



17 January 2022

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
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

Your Reference:
Our Reference: DA220001

Webster Peter Francis
C/- Cullen & Couper Pty Ltd
PO Box 540
PIALBA QLD 4655

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY REALIGNMENT (2 INTO 2 LOTS) AT MOUNT EAGLE ROAD, EIDSVOLD; LAND DESCRIBED AS LOT 53 AND 54 ON RW194 .

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 18 January 2022 and taken to be properly made on 31 January 2022.

Please find attached the Decision Notice for the above-mentioned 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—

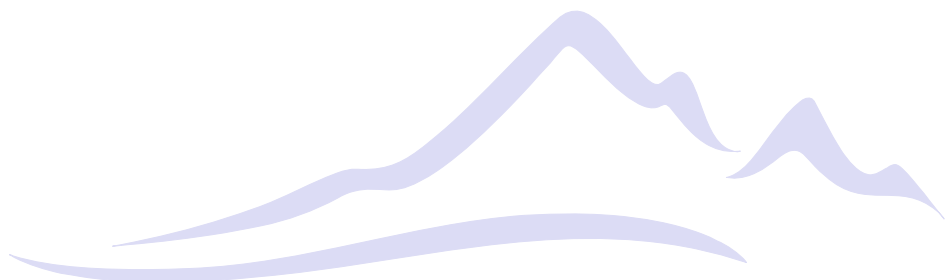
- if there is an appeal, after the appeal has ended;
- if there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

Please quote Council's application number: DA220001 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 team on telephone 1300 696 272.

Yours sincerely,

Lyn McLeod
Development Officer

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 31 January 2022 The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Webster Peter Francis
 Postal Address: C/- Cullen & Couper Pty Ltd
 PO Box 540
 PIALBA QLD 4655
 Email: lauren@cullenc.com.au
 Phone No.: 0428 651 361
 Mobile No.: 0458 625 951

Location details

Street address: MOUNT EAGLE ROAD, EIDSVOLD
 Real property description: Lot 53 and 54 on RW194
 Local government area: North Burnett Regional Council

Application details:

Application number: DA220001
 Approval sought: Development Permit
 Description of development proposed: Reconfiguring a lot — Boundary Realignment (2 into 2 lots)

Decision

Date of decision: 17 February 2022
 Decision details: Approved in full with 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.

	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"/>

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in attachment 3—

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Plan of Proposed lots 53 & 54	JB Serisier Surveyors & Planners	01/12/2021	S219780-Pro1	

Conditions

This approval is subject to the conditions in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Further development permits

Not applicable

Properly made submissions

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

Referral agencies for the application

Not applicable — This application did not require referral to a concurrence agency.

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.

Conditions about infrastructure

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

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* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>) and Schedule 1 of the *Planning Act 2016* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.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* – <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6-pt.2>). A hard copy of the appeal rights extracted from 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



Lyn McLeod
Development Officer

Enc: Attachment 1-conditions imposed by assessment manager
Attachment 2-approved plans
Attachment 3-appeal rights

Attachment 1 – Conditions Imposed by 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.

Survey

- 4) 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.

Existing Services and Structures

- 5) Certification must be submitted to council from a cadastral surveyor which certifies that:
 - (a) all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot.

Vehicle access

- 6) All constructed accesses and roadways, including driveway crossovers, must be compliant with the North Burnett Regional Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works* and Infrastructure and Operational Work Code.

Infrastructure (bushfire management)

- 7) The bulk storage of hazardous materials of 50 litres or more of chemicals of class C1 or C2 combustible liquids under Australian Standard AS1940 occurs outside of medium and high bushfire risk areas.

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 Resources 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.



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Attachment 2 – Approved Plans

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Please refer to the following pages for approved plans.

