

16 August 2021

Gideon Swanepoel  
By email - deonswan@gmail.com

Dear Sir or Madam

**Information for acquirers of land - Document 1316716/ Assessment - 00878-33030-000/ Your ref - swanepoel**

A property search request was recently lodged on your behalf with Council. A copy of Council's search response is attached for your information and records. Thank you for your interest in Somerset Region property.

There are potential issues under Queensland law that may affect new owners of properties. I have written to you as a courtesy to advise you of these issues.

When land is transferred in Queensland, local governments are usually told about the changes this way:

1. Solicitors acting for purchasers lodge required forms with the Department of Resources
2. The Department of Resources (DoR) advises the council of the forms they have received.

Usually, Council is not aware that a property has changed hands until 30 to 90 days after it has actually happened.

As a result, councils throughout Queensland issue some rate notices to people who no longer own land.

The law recognises this situation by declaring that rate notices in Queensland are legally valid and payable by the new owners even where they are issued to the former owners. This may be a concern for new owners.

As a suggested way of avoiding a potential problem, Council has attached a form of statutory declaration that may enable our rating records to show you as the new owner if you wish to use it.

Please note that this form may only be completed and lodged after settlement has taken place.

I advise of the following probable dates in relation to Council's last six monthly rate notice and future rate notices:

Last rate notice (actual)

Next rate notice (forecast)

Subsequent rate notice (forecast)

Issue date	Due date
23 February 2021	6 April 2021
24 August 2021	5 October 2021
22 February 2022	5 April 2022

Your solicitor will normally make all required rating adjustments on settlement. There are some circumstances however where your solicitor will not be able to make adjustments and in these situations your first rate notice will include rates and charges for a period longer than the standard six months. These include if the property you are buying has never had a separate State valuation before, then the first rate notice after the valuation is issued will contain rates from the date of effect. State Valuation Services (DoR) is contactable on (07) 3894 8100. Please refer to the rates schedule of the property search for further information.

I attach if relevant to you an application form for the State Government Pensioner Rate Subsidy. Please call Council for assistance with this form if you qualify. There are a number of rules and regulations governing the rate subsidy.

The property search response includes details of Council's rating categories. Different rates can apply for principal places of residence as opposed to other land uses. If the property you are acquiring is to become your principal place of residence, you may wish to advise Council in writing of this so that the lowest possible council rate can be applied.

Please contact Council about the transfer of registration of any dog already registered with another local government.

Yours faithfully



**Andrew Johnson**  
Chief Executive Officer

16 August 2021

INFOTRACK ON BEHALF OF TRADE COAST LEGAL  
PO BOX 10314  
BRISBANE ADELAIDE STREET QLD 4000

Sent by email to [qldsearching@infotrack.com.au](mailto:qldsearching@infotrack.com.au)

Dear Sir/ Madam

**Parties - GIDEON SWANEPOEL- (requester) and FERNVALE DEVELOPMENTS PTY LTD- (landholder)**

**Property description - Lot 42 SP303279**

**Road/ street address of property - 20 BUNYA PINE PLACE FERNVALE QLD 4306**

**Assessment - 00878-33030-000/ Your ref - swanepoel No.1316716 / SH**

I refer to your recent search request.

Please contact Urban Utilities on 13 26 57 regarding water meter readings or related matters.

The initial address that will be used by Council for the service of notices shall be the relevant address shown on the Form 24 lodged with the State authorities.

It is necessary for the owners of property to notify Council in writing of any postal address change.

The person shown as the owner in Council's records may not be the same as the person recorded as the owner by the State Resource Registry by virtue of s161 of the Local Government Regulation 2012.

It is recommended that a title search be conducted.

Council's fee for recording change of ownership of land in its land record (payable by the person who is shown as owner after the change is recorded) is \$89. This cost-recovery fee is levied with the first rate notice after a change.

It is the responsibility of the buyer to be aware of, and determine if there are any existing or proposed activities, or uses of lands in the area which could affect the present or future use of the subject lands.

The information in this search is supplied at your request and not pursuant to any statutory obligation. The information is not guaranteed to be accurate

While the Council believes the information to have been accurately extracted from its records, inadvertent mistakes may occur during preparation of the information.

The information is supplied specifically on the basis that the Council does not intend that any person will rely solely on the information for the purpose of making decisions with legal and/or financial implications.

The Council expressly disclaims any liability to persons who place such reliance on the information.

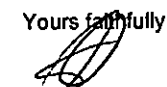
The relevant Council records are open to public inspection, and reliance can only be placed on information obtained from the Council's official records through such inspection.

Council's Receipt number 563773 for your remittance of \$383.00 is ATTACHED.

The following schedules are ATTACHED forming part of this property search:

- # Rates and Debtors Schedule (separately signed).
- # Planning/ Local Laws Compliance Schedule (separately signed).
- # Health and Environment Schedule (separately signed).
- # Building Schedule (separately signed).
- # Engineering Matters Schedule (separately signed).

Yours faithfully

  
Andrew Johnson  
Chief Executive Officer

1316716-TRADE COAST LEGAL-FULL-6AUG2021.xlsx

File type: Post Office  
BankRef: [Not Provided]  
PayRef: 3004279x

**OFFICIAL RECEIPT**  
**563773**  
**04-08-2021**  
**\*\*\*REPRINT\*\*\***

Details	Amount
Received from: File type: Post Office For: 24820805.DAT	383.00
Total includes GST	0.00

System	Code	Details	GST	Amount
DR	1040-3000-0000	INFOTR		383.00
Totals			0.00	383.00

Cash	Tendered	Change	Cheques	Direct Dep	Credit Card	EFTPOS	Rounding
0.00	0.00	0.00	0.00	383.00	0.00	0.00	0.00

**Our Ref: CASSANDRAW**

INTERNAL CURRENT TITLE SEARCH  
QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 10/08/2021 16:44

Title Reference: 51250223

Date Created: 27/04/2021

Previous Title: 51207257

REGISTERED OWNER

Dealing No: 720734266 20/04/2021

FERNVALE DEVELOPMENTS PTY LTD A.C.N. 617 016 341

ESTATE AND LAND

Estate in Fee Simple

LOT 42 SURVEY PLAN 303279  
Local Government: SOMERSET

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 10315166 (POR 65)
2. MORTGAGE No 719766212 29/11/2019 at 13:09  
GUARDIAN SECURITIES LIMITED A.C.N. 106 187 731  
Lodged at 13:09 on 29/11/2019 Recorded at 17:03 on 03/12/2019
3. EASEMENT IN GROSS No 720734273 20/04/2021 at 07:59  
burdening the land  
SOMERSET REGIONAL COUNCIL  
over  
EASEMENT U ON SP303279  
Lodged at 07:59 on 20/04/2021 Recorded at 09:39 on 27/04/2021

ADMINISTRATIVE ADVICES - NIL  
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

Land Title Act 1994; Land Act 1994  
Form 21 Version 4

Sheet 1 of 6

## SURVEY PLAN

LINE	BEARING	DISTANCE
1-1a	302°41'40"	5.905
1a-4	54°59'28"	552.56
4-4a	242°06'45"	25.325
4a-5	54°03'10"	49.257
4c-5b	50°50'30"	23.379
5-5a	54°03'10"	12.0
5-5b	144°03'10"	12.0
12-13	234°03'25"	25.938
13-13a	22°17'	5.195
17a-17	87°15'	23.885
22-22a	148°24'50"	50.57
24-24a	79°51'20"	20.009
25-25a	70°09'05"	6.0
26-26a	160°09'05"	6.0
26-27	340°03'05"	16.008
27-27a	71°55'	6.0
27-27b	235°28'40"	18.835
36-38	322°46'40"	19.832
37-38	324°03'10"	6.0
38-38a	319°06'45"	16.057

TRAVERSES ETC

Scale 1:2000 - Lengths are in Metres.

PM	ORIGIN	BEARING	DIST	NO	TYPE
1a-OPM	22/SP303278	at Station	912/11	179402	
4-OPM	23/SP303278	at Station			

## Area of New Road

(4c-5b)-17-24a-27a-40a-38b  
 -38a-31-32a-33-34-35-36-37-39  
 -40-26b-26a-12-13-25-24-17a-4c)

1.001 ha

I, Craig Robert ANDREWS, hereby certify that the land comprised in this plan was surveyed by Dorin BORA, surveying graduate for whose work I accept responsibility and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 30/09/2020.

C.R. Andrews  
Cadastral Surveyor

Date: 27-10-20

Plan of Lots 10, 11, 33-43, 47-50,  
 100, Emt T in Lot 43, Emt U in Lot  
 42, Emt V in Lot 41, Emt W in Lot  
 37 and Emt X in Lot 100

Cancelling Lot 10 on SP303278

LOCAL SOMERSET  
 GOVERNMENT: REGIONAL COUNCIL LOCALITY: FERNVALE

Meridian: MGA (Zone 56) vide Meridian Table

Survey Records: No

Scale: 1:2000

Format: STANDARD



SP303279

SEE SHEET 6 FOR REFERENCE MARKS TABLE,  
 MGA COORDINATES TABLE, MERIDIAN TABLE  
 & REINSTATEMENT REPORT.

Peg Placed at all new corners  
 unless noted otherwise.

WARNING : Folded or Mutilated Plans  
will not be accepted. Plans may be rolled.  
Information may not be placed in the outer margins.

Sheet  
2 of  
6

720734266

\$2389.00  
20/04/2021 07:54

BE 400 NT

5. Lodged by

MALDONNELLS LAW  
GPO BOX 79  
BRISBANE Q 4001  
BE 028A  
07 3031 5700

(Include address, phone number, reference, and Lodger Code)

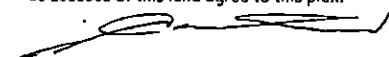
1. Certificate of Registered Owners or Lessees.

1/We FERNVALE DEVELOPMENTS PTY LTD  
ACN 617 016 341

(Names in full)

\* as Registered Owners of this land agree to this plan and dedicate the Public Use  
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

\* as Lessees of this land agree to this plan.



Signature of \*Registered Owners \*Lessees SOLE DIRECTOR

\* Rule out whichever is inapplicable

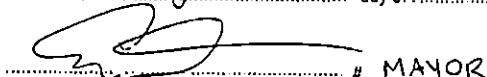
2. Planning Body Approval.

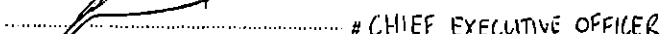
\* Somerset Regional Council

hereby approves this plan in accordance with the:

% Planning Act 2016

Dated this Twenty-Ninth day of MARCH 2021

 # MAYOR

 # CHIEF EXECUTIVE OFFICER

\* Insert the name of the Planning Body.

# Insert designation of signatory or delegation

% Insert applicable approving legislation.

3. Plans with Community Management Statement:

CMS Number:

Name:

4. References:

Dept File:

Local Govt: DA8214

Surveyor: 60757

6. Existing

Created

Title Reference	Description	New Lots	Road	Secondary Interests
51207257	Lot 10 on SP303278	10, 11, 33-43, 47-50 & 100	New Rd	Emts T-X

### MORTGAGE ALLOCATIONS

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
719766212	10, 11, 33-43, 47-50 & 100	

9. Building Format Plans only.

I certify that:

- \* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.
- \* Part of the building shown on this plan encroaches onto adjoining lots and road

Cadastral Surveyor/Director \* Date  
\* delete words not required

10. Lodgement Fees:

Survey Deposit	\$
Lodgement	\$
..... New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

11. Insert  
Plan  
Number

SP303279

34, 49, 50 & 100  
35-43 & 47-48  
11  
10 & 33

POR 65 & POR 66  
POR 65  
POR 66 & POR 81  
POR 66

Lots Orig

7. Orig Grant Allocation:

8. Passed & Endorsed:

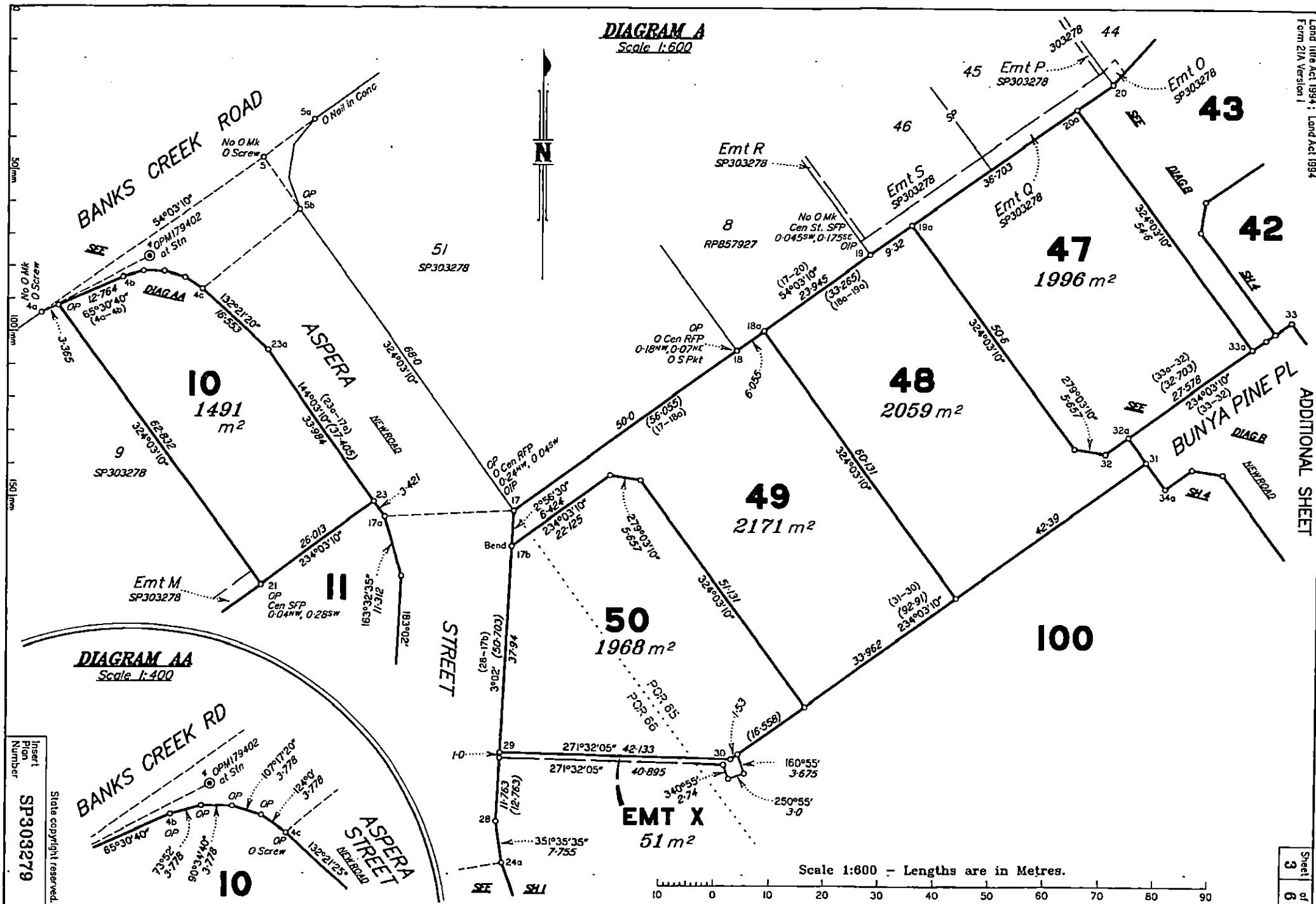
By:

