

11 August 2021

Our Reference: DA210026

Andrew & Vanessa Quigley
C/- JB Serisier Surveyors and Planners (John Broe/Dit Sang Lee)
PO Box 540 Pialba QLD 4655
via email: johnb@cullenc.com.au

Dear Sir/Madam

Decision notice

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

RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT—SUBDIVISION ONE (1) LOT INTO THREE (3) LOTS AT 111 EZZY ROAD, MUNDUBBERA ON LAND DESCRIBED AS LOT 8 on RP46422.

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 22 and taken to be properly made on 23 June 2021.

Please find attached the Decision notice for this development application.

Sections 71 and 72 of the Planning Act 2016 identifies when a development approval has effect and the development may start. In summary, a development approval generally has immediate effect, except when—

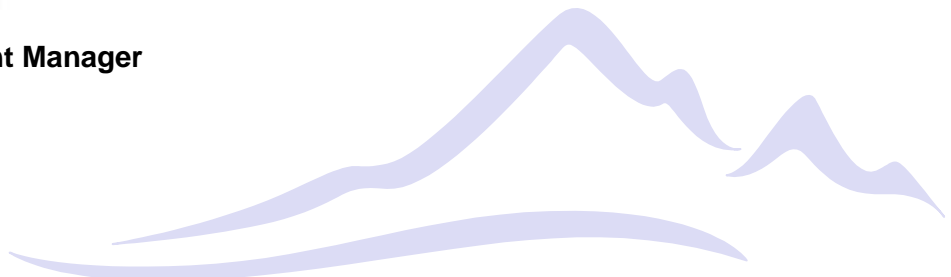
- if there is an appeal, after the appeal has ended;
- if there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

Please quote Council's application number DA210026 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



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: Andrew & Vanessa Quigley
 C/- JB Serisier Surveyors and Planners (John Broe/Dit Sang Lee)
 Postal Address: PO Box 540 Pialba QLD 4655
 Email: johnb@cullenc.com.au

2. Location details

Street address: 111 Ezzy Road, Mundubbera QLD 4626
 Real property description: Lot 8 on RP46422

3. Details of the proposed development

Application number: DA210026
 Approval sought: Development permit
 Nature of development: Reconfiguring a lot—Subdivision – One (1) Lot into Three (3) lots

4. Decision

Date of decision: 11 August 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 | Reference no. |
|---|----------------------------------|------------|---------------|
| Plan of Proposed Lots 1, 8 & 20 – Cancelling Lot 8 on RP46422 | JB Serisier Surveyors & Planners | 24/05/2021 | S219382-Pro1 |

6. Further development permits

Not applicable.

7. Properly made submissions

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

8. Referral agencies for the application

Not applicable—no part of the application required referral.

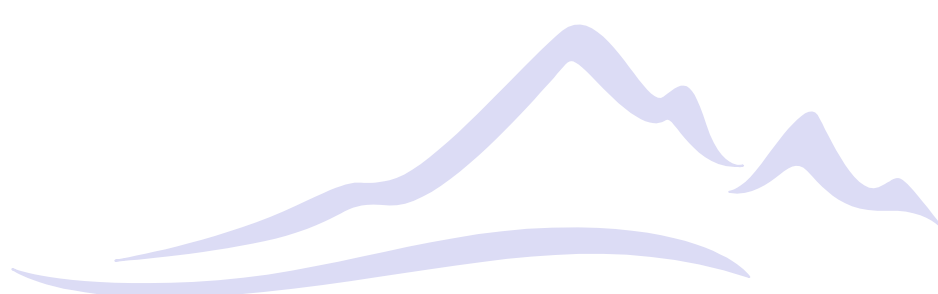
9. Currency period for the approval

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

- (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 a material change of use—if the first change of use does not happen within—
 - (i) the period stated for that part of the approval; or
 - (ii) if no period is stated—6 years after the approval starts to have effect;
 - (b) 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;
 - (c) 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

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



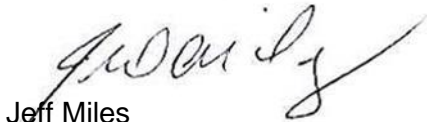
11. Rights of appeal

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*. 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.

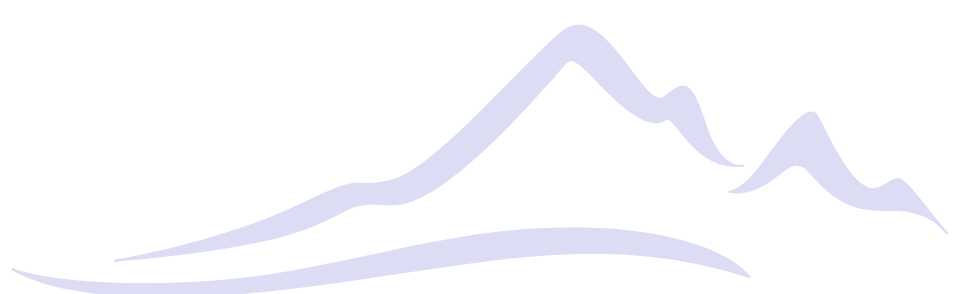
Yours faithfully,



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

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, 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 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.

