

Planning Report

Location:

83 Kowitz Road, Aubigny, Qld 4401
Lot 4 on SP112548

Development Application:

Reconfiguring a Lot
(Long Term Lease Agreement Exceeding 10 Years)

Level of Assessment:

Impact Assessment

September 2026

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Executive Summary Table

Table 1 - Summary Table

EXECUTIVE SUMMARY DETAILS

Applicant name	Tangkam BESS Pty Ltd C/O Isaac Consulting Pty Ltd
Landowner	Maryanne Goman
Site address	83 Kowitz Road, Aubigny, QLD 4401
Real Property Description	Lot 4 on SP112548
Site area	75.39 ha
Encumbrances	Yes
Easements	Yes
Application type	Reconfiguring a Lot (Long Term Lease Exceeding 10 Years)
Regional Plan Category	Not Applicable
Assessment manager	Toowoomba Regional Council
Planning scheme	Toowoomba Regional Planning Scheme v29.0 – 21 st July 2026
Zone and precinct	Rural Zone (100 ha Precinct)
Local Plan	Not Applicable
Referral agencies	Yes

1.0 Aspects of Development

Table 2 - Development Summary Table

DEVELOPMENT APPLICATION DETAILS

Type of development	Reconfiguring a Lot (Long Term Lease Exceeding 10 Years)
Existing land use	Rural Dwelling House and outbuildings.
Level of Assessment	Impact assessable
Public notification	Yes – 15 business days
Brief description of proposal	The proposal involves a new development application for Reconfiguration of a Lot where the subject site is intended to be subdivided to create a lot for a long term lease exceeding 10 years.

2.0 Site Location and Background Review

The subject site is located at 83 Kowitz Road, Aubigny, formally described as Lot 4 on SP112548. The subject site has direct road frontage to Kowitz Road and Kearney Road. The subject site is currently improved by an existing single storey Dwelling House / Dual Occupancy. Please refer to Figure 1.

Figure 1 – Subject Site



2.1 Site Details

Table 3 - Site Details Summary Table

SITE DETAILS		
Topography		The existing site generally falls from the highest point at the western boundary to the north and eastern boundary. However, the site is considered relatively flat and unconstrained by local circumstances of topography.
Flooding		The east of the subject site is located within the planning scheme's Flood Hazard Overlay Map 'Balance (mixed)' flood hazard area. The subject site is not mapped within a Flood Risk Category area.
Site Area		753,900m ² or 75.39 ha
Road Frontage and Site Access		The site has dual road frontage and direct access to Kowitz Road and Kearney Road. The proposed lot will gain direct access to Kowitz Road and Kearney Road through a registered access easement shown in green along the eastern boundary within Figure 1. – Easement A on SP112548.
Easements and Encumbrances		Easement C & D on AP9138 Easement A on SP112548 Caveat: Tangkam BESS Pty Ltd
Significant Vegetation		The site is mapped within the planning scheme's Areas of Ecological Significance Overlay and the State Development Assessment Mapping System's Native Vegetation Clearing layer. The BESS footprint area is generally devoid of vegetation.
Existing Infrastructure and Development		The Project Site is adjacent to a Powerlink substation easement, in which the Tangkam Substation is located. The proposed Development Footprint immediately adjoins the substation easement boundary. Two, high voltage transmission easements intersect the Project Site, connecting to the substation (Figure 1-2). The state-controlled Oakey Pittsworth Road, which connects to the Warrego Highway approximately 4.7 km to the north-east, runs along the eastern boundary of the Project Site. The West

	Moreton Rail System is also to the north-east, approximately 6.5 km away.
Local Government Infrastructure Plan	The subject site is not located within the Priority Infrastructure Area and does not trigger any new trunk infrastructure works under the LGIP.

2.2 Site History and Approvals

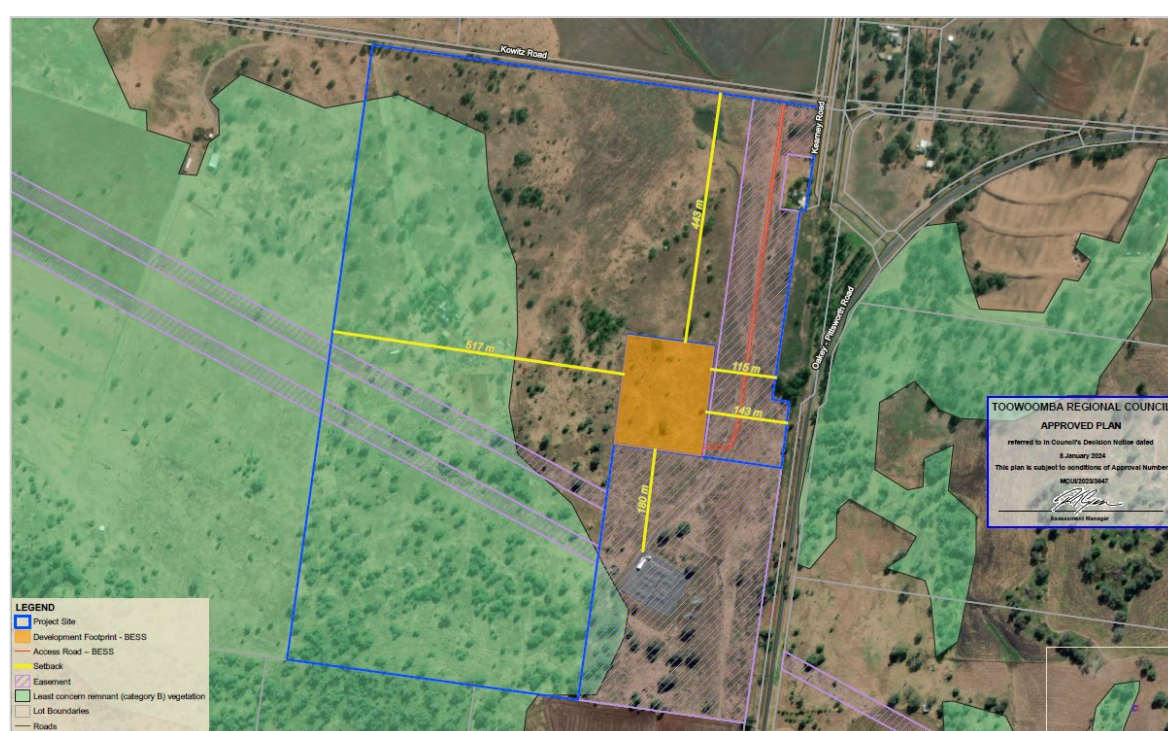
A search of Council's online 'Development.i' platform has identified a recent development approval was issued over the subject site on 8th January 2024 – MCUI/2023/3647.