Date: 27-10-20 at C.R. Andrews

Signed: C.R. Andrews 24-2-21

Designation: Cadastral Surveyor

**DIAGRAM A**  
**Scale 1:600**



**DIAGRAM AA**  
**Scale 1:400**

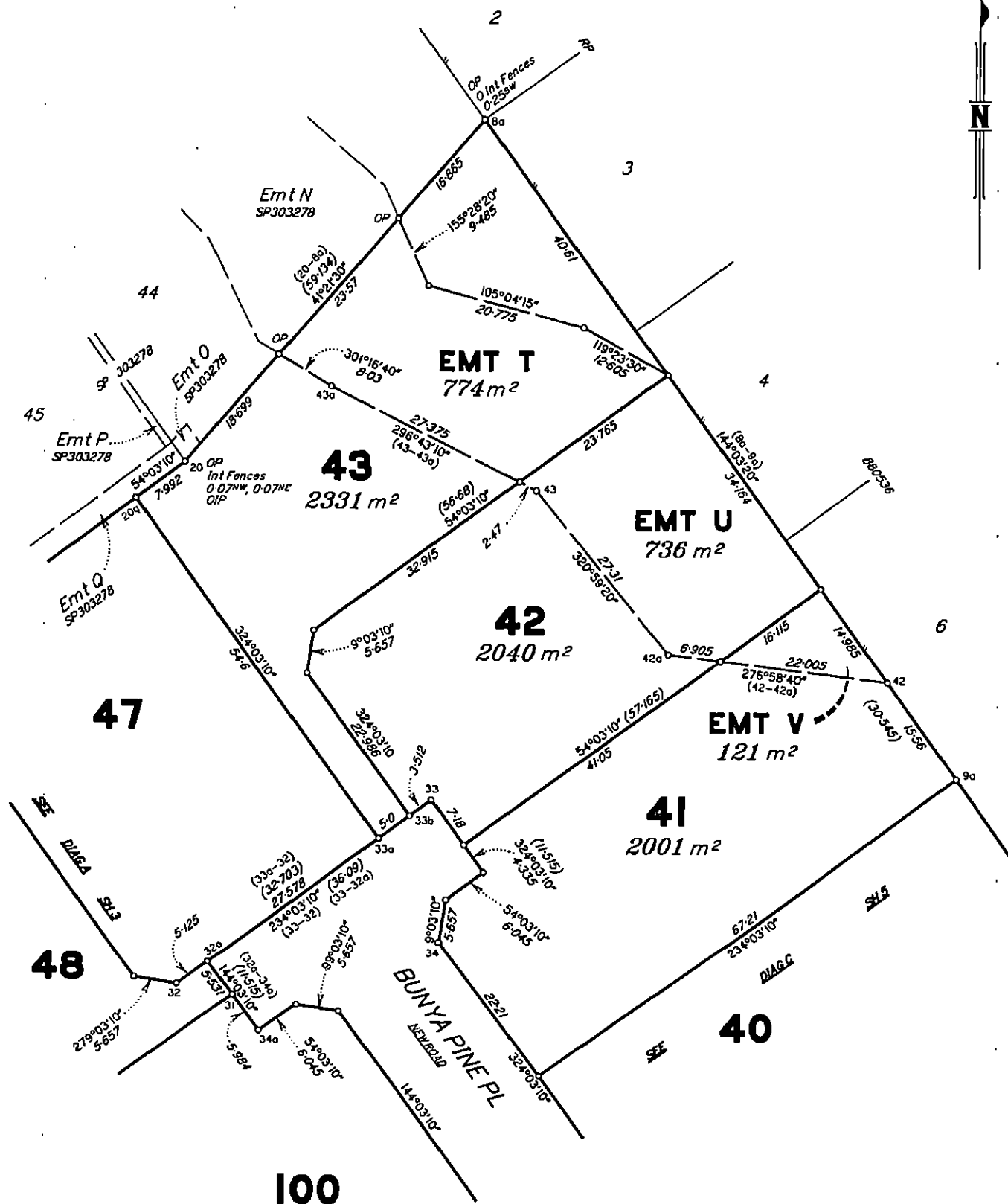
Insert  
Plan  
Number  
**SP303279**

**State copyright reserved**

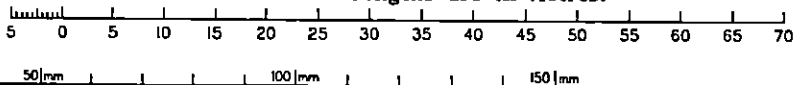
LF 60757\_(SP303279)\_SMSF.dwg

**DIAGRAM B**

Scale 1:500



Scale 1:500 - Lengths are in Metres.

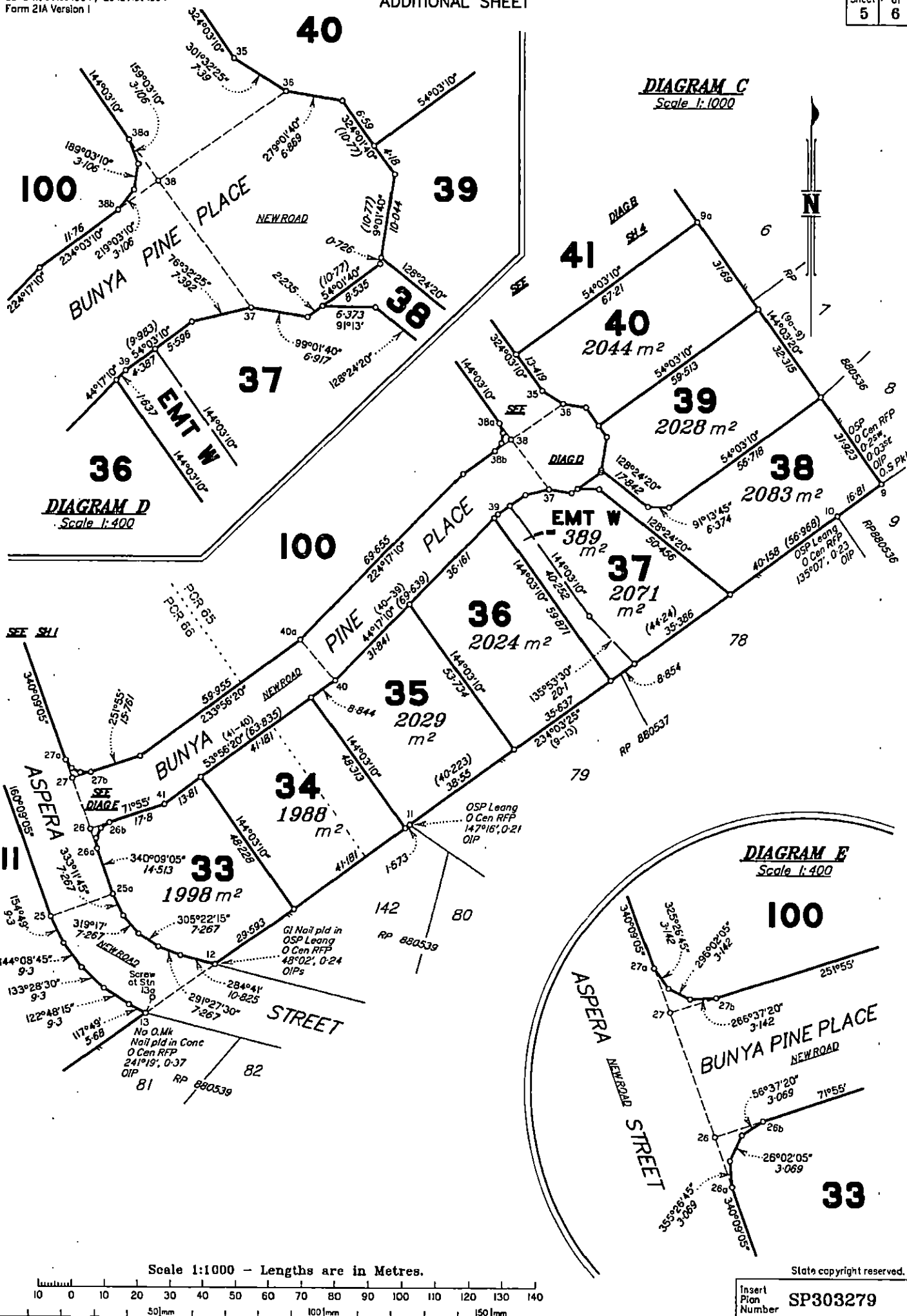


State copyright reserved.

Insert Plan Number **SP303279**

L:\60357\SP303279\SP303279.dwg





REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	O Screw in Hdwl	1/IS272109	314°42'50"	13.91
2	O Screw in Hdwl	2/IS272109	32°37'30"	44.405
3	OIP	4/RP839686	309°10'	15.448
3a	O S Pkt	4/SP303278	316°55'	4.47
4a	O Screw in Conc path	5/SP303278	16°08'	2.735
4c	O Screw in Kb	7/SP303278	346°35'	16.68
5	O Screw in Kb	8/SP303278	18°43'	7.965
6	OIP	6/RP839686	325°51'40"	14.901
7	O Screw in Kb	10/SP303278	344°27'	5.165
8	O S Pkt	6a/RP839686	324°03'10"	1.015
8	O Screw in Kb	11/SP303278	255°0'	13.34
9	OIP	50/RP839686	146°20'40"	0.995
9	O S Pkt	8/IS272109	264°01'10"	5.5
9a	Pin		203°29'	1.245
10	OIP	71/RP880536	207°12'25"	1.123
11	OIP	22/RP880539	200°19'25"	0.7
12	OIP	21/RP880539	190°52'55"	0.83
12	OIP	11/IS272109	162°23'10"	9.415
13	OIP	20/RP880539	78°38'20"	0.98
13a	Screw		at Station	
14	OIP	15/RP845006	140°54'25"	0.943
15	OIP	16/RP214853	144°03'25"	2.0
15	OIP	14/IS272109	283°38'10"	2.995
16	O S Pkt	15/IS272109	321°08'50"	41.025
17	Screw in Kb		252°05'	7.01
17	OIP	17/SP303278	321°32'	7.08
18	O S Pkt	32/RP839686	112°05'	0.92
19	OIP	16/IS272109	3°48'	0.975
20	OIP	14/SP303278	222°45'30"	2.645
22a	O S Pkt	24/SP303278	at Station	
23	Screw in Kb		358°24'	8.49
25	Screw in Kb		101°18'	5.725
26	Pin		172°12'	5.28
26	Screw in Kb		198°25'30"	7.77
27	Screw in Kb		127°29'	4.215
29	Screw in Kb		349°04'30"	20.095
31	Screw in M/H		94°06'	2.39
33	Screw in Kb		194°58'30"	4.51
34	Screw in Kb		230°32'	3.75
35	Screw in Kb		204°54'	4.285
38	Pin		245°0'	2.9
38	Screw in Kb		22°45'	3.405
39	Screw in Kb		38°54'	13.705

M.G.A. COORDINATES GDA-2020

STATION	EASTING	NORTHING	ZONE	P.U.	LINEAGE	METHOD	REMARKS
PM91211	465 951.419	6 963 157.025	56	0-016	Datum		SCDB
PM179402	466 403.818	6 963 473.902	56	0-018	Derived		SCDB
13a	466 514.266	6 963 230.555	56	0-021	Derived	AUSPOS	Screw

MERIDIAN TABLE

LINE	PLAN BEARING	MGA ZONE 56 BEARING
PM91211-PM179402 (1a-4)	54°59'28"	54°59'28"

Reinstatement Report

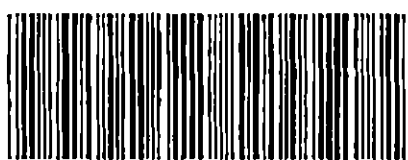
- Datum of this survey is along Banks Creek Road.
- Main plans used IS272109 and SP303278.
- Survey dimensions agree with previous surveys.

QUEENSLAND TITLES REGISTRY

## EASEMENT

FORM 9 Version 4

Page 1 of 5



720734273

\$195.00

20/04/2021 07:59

BE 601

the Department's website.

Client No: 4605388 <sup>Duty Imprint</sup> Duties Act 2001

Transaction No: 521-267-823

Duty Paid \$0.00 ☐ Exempt

UTIS \$Nil

Date: 19/04/21 Signed:

1. **Grantor**  
 FERNVALE DEVELOPMENTS PTY LTD  
 ACN 617 016 341

**Lodger** (Name, address, E-mail & phone number)  
 MACDONNELLS LAW  
 GPO BOX 79  
 BRISBANE Q 4001  
 07 3031 9700

**Lodger**  
 Code

BE 028A

2. **Description of Easement/Lot on Plan**  
 Servient Tenement (burdened land)  
 EASEMENT T IN LOT 43 ON SP 303279  
 EASEMENT U IN LOT 42 ON SP 303279  
 EASEMENT V IN LOT 41 ON SP 303279  
 EASEMENT W IN LOT 37 ON SP 303279

Title Reference

51207257

51207257

51207257

51207257

# Dominant Tenement (benefited land)

Not applicable

# not applicable if easement in gross

3. **Interest being burdened**  
 FEE SIMPLE

#4. **Interest being benefited**

Not applicable

# not applicable if easement in gross

5. **Grantee** Given names

Surname/Company name and number

(Include tenancy if more than one)

SOMERSET REGIONAL COUNCIL

6. **Consideration**  
 \$1.00

7. **Purpose of easement**  
 DRAINAGE

8. **Grant/Execution**

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

signature .....

full name .....

qualification .....

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1  
 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

15/04/2021  
 Execution Date

Fernvale Developments Pty Ltd ACN 617 016 341  
 Grantor's Signature

signature .....

full name .....

qualification .....

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1  
 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

29/03/2021  
 Execution Date

Somerset Regional Council  
  
 Mayor  
  
 Chief Executive Officer  
 Grantee's Signature

EMILY ROSE BURROWS

C DEC 24 817

Title Reference 51207257

The Grantor and Grantee to hereby covenant with each other in the following terms:

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Unless the contrary intention appears:**

- (a) **Drainage Works** means drains, pumps and/or pipelines and all appurtenant works for the passage of rainwater and drainage of all kinds;
- (b) **Easement** means this Schedule and the Form 9 to which this Schedule is annexed and includes all annexures thereto;
- (c) **Grantor** means and includes the Grantor named in Item 1 of the Form 9 in this Easement and the executors, administrators, successors and assigns (as the case may be) of the Grantor and all successors, in title, lessees, trustees, occupiers and mortgagees of the registered proprietor's interest in the Servient Tenement and any other person deriving an interest in the Servient Tenement;
- (d) **Grantee** shall mean and include the Grantee named in Item 5 of the Form 9 in this Easement and its successors and permitted assigns and all employees, agents, contractors and other persons authorised by it; and
- (e) **Servient Tenement** means the land described as such in Item 2 of the Form 9 in this Easement and includes any part of that land subject to the burden of this Easement.

1.2 Words importing the masculine gender shall be construed to include the feminine and neuter gender.

1.3 Words importing the singular number shall be construed to include the plural number and vice versa.

1.4 Words relating to persons shall be construed to include a corporation, partnership, incorporated association, body corporate, unincorporated body, instrumentality of the State and any statutory, public or local authority.