Vehicular access

- 5) All new vehicular access and driveway cross-overs for proposed lots 1 and 20 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) Vehicular access points must be designed and constructed to meet the minimum requirements as per the Austroads Guide to Road Design Part 4A, Section 3.4 Sight Distance at Property Entrances.

Water supply and sewerage infrastructure

- 7) Proposed lot 1 and 20 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.
- 8) Proposed lot 1 and 20 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.

Electricity Connection

- 9) Provide to Council evidence of a supply arrangement with Ergon for proposed new lot 1 and 20.
- 10) Provide to Council evidence of a new consent to enter provided to Ergon for the proposed new lot 1 and 20.
- 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 new lot 1 and 20 (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 Covenantee 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) 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.
- 13) 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.

Property notes

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 Features

The following notation applies to approved Lots 1 and 20—

At time of building, native vegetation – especially identified regulated vegetation – is to be retained, regenerated and rehabilitated where possible.

C. Unsealed road & airfield proximity

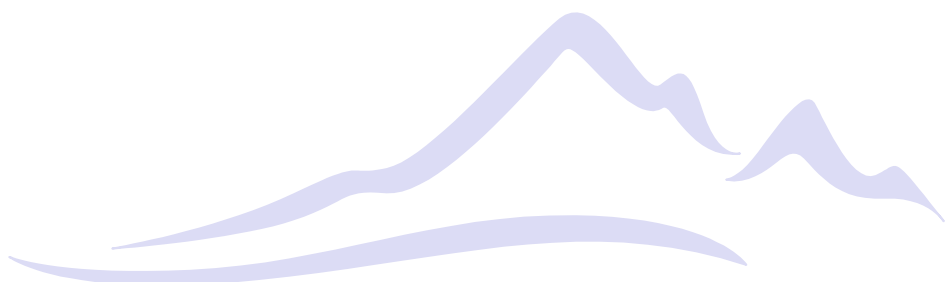
The following notation applies to all approved lots—

Owners and prospective purchasers should be made aware that the Ezzy Road and Benhams Road frontage of the site is unconstructed/unsealed road and access to the land is not to a general urban standard. Vehicle movement along Benhams Road and Ezzy Road may impact on residential 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).

Owners and prospective purchasers should also be made aware of the site’s proximity to the Mundubbera Airfield that may create a nuisance for some persons due to aircraft movements.

Advice to the applicant

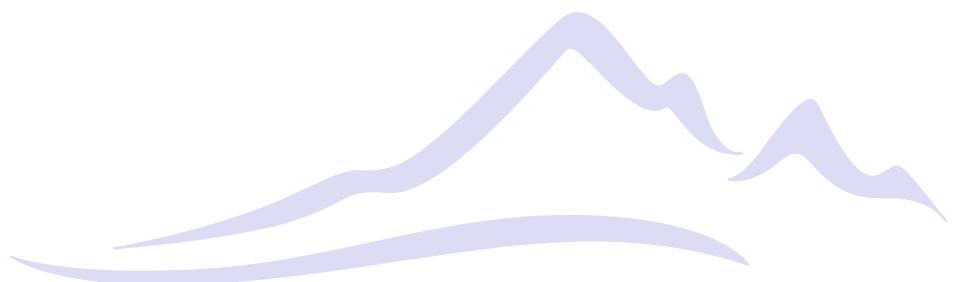
- Unless otherwise explicitly identified, all condition of this development permit must be completed to Council's satisfaction prior to the Subdivision of Plan being endorsed by Council or proposed use commenced.
- This approval relates to development requiring approval under the *Planning Act 2016* 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.
- 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.
- 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.
- All rates, charges or any expenses levied by Council over the land must be paid prior to the Subdivision Plan being endorsed by Council.

