

20<sup>th</sup> July 2021

Our Reference: DA210024

Max Wharton  
C/- JB Serisier Surveyors and Planners (John Broe/Dit Sang Lee)  
PO Box 540  
PIALBA QLD 4655  
via email: [johnb@cullenc.com.au](mailto:johnb@cullenc.com.au)

Dear Sir,

## Decision notice

(Given under section 22 of the Development Assessment Rules version 1.3)

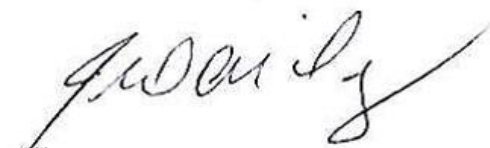
**RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT—BOUNDARY REALIGNMENT TWO LOTS (2) INTO TWO (2) LOTS) WITH ACCESS EASEMENT AT 295 WHARTONS ROAD, GAYNDAH ON LAND DESCRIBED AS LOT 4 ON SP210501 & LOT 201 ON MZ915.**

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council, and taken to be properly made, on 23 June 2021.

Please find attached the Decision notice for this development application.

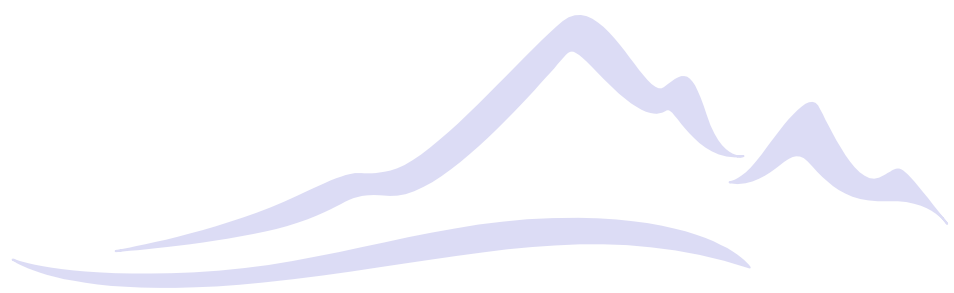
Please quote Council's application number DA210024 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services Department on 1300 696 272.

Yours sincerely,



Jeff Miles  
**Planning & Environment Manager**

Enc: Decision notice  
Approved plans



## Decision notice — approval (with conditions)

(Given under section 63 of the *Planning Act 2016*)

Thank you for your development application detailed below which was properly made on 23 June 2021. The North Burnett Regional Council has assessed your application and decided it as follows—

### 1. Applicant's details

Name: Max Wharton  
 C/- JB Serisier Surveyors and Planners (John Broe/Dit Sang Lee)  
 Postal Address: PO Box 540 Pialba QLD 4655  
 Email: [johnb@cullenc.com.au](mailto:johnb@cullenc.com.au)

### 2. Location details

Street address: 295 Whartons Road  
 Gayndah QLD 4625  
 Real property description: Lot 4 on SP210501 & Lot 201 on MZ915

### 3. Details of the proposed development

Application number: DA210024  
 Approval sought: Development permit  
 Nature of development: Reconfiguring a lot—Boundary Realignment - Two (2) lots into Two (2) lots with access easement

### 4. Decision

Date of decision: 20 July 2021  
 Decision details: Approved in full subject to conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given—

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 5. Approved plans & other documents

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Copies of the following plans and other documents are enclosed in Attachment 2—

Document title	Prepared by	Date	Reference no.
Plan of Proposed Lots 4 & 201 and Proposed Easement B in Lot 201 – Cancelling Lot 4 on SP210501 & 201 on MZ915	JB Serisier Surveyors & Planners	8/04/2021	S219442-Pro1A

## 6. Further development permits

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Not applicable.

## 7. Properly made submissions

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Not applicable—no part of the application required public notification.

