

DEVELOPMENT APPLICATION – DA 37-2023-2024 – RECONFIGURING A LOT – BOUNDARY REALIGNMENT (ONE LOT INTO TWO LOTS) – 31 HOSPITAL ROAD, BLACKALL**EXECUTIVE SUMMARY**

The applicant, Morcom Surveyors C/- Murray & Associates (Qld) Pty Ltd, seeks a Development Permit for Reconfiguring a Lot (one lot into two lots) involving land at 31 Hospital Road, Blackall, formally described as Lot 189 on B13811.

Under the *Blackall-Tambo Region Planning Scheme 2020* ('the Planning Scheme'), the subject site is in the Rural Zone. A small section of the south east corner of the site is mapped as being within the flood hazard area. The site also contains a Local Heritage Place (The circa 1939 hospital building). Undertaking the proposed development in the Rural Zone is code assessable, requiring a Development Permit for Reconfiguring a Lot.

The purpose of the proposed subdivision is to separate the old hospital buildings from the new hospital buildings. This will enable the old buildings to potentially be used for another community service. Proposed lot 1 will have an area of 32,910m² and will contain the new Blackall Hospital whilst proposed lot 2 will have an area of 7,570m² and contain the former Blackall Hospital.

An assessment of the proposal against the relevant assessment benchmarks has raised no concerns about the proposed development application. Development conditions are recommended to ensure that the development complies with all assessment benchmarks. Accordingly, this report recommends approval, subject to the conditions stated herein.

RECOMMENDATION

THAT Blackall-Tambo Regional Council approves the application for a Development Permit for Reconfiguring a Lot (one lot into two lots) involving land at 31 Hospital Road, Blackall, formally described as Lot 189 on B13811.

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 development must be completed and maintained generally in accordance with the approved plan of development *Proposal Plan Reconfiguring Lot 189 B13811*, Drawing 23141, Version 01, dated 06 December 2023 and prepared by Morcom Surveyors.
- 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 Access to proposed Lot 1 and Lot 2 must be maintained from the existing access locations on Hospital Road. Where changes are proposed to the access, the access must be provided and maintained in accordance with the standard drawing, Figure 1 or 2, from the General Development Code of the Blackall-Tambo Region Planning Scheme.

4.0 SERVICES

- 4.1 Each proposed lot must have separate services.
- 4.2 All existing services are to be maintained or alternatively where changes are proposed to services the services must be provided and maintained in accordance with the standards and requirements of the relevant service provider.

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 this development permit 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.

ADVISORY NOTES

- A. The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- B. Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- C. 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.
- D. 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.
- E. General environmental duty under the Environmental Protection Act 1994 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.

1.0 DEVELOPMENT APPLICATION SUMMARY

TABLE 1 – OVERVIEW OF THE DEVELOPMENT APPLICATION

PROPERTY DETAILS					
Site address	31 Hospital Road, Blackall				
RPD	Lot 189 on B13811				
Site Area	40,470m ²				
Landowner	Central West Hospital and Health Service				
Existing use of land	Blackall Hospital and former hospital				
APPLICATION DETAILS					
Application No.	DA37-2023-2024				
Applicant	Morcom Surveyors C/- Murray & Associates (Qld) Pty Ltd				
Application description	Development Application seeking Development Permit for Reconfiguring a Lot (Boundary Realignment)				
Date application was made	12 February 2024				
Decision due date	1 April 2024				
Proposal	Subdivision to create two lots from one existing lot				
Main Issues/Resolution	<table border="1"> <thead> <tr> <th>Issue</th> <th>Resolution</th> </tr> </thead> <tbody> <tr> <td>Nil</td> <td>Nil</td> </tr> </tbody> </table>	Issue	Resolution	Nil	Nil
Issue	Resolution				
Nil	Nil				
STATUTORY DETAILS					
Mapped matters of interest under PR 2017	Native Vegetation Clearing <ul style="list-style-type: none"> Regulated vegetation management map (Category A and B extract) 				
State agency referrals	Nil				
State Planning Policy	State Planning Policy (July 2017)				
Regional Plan	Central West Regional Plan (September 2009)				
Planning Scheme	Blackall-Tambo Region Planning Scheme 2020				
Zone	Rural				
Overlays	Flood Hazard Map				
Level of Assessment	Code Assessment				

