 0.041	0.552 0.6	1.68 1.77	16.629	16.599	17.534 17.641	17.5 17.6	17.8 17.95	18.102	0.301 0.152	3/1	
4/1	4/1 b 3/X3	18% 1%														48 376		0.2 0.2		0.5		FIELD INLET - 900x600	-398 -442	446 819	1/21	20.07	112 163	1.621 1.935	60 58	16.2	0.49	300	0.85 0.82	2.85 3.19		1 1		0.036 0.034	1.78 1.72	0.065 0.058	1.94 1.89	0.071 0.064	0.38 0.36	0.062 0.058	0.219 0.213	1.08 1.08	16.579	16.5	17.362 17.472	17.301 17.415	17.433 17.537	17.5	0.067 0.063	4/1	
3/X3		18% 1%																				EXISTING													2.25 2.54		1 1			1.7 1.58	0.262 0.204	1.84 1.72	0.283 0.222							17.322 17.432	0.662 0.552	3/X3			

CONTROL LINE - SWALE										
TAG		CHAINAGE	EASTING	NORTHING	LENGTH	RADIUS	BEARING	RAD/SPIRAL	A. LENGTH	D. ANGLE
HL9	IP IP	0.000 85.649	495541.034 495456.128	7009006.992 7009018.246	85.649	-	277° 33' 00"	-	-	-
HC5	TP IP TP	85.649 91.353 96.550	495456.1276 495450.473 495445.749	7009018.246 7009018.995 7009015.798	10.901	15.000	256° 43' 49"	15.000	10.901	114°35'30"
HL10	IP IP	96.550 112.369	495445.749 495432.649	7009015.798 7009006.932	15.818	-	235° 54' 39"	-	-	-
HC6	TP IP TP	112.369 117.893 122.955	495432.6491 495428.074 495422.584	7009006.932 7009003.836 7009004.447	10.586	15.000	256° 07' 41"	15.000	10.586	114°35'30"
HL11	IP IP	122.955 123.826	495422.584 495421.718	7009004.447 7009004.543	0.871	-	276° 20' 43"	-	-	-





SUNSHINE COAST OFFICE  
Suite 512 & 513, Level 5  
Tower 2, 55 Plaza Pde  
Maroochydore, Qld 4558

NORTH LAKES OFFICE  
Suite 5i, Bld 5, Level 1  
2 - 4 Flinders Parade,  
North Lakes, Qld 4509

Ph. (07) 5493 9777

PLAN DETAILS:

Designed: BH

Drawn: SF

Checked: RS

Vert. Datum: AHD

Hori. Datum: AHD

PLAN AMENDMENTS:

Rev	Date	Comment	Alt	Chkd	RPEQ
A	3/5/2024	ISSUE FOR APPROVAL	SF	BH	RS
B	5/27/2024	COUNCIL RFI	BH	BH	RS

PROPOSED RESIDENTIAL DEVELOPMENT  
AT 55-65 EMU ROAD ELIMBAH  
FOR E.HIMMIGHOFER & D.ALEXANDER

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PLAN TITLE:  
SWALE ALIGNMENT TABLE AND  
STORMWATER CALCULATIONS TABLE  
FOR APPROVAL - NOT FOR CONSTRUCTION

PLAN No: 3511 - 406

REVISION: B

FILE LOCATION: C:\1205\DATA\CE2K1602103511 - 55-65 EMU ROAD, ELIMBAH, 31170\DESIGN - CIVIL\ATOCAD\CPW3511-400.DWG

Approved Subject to Conditions of Decision Notice DA/2024/1526

23/09/2024

## **Appendix B. Rational Method Calculations**

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RATIONAL METHOD FLOW CALCULATIONS										ABIGAIL COURT,										ELIMBAH										Job No										3511																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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## **ATTACHMENT 4**

### **Infrastructure Charges Notice**

The Infrastructure Charges Notice applicable to the development is as follows:



# Infrastructure Charges Notice (s119 Planning Act 2016)

Moreton Bay Regional Council  
PO Box 159, CABOOLTURE QLD 4510  
ABN 92 967 232 136