## 8. Referral agencies for the application

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The referral agencies for this application are—

For an application involving	Name of referral agency and address	Advice or concurrence agency
<b>Electricity infrastructure—referral agency's assessment</b> Schedule 10, Part 9, Division 2, Table 1 of the <i>Planning Regulation 2017</i> . Reconfiguring a lot subject to an easement or near a substation site	<b>Ergon Energy Corporation Limited</b> <i>E:</i> <a href="mailto:townplanning@ergon.com.au">townplanning@ergon.com.au</a> <i>P:</i> PO Box 1090 Townsville QLD 4810	Advice

## 9. Currency period for the approval

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

- (1) A part of a development approval lapses at the end of the following period (the **currency period**)—
- (a) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—
    - (i) the period stated for that part of the approval; or
    - (ii) if no period is stated—4 years after the approval starts to have effect;
  - (b) for any other part of the development approval—if the development does not substantially start within—
    - (i) the period stated for that part of the approval; or
    - (ii) if no period is stated—2 years after the approval starts to take effect.

## 10. Conditions about infrastructure

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No conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*.

## 11. Rights of appeal

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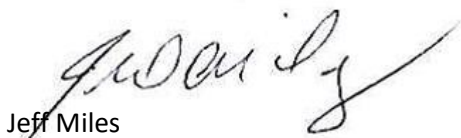
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular

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 is included in Attachment 3.

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

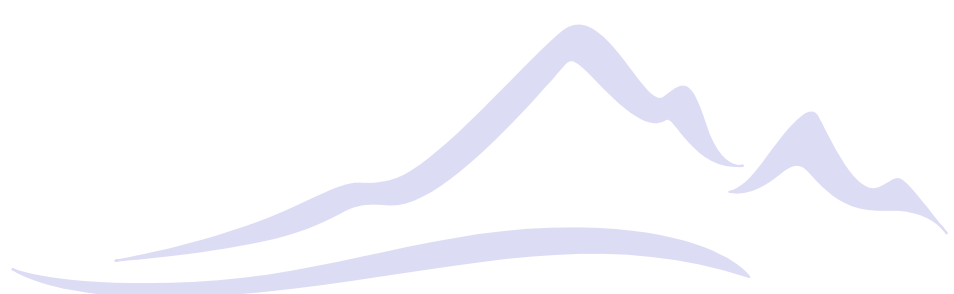
Yours faithfully,



Jeff Miles

**Planning & Environment Manager**

Enc: Attachment 1 – Conditions imposed by the assessment manager  
Attachment 2 – Approved plans  
Attachment 3 – Appeal rights



## **Attachment 1 – Conditions Imposed by the Assessment Manager**

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### **General**

- 1) Carry out the approved development generally in accordance with the approved plan identified in section 5 “Approved plan” of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between conditions of this approval and details shown on the approved plans, the conditions prevail.
- 3) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4) Reinstate survey marks where required and install new survey marks in their correct position in accordance with the approved plan. The Plan of Proposed Lots is to be endorsed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated regulations and standards.

### **Vehicular Access**

- 5) Vehicular access between Lot 4 and Whartons Road is to be constructed in accordance with SC6.2 Design and construction standards for development works policy (amendments incorporated to 17 August 2020).

### **Survey & Easement**

- 6) Lodge a Boundary Realignment Survey Plan with Council in accordance with Schedule 18 of the *Planning Regulation 2017* on or before the end of the currency period.

### **Property Notes**

#### **A. Unsealed roads**

The following notation applies to all approved lots—

Owners and prospective purchasers should be made aware that the Whartons Road frontage of the site is unconstructed/unsealed road and access to the land is not to a general urban standard. Vehicle movement along Whartons Road may impact on amenity and owners and prospective purchasers are to note that Council has no program to upgrade or improve the standard of the access road (at time of approval).

#### **B. Natural Hazards Risk and Resilience**

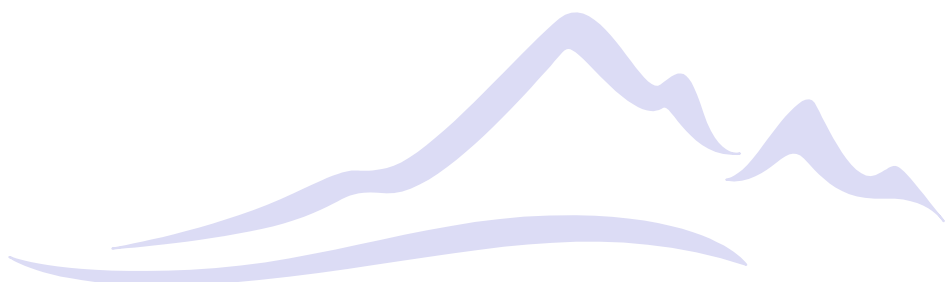
The following notation applies to approved Lot 4—

Proposed Lot 4 is identified as being contained in the “Flood hazard area – level 1 – Queensland floodplain” with the SPP Assessment Benchmark Mapping. A small area in the south-eastern corner of proposed Lot 4 above RL 100 appears available for development outside the mapped 1% AEP flood area. Future developers should confirm reduced levels and required heights for any future building work.