2.0 PROPOSAL BACKGROUND

Application lodged	12 February 2024
Application properly made	12 February 2024
Decision Due	1 April 2024

3.0 SITE AND SURROUNDS DESCRIPTION

The site is located at 31 Hospital Road, Blackall formally described as Lot 189 on B13811, hereon referred to as the 'subject site' (see **Figure 1**). The subject site is irregular in shape and comprises a total area of 40,470m².

The site contains the Blackall Hospital (western side) and the former hospital (eastern side). This site contains three existing access points from Hospital Road.

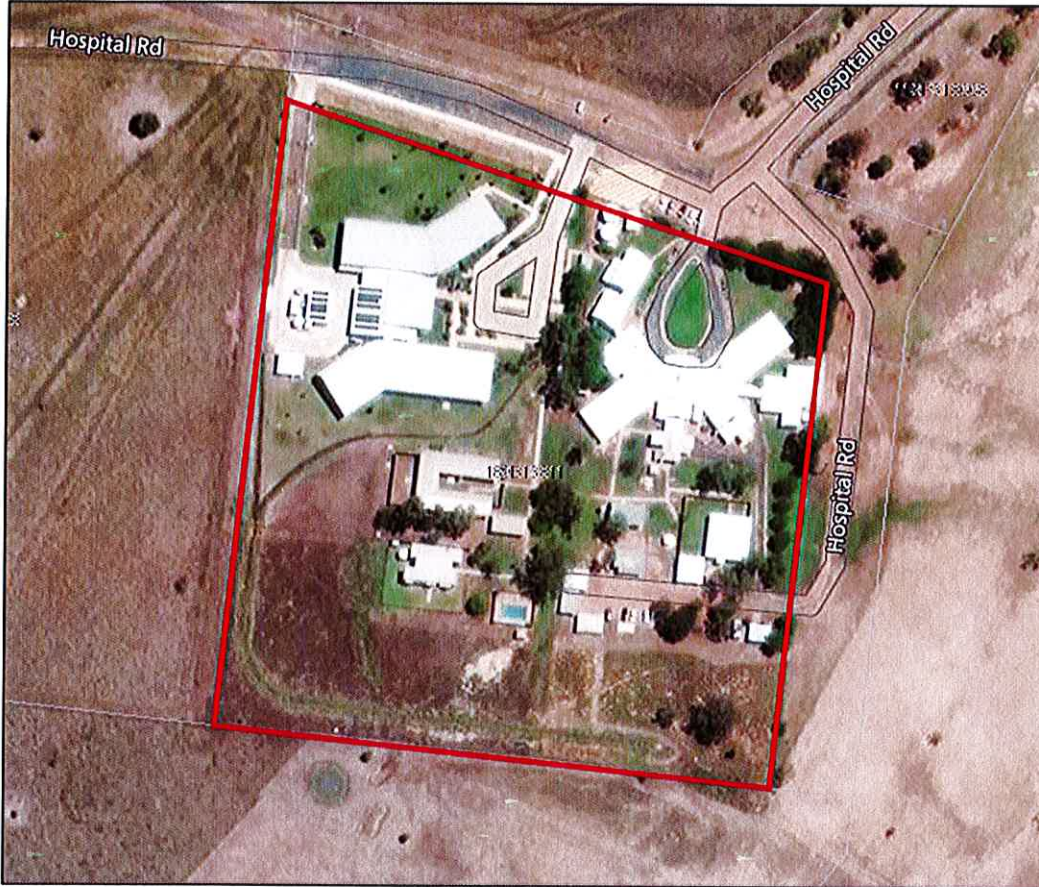


Figure 1 – Aerial of Subject Site

4.0 DESCRIPTION OF PROPOSAL

The purpose of the proposed subdivision is to separate the old hospital buildings from the new hospital buildings. This will enable the old buildings to potentially be used for another community service.