1.5 Any covenant or agreement on the part of 2 or more persons shall be deemed to bind them jointly and severally.

**2. EASEMENT FOR DRAINAGE**

2.1 The Grantee may use the Servient Tenement or any part thereof for drainage purposes.

2.2 Without limiting the general right in clause 2.1, the Grantee may receive and convey upon the Servient Tenement rainwater and drainage of all kinds, including stormwater runoff flowing continuously, intermittently or occasionally into, over and along the Servient Tenement from lands adjoining the Servient Tenement and/or any other lands whatsoever, and whether flowing naturally or by way of Drainage Works.

**3. RIGHTS OF THE GRANTEE**

3.1 The Grantee, including any contractors or workers engaged by the Grantee, may enter the Servient Tenement (including with vehicles and machinery) to construct Drainage Works and use and maintain such Drainage Works.

3.2 Without limiting the general right in clause 3.1, the Grantee may:

- (a) construct, extend, deepen, widen, inspect, maintain and repair Drainage Works;
- (b) replace any Drainage Works with new Drainage Works;
- (c) excavate sink shafts and remove and dispose of soil;
- (d) clear the Servient Tenement of vegetation, including by cutting and removing trees and undergrowth;
- (e) construct and maintain on the Servient Tenement any works the Grantee considers necessary to fulfil the purpose of this Easement, including but not limited to gates and access tracks;

**Title Reference 51207257**

- (f) enter and remain upon, pass and repass on the Servient Tenement for any purpose associated with this Easement, including with vehicles, plant and materials;
- (g) enter and exit to and from the Servient Tenement over such part or part of the Grantor's land adjoining or adjacent to the Servient Tenement as the Grantee considers most convenient or necessary for the purpose of passing between the Servient Tenement and the most convenient point of entry to or exit from the Grantor's land, whether adjoining a constructed road or not; and
- (h) do such other works and things through, across or in the Servient Tenement which are incidental to the proper exercise of the rights granted to the Grantee by this Easement.

**4. NO OBLIGATION TO USE**

For avoidance of doubt, the Grantee is not obliged to use the Servient Tenement for the purposes set out in this Easement.

**5. GRANTEE NOT LIABLE TO FENCE**

The Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the Servient Tenement.

**6. FENCES**

For the purpose of gaining access to the Servient Tenement:

- (a) the Grantee shall be entitled to pull down or break open any fencing on or adjacent to the Servient Tenement but where animals are contained within the fenced area sufficient notice shall be given to the Grantor to enable the animals to be secured;
- (b) the Grantee must re-instate any fence which has been damaged by the Grantee in the exercise of any of its rights pursuant to Clause 6(a) but in lieu of re-instating any such fence the Grantee may install a gate the quality of the materials and workmanship of which, except with the Grantor's consent (such consent not to be unreasonably delayed or withheld) shall be not less than the quality of the materials and workmanship in the existing fence. A gate so installed shall become the property of the Grantor and thereafter shall be maintained by the Grantor.

**7. GRANTOR TO KEEP SERVIENT TENEMENT CLEAR**

7.1 The Grantor shall at all times keep the Servient Tenement clear of debris and all other obstructions at all times.

7.2 The Grantee is not liable to contribute towards any cost associated with the Grantor exercising its obligation under clause 7.1.

**8. GRANTOR'S RIGHT TO DISCHARGE WATER**

The Grantor may discharge surface roof and other water from the Grantor's land into the Servient Tenement, including by using any Drainage Works that may be located on the Servient Tenement.

**9. GRANTOR NOT TO CONSTRUCT OR INTERFERE**

The Grantor must not at any time without the prior written consent of the Grantee:

- (a) execute or construct any excavations, drains, channels, roads or other works of any kind in the Servient Tenement;
- (b) remove or interfere with any works whatsoever within the Servient Tenement, including but not limited to existing Drainage Works or any retaining walls;
- (c) erect any buildings or structures in the Servient Tenement or any part thereof;

**Title Reference 51207257**

- (d) erect any fence on the Servient Tenement so as to obstruct, limit or restrict the flow of water on, over or through the Servient Tenement naturally occurring or otherwise;
- (e) install concrete, bitumen or other pavement or driveways in the Servient Tenement or gardens or landscaping involving concrete, brick or other permanent materials; or
- (f) stockpile or permit the stockpiling of any soil, sand, gravel or other substance or material in the Servient Tenement which would in any way obstruct or interfere with the Drainage Works and/or the effective use of the Drainage Works and the Servient Tenement by the Grantee.

**10. WORKS PROPERTY OF GRANTEE**

All Drainage Works are and remain the property of the Grantee notwithstanding any actual or apparent affixation to the Servient Tenement.

**11. FURTHER RIGHTS OF GRANTEE**

- 11.1 The Grantee may uninstall and remove the whole or any part of any Drainage Works at any time during the continuance of this Easement.
- 11.2 In the event a building or structure or other material or thing is installed upon the Servient Tenement (for example, in contravention of Clause 9), then, in addition to any other remedies and after have first given the Grantor reasonable notice of its intention to invoke this clause, the Grantee may enter upon the Servient Tenement and remove or demolish the relevant material.
- 11.3 If the Grantee exercises its right under clause 11.2, then:
  - (a) the Grantee may dispose of the relevant material or any resultant demolition material in such manner as it deems fit (acting reasonably) without being liable to account to the Grantor; and
  - (b) the Grantee may recover any costs associated with the removal of the material from the Grantor as a liquidated debt.

**12. OTHER EASEMENTS**

The Grantor may grant other easements over the Servient Tenement provided they do not prevent the Grantee's exercise of its rights under this Easement or derogate from the grant of rights under this Easement.

**13. NO WAIVER**

- 13.1 No term, covenant, condition or restriction herein expressed or implied will be deemed to have been waived by the Grantee either in whole or in part unless such waiver is in writing.
- 13.2 Any such waiver will not affect or prejudice the rights or remedies of the Grantee in respect of any future or other breach and (unless expressly so stated) will not amount to a general waiver of any provision hereof.

**14. COSTS**

The Grantor shall bear the Grantee's costs associated with preparing, stamping and registering this Easement.

**15. CONSIDERATION**

The consideration in Item 6 of the Form 9 in this Easement shall be paid on demand by the Grantee to the Grantor upon the registration of this Easement by the Registrar of Titles.

**16. DISPUTE RESOLUTION**

- 16.1 In the event of a dispute between the parties about a term of this Easement, then either party may give the other party (by hand, by mail or electronically) a notice specifying the nature of the dispute and the relevant facts relating to the dispute (Dispute Notice).

**Title Reference 51207257**

- 16.2 Once a Dispute Notice is served, the parties must make reasonable endeavours to resolve the dispute.
- 16.3 If within fourteen (14) days of the date of a Dispute Notice the parties have not reached an agreement about a dispute, then either party may institute proceedings in respect of the dispute.
- 17. SEVERANCE**
- If any part of this Easement is held to be invalid, illegal or unenforceable by a Court having the jurisdiction to do so, that part is considered to have been severed from the rest of this Easement which remains in force unaffected by the holding by the Court or by the severance of that part.
- 18. GENERAL**
- 18.1 Unless inconsistent with the subject matter or context, the benefit of this Easement extends to the Grantee's invitees, employees, contractors, assigns and all other persons claiming through the Grantee as if each of those persons was the Grantee.
- 18.2 The Grantee must ensure that the Grantee's invitees, employees, contractors and assigns observe and comply with the provisions of this Easement.
- 18.3 If requested by the other, each party must execute all documents and do all things necessary to further assure to the Grantee the rights intended to be conferred on the Grantee by this Easement.

## RATES SCHEDULE

Parties - GIDEON SWANEPOEL- (requester) and FERVALE DEVELOPMENTS PTY LTD- (landholder)

Property description - Lot 42 SP303279

Road/ street address of property - 20 BUNYA PINE PLACE FERVALE QLD 4306

Assessment - 00878-33030-000/ Your ref - swanepoel / Our reference - Doc No.1316716 / SH

An assessment enquiry report detailing various matters pertaining to this assessment is ATTACHED as supporting information.

Council's water and sewerage assets and operations transferred to Queensland Urban Utilities after 30 June 2010.

The rates levy due to issue in August 2021 for the half-year ending 31 December 2021, has not yet been assessed.

The property was previously rated under the superseded description of Lot 10 SP303278. Lot 10 SP303278 has been superseded by Lots 10, 11, 33-43, 47-50, 100 SP303279. Council is now in receipt of a separate State Valuation of \$140,000 effective 20 April 2021, resulting in general rates adjustment of \$198.43 gross, based on the concessional valuation of \$84,000 (Cat 1) for the period 20/4/21 to 30/6/21, that will be raised on the notice expected to issue 24 August 2021.

This property is subject to the Approved Subdivider Concession. Council must levy rates for these properties as if this valuation was reduced by 40%.

The 40% concession applies while the property is vacant, is held by the original subdivider and there are no services connected to the property.

A minimum general rate for the property does not apply while a 40% concession is in place.

There is an individual valuation for the property in the subdivider's name. The general rate is calculated on the concessional basis. A non-concessional general rate will be calculated from the date the concession ceases to apply.

A notice for amended general rates will issue to the owner.

Vendors and purchasers must make their own settlement arrangements.

Some methods of payment accepted by Council (such as personal cheque) are subject to the risk of subsequent dishonour advice or bank reversal.

Council is not in a position to guarantee the payment status of this account as a result of this dishonour or reversal risk.

The Somerset Region has been revalued effective from 30 June 2021. The new valuation for the subject property is \$175,000.

A summary of how Council's budget resolutions of 9 June 2021 affect this property for the levy for the half year ending 31 December 2021 is ATTACHED.

A summary of how Council's budget resolutions of 10 June 2020 affect this property for the levy for the half year ending 30 June 2021 is ATTACHED.

It is noted that there is no Council cleansing service to the property. Habitable properties that can be safely and economically serviced may be required to receive a Council cleansing service in accordance with Council's policies.

The property is in the following declared areas: Declared cleansing area, Declared Rural Fire area.

Properties may be declared to be within a relevant service charge area at any time that access to a service or infrastructure becomes available.

Council has no outstanding (non-rates) debtor accounts against the land.

Completed by CW (ORIGINAL SIGNED) dated 11 August 2021.



Somerset Regional Council

Financial Year Ending 2022

Printed(CASSANDRAW) : 11-08-2021 3:18:27 PM

Assessment: 00878-33030-000, VG PropID: 41601332, Key Name: FERND, Property Address : 20 BUNYA PINE PLACE, FERNVALE QLD 4306

### VG Information

V.G VALUATION	175000.00	AREA	0.204ha	PREV ASST	4017	ACTIVE ASST	Y
VALUATION DATE	30-06-2021	LAND USE	7200	TRANSFER NO.	3821	OBSOLETE ASST	N
CHARGE VALUATION	175000.00	COUNCIL USE		TRANSFER DATE	17-06-2021	NOTICE ISSUED	N
2YR PREV VALUATION	0.00	DIVISION	1				
PREV VALUATION	140000.00						
NEW VALUATION	0.00	NEW VALUATION DATE					
OFFSET ALLOWANCE	0.00	NEW OFFSET ALLOWANCE	0.00				
IMPR DEDUCTION	0.00	NEW IMPR DEDUCTION	0.00				

DESCRIPTION	L 42 SP303279
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### Balances

Interest Accrued To: 11-08-2021 0.00

Fund	Arrears	Interest	Current Debits	Gross	Credits	Discount	Pending Receipts	Net
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TOTAL								

## Guide to 2020/2021 rates and charges

**Rates - 15% prompt payment discount applies to general rates**

Category	Description	Percentage of valuation (year)	Percentage of valuation (half year)	Minimum general rate (year)	Minimum rate (half year)
1	Land, which is not otherwise categorized, with a rateable value of less than \$500,001	1.18770	0.59385	1,427.20	713.60
2	Land, which is Farm Land, with a rateable value of between \$45,000 and \$650,000 where such land is not the owner's Principal Place of Residence other than land included in category 6.	0.73090	0.36545	859.24	429.62
3	Land, which is Farm Land, with a rateable value of between \$650,001 and \$4,000,000 where such land is not the owner's Principal Place of Residence other than land included in category 6.	0.76490	0.38245	859.24	429.62
4	Land, which is Commercial and Industrial Land, that has a rateable value of less than \$800,000.	0.65080	0.32540	1,188.50	594.25
5	Land which is used for the purposes of a Large Water Storage Facility.	5.20700	2.60350	1,382.22	691.11
6	Land which is Farm Land : (a) with a rateable value of more than \$4,000,000; or (b) with a land area of greater than 6,000 hectares; or (c) which consists of more than 60 freehold parcels of land.	0.74730	0.37365	859.24	429.62
7	Land, which is Farm Land, with a rateable value of less than \$45,000 other than land included in category 6.	0.93770	0.46885	430.70	215.35
8	Land, which is Farm Land, with a rateable value of between \$650,001 and \$4,000,000 where such land is the owner's Principal Place of Residence other than land included in category 6.	0.68960	0.34480	859.24	429.62
9	Land, which is Farm Land, with a rateable value of between \$45,000 and \$650,000 where such land is the owner's Principal Place of Residence other than land included in category 6.	0.65940	0.32970	859.24	429.62
11	Land, outside of an Urban Fire Area, which is used for the purposes of a single Approved Dwelling and which is the owner's Principal Place of Residence.	0.59570	0.29785	1,009.68	504.84
13	Land, within an Urban Fire Area, which is used for the purposes of a single Approved Dwelling and which is the owner's Principal Place of Residence.	0.79950	0.39975	821.34	410.67
21	Land which is used for the purposes of an airfield.	15.84350	7.92175	59,297.96	29,648.98
22	Land which is used in connection or association with an airfield.	2.66920	1.33460	6,078.54	3,039.27
23	Vacant land that consists of one freehold allotment of less than 2,000 square metres which is not in an urban fire area and has no adjoining land apart from Council-controlled roads which are not subject to any occupation permit.	59.98940	29.99470	1,406.10	703.05
31	Land used for providing 2 Multi Residential Units including a duplex	1.64880	0.82440	2,403.52	1,201.76
32	Land used for providing 3 to 5 Multi Residential Units	2.64820	1.32410	3,614.70	1,807.35
33	Land used for providing 6 to 10 Multi Residential Units	10.72140	5.36070	7,229.48	3,614.74
34	Land used for providing 11 to 15 Multi Residential Units	10.72140	5.36070	13,253.74	6,626.87
35	Land used for providing 16 to 19 Multi Residential Units	10.72140	5.36070	19,279.32	9,639.66
36	Land used for providing 20 to 29 Multi Residential Units	10.72140	5.36070	24,099.46	12,049.73
37	Land used for providing 30 to 39 Multi Residential Units	10.72140	5.36070	36,132.40	18,066.20
38	Land used for providing 40 to 49 Multi Residential Units	12.69360	6.34680	48,177.44	24,088.72
39	Land used for providing 50 to 59 Multi Residential Units	13.92370	6.96185	60,221.44	30,110.72
40	Land used for providing 60 to 69 Multi Residential Units	13.92370	6.96185	72,265.22	36,132.61
41	Land used for providing 70 to 79 Multi Residential Units	13.92370	6.96185	84,310.36	42,155.18
42	Land used for providing 80 to 89 Multi Residential Units	13.92370	6.96185	95,354.14	48,177.07
43	Land used for providing 90 to 99 Multi Residential Units	13.92370	6.96185	108,399.38	54,199.69
44	Land used for providing more than 99 Multi Residential Units	13.92370	6.96185	120,444.20	60,222.10
71	Vacant land that consists of one freehold allotment of less than 3,000 square metres which is not in an urban fire area and which contains part of a bitumen sealed road.	33.46730	16.73365	1,406.10	703.05
74	Land, with an area greater than ten (10) hectares, used for a Noxious or Offensive Industry other than land included in category 402.	2.48130	1.24065	12,636.84	6,318.42
75	Land used for the purpose of storing two or more houses intended for sale and removal.	3.13590	1.56795	1,256.66	628.33
76	Land, with an area of more than 4,000 square metres, which is used as an Outdoor Sales Area and does not contain a principal place of residence.	3.13590	1.56795	1,256.66	628.33
81	Vacant land in an urban fire area of more than 5 hectares that has a rateable valuation of less than \$10,000	1,008.54770	504.27385	1,427.20	713.60
101	Land which is not otherwise categorized with a rateable value of \$500,001 or greater.	3.06070	1.53035	1,574.68	787.34
111	Land, outside of an Urban Fire Area, which is used for the purposes of an Approved Dwelling and a Secondary Dwelling, where such land is the owner's Principal Place of Residence.	0.76940	0.38470	1,229.38	614.69
113	Land, within an Urban Fire Area, which is used for the purposes of an Approved Dwelling and a Secondary Dwelling, where such land is the owner's Principal Place of Residence.	1.15610	0.57805	1,228.16	614.08
131	Land used for the purposes of an Approved Dwelling which: (a) forms part of a community titles scheme in which there are exactly two lot entitlements; and (b) is not the owner's Principal Place of Residence.	3.47110	1.73555	1,778.00	889.00
132	Land used for the purposes of an Approved Dwelling which: (a) has an area of 1,000m <sup>2</sup> or less; and (b) is not part of a community titles scheme; and (c) is in an Urban Fire Area; and (d) is situated more than 1 kilometre from Town Centre Facilities; and (e) is not the owner's Principal Place of Residence.	2.23460	1.11730	1,785.90	892.95
201	Land which is Banked Development Land – Subdivision and has a rateable value of less than \$2,000,000.	4.43060	2.21530	1,574.68	787.34
202	Land which is Banked Development Land – Commercial.	4.08620	2.04310	1,574.68	787.34
203	Land which is Banked Development Land – Subdivision and has a rateable value of \$2,000,000 or more.	4.31850	2.15925	1,574.68	787.34
204	Land which is Banked Development Land – Renewable Energy Facility.	4.39350	2.19675	1,574.68	787.34
215	Land used in whole or in part for the purpose of electricity generation by way of a power station.	28.91020	14.45510	1,454.54	727.27
240	Land used as an electricity network maintenance depot.	9.57900	4.78950	1,454.64	727.32
244	Land used as public landline telecommunications network switch or exchange where such land does not also incorporate a mobile phone tower.	15.27760	7.63880	1,698.42	849.21
301	Land, which is Extractive Industries Land, with a rateable value of \$900,000 or less.	5.94290	2.97145	6,849.18	3,424.59
302	Land which is Approved Extractive Industries Land.	0.95320	0.47660	893.66	446.83
303	Land, which is Extractive Industries Land, with a rateable value of more than \$900,000.	2.46460	1.23230	6,849.18	3,424.59
401	Land, which is Commercial and Industrial Land, that has a rateable value of \$800,000 or greater.	2.78710	1.39355	1,574.68	787.34
402	Land used or intended to be used, in whole or in part as an abattoir, with a gross floor area greater than 15,000 square metres.	3.47140	1.73570	1,574.68	787.34