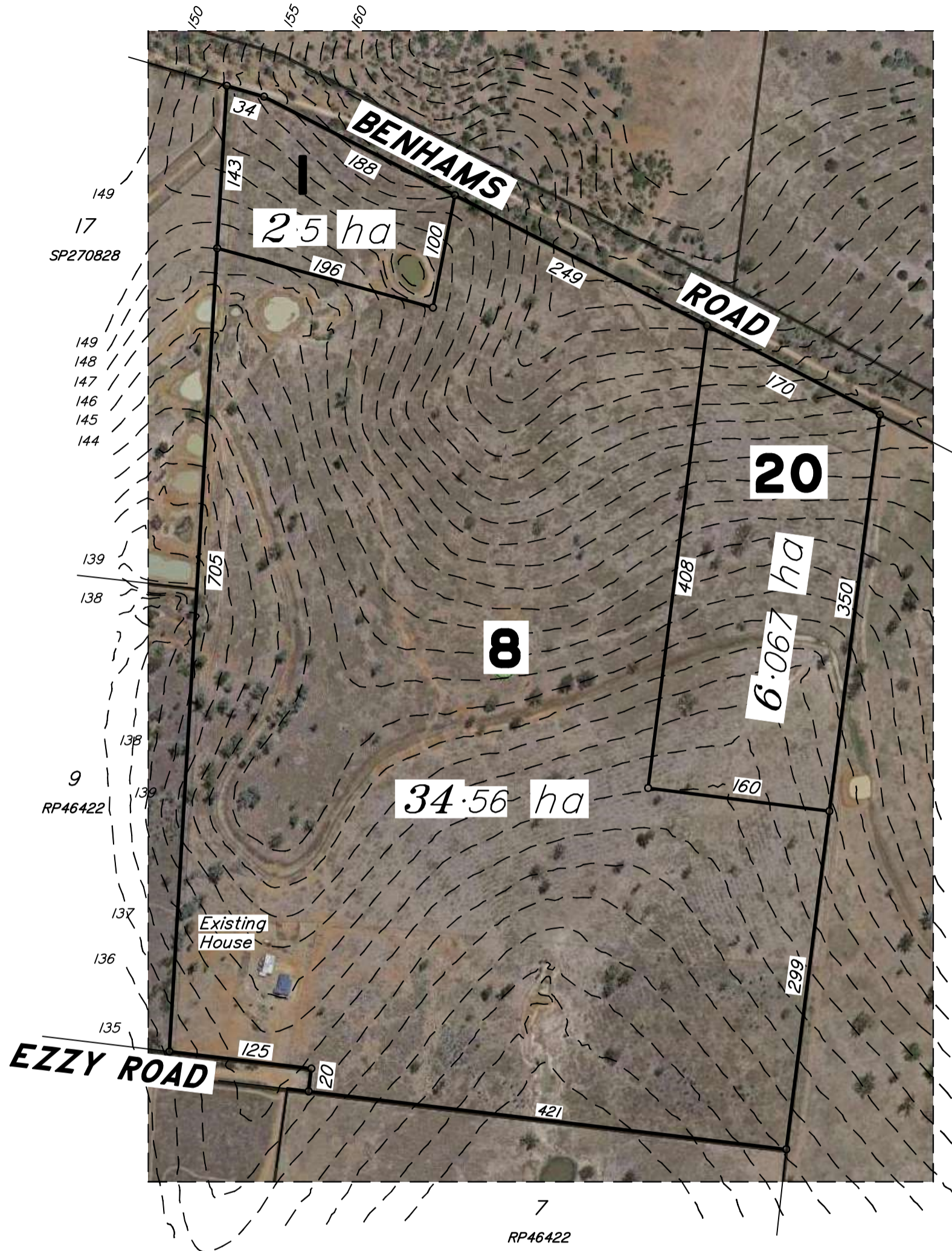


Attachment 2 – Approved Plans

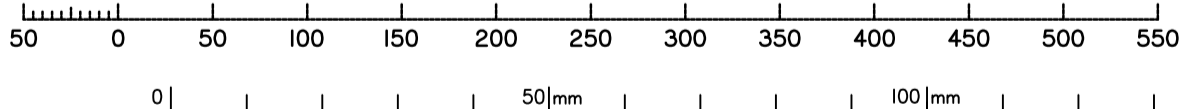
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Please refer to the following pages for approved plans.





Scale 1:4000 - Lengths are in metres.



DISCLAIMER

1. This plan was prepared for the purpose and exclusive use of Andrew & Vanessa Quigley 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 howsoever 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.

A & V QUIGLEY

Plan of Proposed Lots 1, 8 & 20

Cancelling Lot 8 on RP46422

| | | | |
|-----------------|--------------------|----------------------|--------------------------|
| MERIDIAN MGA | DATE 24/05/2021 | SCALE 1:4000 @ A3 | SURVEYORS REF S219382 |
|-----------------|--------------------|----------------------|--------------------------|

PH: 07 4165 4468 Email: jbs.surv@bigpond.net.au
58 Lyons Street, Mundubbera QLD 4626

FORMAT *Proposal*

LOCALITY *MUNDUBBERA*

LOCAL GOVERNMENT *North Burnett R.C.*

S219382-Pro1

Attachment 3 – Appeal Rights Planning Act 2016

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Please refer to attached document or

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>