The development approval issued by Council, and with referral responses from SARA and Powerlink, is a Material Change of Use for a Battery Energy Storage System (BESS). The currency period for this development approval is 6 years, until 8th January 2030. Works for the approved Material Change of Use are about to commence.

The approved BESS facility is located 180m north of the existing Tangkam electricity substation (depicted in amber within Figure 2) and gains direct vehicular access to Kowitz Road over Easement A on SP112548 (hatched in purple). The approved access track is depicted in red from the BESS facility to Kowitz Road. Please see Figure 2 – Current Development Approval.

The subject site is not identified on the local or State heritage register.

Figure 2 - Current MCU Development Approval – MCUI/2023/3647



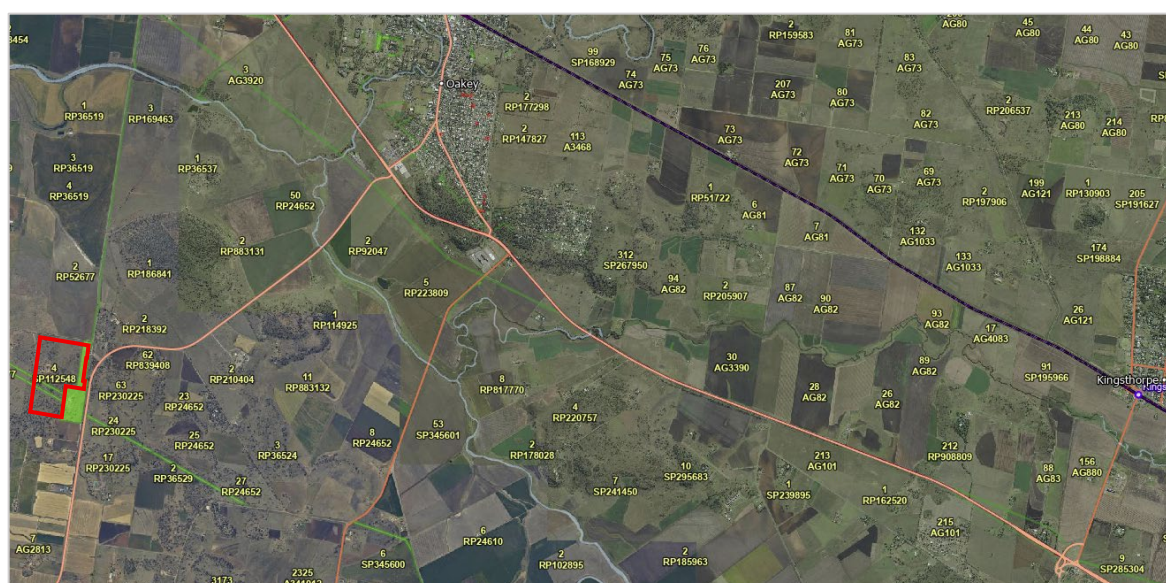
2.3 Surrounding Development in the Locality

The subject site is adjacent to a Powerlink substation easement, in which the Tangkam Substation is located. The proposed lease area footprint immediately adjoins the substation easement boundary. Two, high voltage transmission easements intersect the subject site, connecting to the substation.

The state-controlled Oakey Pittsworth Road, which connects to the Warrego Highway approximately 4.7 km to the north-east, runs along the eastern boundary of the Project Site (depicted in orange below). The West Moreton Rail System is also to the north-east, approximately 6.5 km away.

The Darling Downs is a Priority Agricultural Area (PAA). Agriculture is the predominant land use in the immediate locality, however resource uses are also undertaken, including the Oakey Coal Project, approximately 3.5 km to the north-west and hardrock quarrying, with Key Resource Areas located 17 km to the north-west and 16 km to the south-east. Please see Figure 3 – Local Context.

Figure 3 - Local Context



3.0 Proposal

This development application seeks approval for Reconfiguring a Lot to create a long term lease area to the east of the property, specifically bordering the approved premises for the BESS facility. Please refer to Figure 4 and the proposal plans within Appendix A.

The proposed bounds of the lease area specifically relate to the management of the previously approved Material Change of Use – Battery Energy Storage System (MCU/2023/3647). The proposed lease area simply defines the tenure of the BESS facility enabling a formal long term lease arrangement between the BESS facility operator and the landowner.

Access to the proposed lease area will be provided from Kowitz Road via Easement A on SP112548. All related site works associated with the approved BESS facility (MCU/2023/3647) will remain as per the Material Change of Use approval. No new works or access arrangements are proposed. All key proposal details are outlined in Table 4.