### Charges

	Annual charge (\$)	Half year charge (\$)
Standard domestic garbage service (15% prompt payment discount applies)	Per service 324.20	162.10
Kiloby commercial garbage service (15% prompt payment discount applies)	Per service 407.30	203.65
Rural fire levy	Per rateable rural parcel 35.60	17.80
SES levy	Per assessment 28.00	14.00
Environmental levy	Per assessment 20.00	10.00

### State Government Levies charged on council rate notices

State Emergency Management Levy	Per residence	110.60	55.30
	Per parcel of vacant land	27.40	13.70
	Per pensioner residence	88.48	44.24

Please note, this is a guide only. Please see Council's budget resolutions for definitions and further information

**Rates - 15% prompt payment discount applies to general rates**

Category	Description	Percentage of valuation (year)	Percentage of valuation (half year)	Minimum general rate (year)	Minimum rate (half year)
1	Land, which is not otherwise categorised, with a rateable value of less than \$530,001	1.17460	0.58730	1,455.70	727.85
2	Land, which is Farm Land, with a rateable value of between \$45,000 and \$650,000 where such land is not the owner's Principal Place of Residence other than land included in category 6.	0.72290	0.36145	876.44	438.22
3	Land, which is Farm Land, with a rateable value of between \$650,001 and \$4,000,000 where such land is not the owner's Principal Place of Residence other than land included in category 6.	0.74650	0.37325	876.44	438.22
4	Land, which is Commercial and Industrial Land, that has a rateable value of less than \$800,000.	0.57270	0.28635	1,206.30	603.15
5	Land which is used for the purposes of a Large Water Storage Facility.	4.52600	2.26300	1,409.62	704.91
6	Land which is Farm Land : (a) with a rateable value of more than \$4,000,000; or (b) with a land area of greater than 6,000 hectares; or (c) which consists of more than 60 freehold parcels of land.	0.74650	0.37325	876.44	438.22
7	Land, which is Farm Land, with a rateable value of less than \$45,000 other than land included in category 6.	0.92740	0.46370	437.20	218.60
8	Land, which is Farm Land, with a rateable value of between \$650,001 and \$4,000,000 where such land is the owner's Principal Place of Residence other than land included in category 6.	0.57930	0.28965	872.14	436.07
9	Land, which is Farm Land, with a rateable value of between \$45,000 and \$650,000 where such land is the owner's Principal Place of Residence other than land included in category 6.	0.58950	0.29475	872.14	436.07
11	Land, outside of an Urban Fire Area, which is used for the purposes of a single Approved Dwelling and which is the owner's Principal Place of Residence.	0.54390	0.27195	1,024.78	512.39
13	Land, within an Urban Fire Area, which is used for the purposes of a single Approved Dwelling and which is the owner's Principal Place of Residence.	0.71960	0.35980	833.64	416.82
21	Land which is used for the purposes of an airfield.	15.66920	7.83460	60,483.96	30,241.98
22	Land which is used in connection or association with an airfield.	2.63980	1.31990	6,200.14	3,100.07
31	Land used for providing 2 Multi Residential Units including a duplex	1.63070	0.81535	2,451.62	1,225.81
32	Land used for providing 3 to 5 Multi Residential Units	2.61910	1.30955	3,687.00	1,843.50
33	Land used for providing 6 to 10 Multi Residential Units	10.60350	5.30175	7,374.08	3,687.04
34	Land used for providing 11 to 15 Multi Residential Units	10.60350	5.30175	13,518.84	6,759.42
35	Land used for providing 16 to 19 Multi Residential Units	10.60350	5.30175	19,664.92	9,832.46
36	Land used for providing 20 to 29 Multi Residential Units	10.60350	5.30175	24,581.46	12,290.73
37	Land used for providing 30 to 39 Multi Residential Units	10.60350	5.30175	36,855.00	18,427.50
38	Land used for providing 40 to 49 Multi Residential Units	12.55400	6.27700	49,140.94	24,570.47
39	Land used for providing 50 to 59 Multi Residential Units	13.77050	6.88525	61,425.84	30,712.92
40	Land used for providing 60 to 69 Multi Residential Units	13.77050	6.88525	73,710.52	36,855.26
41	Land used for providing 70 to 79 Multi Residential Units	13.77050	6.88525	85,996.66	42,998.28
42	Land used for providing 80 to 89 Multi Residential Units	13.77050	6.88525	98,281.24	49,140.62
43	Land used for providing 90 to 99 Multi Residential Units	13.77050	6.88525	110,567.38	55,283.69
44	Land used for providing more than 99 Multi Residential Units	13.77050	6.88525	122,853.10	61,426.55
71	Vacant land that consists of one freehold allotment of less than 3,000 square metres which is not in an urban fire area and which contains part of a bitumen sealed road.	33.09920	16.54960	1,434.20	717.10
74	Land, with an area greater than ten (10) hectares, used for a Noxious or Offensive Industry other than land included in category 402.	2.47880	1.23940	12,889.54	6,444.77
75	Land used for the purpose of storing two or more houses intended for sale and removal.	3.10140	1.55070	1,281.76	640.88
76	Land, with an area of more than 4,000 square metres, which is used as an Outdoor Sales Area and does not contain a principal place of residence.	3.13280	1.56640	1,281.76	640.88
81	Vacant land in an urban fire area of more than 5 hectares that has a rateable valuation of less than \$10,000	1,025.69300	512.84650	1,455.70	727.85
82	Vacant land in an Urban Fire Area and zoned Recreation and Open Space with an area of less than 1,500 square metres	38.92000	19.46000	1,606.18	803.09
101	Land which is not otherwise categorised with a rateable value of \$530,001 or greater and which is not located wholly outside of the High Impact Activities Management Overlay Area.	3.02700	1.51350	1,606.18	803.09
102	Land which is not otherwise categorised with a rateable value of \$530,001 or greater and which is located wholly outside of the High Impact Activities Management Overlay Area.	7.00590	3.50295	1,606.18	803.09
111	Land, outside of an Urban Fire Area, which is used for the purposes of an Approved Dwelling and a Secondary Dwelling, where such land is the owner's Principal Place of Residence.	0.71790	0.35895	1,247.78	623.89
113	Land, within an Urban Fire Area, which is used for the purposes of an Approved Dwelling and a Secondary Dwelling, where such land is the owner's Principal Place of Residence.	1.02890	0.51445	1,246.56	623.28
131	Land used for the purposes of an Approved Dwelling which: (a) forms part of a community titles scheme in which there are exactly two lot entitlements; and (b) is not the owner's Principal Place of Residence.	3.46760	1.73380	1,813.60	906.80
132	Land used for the purposes of an Approved Dwelling which: (a) has an area of 1,000m <sup>2</sup> or less; and (b) is not part of a community titles scheme; and (c) is in an Urban Fire Area; and (d) is situated more than 1 kilometre from Town Centre Facilities; and (e) is not the owner's Principal Place of Residence.	2.21000	1.10500	1,821.60	910.80
201	Land which is Banked Development Land - Subdivision and has a rateable value of less than \$2,000,000.	4.38190	2.19095	1,606.18	803.09
202	Land which is Banked Development Land - Commercial.	4.04130	2.02065	1,606.18	803.09
203	Land which is Banked Development Land - Subdivision and has a rateable value of \$2,000,000 or more.	5.16920	2.58460	1,606.18	803.09
204	Land which is Banked Development Land - Renewable Energy Facility.	4.38910	2.19455	1,606.18	803.09
215	Land used in whole or in part for the purpose of electricity generation on a commercial basis including but not limited to power stations and Renewable Energy Facilities.	28.59220	14.29610	1,483.64	741.82
240	Land used as an electricity network maintenance depot.	9.56940	4.78470	1,483.74	741.87
244	Land used as a Telecommunications Site, including any purpose associated with or ancillary to telecommunications (such as, for example, offices, depots and storage sheds).	15.26230	7.63115	1,732.42	866.21
301	Land which is Extractive Industries Land	5.87750	2.93875	6,986.18	3,493.09
302	Land which is Approved Extractive Industries Land.	0.94270	0.47135	911.56	455.78
401	Land, which is Commercial and Industrial Land, that has a rateable value of \$800,000 or greater.	2.75640	1.37820	1,606.18	803.09
402	Land used or intended to be used, in whole or in part as an abattoir, with a gross floor area greater than 15,000 square metres.	7.49130	3.74565	1,606.18	803.09

**Charges**

	Annual charge (\$)	Half year charge (\$)
Standard domestic garbage service (15% prompt payment discount applies)	Per service 329.10	164.55
Kilcoy commercial garbage service (15% prompt payment discount applies)	Per service 413.40	206.70
Rural fire levy	Per rateable rural parcel 38.00	19.00
SES levy	Per assessment 28.00	14.00
Environmental levy	Per assessment 41.50	20.75

**State Government Levies charged on council rate notices**

State Government Emergency Management Levy	Per residence 112.40	56.20
	Per parcel of vacant land 27.80	13.90
	Per pensioner residence 89.92	44.96

Please note, this is a guide only. Please see Council's budget resolutions for definitions and further information

## THE FOLLOWING DEFINITIONS APPLY IN RESPECT OF THE DIFFERENTIAL GENERAL RATING TABLE AND RATING CATEGORY STATEMENT

### R2.3: Definition – Large Water Storage Facility

The term Large Water Storage Facility shall refer to facilities used for the storage of water for human consumption or agricultural use with capacity greater than ten thousand (10,000) megalitres. Where land is used for a Large Water Storage Facility, it will be included in category 5.

### R2.4: Definition – Farm Land

The term Farm Land shall mean land used for a purpose described by any of the following primary land use codes— 60 (Sheep Grazing – Dry), 61 (Sheep Breeding), 64 (Cattle Grazing – Breeding), 65 (Cattle Breeding & Fattening), 66 (Cattle Fattening), 67 (Goats), 68 (Dairy Cattle – Quota Milk), 69 (Dairy Cattle – Non Quota Milk), 70 (Cream), 71 (Oil Seeds), 73 (Grains), 74 (Turf Farms), 75 (Sugar Cane), 76 (Tobacco), 77 (Cotton), 78 (Rice), 79 (Orchards), 80 (Tropical Fruits), 81 (Pineapple), 82 (Vineyards), 83 (Small Crops and Fodder Irrigated), 84 (Small Crops and Fodder Non-Irrigated), 85 (Pigs), 86 (Horses), 87 (Poultry), 89 (Animals Special), 93 (Peanuts) but excluding:

- land that is:
  - used for the transmission of wholesale electricity to a retail electricity distribution network and is not subject to a registered easement for power line, electrical works or similar purposes; or
  - used or intended to be used for future hydro-electric power generation purposes;
- land used for the purposes of an airfield;
- land used for the purposes of a Large Water Storage Facility, as that term is defined in this document;
- Banked Development Land, as that term is defined in this document;
- Extractive Industries Land, as that term is defined in this document; and
- Approved Extractive Industries, as that term is defined in the document.

For avoidance of doubt, the definition of Farm Land includes Crown reserve land used solely for the purpose of a stock dip.

### R2.5: Definition – Commercial and Industrial Land

The term Commercial and Industrial Land shall mean land used for a purpose described by any of the following primary land use codes – 10 (Combined Multi Dwelling and Shops), 11 (Shop – Single), 12 (Shops – Shopping Group (more than 6 shops)), 13 (Shopping Group (2 to 6 shops)), 14 (Shops – Main Retail), 15 (Shops – Secondary Retail), 16 (Drive In Shopping Centres), 17 (Restaurant), 18 (Special Tourist Attraction), 19 (Walkway), 20 (Marina), 21 (Residential Institutions (non-medical care)), 22 (Car Park), 23 (Retail Warehouse), 24 (Sales Area Outdoor), 25 (Offices), 26 (Funeral Parlours), 27 (Hospitals, Convalescent Homes (Medical Care) (Private)), 28 (Warehouses and Bulk Stores), 29 (Transport Terminal), 30 (Service Station), 31 (Oil Depots), 32 (Wharves), 33 (Builders Yard/ Contractors Yard), 34 (Cold Stores – Iceworks), 35 (General Industry), 36 (Light Industry), 37 (Noxious/Offensive Industry), 38 (Advertising Hoarding), 39 (Harbour Industries), 41 (Child Care), 42 (Hotel/ Tavern), 43 (Motel), 44 (Nurseries), 45 (Theatres and Cinemas), 46 (Drive-in Theatre), 47 (Licensed Clubs), 48 (Sports Clubs/Facilities), but excluding:

- land that is used for the transmission of electricity or for radio communications or telecommunications purposes unless the electrical or radio communications or telecommunications uses occur only over part of the land that is a registered easement or a registered lease or land described by categories 240 or 244;
- land used for the purposes of an airfield;
- land used in association or connection with an airfield;
- land used for the purposes of a Large Water Storage Facility, as that term is defined in this document;
- Banked Development Land, as that term is defined in this document;
- land used for the purposes of an Outdoor Sales Area, as that term is defined in this document;
- land in an urban fire area which is used for the storage of more than 10 unregistered vehicles;
- land used for the purpose of storing two or more houses intended for sale and removal; and
- land used or intended to be used, in whole or in part for a Noxious and Offensive Industry with a land area over ten (10) hectares.