**Applicant:** D. Alexander & E. Himmighofer C/- Elizabeth G Franklin

**Applicant Address:** PO Box 221, BRIBIE ISLAND QLD 4507

**Date of Notice:** 16 September 2024  
(s121(3)(a) Planning Act 2016)

**Notice Reference Number:** DA/2024/1526

## APPROVAL DETAILS:

**Approval No.:** DA/2024/1526

**Type of Approval:** Development Permit for Reconfiguring a Lot

**Approval Description:** Reconfiguring a Lot - Development Permit for Subdivision (1 into 5 Lots, access easement and road)

## PREMISES TO WHICH THE CHARGES APPLY: (s121(1)(c) Planning Act 2016)

**Property Address:** 55-65 Emu Road ELIMBAH QLD 4516

**Real Property Description:** Lot 10 SP 171576

## LEVIED CHARGE:

**Version of Charges Resolution:** Ver 10 - 5 October 2022

**Current Amount of the Levied Charge** **\$82,686.36**  
(s121(1)(a) Planning Act 2016)

Notes:

- 1) See "CHARGE DETAILS" below for details of how the charge has been worked out.
- 2) This infrastructure charge does not include the levied charges payable for water supply and sewerage networks to be levied by the Northern SEQ Distributor-Retailer Authority (trading as Unitywater).

## DATE CHARGES ARE PAYABLE: (s121(1)(d) Planning Act 2016)

The levied charges are payable in accordance with the timing stated in section 122 of the *Planning Act 2016*, namely:

For reconfiguring a lot - when the Council approves the plan of reconfiguration.

**Before paying the total levied charges you must request an Infrastructure Charges Fee Statement showing the total levied charge payable at the time of payment. Refer to the 'Important Information' section below for details.**

CHARGE DETAILS: (s121(1)(b) Planning Act 2016)						
PROPOSED DEVELOPMENT						
Description	Base Charge Rate	Quantity	Base Charge	Council Proportion	Indexation	Total
Proposed Lots 5,6,7 & 8 (Vacant Lots)	Per Lot	4	\$20,671.59	60%	Nil.	\$82,686.36
Dwelling house (3 or more bedrooms) retained on Proposed Lot 101	Dwelling	1	\$20,671.59	60%	Nil.	\$20,671.59
CREDITS						
Description	Base Charge Rate	Quantity	Base Charge	Council Proportion	Indexation	Total Credit
Existing Dwelling house (3 or more bedrooms)	Dwelling	1	\$20,671.59	60%	Nil.	-\$20,671.59
OFFSET						
Refer below for details						Total Offset
						\$0.00
LEVIED CHARGE						
					Levied Charge	\$82,686.36

## OFFSET / REFUND DETAILS: (s121(1)(f) Planning Act 2016)

In accordance with s121(1)(f) of the *Planning Act 2016*, this table identifies whether an offset or refund applies and, if so, information about the offset or refund, including when any refund will be given

**Does an offset or refund apply?** No

**Timing of Refund:** N/A

# Infrastructure Charges Notice (s119 Planning Act 2016)

Moreton Bay Regional Council  
PO Box 159, CABOOLTURE QLD 4510  
ABN 92 967 232 136



## INFRASTRUCTURE AGREEMENT ESTABLISHMENT COST DETAILS:

IA Number (Council Ref):  
Description:  
Agreement Commencement Date:

Infrastructure ID Number	Infrastructure Item Description	Delivery Status	Original Agreed Value of Item <sup>1</sup>	Previous Value of Item Used <sup>2</sup>	New Value of Item Used <sup>3</sup>	Value of Item left Available <sup>4</sup>
			\$			

DA Offset Number	DA Number and Condition Number	Infrastructure Item	Establishment Cost

## NOTES:

1. Represents the amount of the original value of the infrastructure item agreed in the infrastructure agreement.
2. Represents the amount (if any) of the original agreed value applied as an offset, or refunded, previously (eg an earlier stage of the development).
3. Represents the amount of the original agreed value applied as an offset, or to be refunded, under this Infrastructure Charges Notice.
4. Represents the amount of the original agreed value that remains available after the issuing of this Infrastructure Charges Notice.

## IMPORTANT INFORMATION:

### PAYMENT

This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to MORETON BAY REGIONAL COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

### LEVIED CHARGE IS SUBJECT TO AUTOMATIC INCREASES (s121(1)(e) Planning Act 2016)

In accordance with section 121(1)(e) of the *Planning Act 2016*, the Levied Charge in this notice will be automatically increased from the date of this notice until the date of payment, following the methodology in Council's charges resolution. Under that methodology, an automatic increase will be the lesser of:

- (a) the difference between the levied charge and the maximum adopted charge that Council could have levied for the development when the charge is paid; or
- (b) the increase worked out using the PPI, adjusted according to the 3-yearly PPI average, for the period starting on the day the charge was levied, and ending on the day the charge is paid.

