

10 June 2021

Our Reference: DA210006

John Zohrab
c/- Post Office
MOUNT PERRY QLD 4761
via email: jzjz67@icloud.com

Dear John,

Decision notice

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

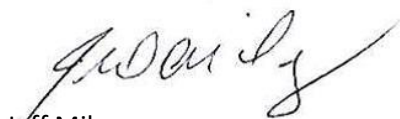
RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT—SUBDIVISION (1 LOT INTO 3 LOTS) AT 250 SWINDON ROAD, MOUNT PERRY ON LAND DESCRIBED AS LOT 209 ON SP243274

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 30 March 2021 and taken to be properly made on 21 April 2021.

Please find attached the Decision notice for this development application.

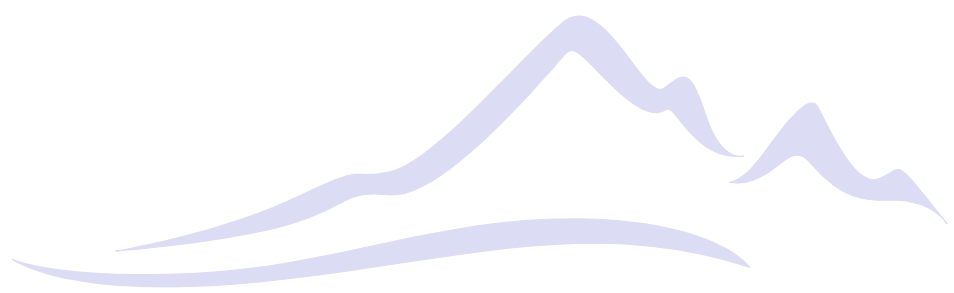
Please quote Council's application number DA210006 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services Department on 1300 696 272.

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 21 April 2021. The North Burnett Regional Council has assessed your application and decided it as follows—

1. Applicant's details

Name: John Zohrab
 Postal Address: c/- Post Office
 MOUNT PERRY QLD 4761
 Email: jzj67@icloud.com

2. Location details

Street address: 250 Swindon Road
 MOUNT PERRY QLD 4761
 Real property description: Lot 209 on SP243274

3. Details of the proposed development

Application number: DA210006
 Approval sought: Development permit
 Nature of development: Reconfiguring a lot—Subdivision (1 lot into 3 lots)

4. Decision

Date of decision: 10 June 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

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

Document title	Prepared by	Date
Finalised plan—Proposed Reconfiguration of a Lot cancelling Lot 209 on SP243274 creates Lots 209, 210, 211 on SP243274	John Zohrab	20/04/2021

6. Conditions

This approval is subject to the conditions in Attachment 1.

7. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*—refer <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sec.85>. A hard copy of section 85 of *Planning Act 2016* can be provided upon request.

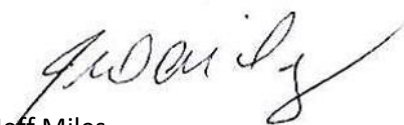
8. Rights of appeal

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*—refer <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6-pt.1>. 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*)—refer <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6-pt.2>.

A hard copy of chapter 6, part 1 and/or part 2 of the *Planning Act 2016* can be provided upon request.

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 1 – Conditions Imposed by the Assessment Manager

General

- 1) Carry out the approved development in accordance with the approved plans and documents identified in section 5 “Approved plans” of the decision notice approval, unless 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 and documents, 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) Comply with all conditions of this development permit prior to the submission of the request for the approval of plan of subdivision, unless otherwise explicitly identified.

Building and Access

- 5) All new vehicular access and driveway cross-overs for proposed lots 209 and 211 must be approved by the assessment manager prior to installation and be constructed in accordance with SC6.2 Design and construction standards for development works policy – refer <https://www.northburnett.qld.gov.au/wp-content/uploads/2020/08/North-Burnett-Regional-Planning-Scheme-Works-Policy-SC6-2-Rev1.0.pdf>. Only one access per lot is permitted.
- 6) The development sites are not serviced by reticulated town water. At time of building a residential premise, the relevant lot is to be provided with rainwater tank/s of minimum 45,000 litre capacity.
Note: Due to all allotments being classified in a bush fire prone area fire brigade fittings are to be installed to tank and that the building take-off connection from the tank be at a level that allows 5,000 litres to be dedicated for firefighting purposes.
- 7) The development sites are not serviced by reticulated sewer system. At time of building residential premises, the relevant lot is to be provided with an on-site wastewater treatment system that complies with the *Plumbing and Drainage Act 2018*, *Plumbing and Drainage Regulation 2019* and all relevant Codes and Standards.
- 8) At time of building, residential premises are to be sited within areas of lowest bushfire hazard and, where possible, setback from hazardous vegetation the greater of 15 metres or 1.5 times the predominant mature canopy tree height. At time of building, fire maintenance trails are to be provided in accordance with AO5.2 of the Bushfire hazard overlay code but also in accordance with the relevant accepted development vegetation clearing code/s – refer <https://www.qld.gov.au/environment/land/management/vegetation/clearing-codes>.