Commercial and Industrial Land also includes land used for the purposes of a caravan park provided the land is not in an urban fire area or within 1 kilometre of a Large Water Storage Facility, as that term is defined in this document.

### R2.6: Definition – Urban Fire Area

The term Urban Fire Area shall mean land which is classified as being Class A, B, C or D land under schedule 1 of the Fire and Emergency Services Regulation 2011.

### R2.7: Definition – Principal Place of Residence

The term Principal Place of Residence shall mean land which is the place of residence at which at least one person who constitutes the owner/s of the land predominantly resides.

In establishing whether land is the owner's Principal Place of Residence, Council may consider, but not be limited to the owner's declared address for electoral, taxation, government social security or national health registration purposes, or any other form of evidence deemed acceptable by the Council. Residential premises that have not met these criteria will be deemed a secondary residence.

For the avoidance of doubt, land will not be the owner's Principal Place of Residence where it is:

- not occupied by at least one person/s who constitute the owner/s, but occupied by any other person/s, whether in return for rent or remuneration or not, including members of the owner's family; or
- vacant, whether permanently or temporarily (for more than 120 days of the financial year), including for the purposes of renovation or redevelopment, except in the case where:
  - i) premises which are being renovated are and remain the principal place of residence of the owner, and the owner does not during the renovation period own any other property which is used as, or asserted by the owner for any purpose to be, the owner's place of residence; and
  - ii) a property is vacant for a period longer than 120 contiguous days of the financial year due to the owner's absence on an extended holiday, provided that the property remains completely vacant for the entire period of their absence; or
- flats and other multiple tenement residential properties, even where the owner of the land resides in one of the flats or tenements; or
- land primarily used for the storage of water for human consumption or agricultural use with a capacity of one mega litre or more; or
- Banked Development Land.

### R2.8: Definition – Banked Development Land

Land is Banked Development Land if it is either:

- i) The whole or part of land over which one or more current development permits have been issued for reconfiguring the land, for the creation, in total, of 9 or more lots ("Banked Development Land – Subdivision"); or
- ii) Land for which a material change of use development permit has been issued where the approved land use (which, once commenced, would meet the definition for rating categorisation purposes of "Commercial and Industrial Land") has not commenced ("Banked Development Land – Commercial"); or
- iii) Land for which a material change of use development permit has been issued where the approved land use (which, once commenced, would be "land used in whole or in part for a Renewable Energy Facility") has not commenced ("Banked Development Land – Renewable Energy Facility").

### R2.9: Definition – Approved Extractive Industries Land

The term Approved Extractive Industries Land shall mean land for which a development permit has been issued and remains in force for a Material Change of Use for an Extractive Industry but on which extraction has not commenced in accordance with the approved conditions.

### R2.10: Definition – Extractive Industries Land

The term Extractive Industries Land shall mean:

- land used, in whole or in part, for the purpose of an extractive industry; or
- land for which a development permit has been issued and remains in force for a Material Change of Use for an Extractive Industry on which extraction has previously commenced, but has subsequently ceased.

### R2.11: Definition – Land Use Codes

The term Land Use Codes shall mean those codes recorded in Council's land records which identify the principal use of the land determined by the State valuation authority. The Land Use Codes are available for inspection at the Council's office.

### R2.12: Definition – Noxious or Offensive Industry

The term Noxious or Offensive Industry shall mean, without limitation:

- an abattoir;
- a meat processing facility; and
- any facility which processes by-products of an abattoir or meat processing facility.

### R2.13: Definition – Outdoor Sales Area

The term Outdoor Sales Area shall mean an area used for the sale of used vehicles, used plant, vehicle or plant components or any combination of these products.

### R2.14: Definition – Town Centre Facilities

The term Town Centre Facilities shall mean any of the following facilities:

- police stations;
- licensed aged care facilities;
- hospitals;
- schools;
- post offices; and
- ambulance stations.

### R2.15: Definitions – Dwelling Houses and Dwelling Units

The term Approved Dwelling shall mean a dwelling house or dwelling unit which is approved for human habitation.

The term Secondary Dwelling shall mean a dwelling house or dwelling unit which does not share a common wall or roof line with another Approved Dwelling on the same land.

For the avoidance of doubt, a duplex, townhouse or a unit in apartment building, unit complex or other such similar building will not constitute a Secondary Dwelling.

### R2.16: Definitions – Multi Residential Units

The term Multi Residential Units shall mean residential accommodation of more than 1 flat, caravan site or other similar styles of accommodation, where such accommodation is not for use by the ordinary travelling public.

### R2.17: Definitions – Renewable Energy Facility

The term Renewable Energy Facility:

- i) shall mean the use of the land for the generation of electricity or energy from a renewable energy source, including for example, sources of bio-energy, geothermal energy, hydropower, ocean energy, solar energy or wind energy; but
- ii) does not include the use of land to generate electricity or energy that is to be used mainly on the land.

### R2.18: Definitions – Gross Floor Area

The term gross floor area, for a building, means the total floor area of all storeys of the building, measured from the outside of the external walls and the centre of any common walls of the building, other than areas used for:

- i) building services, plant or equipment;
- ii) access between levels;
- iii) a ground floor public lobby;
- iv) a mall;
- v) parking, loading or manoeuvring vehicles; or
- vi) unenclosed private balconies, whether roofed or not.

### R2.19: Definitions – Intended Use

Reference to the Intended use for rateable land is a reference to use:

- i) that is as of right for the land under the relevant planning scheme;
- ii) for which a development approval exists;
- iii) for which an application for development approval has been made but not finally determined; or
- iv) When the owner or occupier of the land has informed Council of, or has stated, publicly their intention to conduct activities upon the land.

### R2.20: Definitions – Telecommunications Site

The term Telecommunications Site shall mean land used for the purpose of providing or facilitating any form of telecommunications such as, for example, a network switch, exchange or mobile telephone tower.

**PLANNING SCHEDULE/ LOCAL LAWS SCHEDULE**

Parties - GIDEON SWANEPOEL- (requester) and FERNVALE DEVELOPMENTS PTY LTD- (landholder)

Property description - Lot 42 SP303279

Road/ street address of property - 20 BUNYA PINE PLACE FERNVALE QLD 4306

Assessment - 00878-33030-000/ Your ref - swanepoel / Our reference - Doc No.1318716 / SH

Council has no record of any structure on this property being of heritage value by reference to any register maintained by Council. Other agencies may have more information about the heritage value of any structure on this property.

The land is subject to the Park Residential precinct of the General Residential zone under the Somerset Region Planning Scheme

(B10) While the subject property is not identified as being affected by the bushfire hazard overlay maps OM004a-b, experience in other places suggests that bushfires can occur in any rural area such as the Somerset Region.

(B8) There are no known height limitations due to airports applicable to the property.

(B12) The property is not within a Council-determined conservation/protected area. Please verify with the Department of Environment and Science for confirmation of conservation/protected areas that may affect this property (phone 137 468).

(B13) The Department of Resources determines the status of any vegetation management area that may affect this property. Please telephone the Vegetation Management Unit 13 58 34 for clarification.

(B14) The property is not within any Council-determined nature conservation/wetlands area. Please verify with the Department of Environment and Science for confirmation of nature conservation or wetlands areas that may affect this property (phone 137 468).

(F3) There is no outstanding Show Cause or Enforcement Notice in respect of land use planning matters for this property issued by this Council.

Refer attached correspondence dated 3 July 2018, 19 February 2020 and 30 March 2021.

While there is no record of any current local law compliance matter, please refer to the rates and debtors schedule for details of any outstanding property related charges and the applicability of interest to these charges (if any).

Completed by MW - ORIGINAL SIGNED dated 13 August 2021.



Officer: Mark Westaway, senior planner  
Phone: (07) 5424 4000  
Application reference: DA8214  
Applicant reference: 60757

30 March 2021

Fernvale Developments Pty Ltd  
C/- Murray and Associates  
PO Box 377  
CABOOLTURE QLD 4510

Email: [admincab@mursurv.com](mailto:admincab@mursurv.com)

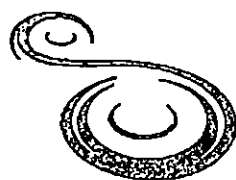
Dear Sir / Madam,

**Development Permit  
Planning Act 2016 [263(2)(b)]**

I refer to the application described below and advise that Council has endorsed the submitted Plan of Subdivision for reconfiguring a lot, received by Council on 25 February 2021.

**1 Application details**

Application No:	DA8214
Street address:	Banks Creek Road, Fernvale
Real property description:	Lot 10 SP303278 (formerly Lot 2 on RP857927, Lot 6 on RP214853 and Lot 5 RP189320)
Local Government area:	Somerset Regional Council
Planning Scheme:	Former Esk Shire Planning Scheme 2005 (as amended) and Somerset Region Planning Scheme Version Three
Description of development approved:	Reconfiguring a Lot by Subdivision (three lots into 50 lots) Stage 1B



# Somerset

REGIONAL COUNCIL

## 2 Endorsed plan

The endorsed plan for this approval is given under section 283(2)(b) of the *Planning Act 2016* and the approved plan is listed in the following table:

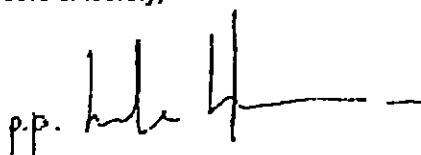
Plan / Document No.	Plan / Document Name	Date
SP303279	Plan of Lots 10, 11, 33-43, 47-50, 100, Emt T in Lot 43, Emt U in Lot 42, Emt V in Lot 41, Emt W in Lot 37 and Emt X in Lot 100. Cancelling Lot 10 on SP303278	27 October 2020
Easement Document	Easement T in Lot 43 on SP303279 Easement U in Lot 42 on SP303279 Easement V in Lot 41 on SP303279 Easement W in Lot 37 on SP303279	29 March 2021

You are advised to contact your Surveyor regarding the lodgement of this Plan of Subdivision with the Titles Department.

A copy of the Original Unsigned Plan of Subdivision is also enclosed as requested in your letter dated 24 February 2021.

Should you have any questions or concerns please contact Council's senior planner, Mark Westaway on (07) 5424 4000.

Yours sincerely,

p.p. 

**Andrew Johnson**  
Chief Executive Officer

ABN 50 138 958 249

Council Chambers - 2 Redbank Street, Esk QLD 4312

Address all correspondence to - Chief Executive Officer, Somerset Regional Council, PO Box 117, Esk QLD 4312  
P 07 5424 4000 E [mail@somerset.qld.gov.au](mailto:mail@somerset.qld.gov.au) W [www.somerset.qld.gov.au](http://www.somerset.qld.gov.au)



# Somerset

REGIONAL COUNCIL

Officer: Madeline Jelf, senior planner  
Phone: (07) 5424 4000  
Our reference: DA8214  
Applicant reference: 19-7084

19 February 2020

Fernvale Developments Pty Ltd  
C/- Urban Strategies Pty Ltd  
Attention: Hayden Gianarakis  
PO Box 3368  
SOUTH BRISBANE QLD 4101

Email: [H.gianarakis@urbanstrategies.com.au](mailto:H.gianarakis@urbanstrategies.com.au)

Dear Mr Gianarakis,

I refer to approved Development Application No. 8214 on land described as Lot 2 on RP857927, Lot 5 on RP189320 and Lot 6 on RP214853 (now described as Lots 1 - 10 on SP303278, Lots 44 - 46 on SP303278 and Lot 51 on SP303278), situated along Banks Creek Road, Fernvale; and to your application under *section 86 of the Planning Act 2009* to extend the 'currency period' in *section 85 of the Act*.

Council as the *Assessment Manager* considered this request at the Ordinary Meeting held on **Wednesday 12 February 2020** and resolved the following:

**Resolution**

Moved – Cr Whalley

Seconded – Cr Ogg

"THAT Council approve the request to extend the Currency Period for Development Application No 8214 for a Development Permit for Reconfiguring a Lot by subdividing 3 into 50 lots as a staged development on land described as Lot 2 RP857927, Lot 5 RP189320 and Lot 6 RP214853, situated along Banks Creek Road, Fernvale subject to an extended one year period up to and including 29 January 2021; and subject to the requirements and conditions contained in the Schedules and Attachments of Council's decision notice dated 15 March 2018; and Infrastructure Charges Notice dated 15 March 2018."

Carried

Vote - Unanimous

Should you have questions regarding the contents of this correspondence, please phone Council's senior planner, Madeline Jelf on (07) 5424 4000.

Yours faithfully,

**Andrew Johnson**  
Chief Executive Officer





**Somerset**  
REGIONAL COUNCIL

## **AMENDED INFRASTRUCTURE CHARGES NOTICE**

*(Section 119 of the Planning Act 2016)*

**APPLICANT:** SMSF Property Australia  
c/- Murray and Associates (Qld) Pty Ltd  
Attn: Patrick Barnes  
PO Box 377  
Caboolture QLD 4510

**APPLICATION:** Reconfiguring a lot

**Notice Number:** 87

**DATE:** 3 July 2018

**FILE REFERENCE:** DA8214

**AMOUNT OF THE LEVIED CHARGE:** \$249,312.00 TOTAL

*(Details of how these charges were calculated are shown overleaf)*

Stormwater Network:  
Stage 1a – \$22,759.00  
Stage 1b – \$31,035.00  
Stage 2 – \$45,518.00  
Total: \$99,312.00

Public Parks & Community Land network:  
Stage 1a – \$34,375.00  
Stage 1b – \$46,875.00  
Stage 2 – \$68,750.00  
Total: \$150,000.00

**AUTOMATIC INCREASE OF LEVIED CHARGE:** The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.

**LAND TO WHICH CHARGE APPLIES:** Lot 2 on RP857927  
Lot 6 on RP214853

**SITE ADDRESS:** Banks Creek Road, Fernvale

**PAYABLE TO:** Somerset Regional Council

**WHEN PAYABLE:** Reconfiguring a lot – Prior to endorsement of the Survey plan for the relevant stage of the staged development  
*(In accordance with the timing stated in section 122 of the Planning Act 2016)*

**OFFSETS OR REFUNDS:** Not Applicable.

This charge is made in accordance with Council's **Charges Resolution (No. 1) 2017**.