### **Advice to the applicant**

- Unless otherwise explicitly identified, all conditions of this development permit must be completed to Council’s satisfaction prior to the Subdivision Plan being endorsed by Council.

- All rates, charges or any expenses levied by Council over the land must be paid prior to the realignment Plan being endorsed by Council.
- The subject land is identified as being located within the Flood Hazard Overlay, and the Natural Feature or Resources Overlay of the North Burnett Regional Planning Scheme. These Overlays may need to be considered for any future development including Building Work.
- This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.
- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the North Burnett Regional Council website ([www.northburnett.qld.gov.au](http://www.northburnett.qld.gov.au)). For information about State and Commonwealth requirements please consult with these agencies directly.
- Inspect the vegetation prior to any clearing for the presence of nesting birds, koalas, and other fauna, including habitat hollows. No clearing of vegetation which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the Queensland Nature Conservation Act 2002.
- Vegetation clearing for the purposes of infrastructure must comply with the "Accepted Development Vegetation Clearing Code – Clearing for Infrastructure" document by the Department of Natural Resources, Mines and Energy or otherwise a formal application for Operational Works is required to be submitted to SARA for assessment. Please note that some aspects of the vegetation clearing works may be required to be notified to DNRME as part of the Accepted Development requirements.





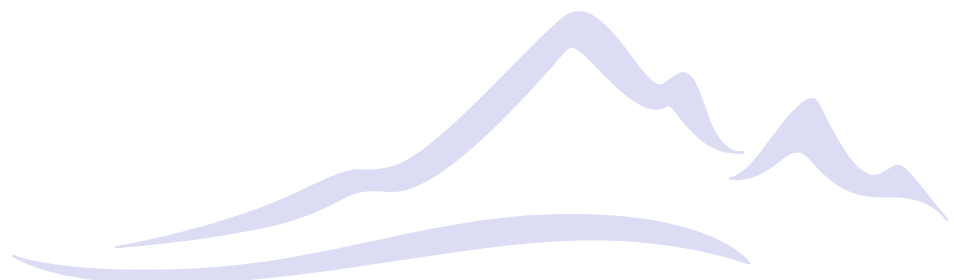
Mailing Address: PO Box 390, Gayndah Qld 4625  
Street Address: 34-36 Capper Street, Gayndah Qld 4625  
Telephone: 1300 696 272  
Facsimile: (07) 4161 1425  
Email: [admin@northburnett.qld.gov.au](mailto:admin@northburnett.qld.gov.au)  
Web: [northburnett.qld.gov.au](http://northburnett.qld.gov.au)  
ABN: 23 439 388 197