Electricity Connection

- 9) Provide to Council evidence of a supply arrangement with Ergon for new lot 209, 210 and 211.
- 10) Provide to Council evidence of a new consent to enter provided to Ergon for the proposed lots.
- 11) Upon Council receiving evidence that Condition 9 and 10 are financially onerous Council requires a covenant regarding electricity supply to be placed over proposed lot 209, 210 and 211 (the “Covenanted Land”). The covenant is to state:

- a) The provision of electricity supply to the “*Covenanted Land*” may require the installation of electricity infrastructure which could include a transformer. The installation of any such infrastructure will be at the *Covenantor’s* expense.
- b) The *Covenantor* covenants with *Covanteee* that:
 - i) If electricity is required to be connected to the *Covenanted Land*, the *Covenantor* must arrange for an electricity supplier to install an electricity connection to the “*Covenanted Land*”; and
 - ii) The *Covenantor* will pay the cost to connect the electricity supply to the “*Covenanted Land*”.
- c) The covenant is intended to be binding on the *Covenantor* and the successors in title of the *Covenantor* to the ‘*Covenanted Land*’.

Survey

- 12) Align the common boundary of proposed Lots 210 and 211 on the approved plan a minimum of 10 metres from the Category B regulated vegetation mapped over the site.
- 13) Lodge a Plan of Subdivision with Council in accordance with Schedule 18 of the *Planning Regulation 2017* on or before the end of the currency period.
- 14) Provide a certificate from an appropriately qualified surveyor certifying—
 - a) the boundary clearances for any existing buildings remaining on site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless otherwise agreed in writing by the assessment manager;
 - b) all existing and proposed utility services and connections are wholly located within the lot they service or alternatively within easements;
 - c) all existing effluent disposal areas are wholly located within the lot they service and comply with the boundary setback requirements of the *Plumbing and Drainage Act 2018* and the *Plumbing and Drainage Regulation 2019* and all relevant Codes and Standards;
 - d) all boundaries are located a minimum of 10 metres from mapped Category B regulated vegetation.

Property notes

The Council intends to apply the following property notes to the lots resulting from the approval.

A. Telecommunications

The following notation applies to all approved lots—

Council did not require provisioning from the fixed-line telecommunications networks as telecommunications is available via mobile and broadband fixed-wireless networks.

B. Natural resources

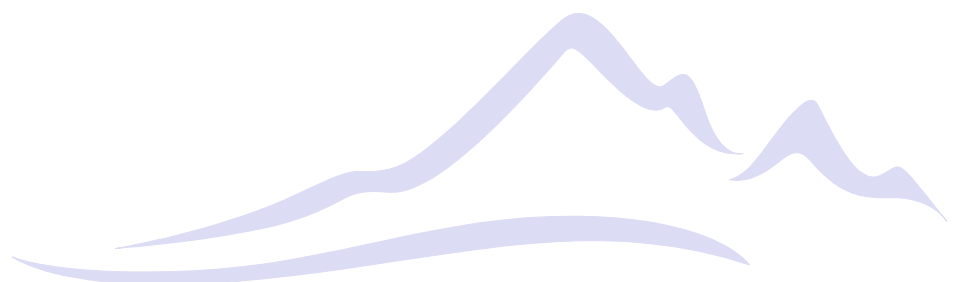
The following notation applies to approved Lots 209 and 211—

Swindon Road is identified as a Local Resource Area (extractive resources) transport route.

At time of building, residential premises should be sited the greatest distance practicable from Swindon Road and designed and orientated to minimise/mitigate any actual and potential adverse impacts on human health and wellbeing from existing and future extractive industries including noise and air emissions and ground vibration.

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 Bushfire 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). For information about State and Commonwealth requirements please consult with these agencies directly.
- Inspect the vegetation prior to 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.
- Development that is considered to be constructing or raising waterway barrier works must be undertaken in accordance with the "Accepted Development Requirements for Operational Work that is Constructing or Raising Waterway Barrier Works" document by the Department of Agriculture and Fisheries, otherwise a formal application for Operational Works is required to be submitted to SARA for assessment.