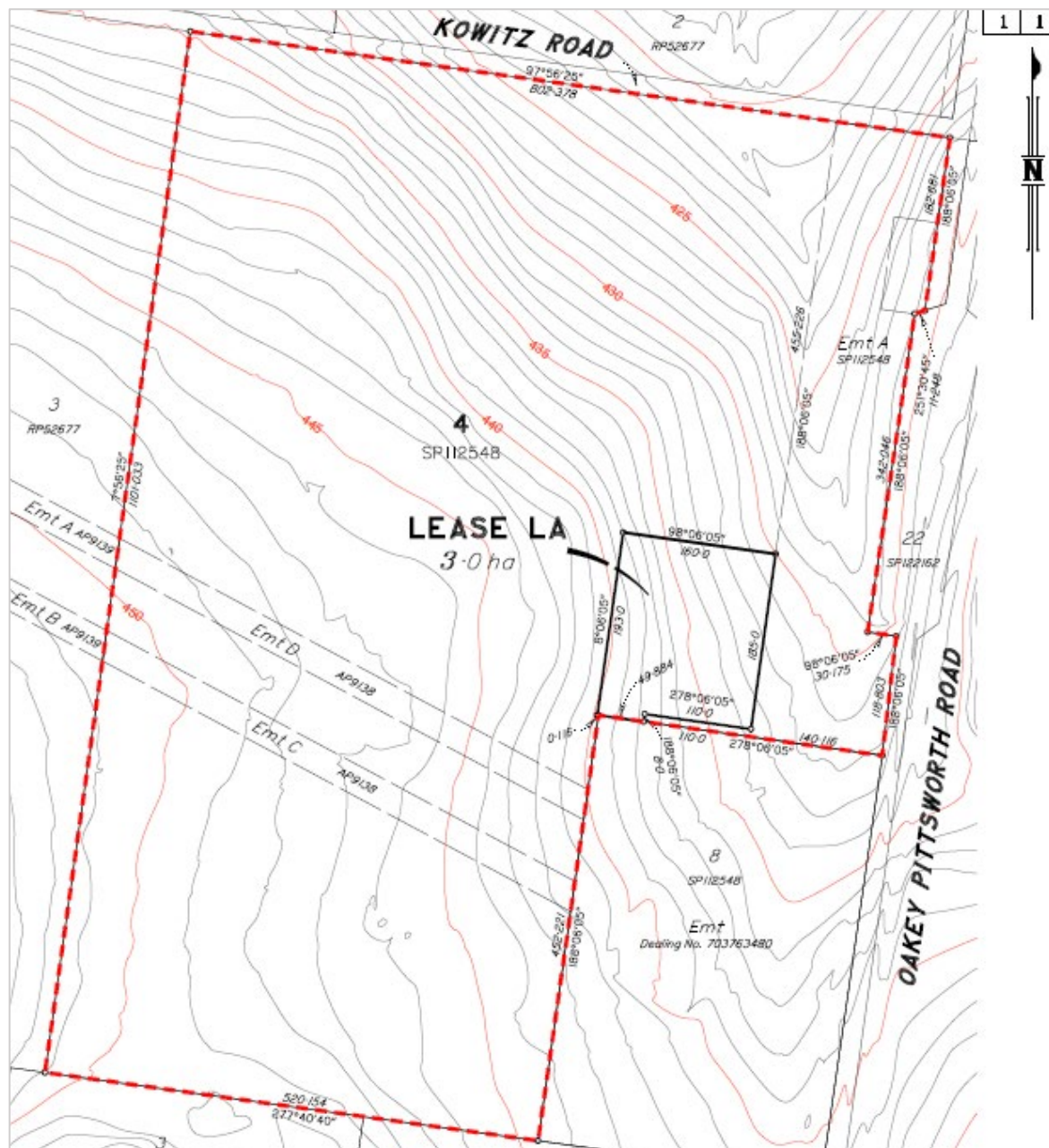
3.1 Key Proposal Details

Table 4 - Key Proposal Details

KEY PROPOSAL DETAILS

Proposed Development	<i>Reconfiguring a Lot means:</i> <i>Dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is –</i> (i) <i>a lease for a term, including renewal options, not exceeding 10 years.</i>
Proposed Lease Area - LA	3.0 ha
Lease Term	30 years
Easements	No – there are no registered easements within the proposed lease area.
Access	Access to the proposed lease area will be provided from Kowitz Road via Easement A on SP112548 (consistent with the approved access within MCU/2023/3647). The previously approved BESS access will be used for site access.

Figure 4 – Proposed Lease Area Plan



4.0 Assessment Framework and Compliance

4.1 The Planning Act 2016

The statutory framework for decision making in relation to development in Queensland is contained within the *Planning Act 2016* and its subordinate legislation. The relevant planning scheme to which this application is being assessed is the Toowoomba Regional Planning Scheme - v29.0 - 21st July 2026 ('the planning scheme').

This application is subject to assessable development – Impact assessment procedures in accordance with the *Planning Regulation 2017* and the Table 5.6.1 of the planning scheme. Section 45 of the *Planning Act 2016* stipulates that Impact assessment applications must be carried out against the assessment benchmarks identified in a categorising instrument for the proposed development and matters prescribed by regulation. The application may have regard to a relevant matter, other than a person's personal circumstances.

The development application is considered properly made under s51 of the *Planning Act 2016*:

- The development application has been made to the local government in the approved form which includes a duly completed DA Form 1;
- The application material includes a Planning Report with specific site details, proposal details, assessment benchmark tables and the statutory assessment framework relevant to the proposed development; and
- The required fee will be paid once a fee quote has been issued by Toowoomba Regional Council.

Written consent of the owner is required as the proposed development is for Reconfiguring a Lot and the applicant is not the landowner.

4.2 Darling Downs Regional Plan 2013

Section 30(2)(a)(i) of the Planning Regulation 2017 requires that the Impact assessment of this application must be carried out against the assessment benchmarks state in the Regional Plan, to the extent the Regional Plan is not identified in the planning scheme as being appropriately integrated into the planning scheme.

The subject site is located within the bounds of the Darling Downs Regional Plan 2013. As stipulated in Part 2.2 of the Toowoomba Regional Planning Scheme, the Regional Plan appropriately advances the Darling Downs Regional Plan as it applies in the planning scheme.

4.3 State Planning Policy

The State Planning Policy 2017 (SPP) is in effect as of 3rd July 2017. The SPP provides a comprehensive set of state interest statements and assessment benchmarks which guide

local and State government in land use planning and development assessment. An assessment of the proposed development has been carried out against the State Planning Policy (SPP).

Section 30(2)(a)(ii) of the Planning Regulation 2017 requires that the Impact assessment of this application must be carried out against the assessment benchmarks stated in the State Planning Policy - Part E, to the extent Part E of the State Planning Policy is not reflected in the planning scheme.

Part 2.1 of the planning scheme stipulates that the superseded State Planning Policies are reflected in the planning scheme, as well as the current *State Interest – natural hazards, risk and resilience* (those parts relating to flood) of the current State Planning Policy 2017. Therefore, not all current State interests of the State Planning Policy 2017 are fully integrated into the planning scheme.