ABN 50 138 958 249

Council Chambers - 2 Redbank Street, Esk QLD 4312

Address all correspondence to - Chief Executive Officer, Somerset Regional Council, PO Box 117, Esk QLD 4312

P 07 5424 4000 F 07 5424 4099 E [mail@somerset.qld.gov.au](mailto:mail@somerset.qld.gov.au) W [www.somerset.qld.gov.au](http://www.somerset.qld.gov.au)

## DETAILS OF CALCULATION

### Stage 1a

#### Stormwater network

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential 3 or more bedroom dwelling/dwelling unit	12	Dwelling	\$2,069.00	CR Table 2	\$24,828.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing use right (Residential)	1	Dwelling	\$2,069.00	CR Table 2	\$2,069.00

#### Public Parks and Community Land

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential 3 or more bedroom dwelling/dwelling unit	12	Dwelling	\$3,125.00	CR Table 2	\$37,500.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing use right (Residential)	1	Dwelling	\$3,125.00	CR Table 2	\$3,125.00

#### Transport network

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Nil charge	-	-	-	-	-

#### Net Charges for Stage 1a

Development Description	Stormwater network	Parks and Open space	Transport network	Total
Residential	\$24,828.00	\$37,500.00	Nil charge	\$62,328.00
Existing use rights(Residential)	\$2,069.00	\$3,125.00	-	\$5,194.00
<b>Total</b>	<b>\$22,759.00</b>	<b>\$34,375.00</b>	<b>Nil charge</b>	<b>\$57,134.00</b>

\* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Where there are any surplus discounts, these will not be refunded, except at Council's discretion through entering an infrastructure agreement, where the surplus discounts may be attached to the land.

## DETAILS OF CALCULATION

### Stage 1b

#### Stormwater network

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential 3 or more bedroom dwelling/dwelling unit	16	Dwelling	\$2,069.00	CR Table 2	\$33,104.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing use right (Residential)	1	Dwelling	\$2,069.00	CR Table 2	\$2,069.00

#### Public Parks and Community Land

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential 3 or more bedroom dwelling/dwelling unit	16	Dwelling	\$3,125.00	CR Table 2	\$50,000.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing use right (Residential)	1	Dwelling	\$3,125.00	CR Table 2	\$3,125.00

#### Transport network

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Nil charge	-	-	-	-	-

#### Net Charges for Stage 1b

Development Description	Stormwater network	Parks and Open space	Transport network	Total
Residential	\$33,104.00	\$50,000.00	Nil charge	\$83,104.00
Existing use rights(Residential)	\$2,069.00	\$3,125.00	-	\$5,194.00
<b>Total</b>	<b>\$31,035.00</b>	<b>\$46,875.00</b>	<b>Nil charge</b>	<b>\$77,910.00</b>

\* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Where there are any surplus discounts, these will not be refunded, except at Council's discretion through entering an infrastructure agreement, where the surplus discounts may be attached to the land.

## DETAILS OF CALCULATION

### Stage 2

#### Stormwater network

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential 3 or more bedroom dwelling/dwelling unit	22	Dwelling	\$2,069.00	CR Table 2	\$45,518.00

#### Public Parks and Community Land

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential 3 or more bedroom dwelling/dwelling unit	22	Dwelling	\$3,125.00	CR Table 2	\$68,750.00

#### Transport network

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Nil charge	-	-	-	-	-

#### Net Charges for Stage 2

Development Description	Stormwater network	Parks and Open space	Transport network	Total
Residential	\$45,518.00	\$68,750.00	Nil charge	\$114,268.00
<b>Total</b>	<b>\$45,518.00</b>	<b>\$68,750.00</b>	<b>Nil charge</b>	<b>\$114,268.00</b>

*\* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Where there are any surplus discounts, these will not be refunded, except at Council's discretion through entering an infrastructure agreement, where the surplus discounts may be attached to the land.*

Yours faithfully

  
Robert Bain

CHIEF EXECUTIVE OFFICER

## INFORMATION NOTICE

<b>Authority and Reasons for Charge</b>	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
<b>Appeals</b>	Pursuant to schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
<b>Automatic Increase Provision of charge rate (\$)</b>	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average<sup>1</sup>. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
<b>GST</b>	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
<b>To whom the charge must be paid</b>	<p>Payment of the Charge must be made payable to SOMERSET REGIONAL COUNCIL via Customer Service or Planning and Development Department, PO Box 117 Esk Qld 4312.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p>

<sup>1</sup> 3-yearly PPI average is defined in section 115 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters.

It is requested that you contact Council's Planning Department to confirm that amount payable prior to making payment.

**Payment**

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

**Overseas Payees**

Please forward your infrastructure charges payment by way of a bank draft for the required amount in Australian dollars.

**Method of Payment**

**PAYMENT BY MAIL**

Confirm the current Infrastructure Charge applicable and obtain an updated payment notice from Council's Operations Department or Planning & Development Department.

Mail this updated payment notice immediately with your payment to: SOMERSET REGIONAL COUNCIL, PO Box 117, Esk Qld 4312

**NOTE:** Cheques must be made payable to SOMERSET REGIONAL COUNCIL

**PAYMENT AT COUNCIL OFFICES**

Confirm the current Infrastructure Charge applicable.

Present written confirmation of charges with your payment to Somerset Regional Council at the Customer Service Counters.

**NOTE:** Cheques must be made payable to SOMERSET REGIONAL COUNCIL

**PAYMENT MADE BY CREDIT CARD**

Credit Cards accepted: Mastercard or Visa

**Enquiries**

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOMERSET REGIONAL COUNCIL, Operations Department OR Planning and Development Department, Esk Office, during office hours, Monday to Friday by phoning (07) 5424 4000 or email at [mail@somerset.qld.gov.au](mailto:mail@somerset.qld.gov.au)



Officer: Ryan Cheng, Planning Officer  
Phone: (07) 5424 400  
Our reference: DA8214

3 July 2018

SMSF Property Australia  
C/- Murray & Associates (Qld) Pty Ltd  
PO Box 377  
Caboolture Qld 4510

Email: [admincab@mursurv.com](mailto:admincab@mursurv.com)

Attention: Patrick Barnes

**Notice of Decision**  
**Request for Change Application to Development Approval – Minor Change**  
Given under Section 81 of the Planning Act 2016

**Details of development approval for which change is requested**

Type of approval – Development Permit for Reconfiguring a Lot (Two Lots into 50 Lots)

Reference number of development approval – DA8214

Property description: Lot 2 on RP857927 and Lot 6 on RP214853, situated Banks Creek Road, Fernvale

Date the original development application was decided – DA8214 Decision - 29 January 2009 & DA8214 Change to Approval – 14 March 2018

**Details of request for change**

Date request for change was made – 4 June 2018

Description of requested changes –

**REPRESENTATIONS**

Pursuant to chapter 3, section 78 of the *Planning Act 2016*, the applicant has made an application to Change (Minor Change) a development permit DA8214 for a Reconfiguring a lot (subdivision – 2 lots into 50 lots).

The Change Application will be assessed against the relevant matters set out in section 81 of the *Planning Act 2016*. In summary, the requested changes involve amending conditions relating to the proposed Plan of Development and Operational Works General Arrangement Plan and Staging Layout Plan.

#### **DA8214 – RECONFIGURATION OF LOT REQUESTED CHANGE**

The applicant, acting on behalf of the landowner has submitted an application to change the approved DA8214. The requested change involves changing the stages of development from the original approved two stages to three stages thereby amending condition 1.1. The applicant has stated that the change will not impact the layout of the proposed residential subdivision. The three stages will be incorporated into the operational works, providing the applicant with a more streamlined and efficient project to manage. The proposed and approved Plans of Development have been provided at Attachments 1 and 2.

#### **Requested change**

The applicant wishes to amend Condition 1.1 of DA8214's Decision Notice to carry out the development in three stages instead of two stages. A summary of the proposed staging is provided below and is also reflected in the revised drawings provided at Attachment 1:

- Stage 1a – Creating 12 lots, including Lots 1 to 9 and Lots 44 to 46 and the associated operational work for Banks Creek Road (Including roundabout);
- Stage 1b – Creating 16 lots, including Lot 10, Lots 33 to 43, Lots 47 to 50 and 100; and
- Stage 2 – Creating 22 lots, including Lots 11 to 32.

It is requested by the applicant the following condition of the DA8214 Reconfiguration of Lot Decision Notice to be amended to reflect the proposed changes:

<del>1.1</del>	<del>Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan listed below, except where amended by these conditions of approval.</del> <del>Proposed plan of development, Prepared by Murray and Associates, Drawn by JMP and LF, Job No.: 60757/A, Dated 21 November 2017.</del> <del>Site plan for the corner truncation, Prepared by SMSF Property Australia, Drawn by SW, Rev No.: PA, Drawing No.: Z101, Project No.: 073, Dated 14 September 2017.</del>	At all times
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan listed below, except where amended by these conditions of approval. Proposed plan of development, Prepared by Murray and Associates, Drawn by JMP, LF and DJ, Checked by CRA, Job No.: 60757/B, Dated 21 November 2017. Site plan for the corner truncation, Prepared by SMSF Property Australia, Drawn by SW, Rev No.: PA, Drawing No.: Z101, Project No.: 073, Dated 14 September 2017.	At all times for each stage of the development

#### **Additional changes to the Decision Notice**

As part of the Change Application, if approved Council will issue a revised Infrastructure Charges Notice to reflect the proposed staging change. A draft revised Infrastructure Charges Notice reflecting the proposed change is provided at Attachment 3. Additional conditions subject to amendment and removal as a consequence of legislative changes or reflecting Council's current standards and policies have been included in the Amended Schedules.



### **PLANNING COMMENTS**

In accordance with the *Planning Act 2016*, the proposed changes for the development approval are deemed to be a Minor change. This is due to the changes proposed for the development approval would not:

- a) Result in substantially different development; and
- b) If a development application for the development, including the change, were made when the Change Application is made would not cause --
  - i. The inclusion of prohibited development in the application; or
  - ii. Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
  - iii. Referral to extra referral agencies, other than to the chief executive; or
  - iv. A referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application was made; or
  - v. Public notification if public notification was not required for the original development application.

### **Substantially different development**

When determining whether the proposed changes constitute a substantially different development, Council must consider the individual circumstances of the development, in the context of the change proposed. In this Change Application, the proposed changes to this development:

- a) Will not involve a new use;
- b) Will not result in the application applying to a new parcel of land;
- c) The proposed change does not compromise the provision, location or demand of infrastructure;
- d) Will not change the ability of the proposed development to operate as intended nor will it remove a component that is integral to the operation of development;
- e) Removes an incentive or offset component that would have balanced a negative impact of the development.

Therefore, it is considered the proposed changes to the approved development do not result in a substantially different development.

### **Other planning matters**

Should the application be submitted with the proposed three stage development, under both the former Esk Planning Scheme and the current Somerset Region Planning Scheme, the Level of Assessment would remain unchanged as Code assessment; therefore no public notification is required.

Details including the decision notice of the original approval and subsequent extension decision notices are available for public viewing on Council's website via eServices. The proposed change to conditions does not trigger a prohibited development.

The requested change will not alter the approved development in any way which would result in non-compliance with the State Planning Policy or the South East Queensland Regional Plan.

**Sustainable Planning Act 2009**

The original application for DA8214 was made under the provisions of the *Sustainable Planning Act 2009*. As such it was subject to the requirements of the Regulatory Provisions of the South East Queensland Regional Plan 2009-2031 (SEQRP), relevant Acts and State Planning Policies. The site is located within the Urban Footprint under the SEQRP. The proposed development is termed 'infill development' within a designated urban area. The approved reconfiguration did not require assessment against the SEQRP Regulatory Provisions and the application did not require referral to the State Department.

**Vegetation Management Act 1999**

There is no vegetation of significance per the DA Mapping System provided by the Department of State Development, Manufacturing, Infrastructure and Planning.

**Environmental Protection Act 1994**

The site is not listed on the Contaminated Land Register or the Environmental Management Register. As such, the Change Application does not require referral to the State Assessment Referral Agency.

**State Planning Policy**

The State Planning Policy items applicable to the subject land have been appropriately reflected in the Somerset Region Planning Scheme. As such, a separate assessment against the SPP is not required for the Change Application.

**Planning Act 2016**

The Change Application for DA8214 and application for DA17031 are made under section 78 of the *Planning Act 2016*. As such, the Change Application must be made to the responsible entity. In this instance, Council as the Assessment Manager is the responsible entity. The act is silent in the number of times an applicant can make an application to change a development approval.

**South East Queensland Regional Plan 2017**

The proposed development is located within the Urban Footprint of the South East Queensland Regional Plan. The proposed Minor Change Application does not require referral to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). Consequently, the proposed Change Application will not alter the approved development in any way which would result in non-compliance with the South East Queensland Regional Plan 2017.

**DA8214 RECONFIGURATION OF LOT – Merits of the Change Application**

The submitted Change Application for approval DA8214 involves changing the staging of the development, from two stages into three, consequently amending condition 1.1 to reflect the proposed change.

It is noted that the proposed change does not change the configuration or shape of the proposed lots nor will result in the creation of additional park residential lots. The layout of the proposed residential estate will remain the same. It is considered the proposed staging does not depart from the approved development and will allow the landowner to implement the reconfiguration progressively and manage compliance with the development conditions in a cost effective and timely manner. The 'Timing' of the condition will also be amended to reflect the staging of the development.

The proposed changes will also not impact on provisions of existing and proposed infrastructures.

#### REFERRAL AGENCIES

There were no concurrence, advice, or third party advice referrals as part of the original development application.