Proposed lot 1 will have an area of 32,910m² and will contain the new Blackall Hospital whilst proposed lot 2 will have an area of 7,570m² and contain the old hospital buildings. **Figure 2** shows the proposed new boundaries.



Figure 1 – Proposed lot layout

Refer to **Attachment 1** for a complete version of the proposed plan.

5.0 PLANNING ASSESSMENT

In accordance with section 45 (3) of the *Planning Act 2016*, Code Assessment is an assessment that must be carried out only –

- (a) *Against the assessment benchmarks in a categorising instrument for the development; and*
- (b) *Having regard to any matters prescribed by regulation for this paragraph.*

In this instance pursuant to section 45 (3)(a) of the Act, the categorising instrument for the development is the *Blackall-Tambo Region Planning Scheme 2020*, under which the applicable assessment benchmarks are the Reconfiguring a Lot Code and the Rural Zone Code.

In the *Planning Regulation 2017* (referred to as the 'Regulation'), sections 26 and 27 nominate additional assessment benchmarks and matters that must be considered in deciding a code assessable development application. The additional assessment benchmarks and matters that are relevant to the development are identified as follows:

- The *Central West Regional Plan 2009*, to the extent the Regional Plan is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;
- The *State Planning Policy*, to the extent the SPP is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;
- Any development approval for, and any lawful use of, the premises or adjacent premises; and
- The common material.

It is noted that assessment benchmarks and matters stated in Schedule 9 or Schedule 10 of the Regulation are not relevant to this development application for Reconfiguring a Lot.

There is no Local Government Infrastructure Plan in place for the Council Area and Council ceases to charge Adopted Infrastructure Charges for any new development. In turn, these assessment benchmarks do not apply to the development and an Infrastructure Charges Notice does not form part of this recommendation.

The planning assessment of the development considers the above assessment benchmarks and matters to the extent relevant to the development.

5.1 BLACKALL-TAMBO REGION PLANNING SCHEME 2020

The proposed development is for Reconfiguring a Lot. Under the *Planning Act 2016* (the Planning Act), the definition of Reconfiguring a Lot relates to:

- (a) **Creating lots by subdividing another lot;** or
- (b) *Amalgamating 2 or more lots;*
- (c) *Rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act;* or
- (d) *Dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is:*
 - (i) *A lease for a term, including renewal options, not exceeding 10 years;* or
 - (ii) *An agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997;* or
- (e) *Creating an easement giving access to a lot from a constructed road.*

In accordance with Table 4.5.1 of the Planning Scheme, the relevant assessment benchmarks for the development application include the Reconfiguring a Lot Code and Rural Zone Code.

5.1.2 RECONFIGURING A LOT CODE

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the Reconfiguring a Lot Code. In particular:

- Although the proposed lots will not achieve the minimum lot size requirements, it is considered that the proposed lot sizes are a reasonable outcome for the site and surrounding locality. The existing lot although in the Rural zone has not historically been used for rural purposes and has been used for a hospital since 1939, therefore the site does not have agricultural or environmental values that would usually be attributed to land in the rural zone.
- The proposed lots will not lead to a diminished productivity of rural land or compromise the long-term viability of rural activities in the Rural zone as the site has not historically been used for rural purposes and has been used for a hospital since 1939, therefore the site does not have agricultural values that would usually be attributed to land in the rural zone.
- Each lot will be provided with access from Hospital Road.
- Each lot can be appropriately serviced by reticulated water and sewer.
- Each lot can be appropriately serviced by electricity supply and telecommunications services.
- A small portion of the south east corner of the site is affected by a flood hazard, no development exists in this location and it is considered that the flood hazard area will not impact future use of or further development of proposed lot 1.
- A 10m² area in the south east corner of the site is mapped as being Bushfire prone (Potential impact buffer). The reconfiguration does not change this boundary and it is considered that any future development could be sited to avoid this area.
- The reconfiguration will allow the local heritage building to be retained intact in terms of built form, context and setting. No changes are proposed to the circa 1939 hospital building.