A full review of the State Planning Policy 2017 has been carried and a response has been outlined against the relevant SPP State Interests. It should be noted that the SPP and the relevant State interests have already been addressed as part of the assessment of the current development approval for a Material Change of Use for the BESS facility (MCU/2023/3647). The proposed development relates to the formalisation of a long term lease area to manage tenure of the BESS facility.

All related site works associated with the approved BESS facility (MCU/2023/3647) will remain as per the Material Change of Use approval. No new works or access arrangements are proposed.

Table 5 - SPP Review

STATE INTEREST	RESPONSE
Agriculture	The proposed development is for the creation of a long term lease area to manage the previously approved BESS Facility. In addition, the subject site is Class A Agricultural land. It is currently used for low intensity grazing and not cropping. Agricultural and BESS uses are compatible, with both the current grazing use and any future cropping able to occur concurrently with the BESS use.
Biodiversity	The approved BESS Facility footprint is located in an area that is mapped as category X (unregulated) vegetation, however is already largely cleared.
Natural Hazards Risk and Resilience (Bushfire Prone Area)	The subject site contains medium bushfire hazard area and buffers. The BESS Facility

	footprint is located in a predominantly cleared area and is more than 125 m from the closest patch of vegetation. Bushfire risk will be mitigated through APZs, vegetation maintenance in swales and buffer areas, and on-site, dedicated water supply for firefighting. This was addressed in the assessment of the BESS Facility.
Strategic Airport and Aviation	Army Aviation Centre Oakey and Brisbane West Wellcamp Airport are identified as strategic airports under the SPP. The Project Site is within the building height restricted area (90 m) and wildlife hazard buffer zone. The proposed lease area has been assessed against the relevant provisions of the planning scheme and SPP and will not impact upon the safety, efficiency and operational integrity of airport operations.

4.4 Temporary Local Planning Instruments

There are no temporary local planning instruments relevant to the application.

4.5 Referral Agencies

The development application has been reviewed against Schedule 10 of the *Planning Regulation 2017* and triggers referral to the State Assessment Referral Agency for Reconfiguring a Lot that is assessable development and the premises is adjacent to a road that intersects with a State Controlled Road. Please see Table 6 below.

Table 6 - Referral Agency Triggers

REFERRAL AGENCIES	REFERRAL TRIGGER AND ASSESSMENT
State Assessment Referral Agency – The Chief Executive	<i>Planning Regulation 2017 Schedule 10, Part 9, Division 4, State Transport Infrastructure, Subdivision 2, Table 1</i> Reconfiguring a Lot that is assessable development under s21 if all of the premises are within 25m of a State transport corridor and the total number of lots is increased. Assessment Benchmark – State Code 1
Powerlink	<i>Planning Regulation 2017 Schedule 10, Part 9, Division 2, Electricity Infrastructure, Table 1</i>

- Reconfiguring a Lot that is assessable development under s21 if all or part of the lot is subject to an easement:
 - (i) for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and
 - (ii) for a transmission grid or supply network.

4.6 Toowoomba Regional Planning Scheme

The local planning scheme is the key instrument for integrating State, Regional and Local planning outcomes. Accordingly, this development application is required to be assessed against the relevant provisions of the Toowoomba Regional Planning Scheme v29. An assessment of these provisions is carried out in the following sections of this report and the supporting appendices.

Strategic Framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. This assessment has reviewed the strategic outcomes for Settlement Pattern, Natural Environment and Natural Resources and Landscape. A full assessment against the Strategic Framework has already been carried out as part of the previous Material Change of Use application, and this assessment is considered to remain compliant with the Strategic Framework assessment already carried out.

In summary, the Strategic Framework outcomes are complied with based on the following key proposal outcomes:

- The proposed BESS footprint will utilise less than 4% of the available land are, leaving 96% for continued residential and/or farming uses
- Rural production is protected through the siting and design of the BESS, as well as compatibility with continued grazing and future agricultural uses
- Natural features and ecological values will be retained and protected, where least concern remnant vegetation is avoided, providing to promote connection within the area; water quality will be maintained through the integration of stormwater management and erosion and sediment control measures that protect receiving waters, in particular, Oakey Creek
- No existing cropping use is being displaced by the BESS facility or the proposed lease area
- The proposed lease area manages tenure of the BESS facility which will likely have an operational life of 20 – 30 years. Upon completion of the use, infrastructure is readily decommissioned, removed and the land returned to its former use. It is not a use that requires extensive remediation post-completion, which means the long-term productivity of the land remains viable and site integrity intact

- Scenic amenity and rural landscape character will be protected through the integration of vegetated buffers and the co-location of infrastructure (BESS and substation).