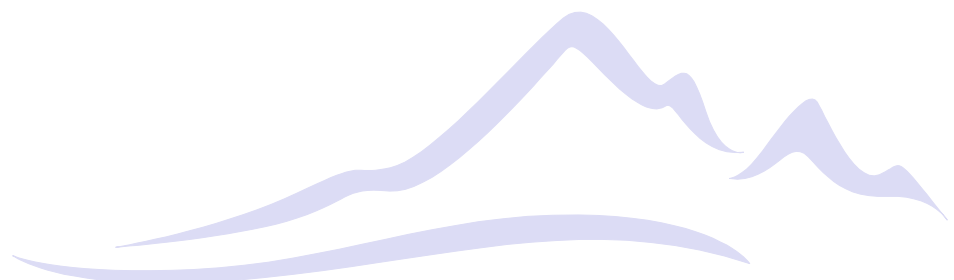


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Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

Attachment 2 – Approved Plans

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Please refer to the following pages for the approved plans

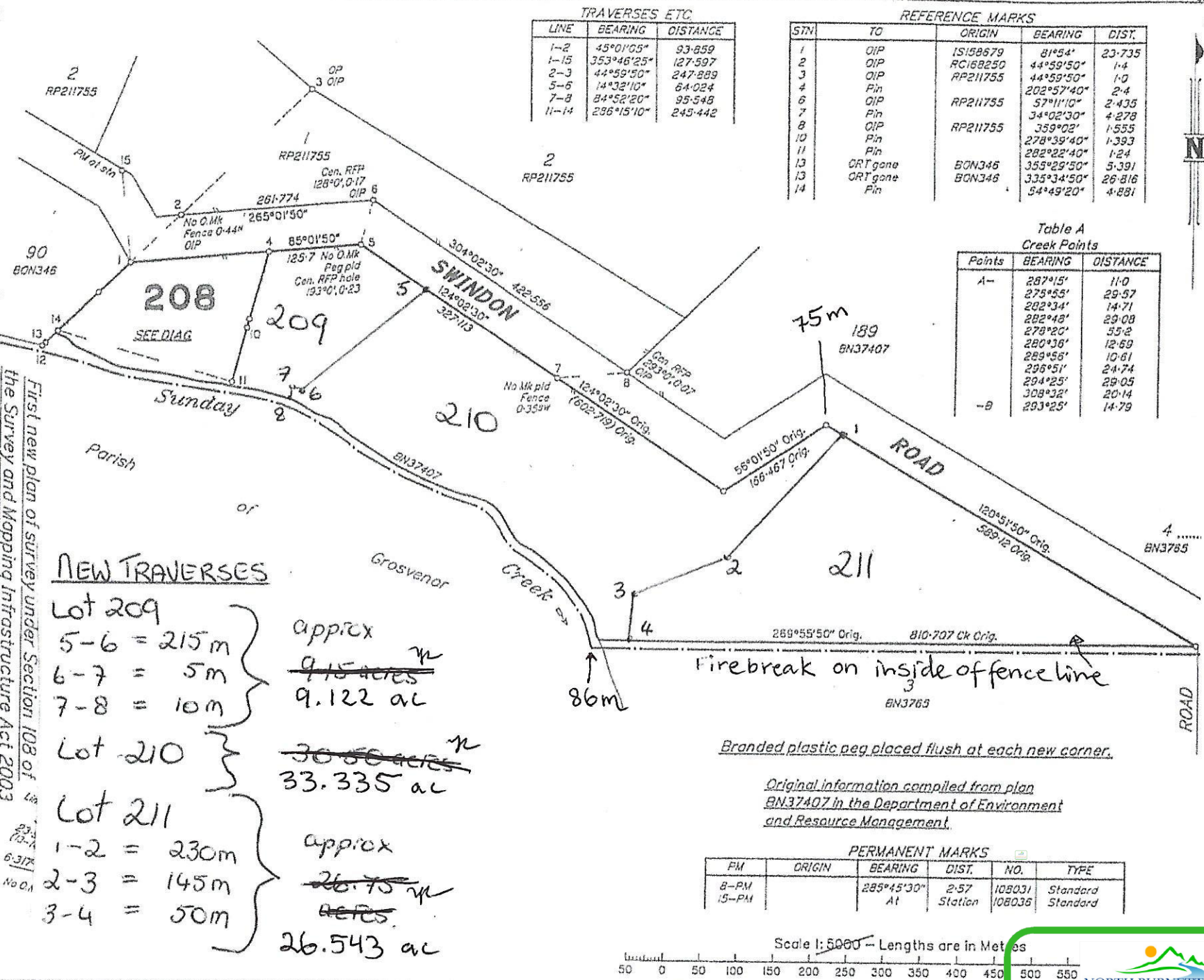


Plan created by applicant John Schrab based off survey Plan by Graham Bent on 7/3/2011. 10/3/21

Proposed Reconfiguration of a lot canceling lot 209 on SP243274 creates lots 209, 210, 211 on SP243274

PARISH: MT PERRY COUNTY: Bowen

Scale: 1:5000
Format: STANDARD
SP243274



Finalised plan 20/04/2021