#### Responsible entity for deciding the request – Somerset Regional Council

Council as the *Assessment Manager* considered this request at the Ordinary Meeting held on **Wednesday 27 June 2018**, and resolved the following:

<b>Decision:</b>	Moved - Cr Choat Seconded - Cr Brieschke "THAT Council approve the Request to Change a Development Approval under section 81 of the <i>Planning Act 2016</i> for DA8214 for a Development Permit for Reconfiguring a lot (3 into 50 lots) on lands described as Lot 2 on RP857927, Lot 5 on RP189320 and Lot 6 on RP214853, situated at Banks Creek Road, Fernvale, subject to the conditions contained in the Amended Schedules and Attachments.
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Amended Schedules for DA8214 Reconfiguration of lot Decision Notice		
SCHEDULE 1 – Planning		
Assessment Manager		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan listed below, except where amended by these conditions of approval.	At all times for each stage of the development
	Proposed Plan of Development, Prepared by Murray and Associates, Drawn by JMP/LF/DJ, Checked by CRA, Job No: 60757/B, Dated 21 November 2017.	
	Site plan for the corner truncation, Prepared by SMSF Property Australia, Drawn by SW, Rev No: PA, Drawing No: Z101, Project No: 073, Dated 14 September 2017.	
1.2	Comply with the relevant provisions of the former Esk Shire Planning Scheme 2005, Planning Scheme Policies and Local Laws	At all times
1.3	Pay to Council any outstanding charges or expenses levied by Council over the subject land.	At all times
1.4	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Plan of Reconfiguration and the work must be certified in writing.	At all times

<b>Schedule 3 – Engineering</b>		
<b>General</b>		
3.1	<p>Make an Operational Works application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.</p> <p>All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Region Design Standards</i>.</p>	Prior to the commencement of Operational Work
3.2	The developer will bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times
3.3	The developer is to carry out all works required by the conditions of approval at no cost to Council.	At all times
<b>Monetary Contributions/Headworks/Securities</b>		
3.4	<p>Pay to Queensland Urban Utilities at the rate applicable at time of payment, the sewerage headworks contribution towards the cost of augmenting the sewerage scheme for the staged development.</p> <p>The applicant is to supply Council with evidence (eg connection certificate) they have obtained a sewerage approval from Queensland Urban Utilities under the <i>South East Queensland Water (Distribution and Retail Restructuring Act) 2009</i>.</p>	Prior to Council's endorsement of the Plan of Subdivision for each stage
3.5	<p>Pay to Queensland Urban Utilities at the rate applicable at time of payment, the water supply headwork's contribution towards the cost of augmenting the water supply scheme for the staged development.</p> <p>The applicant is to supply Council with evidence (eg connection certificate) they have obtained a water approval from Queensland Urban Utilities under the <i>South East Queensland Water (Distribution and Retail Restructuring Act) 2009</i>.</p>	Prior to Council's endorsement of the Plan of Subdivision for each stage
<b>Operational Works</b>		
	<b>Footpaths</b>	
3.6	Provide a concrete footpath with a minimum width of 1.5 metres on the West side of Aspera Court, in accordance with Somerset Council's standard drawing: SRC-ROAD-019	Prior to Council's endorsement of the Plan of Subdivision
3.7	Proposed pedestrian pathway between lots 23 and 24 and 20 and 21 is to be constructed to standards as above.	Prior to Council's endorsement of the Plan of Subdivision
3.8	Provide a 1.5-metre wide footpath on the Southern side of Banks Creek Road for the full frontage of the development.	Prior to sealing of reconfiguration plans

3.9	<p>To prevent damage to the internal footpath adjacent to Aspera Court the proponent may choose either of the following two options:</p> <ol style="list-style-type: none"> <li>1) Prior to the commencement of Operational Works the proponent shall provide a bank security equal to the amount to construct the internal footpath. This cost will be equal to \$150 per metre of footpath.</li> <li>2) Increase the concrete thickness from 125mm to 175mm and provide F82 mesh reinforcement for the entire length of the footpath.</li> </ol>	Prior to sealing of reconfiguration plans.
	<b>Roads</b>	
3.10	<p>Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb channel, together with associated works in accordance with Council's Development Manual and Standard Drawings.</p> <p>Upgrade the intersection of Banks Creek Road and Carralluma Crescent to a roundabout designed to the current DMR – Road Planning and Design Manual – Chapter 14.</p>	Prior to sealing of reconfiguration plans.
3.11	The proponent is to fully construct Banks Creek Road for half of the width to a "Collector" standard for the full frontage of the development as specified Council's Development Manual and Standard Drawings.	Prior to sealing of reconfiguration plans.
3.12	Install all traffic signs in accordance with Manual of Uniform Traffic Control Devices	Prior to sealing of reconfiguration plans
3.13	Provide 6m x 3 chord truncations on property boundaries at all road intersections.	Prior to sealing of reconfiguration plans
3.14	Road names shall be suggested for all new roads, along with reasons for selecting such names, for Council approval prior to the signing and sealing of any linen plans of survey. Additionally, the applicant shall be responsible for the cost of such signs and installation. Street nameplates are to comply with Councils standards;	Prior to sealing of reconfiguration plans
	<b>Sewerage Supply</b>	
3.15	Obtain written permission from the owners of properties affected by any required sewerage supply construction works to enter their properties and undertake the works.	With operational work plans
3.16	Connect the development to sewer infrastructure in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to Compliance Assessment

	<b>Street Lighting</b>	
3.17	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <p>(i) Local streets and minor collectors (1 to 300 lots) – Lighting Category P5</p> <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a (RPEQ).</p>	Prior to endorsement of reconfiguration of lot plans
	<b>Vehicle Access</b>	
3.18	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Council's Standard Drawings.	Prior to sealing of reconfiguration plans
	<b>Water Supply</b>	
3.19	<p>Obtain written permission from the owners of properties affected by any required water supply construction works to enter their properties and undertake the works.</p> <p>Provide evidence to Council of successful or unsuccessful negotiation with the landholders.</p>	With operational work plans.
3.20	Connect the development to a reticulated water supply in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to endorsement of reconfiguration of lot plans
3.21	<p>Supply and install all service conduits required in connection with the development prior to completion of road works and footpaths.</p> <p>Service conduits are to be installed under roads and concrete footpaths where required.</p>	Prior to endorsement of reconfiguration of lot plans
3.22	Place blue raised pavement markers on the centreline of the road opposite each fire hydrant and where serviced by kerb and channel, place brass water and electricity markers in the kerb line at each service crossing.	Prior to endorsement of reconfiguration of lot plans
	<b>Stormwater Management</b>	
3.23	The proponent shall provide all necessary stormwater drainage both internal and external to the development. These works are to be designed and constructed in accordance with the <i>Queensland Urban Drainage Manual</i> (QUDM) and the <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	Prior to endorsement of reconfiguration of lot plans

3.24	Obtain permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	Prior to operational works approval.
3.25	Fill, compact and grade all low lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the subdivision.	Prior to endorsement of reconfiguration of lot plans
3.26	Where existing vehicle pathways cross the proposed swale through the showgrounds suitable structures must be provided to maintain vehicle access.	At all times
3.27	Where stormwater cannot be discharged to the kerb and channel provide inter-allotment drainage designed in accordance with QUDM.	Prior to endorsement of reconfiguration of lot plans
3.28	The proponent shall submit a report to demonstrate how the proposed detention basin will suitably attenuate flows.	At time of submitting operational work plans
3.29	The proponent shall submit a Report investigating the impacts of a Q100 even on the secondary flow path through lots 42-43. The report is to include the proposed location of building envelopes on these allotments and the amount of cut and fill required on each of these lots. Future dwellings to be located on lots 42-43 must be located within the designated building envelope illustrated on plans approved by Council.	At time of submitting operational work plans.
<b>Easements</b>		
3.30	Provide an easement over stormwater and interallotment drainage located within private property.  The easement widths may vary but must extend to include top of batters of open drains and/or flood paths and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council  All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.	Prior to endorsement of reconfiguration of lot plans

	Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property	
3.31	Dedicate land subject to flooding during an ARI 100 year flood event or land required for detention basins or similar as an easement for drainage purposes or open space. The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all easement documentation.	Prior to endorsement of reconfiguration of lot plans
3.32	Provide a detailed design of the proposed Gross Pollutant Trap between lots 20 and 21 including the additional proposed infrastructure at this location. Report on the expected performance of this device including maintenance requirements.	Prior to operational works approval
3.33	Provide a Gross Pollutant Trap between lots 20 and 21 to adequately achieve water quality improvements through removing gross pollutants generated from the proposed development.	Prior to endorsement of reconfiguration of lot plans
<b>Utilities</b>		
	Electricity/Telecommunications	
3.34	Connect the approved development to electricity/telecommunications infrastructure in accordance with acceptable standards of the relevant regulatory authority or have the work bonded.	Prior to endorsement of reconfiguration of lot plans
<b>Services</b>		
3.35	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service or has a current supply agreement.	Prior to endorsement of reconfiguration of lot plans
<b>Advice</b>		
3.36	Landowners are to construct and maintain any vehicular access for the property, from the road carriageway to property boundary, after Council's approval to Council standards and the satisfaction of the Manager Operations, and the applicant is to advise potential future landowners accordingly.	At all times
3.37	The plan of survey will not be released until all works are completed or uncompleted works are suitably bonded and approved by Council.	Prior to endorsement of reconfiguration of lot plans
3.38	The applicant or the applicant's agent shall complete required documentation and arrange a pre-start meeting with Council's Officer, supervising Engineer and the Contractor prior to any works starting at the site.	Prior to commencement of operational work



3.39	The contractor shall implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings for this development. Initially, those measures, which are applicable prior to the commencement of the proposed development works, shall be implemented. Council's Technical Office shall access the sediment and erosion control measures and temporary fencing implemented, and any alterations and/or supplementary works required shall be incorporated during the construction process. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	At all times
3.40	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>• Milling;</li> <li>• Chipping and/or mulching;</li> <li>• Disposal at an approved waste disposal facility.</li> </ul> No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operational works shall be disposed of to an approved disposal facility via an approved waste receptacle and/or collection service.	At all times
3.41	Construction work is to be carried out only between the hours of 6:30am and 6:30pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the Environmental Protection Act.	At all times
3.42	The applicant shall be responsible for protecting nearby property owners from dust pollution arising from the construction and maintenance of the works required by this approval and shall comply with any lawful instruction from the Director of Development, Health and Environment if in his opinion a dust nuisance exists.	At all times
3.43	Upon completion of the internal civil works, a certificate shall be issued by a REPEQ certifying that the work has been constructed in accordance with Council construction standards and in compliance with the construction plans and specifications. All work shall be supervised by a RPEQ competent in the construction of the works. Council may request evidence of the principal contractor's competency. It is expected that the RPEQ will undertake all the necessary inspections to validate the certification.	At all times
3.44	Upon receiving the certification by a REPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".	At all times

	<p>Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.</p> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".</p>	
<b>SCHEDULE 7 – ADVISORY NOTES</b>		
<b>No</b>	<b>Advice</b>	
7.1	This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .	
7.2	All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995 (as amended)</i> and the <i>Workplace Health and Safety Regulation 1997 (as amended)</i> .	
7.3	All Operational Work is to comply with relevant codes for design and construction.	
7.4	Construction work is to be carried out only between the hours of 6:30am to 6:30pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the <i>Environmental Protection Act</i> .	
7.5	The <i>Integrated Planning Act 1997 (IPA)</i> states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.	
7.6	All building work is to comply with the provisions contained in the <i>Building Act</i> ; the <i>Building Regulation</i> , the <i>Building Code of Australia</i> , the <i>Queensland Development Code</i> and relevant <i>Australian Standards</i> .	
7.7	Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.	
7.8	<p>The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.</p> <p>Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.</p>	
7.9	All plumbing and drainage work is to comply with the provisions contained in the <i>Queensland Sewerage and Water Supply Act</i> ; <i>Standard Sewerage Law</i> and the <i>Standard Water Supply Law</i> ; the relevant Australian Standards including AS/NZS 3500 – 1998 – National Plumbing and Drainage Code and Council Policies and requirements.	

7.10	The Plan of Survey will not be released until all works are completed or uncompleted works are suitably bonded and approved by Council.
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**Attachments for the Minor Change Decision Notice for DA8214 include:**

- Proposed Plan of Development, Prepared by Murray and Associates, Drawn by JMB/LF/DJ, Checked by CRA, Job No.: 60757/B. Dated 21 November 2017.
- Approved Plan of Development, Prepared by Murray and Associates, Drawn by JMP and LF, Job No.: 60757/A, Dated 21 November 2017.
- Draft Revised SRC Infrastructure Charges Notice.

**Dispute Resolution – Appeal Rights – Chapter 6 Part 1 Planning Act 2016**

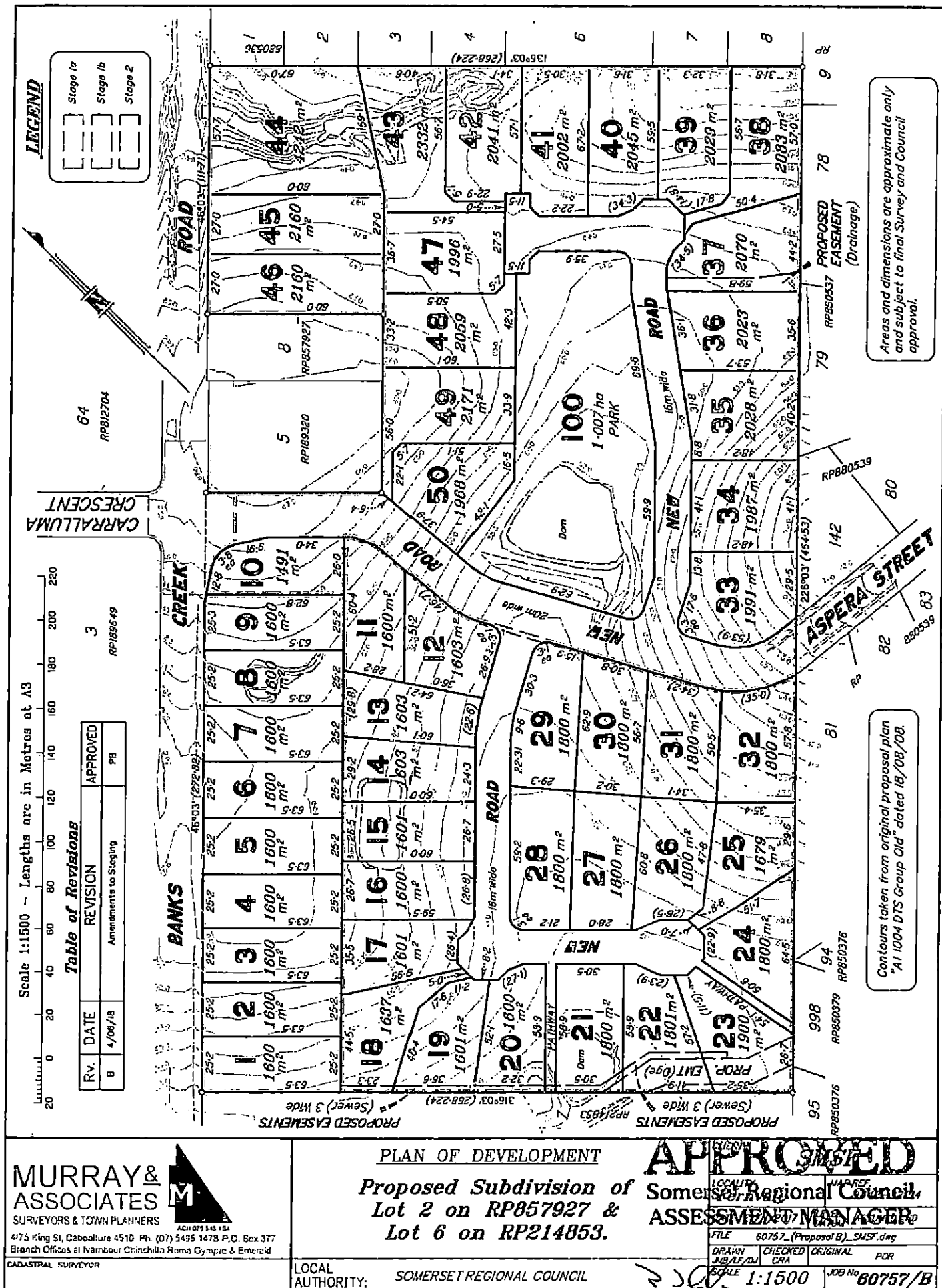
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal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

Should you wish to discuss the contents of this decision notice, please contact Council's planning section (07) 5424 4000.

Yours sincerely

  
Robert Bain  
Chief Executive Officer

# Attachment 1



- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

*conduct* means an act or omission.

*representative* means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

*state of mind*, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

## 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 any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
- (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

- (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (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 Other appeals

- (1) Subject to this chapter, 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.

## 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
  - (c) 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; 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.



## Schedule 1

- (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—
- column 1 states the appellant in the appeal; and
  - column 2 states the respondent in the appeal; and
  - column 3 states the co-respondent (if any) in the appeal; and
  - 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.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

**1. Development applications**

For a development application other than a development application called in by the Minister, an appeal may be made against—

- the refusal of all or part of the development application; or
- the deemed refusal of the development application; or
- a provision of the development approval; or
- if a development pennit was applied for—the decision to give a preliminary approval.