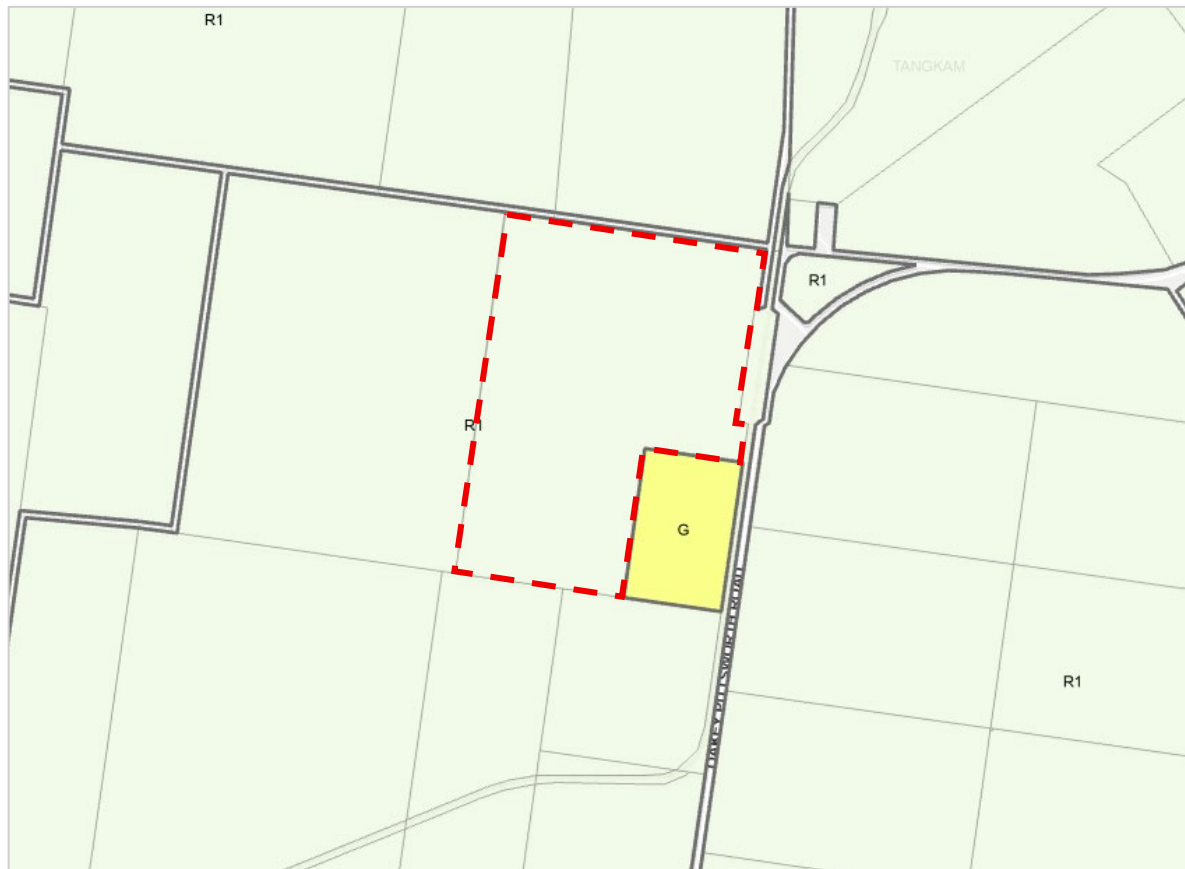
Zone

The subject site is mapped within the Rural Zone (R1 - 100 ha Precinct). The proposed development is for Reconfiguring a Lot and therefore the zone code is applicable to the assessment of this development application. Please refer to Figure 5 - Zone Map and Appendix B for a full code assessment against the Rural Zone Code.

Local Plan

The subject site is not located within a local plan area.

Figure 5 - Zone Map



Overlay Mapping

The subject site is mapped within several planning scheme overlays as outlined in Table 7.

Table 7 - Planning Scheme Overlays

Planning Scheme Overlay Mapping	Airport Environs Overlay
	- Wildlife Hazard Buffer Zone – 13km - Obstacle Height Restriction Zone – Area E – 90m
	Environmental Significance Overlay
	- Areas off Ecological Significance - Areas of Ecological Significance Buffer
	Bushfire Hazard Overlay
	Medium Fire Risk
	Agricultural Land Overlay
	Agricultural Land
	Flood Hazard Overlay
	Balance (Mixed)

Categories of Development and Assessment

Part 5 of the planning scheme provides the Tables of Assessment for development in the Toowoomba Regional Council local government area. The proposed development has been assessed against the relevant and applicable planning scheme codes and the level of assessment for Reconfiguring a Lot is summarised in Table 8.

Table 8 - Categories of Development and Assessment

TABLE OF ASSESSMENT	CATEGORIES OF DEVELOPMENT AND ASSESSMENT	ASSESSMENT BENCHMARKS FOR ASSESSABLE DEVELOPMENT
Rural zone	Impact assessment	Rural zone code Reconfiguring a lot code The Planning Scheme
Airport environs overlay	No change	Airport environs overlay code
Environmental significance overlay	No change	Environmental significance overlay code
Bushfire hazard overlay	No change	Bushfire hazard overlay code
Agricultural land overlay	No change	Agricultural land overlay code
Flood hazard overlay	No change	Flood hazard overlay code

Rural Zone Code

The Rural Zone Code has been addressed in Appendix B which is attached to this report.

Reconfiguring a Lot Code

The Reconfiguring a Lot Code has been addressed in Appendix B which is attached to this report.

Airport Environs Overlay Code

The proposed development has been assessed against the Airport Environs Overlay Code and a full code compliance statement response is not considered appropriate in this instance, given the application is for a long term lease area and no land use or built form is included within this development application. Some key points relating to this proposed development are outlined below:

- The proposal is not for a land use, or a sensitive use, and the subject site is not within the 35 or higher ANEF contour.
- The subject site is not within the airport dangerous light area/lighting area buffer.
- The Project Site is not within an airport obstacle limitation surface area.
- The Project Site is not within the airport public safety area.

Agricultural Land Overlay Code

The proposed development has been assessed against the Agricultural Land Overlay Code and a full code compliance statement response is not considered appropriate in this instance, given the application is for a long term lease area and no land use or built form is included within this development application. The proposed long term lease area covers the BESS footprint for the life of the BESS project. Some key points are outlined below:

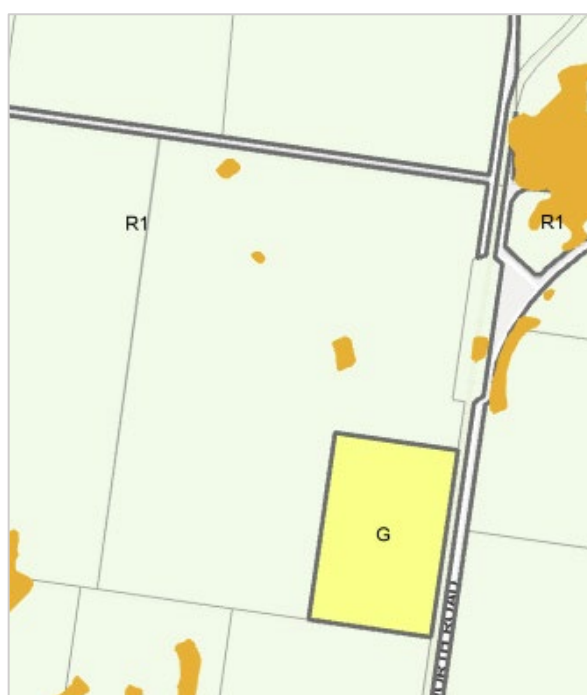
- The subject site is currently used for low intensity grazing; cropping does not occur on the land. Productive capacity will be protected as less than 4% of the lot be used for the BESS and no new lots are created (i.e. fragmentation will not occur).
- Agricultural and BESS uses are compatible, with both the current grazing use and any future cropping able to occur concurrently with the BESS use.
- The BESS facility will have a limited operational life of 20 – 30 years. Upon cessation of the use, infrastructure is readily decommissioned, removed and the land returned to its former use. It is not a use that requires extensive remediation post-completion.
- A BESS is not a use that presents biosecurity risks and standard pest management measures will be included in the CEMP and OEMP.
- Amenity impacts will be avoided – the Noise Assessment (Appendix A) has concluded that background noise levels will be maintained; landscaping (vegetated buffer) will protect scenic/landscape amenity; vegetation within the Project Site will be avoided, retaining environmental features; it will be low rise (single