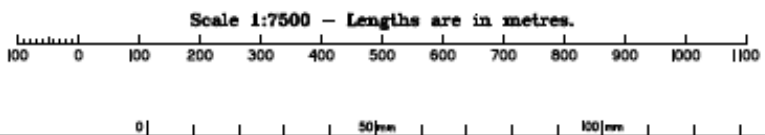
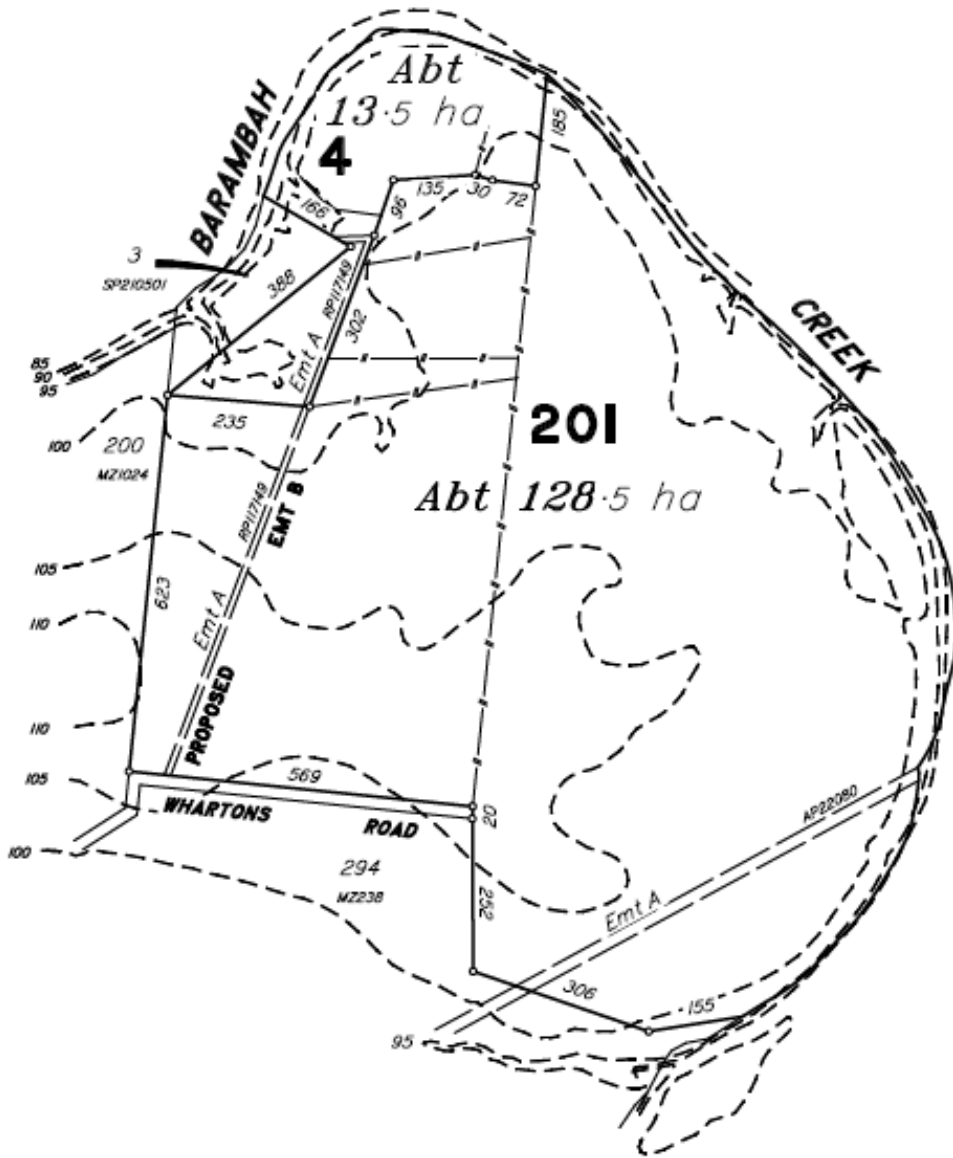
## Attachment 2 – Approved Plans

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Please refer to the following pages for the approved plan





**DISCLAIMER**

1. This plan was prepared for the purpose and exclusive use of Max Wharton to accompany an application to the North Burnett Regional Council for approval to reconfigure the land described in the plan and is not to be used for any other purpose or by any other person or corporation. CULLEN & COUPER PTY LTD accept no responsibility for any loss or damage suffered, however arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses 2 or 3 hereof.
2. The dimensions, area, size and location of utilities, improvements, flood information (if shown) and number of lots shown on this plan are approx. only and may vary.
3. This plan may not be photocopied unless this note is included.

<b>M WHARTON</b>			
<b>Plan of Proposed Lots 4 &amp; 201 and Proposed Easement B in Lot 201</b>			
<i>Canceling Lot 4 on SP210501 &amp; Lot 201 on MZ915</i>			
MERIDIAN MSA	DATE 08/04/2021	SCALE 1:7500 @ A3	SURVEYORS REF S219442

ACN 050 842 503  
**JB SERISIER**  
SURVEYORS & PLANNERS  
PH: 07 4195 4488 Email: jbs.surv@bigpond.net.au  
58 Lyons Street, Mundubbera QLD 4628

FORMAT	Proposal
LOCALITY	GAYNDAH
LOCAL GOVERNMENT	North Burnett R.C.
S219442-Pro1A	