Area to be Transferred from Lot 54 to Lot 53

(A-B-J-A) 190 ha

Area to be Transferred from Lot 53 to Lot 54

(B-C-I-B) 71.25 ha
 (D-E-F-G-H-D) 81.39 ha

Total Area 153.15 ha

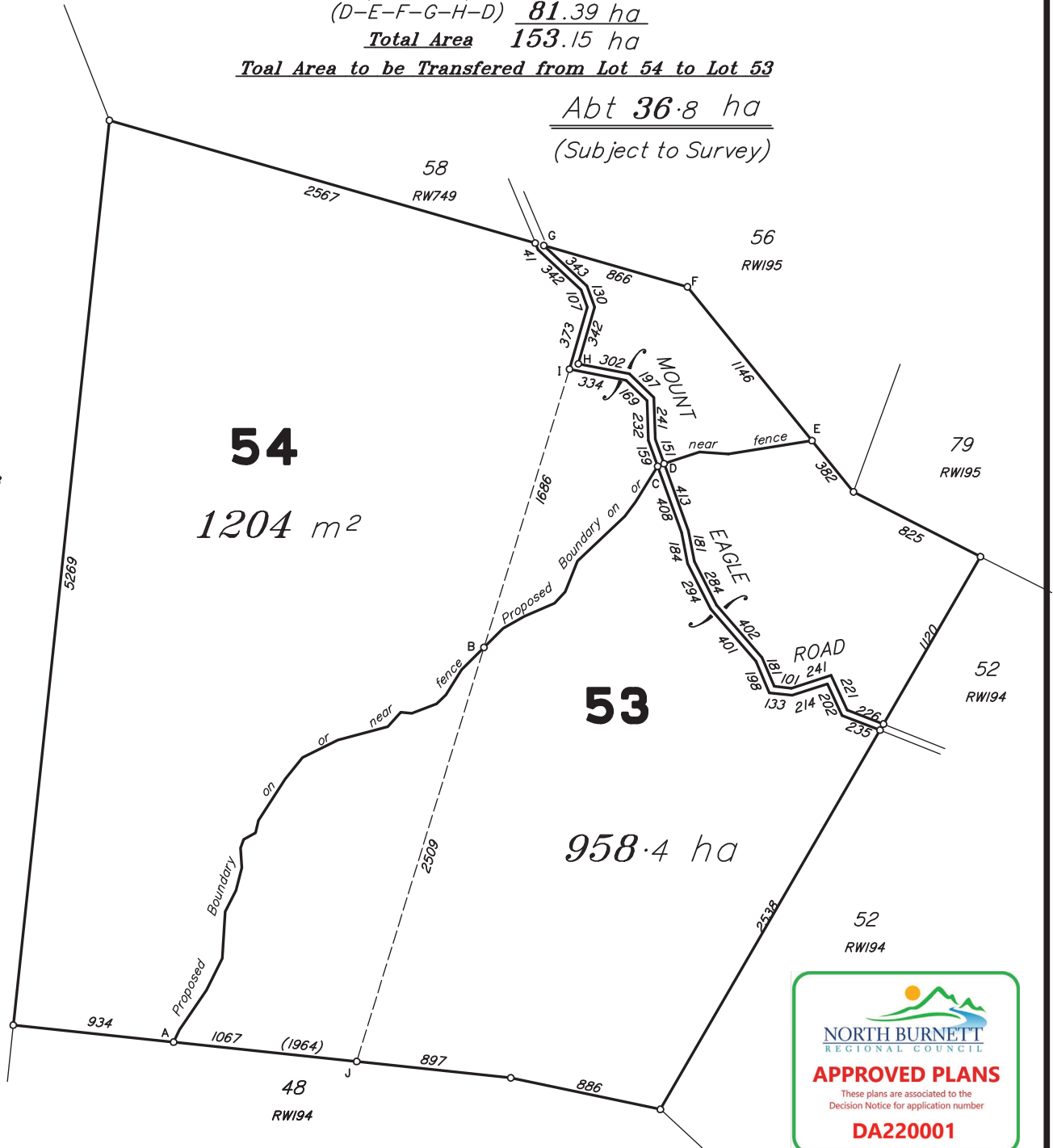
Toal Area to be Transferred from Lot 54 to Lot 53

Abt 36.8 ha

(Subject to Survey)



1
SP228928



Scale 1:25000 - Lengths are in metres.
 200 0 200 400 600 800 1000 1200 1400 1600 1800 2000 2200 2400 2600 2800 3000 3200 3400 3600 3800



DISCLAIMER

1. This plan was prepared for the purpose and exclusive use of Peter Webster 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.

P WEBSTER



Plan of Proposed Lots 53 & 54

FORMAT Proposal

LOCALITY EIDS.VOLD

LOCAL GOVERNMENT North Burnett R.C.

Cancelling Lots 53 & 54 on RW194

S219780-Pro1

MERIDIAN MGA Vide DCDB	DATE 1/12/2021	SCALE 1:25000 @ A3	SURVEYORS REF S219780
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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>