Bushfire Hazard Overlay

The proposed development has been assessed against the Bushfire Hazard Overlay Code and a full code compliance statement response is not considered appropriate in this instance, given the application is for a long term lease area and no land use or built form is included within this development application. All bushfire management measures conditioned as part of the MCU approval will be complied with. Some key points relating to this proposed development are outlined below:

- The proposed long term lease area contains a small section of mapped Bushfire Hazard Overlay area towards the north west corner of the lease area (see Figure 6). The approved BESS infrastructure will not be located within this mapped area (this will be a grassed swale, with fencing), however permanent water tanks will be provided, including a dedicated minimum 10,000 litre supply for firefighting.
- Internal roads further separate/setback BESS infrastructure from the mapped hazard area and external vegetation. The only habitable building for the project is the Operation and Maintenance facility. This is on the eastern side of the development and a minimum of 150 m from any external vegetated areas.
- Habitable buildings for the Project include the Operation and Maintenance Facility. The water tank area is immediately adjacent to this building (within 10 m).
- The firefighting tank will be non-flammable material and easily accessible by emergency personnel and vehicles (adjacent to internal roadways and hardstand area). It will comply with the requirements of AS2304:2011 Water Tanks for Fire Protection Systems, including signage designating exclusive use for fire protection.

Figure 6 - Bushfire Hazard Overlay



Environmental Significance Overlay

The proposed development has been assessed against the Environmental Significance Overlay Code and a full code compliance statement response is not considered appropriate in this instance, given the application is for a long term lease area and no land use or vegetation clearing associated with a built form or access handle is proposed within this development application. Some key points relating to this proposed development are outlined below:

- The approved BESS footprint is partially located within the areas of ecological significance and buffer area.
- The footprint is predominantly cleared and no mapped matters of national or state environmental significance have been identified within the development area. Historical disturbance limits the presence and likelihood of presence of significant ecological values. Mapped category B (least concern remnant) vegetation is avoided, as is the watercourse to the north-east (intersected by site access only).
- A landscape concept plan was prepared and approved for the previous MCU for the BESS Facility.
- A minimum 5 m wide vegetated buffer will be established at the project boundary. This will incorporate native screen planting specified in the plant species list.

Figure 7 - Environmental Significance Overlay

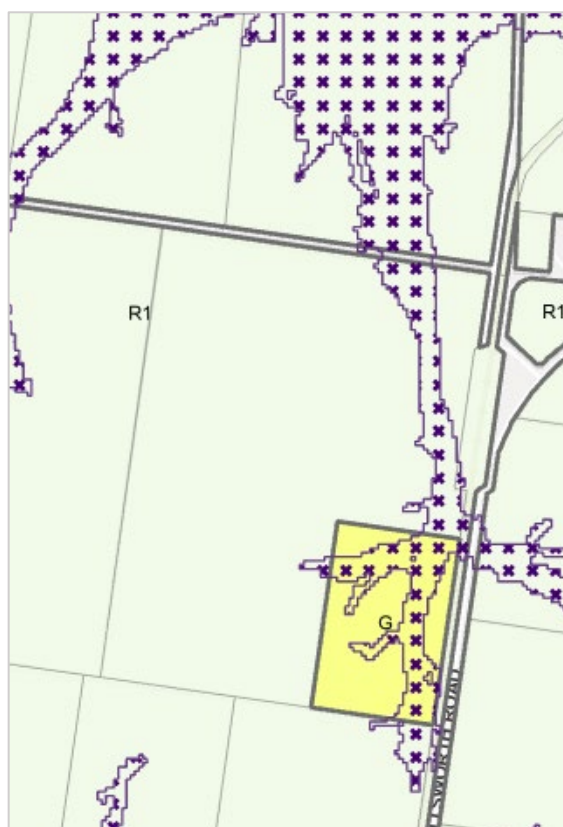


Flood Hazard Overlay

The proposed development has been assessed against the Flood Overlay Code and a full code compliance statement response is not considered appropriate in this instance, given the application is for a long term lease area and no land use or built form is proposed within this development application. Some key points relating to this proposed development are outlined below:

- The approved BESS footprint is not located within flood island area.
- The proposed lease area is partially located within the balance (mixed) hazard category area and is more relevant to the access handle (previously approved). Road construction will incorporate drainage methods (culverts) and a surface of crushed rock to allow drainage. The project CSWMP (assessed with previous MCU application) confirms that development is compatible with the level of risk associated with the applicable hazard and any impacts/risk can be adequately managed/mitigated.
- The proposed lease area managing the approved BESS facility, is not within FR4 or FR3 flood risk areas, a flood management precinct or any other flood risk category.
- No buildings are proposed within a mapped overland flow path area.
- No earthworks are proposed with this RAL application.
- All essential infrastructure is located outside the FR4 and FR3 flood risk areas and the OFP2 (high) overland flow path area.

Figure 8 - Flood Hazard Overlay



4.6.1 Justification Against Performance Outcomes

Reconfiguring a Lot Code – PO4

The proposed lease area is 3.0 ha which does not achieve the minimum lot size of 100 ha as stipulated within Table 9.4.5.4 – Lot Sizes and Dimensions. Despite the proposed lot size being less than 100 ha, the proposed lease lot is considered acceptable in this instance, given the proposed 3.0 ha lot is a long-term lease to manage tenure of an existing development approval for a BESS facility. Therefore, the proposed lot size, shape, dimensions and access point are sufficient and relevant to the approved outcomes within the existing MCU development for the BESS facility. In addition, the proposed long term lease area will have no impact to the proliferation of lots of rural fragmentation as the lot is tied to the use of the BESS facility and all uses associated with the lot have been assessed and approved. The proposed access will be managed in accordance with the approved access to the BESS facility from Kowitz Road.