Where indexation is applicable, an [online spreadsheet calculator](#) is available to assist with making the calculation.

Council takes no responsibility for the accuracy of the calculator.

### REQUEST FOR AN UPDATED CALCULATION AND INFRASTRUCTURE CHARGES FEE STATEMENT

For confirmation of the current charges applicable for this development and to obtain an Infrastructure Charges Fee Statement, you may submit a [request](#) to Council. To avoid having to make repeat requests, it is recommended that your request is not made until you are ready to make payment of the infrastructure charges.

### GOODS AND SERVICES TAX

GST is not applicable to the Infrastructure Charges contained in this Notice.

### APPEAL RIGHTS (s121(3)(b) Planning Act 2016)

You have a right to appeal against the decision to give this notice. Attached is an extract from schedule 1 of the *Planning Act 2016* detailing your appeal rights

### REPRESENTATIONS ABOUT THIS NOTICE

During your appeal period (see s229(3)(d) *Planning Act 2016*), you may make representations about this notice under section 125 of the *Planning Act 2016*. Section 126 of the *Planning Act 2016* allows you to suspend your appeal period if you need more time to make such representations

### INFRASTRUCTURE CHARGE ENQUIRIES

Enquiries regarding this infrastructure charge notice should be directed to MORETON BAY REGIONAL COUNCIL, Development Services, during office hours, Monday to Friday on phone (07) 3205 0555.

## **Schedule 1      Appeals**

section 229

### **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 the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the *Plumbing and Drainage Act 2018*; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; 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.

# Attachment - extract of appeal rights

Planning Act 2016

## Schedule 1

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- (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.
- (8) In this section—  
*storey* see the Building Code, part A1.1.

<b>Table 1</b>
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
<b>1. Development applications</b> For a development application other than an excluded application, an appeal may be made against— <ul style="list-style-type: none"><li>(a) the refusal of all or part of the development application; or</li><li>(b) the deemed refusal of the development application; or</li><li>(c) a provision of the development approval; or</li><li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li></ul>

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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
<b>2. Change applications</b> For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change application.			

# Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<b>3. Extension applications</b> For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager’s decision on the extension application; or (b) a deemed refusal of the extension application.			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<b>4. Infrastructure charges notices</b> An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds— (a) the notice involved an error relating to— (i) the application of the relevant adopted charge; or <i>Examples of errors in applying an adopted charge—</i> <ul style="list-style-type: none"> <li>the incorrect application of gross floor area for a non-residential development</li> <li>applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> (ii) the working out of extra demand, for section 120; or (iii) an offset or refund; or (b) there was no decision about an offset or refund; or (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.			



# Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<b>5. Conversion applications</b> An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<b>6. Enforcement notices</b> An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<b>7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i></b> An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The local government that gave the enforcement notice	—	—

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
<b>1. Appeals from tribunal</b> An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<b>2. Eligible submitter appeals</b> For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			

# Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

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

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<b>4. Compensation claims</b> An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—

# Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
<b>5. Registered premises</b> An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
<b>6. Local laws</b> An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

<b>Table 3</b> <b>Appeals to a tribunal only</b>			
<b>1. Building advisory agency appeals</b> An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval  2 A private certifier for the development application related to the approval

# Attachment - extract of appeal rights

Planning Act 2016

Schedule 1

<b>Table 3</b> <b>Appeals to a tribunal only</b>			
<b>2. Inspection of building work</b> An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<b>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></b> An appeal may be made against— (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the <i>Plumbing and Drainage Act 2018</i> , other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<b>4. Failure to decide an application or other matter under the Building Act</b> An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.			



<b>Table 3</b> <b>Appeals to a tribunal only</b>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The entity that failed to make the decision	—	—
<b>5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i></b>  An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i> within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—

## **ATTACHMENT 5**

### **Appeal Rights**

## Chapter 6 Dispute resolution

### 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 an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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.

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- (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## 231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
  - decision** includes—
    - (a) conduct engaged in for the purpose of making a decision; and
    - (b) other conduct that relates to the making of a decision; and
    - (c) the making of a decision or the failure to make a decision; and
    - (d) a purported decision; and
    - (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.