5.1.3 RURAL ZONE CODE

The development complies or can be conditioned to comply with the purpose, performance criteria and acceptable solutions of the Rural Zone Code. In particular:

- The site is not considered to have productive value, therefore the proposed reconfiguration will not impact long-term production value of the land for rural purposes.
- Each lot has existing connections and access to all necessary infrastructure for the use of the land to continue; and
- The proposal will not have a detrimental impact on the environment or Council infrastructure.

In summary, this planning assessment concludes that the development is consistent with the Reconfiguring a Lot Code and Rural Zone Code, being the applicable assessment benchmarks under the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmarks to ensure on-going compliance.

5.2 CENTRAL WEST REGIONAL PLAN

The Central West Regional Plan (September 2009) (Regional Plan) has been identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is considered to be an assessment against the Regional Plan.

5.3 STATE PLANNING POLICY JULY 2017

The State Planning Policy (July 2017) (SPP) has been identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is considered to be an assessment against the SPP.

5.4 PREVIOUS DEVELOPMENT APPROVAL

The former Blackall hospital was built in 1939 and has been subject to various alterations and extensions over time. The proposal will not impact the former Blackall hospital.

The new Blackall Hospital opened in November 2020. On 18 July 2018 it was determined that the proposal did not require a material change of use application based on the fact there is no material increase on intensity

and scale and that no appreciable load on Council owned infrastructure will be established. The proposed reconfiguration does not impact the operation of the hospital.

6.0 REFERRALS

The proposed development did not require referral to any external agencies, such as a public or State entity for assessment in accordance with Schedule 10 of the *Planning Regulation 2017*.