Based on the above performance outcome and relevant matters, the proposed development is considered an appropriate outcome for the subject site.

5.0 Recommendation and Conclusion

This application seeks a development approval over 83 Kowitz Road, Aubigny under the *Planning Act 2016* for following aspects of development:

- Reconfiguring a Lot for a long-term lease exceeding 10 years.

The proposed development is seen as an acceptable development for the site on the basis that:

- The proposed long-term lease area is required to manage the tenure of the previously approved BESS facility (MCU/2023/3647). No Building Work is proposed.
- The site constraints and issues associated proposed long-term lease area are negligible as all issues have been resolved as part of the MCU assessment for the approved BESS facility.
- The proposed lease area of 3.0ha will have no impact to the proliferation of lots of rural fragmentation as the lot is tied to the use of the approved BESS facility and the use associated with the lot has been assessed and approved.
- The proposed development appropriately addresses the relevant assessment benchmarks under the local planning scheme and benchmarks prescribed by regulation can be satisfied, via acceptable and performance outcomes.

It's therefore recommended that this development application for Reconfiguring a Lot be approved, subject to reasonable and relevant development conditions.

Appendix B – Code Compliance Tables

9.4.5 - Reconfiguring a Lot Code

Table 9.4.5:1

Performance outcomes	Acceptable outcomes	Comments
PO1 The lots resulting from the rearrangement of boundaries does not contribute to: (a) the proliferation of lots of rural land fragmentation; or (b) the potential to introduce uses or activities which conflict with the intent of the applicable zone for all or part of the site.	AO_{1.1} No additional lots are created by the rearrangement of boundaries. AO_{1.2} The resulting lots from rearranging boundaries are contained entirely within a single zone.	Complies No additional lots are proposed by the rearrangement of boundaries.
PO2 Lots resulting from rearrangement of boundaries do not require any new or additional infrastructure connections, or modification of existing connections.	AO_{2.1} All lots resulting from rearrangement of boundaries: (a) retain all existing connections to water, sewer, electricity and other infrastructure wholly within the lot they serve; (b) do not require additional infrastructure connections or augmentation of existing connections; (c) except where in the Rural Zone, have sealed vehicle crossovers; (d) have stormwater drainage for lots 4000m² or less: (i) connected to adequately sized inter-allotment drainage; or (ii) that drains the entirety of each lot independently	Complies No additional lots are proposed by the rearrangement of boundaries.

	without fill to the kerb and channel or swale of the road frontage.	
PO3 Where in the rural zone, all lots resulting from rearrangement of boundaries are provided with all weather road access from the driveway crossover to the nearest formed road.	AO _{3.1} Where in the rural zone, all lots resulting from rearrangement of boundaries are provided with a formed gravel road from the driveway crossover to the nearest formed road in accordance with SC6.2 <i>PSP No.2 Engineering Standards – Roads and Drainage Infrastructure.</i>	Complies No additional lots are proposed by the rearrangement of boundaries.

Lot Sizes and Design		
PO4 All new lots provide sufficient area, frontage and dimensions, and road access that enable their future development to achieve relevant outcomes in applicable Use, Zone, Overlay, and Other Development Codes in relation to: (a) dwellings, buildings and/or other structures (b) setbacks ; (c) landscaping; (d) on site car parking and vehicle access; (e) recreation areas (private open space); (f) cultural heritage and character streetscape values; (g) other design criteria. Editors note: Setback considerations include solar access, privacy and amenity of residents and adjoining neighbours, on-site effluent disposal. A building envelope may demonstrate suitability to accommodate future development.	AO_{4.1} All lots are rectangular and have minimum width to depth ratios, areas, dimensions and frontages as prescribed in Table 9.4.5:4. AO_{4.2} Where in the Low Medium Density Residential Zone development for lots 450m² or less in area are capable of accommodating a rectangular building envelope with area and dimensions for: (a) a dwelling, including ancillary buildings and structures such as garages, covered carports and decks, that comply with the minimum setback requirements of the overlay or zone in which the land is located and building regulations; (b) private open space and recreation areas; (c) vehicle access and on-site car parking in accordance with the Transport, Access and Parking Code.	Performance Outcome The subject site is within the Rural Zone (R1 – 100 ha Precinct). The proposed lease area is 3.0 ha which does not achieve the minimum lot size of 100 ha as stipulated within Table 9.4.5.4 – Lot Sizes and Dimensions. Despite the proposed lot size being less than 100 ha, the proposed lease lot is considered acceptable in this instance, given the proposed 3.0 ha lot is a long-term lease to manage tenure of an existing development approval for a BESS facility. Therefore, the proposed lot size, shape, dimensions and access point are sufficient and relevant to the approved outcomes within the existing MCU development for the BESS facility. In addition, the proposed long term lease area will have no impact to the proliferation of lots or rural fragmentation as the lot is tied to the use of the BESS facility and all uses associated with the lot have been assessed and approved. The proposed access will be managed in accordance with the approved access to the BESS facility from Kowitz Road.
Table 9.4.5:2		

PO1 – PO12

Not Applicable – The proposed development does not involve Master Planning or the creation of streets and neighbourhoods. The subject site is not a residential or rural residential subdivision.

PO13 In the Rural Zone, the productive capacity of rural land resources is protected from the reconfiguration of lots that facilitates inappropriate intensification of development in the zone.	AO_{13.1} Lots have a minimum area as shown in Table 9.4.5:4.	Performance Outcome The subject site is within the Rural Zone (R1 – 100 ha Precinct). The proposed lease area is 3.0 ha which does not achieve the minimum lot size of 100 ha as stipulated within Table 9.4.5.4 – Lot Sizes and Dimensions. Despite the proposed lot size being less than 100 ha, the proposed lease lot is considered acceptable in this instance, given the proposed 3.0 ha lot is a long-term lease to manage tenure of an existing development approval for a BESS facility. Therefore, the proposed lot size, shape, dimensions and access point are sufficient and relevant to the approved outcomes within the existing MCU development for the BESS facility. In addition, the proposed long term lease area will have no impact to the proliferation of lots or rural fragmentation as the lot is tied to the use of the BESS facility and all uses associated with the lot have been assessed and approved. The proposed access will be managed in accordance with the approved access to the BESS facility from Kowitz Road.
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PO14 – PO32

Not Applicable – The proposed development does not involve Master Planning or the creation of streets and neighbourhoods. The subject site is not a residential or rural residential subdivision.