## Schedule 1

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

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	<ol style="list-style-type: none"> <li>1 A concurrence agency that is not a co-respondent</li> <li>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3 Any eligible advice agency for the application</li> <li>4 Any eligible submitter for the application</li> </ol>
<b>2. Change applications</b> For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against— <ol style="list-style-type: none"> <li>(a) the responsible entity's decision on the change application; or</li> <li>(b) a deemed refusal of the change application.</li> </ol>			

## Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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.			

## Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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.			

## Schedule 1

## Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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

Table 2 Appeals to the P&E Court only			
<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 application decided by the P&E Court or called in by the Minister, 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.			
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

Table 2 Appeals to the P&E Court only			
<b>3. Eligible submitter and eligible advice agency appeals</b> For a development application or change application other than an application decided by the P&E Court or called in by the Minister, 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.			
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).			

Table 2 Appeals to the P&E Court only			
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	—	—
<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.			

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

Table 3 Appeals to a tribunal only			
<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

Table 3 Appeals to a tribunal only			
<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 Plumbing and Drainage Act</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 Plumbing and Drainage Act, part 4 or 5, 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 person who made the decision	—	—
<b>4. Local government failure to decide application under the Building Act</b> An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			

Table 3 Appeals to a tribunal only			
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 local government to which the application was made	—	—

## HEALTH AND ENVIRONMENT SCHEDULE

Parties - GIDEON SWANEPOEL- (requester) and FERVALE DEVELOPMENTS PTY LTD- (landholder)

Property description - Lot 42 SP303279

Road/ street address of property - 20 BUNYA PINE PLACE FERVALE QLD 4306

Assessment - 00878-33030-000/ Your ref - swanepoel / Our reference - Doc No.1316716 / SH

Council has no outstanding Health and Environment Department requisitions or requirements in respect of the subject land.

Please refer to the rates and debtors schedule for details of any outstanding property related charges and the applicability of interest to these charges.

(B9) A register of contaminated land sites is maintained by the Queensland Department of Environment and Science (DES).

(B9) As Council is not the custodian of the Contaminated Land Register or the Environmental Management Register, it is recommended the persons interested in this information contact DES on 13QGOV(137468).

(B9) Council does not maintain a separate register of contaminated sites.

(B7) Council has no record of acid-sulphate soils on this property.

(B7) If you require soil test information on which you can rely for the purpose of making legal or financial decisions, you must obtain that information yourself from an appropriate consultant.

Structures or earth on this land may contain unrecorded or recorded asbestos. For more information about asbestos, please contact the relevant State Government Department on 13 74 68 - [www.qld.gov.au/asbestos](http://www.qld.gov.au/asbestos)

Completed by BW - ORIGINAL SIGNED dated 6 August 2021.

## BUILDING SCHEDULE

Parties - GIDEON SWANEPOEL- (requester) and FERNVALE DEVELOPMENTS PTY LTD- (landholder) : Property description - Lot 42 SP303279

Property description - Lot 42 SP303279

Road/ street address of property - 20 BUNYA PINE PLACE FERNVALE QLD 4306 ; Assessment - 00878-33030-000/ Your ref - swanepoel: File Our reference - Doc No.1316716 / SH

The information in this report is issued subject to and is to be read in conjunction with the ATTACHED sheet entitled "Property Search - Building Schedule Additional Information" which explains various terms and contains disclaimers.

(B3) Approval for a "Permit to Use Land as a Temporary Home" will only be given when a development permit has been obtained for a permanent dwelling to be constructed on the property. There may also be other conditions imposed by Council for the issue of this permit.

(B3) There are no amenity aesthetic resolutions recorded against this property.

(B3) Removal dwellings will not be allowed.

(B3) The planning scheme makes development for building work, being the erection of a Class 10 building that is not ancillary to an existing domestic use, code assessable.

In the Park Residential Precinct the planning scheme v4 requires all buildings to be setback not less than 10 metres from all boundaries. Please contact the Council's planning department for further advice.

The search revealed there are no records of building works.

(A5) The block is in a sewerage area and so has no on site disposal area.

Planning scheme overlays for agricultural land, air transport, biodiversity, bushfire, flood or landslide hazard, extractive resources, high impact activities, stock route or catchment management, infrastructure, local heritage and scenic amenity may affect land depending on the nature of a particular development proposal.

Each proposal requires individual assessment. Please contact Council on (07) 5424 4000.

Completed by GMB - Original signed dated 10 August 2021.





**Somerset Regional Council**  
**Property Search - Building Schedule Additional Information**

The information in the Building Schedule is issued subject to the following and is to be read in conjunction with this sheet

The information in this report is supplied on the basis of observations made by Council officers. The information provided may relate to approvals by private certifiers or Council. Where previous site inspections have been performed by Council, these may not necessarily detect all defects or any particular defect.

Council gives no warranty as to building quality or the actual degree of compliance with relevant legal requirements. Where works have been approved and inspected by private certifiers, Council will not have inspected the works and no information can be provided about compliance with legal requirements.

Persons making decisions with financial or legal implications must not rely upon this report for the purpose of determining whether any particular facts or circumstances exist. Council and its officers and agents expressly disclaim responsibility for any loss or damage suffered as a result of placing reliance upon this information.

Unless a building compliance inspection has been requested and performed as part of this search, existing conditions and improvements on the site could be subject to requisition in the future.

It is suggested that the services of a qualified building surveyor, registered builder or structural engineer be obtained by the applicant if an assessment of the structural adequacy of any buildings is required.

If swimming pools or spas have been erected without approval and/or do not have complying fences or gates, they should be drained and maintained in that condition until a permit is obtained and approved complying fences and gates have been erected and passed an inspection for compliance.

Before erecting or using any structure, if approvals are required by the Planning Act or the Planning Scheme, development approval must be obtained by submission of a development application and obtaining a development permit before the works or use commence.

Prior to 1 September 2006, Council was not required to retain 'domestic' building records longer than ten years. Therefore, although Council may have files containing records of building approvals older than ten years since approval, they may be recorded as 'No Status Provided' in the search response.

Since 1 September 2006, the building certification processes includes a process for lapsing of a building development approval which has not been completed by a particular time (the condition time). If an approval has 'lapsed' then a new application is required to complete the remaining building work.

Additionally, the obligation for Council to keep documentation in relation to a domestic building approval, applies only until –

- (a) if the building the subject of the approval is a 'Class 10 building', other than a swimming pool fence, the earlier of the following to happen –
  - (i) the building's demolition or removal; or
  - (ii) the end of 10 years from when the approval was given; or
- (b) if the building the subject of the approval is of 'any other class' under the Building Code of Australia (BCA), or is a 'swimming pool fence' – the building's demolition or removal.

Accordingly, domestic Class 10 building approvals outside the obligation will be recorded as "No Status Provided" in the search response.

This information is provided from an inspection of Council's Building Records. These details are only as accurate as Council Records were at the time of the search.

The Planning Act requires the removal of a work if it is dangerous or cannot comply with a development approval or a code. If the work can be approved, it is necessary that the building work be approved under the Planning Act by lodgement of a development application and obtaining a development permit.

This search does not cover plumbing and drainage issues.

Any information provided about water and sewerage infrastructure connecting to or in the vicinity of this property is current as at 30 June 2010. Water and sewerage assets and operations transferred to Queensland Urban Utilities after this date.

No caravans or other temporary dwelling may be used to live on the land without written Council approval. This includes living in a shed that has not been classed as a dwelling under the Building Code of Australia.

**When Are Water Tanks Required?**

Outside a declared water area, each new residential, commercial and industrial development must have rainwater tank(s) with a minimum storage capacity of 45,000 litres.

A development connected to a potable bore water supply is to include a 13,500 litre (3,000 gallon) tank under the planning scheme.

## ENGINEERING SCHEDULE

Parties - GIDEON SWANEPOEL- (requester) and FERNVALE DEVELOPMENTS PTY LTD- (landholder)

Property description - Lot 42 SP303279

Road/ street address of property - 20 BUNYA PINE PLACE FERNVALE QLD 4306

Assessment - 00878-33030-000/ Your ref - swanepool / Our reference - Doc No.1316716 / SH

(C5) There is no land in the local authority area which is at present declared to be in a "Drainage Problem Area".

(C5) Council has no record of drainage problems with the subject property. Local residents may be able to assist with this information, if required.

(C5) Council has done no detailed drainage studies for the subject property, and it is possible that the information which Council has provided, which is obtained and maintained by Council for general guidance, may be quite inaccurate in relation to a particular property.

(A4) Council has no record of overland flow paths on the subject property.

(B2+F2) Flood information provided must not be relied upon as being definitive about possible flooding impacts on the subject property.

(B2+F2) If you require flooding information on which you can rely for the purpose of making legal or financial decisions, you must obtain that information yourself from an appropriate consultant.

(B2+F2) Information held about the potential flood hazard area for many locations has necessarily been based upon readings recorded after the flood peak, from witness statements or from other similar sources which may affect the accuracy of that information.

(B2+F2) Council holds no detailed flood studies for the subject property, and it is possible that the information which Council has provided, which is obtained and maintained by Council for general guidance, may be quite inaccurate in relation to a particular property.

(B2+F2) Council requires a minimum freeboard of 300mm above the defined flood event to habitable floor level. It is the applicant's responsibility to provide documentation to support any proposed floor level.

(B2+F2) Council has no "Declared Flood Areas" in the Somerset Region. Further, Council records do not indicate that there has been flooding on the subject property. Local residents may be able to assist with this information, if required.

(A7 + B4) Council has no declared areas of land-slip risk.

(A7 + B4) The property is not within any known mine subsidence area.

(A7 + B4) If you require land-slip or mine subsidence information on which you can rely for the purpose of making legal or financial decisions, you must obtain that information yourself from an appropriate consultant.

(B6) Council has no on-going erosion control requirement areas

(B6) Specific erosion control measures may nevertheless be required during construction work depending upon the type and location of work.

(B5) Council is not required to keep a record of land filling on private property.

(B5) Council is not required to hold documents detailing residential land improvements or changes that are older than 1 September 1996.

(B5) If you require soil test/ fill information on which you can rely for the purpose of making legal or financial decisions, you must obtain that information yourself from an appropriate consultant.

(C1 and C2) Road access to this property is from Bunya Pine Place only.

The property number for this property used by emergency services and others indicates that it is accessed via Bunya Pine Place.

(C1 and C2) The provision and maintenance of accesses from constructed roads to all property frontages ("private access") is the responsibility of the property owner.

(C1 and C2) Before proceeding with the installation of private accesses, property owners MUST first obtain written permission from the relevant authority and details of the requirements for the construction of the access (e.g. pipe size etc).

(C1 and C2) Access to the subject property is from a Council controlled local road. Please contact Council regarding requirements for construction of the private access.

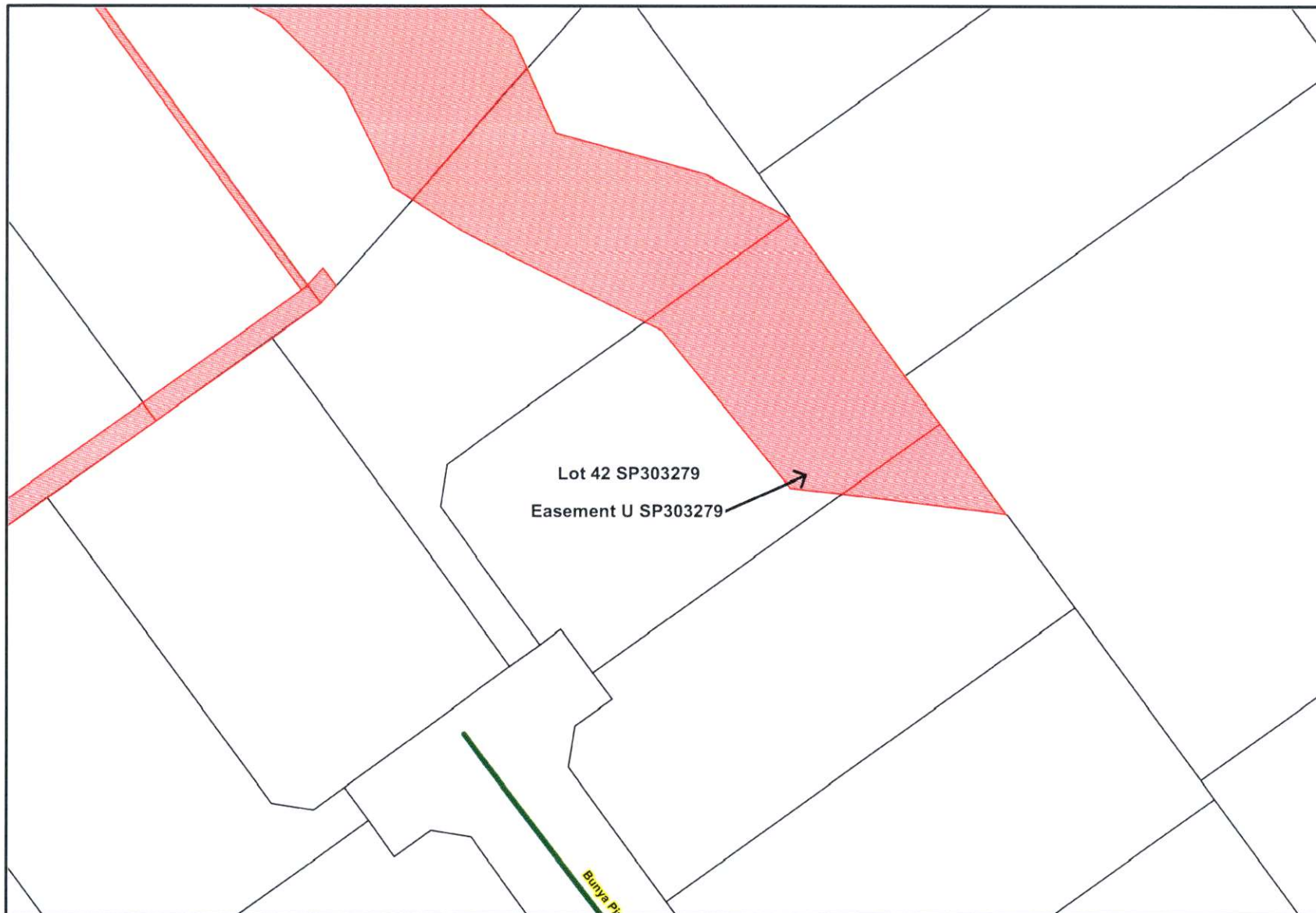
(C1 and C2) There are no limitations imposed by Council to on-site driveways regarding gradients or locations for the property to the extent they are contained entirely within the property boundaries.

(B1) The acquirer is advised to conduct a title search to determine all registered easements. Please contact the Department of Resources (Titles Section/ Resource Registry) for further information. Council may not be advised in all instances.

(B1) Council records indicate that easement U SP303279 for drainage is situated on the subject property.

(C6) To Council's knowledge, there are no unregistered (or contemplated) resumptions, requisitions or realignments affecting the subject land. Other agencies may have more information.

Completed by CML - ORIGINAL  
SIGNED dated 11 August 2021.



Somerset Roadline Legend	
	Sealed
	Fomed
	Unused
	Gravel
	Unformed
	LRRS - Sealed
	Rural Main Road
	LRRS - Gravel
	Town Main Road

Somerset Flood Legend	
	Extreme Flood Hazard (1 % EAP)
	High Flood Hazard (1 % EAP)
	Significant Flood Hazard (1 % EAP)
	Low Flood Hazard (1 %EAP)
	Potential Flood Hazard Area



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#### Title

**Lot 42 SP303279**

**CML - ORIGINAL  
SIGNED**

**Date: 11/08/2021**