7.0 CONCLUSION

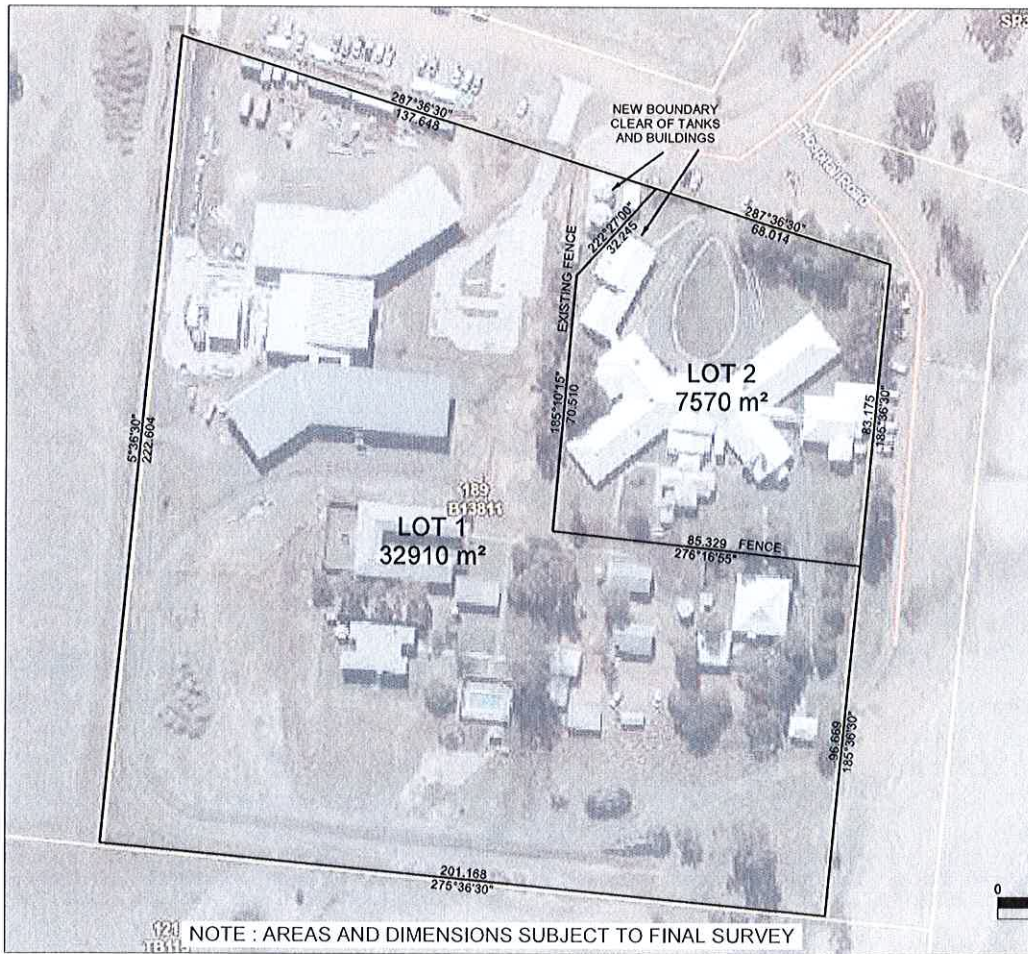
This Code Assessable Development Application for a Development Permit for Reconfiguring a Lot (one lot into two lots) involving land at 31 Hospital Road, Blackall, formally described as Lot 189 on B13811, is recommended for approval, subject to the conditions outlined in this report.

This recommendation is based on an assessment of the proposal in accordance with the *Planning Act 2016* for applications requiring code assessment, which demonstrates the proposal's consistency with the relevant matters and assessment benchmarks.

In accordance with the requirements for a decision notice under section 63 of the Act, the notice must state the reasons for the decision. For this development, the statement of reasons, being the grounds for approval, will feature on the decision notice as follows:

- a) Although the proposed lots will not achieve the minimum lot size requirements, it is considered that the proposed lot sizes are a reasonable outcome for the site and surrounding locality.
- b) The proposed lots will not lead to a diminished productivity of rural land or compromise the long-term viability of rural activities in the Rural zone as the site has not historically been used for rural purposes and has been used for a hospital since 1939, therefore the site does not have agricultural values that would usually be attributed to land in the rural zone.
- c) The site is not considered to have productive value, therefore the proposed reconfiguration will not impact long-term production value of the land for rural purposes.
- d) The proposed lots will continue to be serviced by all necessary infrastructure services.
- e) A small portion of the south east corner of the site is affected by a flood hazard, no development exists in this location and it is considered that the flood hazard area will not impact future use of or further development of proposed lot 1.
- f) The reconfiguration will still allow the local heritage building to be retained intact in terms of built form, context and setting. No changes are proposed to the circa 1939 hospital building.

<p>Assessment Officer (Author):</p> <p>Tim O'Leary Principal Town Planner (Reel Planning) 21 February 2024</p>	
---	--



120 CONSTANCE AVE
ROCKYVIEW
QLD, 4701
tony@asmorcom.com.au

PO BOX 9
ILFRACOMBE
QLD, 4727
0457 376 288

**PROPOSAL PLAN
RECONFIGURING
LOT 189
B13811**

MERIDIAN : IS208269
DATUM : -
SURVEYED : TONY MORCOM
06-12-2023
LOCALITY : BLACKALL
BLACKALL TAMBO REGIONAL COUNCIL

DRAWING : 23141
VERSION : 01



SCALE 1:1000 @ A3