PO33 The reconfiguration provides for sufficient buffering to minimise impacts on accommodation activities and other sensitive land uses from nearby incompatible uses.	No acceptable outcome is nominated.	
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PO34

Not Applicable - The proposed development is not for industrial or commercial purposes. The assessment of the layout and buffering outcomes have been previously assessed as part of the existing Material Change of Use approval currently in place.

PO35

Not Applicable - The proposed development is located in the Rural Zone.

PO36 The reconfiguration discourages crime, vandalism and anti-social behaviour and facilitates: (a) personal and property security; (b) casual surveillance of footpaths and parkland; and (c) activity and interaction within public spaces and movement networks.	AO _{36.1} The reconfiguration is designed in accordance with Crime Prevention Through Environmental Design.	The proposed reconfiguration is associated with a long term lease to manage the tenure of the BESS Facility. The design of the BESS Facility and security will be as per the MCU design.
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PO37 Development is provided with an adequate water supply for firefighting purposes that is safely located and freely accessible.	AO_{37.1} Development within a water supply area involving the creation of new lot/s is connected to council's reticulated water supply system and a water supply outlet located within a road reserve is within 40M of the following: (a) all of the land; or (b) a building envelope designated on each lot; or (c) the centre of each lot, excluding access handles (where no building envelope is designated); and (d) all existing or proposed buildings.	Potable water will be supplied via water trucks for the construction phase of the development with rain water tanks providing a long term, operational water supply solution.
PO38 The reconfiguration provides for lot sizes and titling arrangements that ensure areas of ecological significance remain intact as part of common property or within large lots.	No acceptable outcome is nominated.	Complies The proposed long term lease area will have no impact to the areas of ecological significance as the proposed lease area is tied to the use of the BESS facility and all uses associated with the lot have been assessed and approved. Natural features and ecological values will be retained and protected, where least concern remnant vegetation is avoided, providing to promote connection within the area; water quality will be maintained through the integration of stormwater management and erosion and sediment control measures that protect receiving waters, in particular, Oakey Creek

PO39 – PO56

Not Applicable - The proposed development does not involve the creation of roads or lots which fragment areas of ecological significance. The proposed long term lease area will have no impact to the proliferation of lots or ecological rural fragmentation as the lot is tied to the use of the BESS facility and all uses associated with the lot have been assessed and approved. Services, water supply, sewer and stormwater management has been addressed as part of the assessment of the MCU for the BESS Facility.

6.6.6 – Rural Zone Code

Table 6.6.6:1		
PO1 – PO14		
Not Applicable – The proposed development is for a long term lease exceeding 10 years to manage the tenure of the approved BESS Facility.		
Table 6.6.6:2		
PO1 – PO9		
Not Applicable – The proposed development does not involve a Material Change of Use or Building Work.		
Performance outcomes	Acceptable outcomes	Comments
Rural Viability and Managing Conflicts		
PO10 Development does not restrict the ongoing operation or viability of nearby rural uses.	No acceptable outcome is nominated.	Complies The proposed lease lot is considered acceptable in this instance, given the proposed 3.0 ha lot is a long-term lease to manage tenure of an existing development approval area for a BESS facility. Therefore, the proposed lot size, shape, dimensions and access point are sufficient and relevant to the approved outcomes within the existing MCU development for the BESS facility. In addition, the proposed long term lease area will have no additional impact to surrounding rural uses or promote the proliferation of lots of rural fragmentation as the lot is tied to the use of the BESS facility and all uses associated with the lot have been assessed and approved.

PO11 Development that may be sensitive to the spray drift, odour, noise, dust, smoke and ash potentially associated with agricultural activities is adequately separated or buffered to avoid significant conflict.¹	No acceptable outcome is nominated.	Complies The BESS facility has previously been approved where issues associated with spray, drift, noise, dust or smoke are considered resolved and the proposed long-term lease is to manage tenure of the area.
Site Layout		
PO12 The site layout responds sensitively to on-site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land use, such that: (a) any hazards to people or property are avoided; (b) any earthworks are minimised; (c) the retention of natural drainage lines is maximised; (d) the retention of existing vegetation and biodiversity values is maximised; (e) damage or disruption to sewer, stormwater and water infrastructure is avoided; and (f) there is adequate buffering, screening or separation to adjoining development.	No acceptable outcome is nominated.	Complies The BESS facility has previously been approved where the site plan has responded sensitively to topography, drainage, civil services, access, vegetation and adjoining land uses. The proposed long-term lease is to manage tenure of the area. The existing approved access arrangement will no change as part of the proposed Reconfiguring a Lot application.

PO₁₃ Development in the 100ha Precinct: (a) does not involve the creation of additional lots smaller than 100ha; (b) maintains the productive capacity of the land; and (c) maintains the natural and scenic landscape values of the land.	No acceptable outcome is nominated.	Performance Outcome The proposed development is to create a 3ha long- term lease area exceeding 10 years. The proposed lease area will manage tenure of the previously approved BESS facility for the landholder where the lease will be extinguished once the approved BESS facility ceases use and the site is rehabilitated in accordance with the MCU approval. The proposed long term lease area will have no impact to the areas of ecological significance as the proposed lease area is tied to the use of the BESS facility and all uses associated with the lot have been assessed and approved. Natural features and ecological values will be retained and protected, where least concern remnant vegetation is avoided, providing to promote connection within the area; water quality will be maintained through the integration of stormwater management and erosion and sediment control measures that protect receiving waters, in particular, Oakey Creek.
PO₁₄ Development in the 200ha Precinct: (a) does not involve the creation of additional lots smaller than 200ha; (b) maintains the productive capacity of the land; and (c) maintains the natural and landscape values of the land.	No acceptable outcome is nominated.	Not Applicable