

22 March 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](mailto:admin@northburnett.qld.gov.au)  
Web: [www.northburnett.qld.gov.au](http://www.northburnett.qld.gov.au)  
ABN: 23 439 388 197

Your Reference: Nil  
Our Reference: DA220011

Emmerton Investment Trust  
C/- Scape Town Planning  
Suite 3088  
32 Ross Street  
NEWSTEAD QLD 4006

Dear Sir / Madam

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE— RURAL WORKERS ACCOMMODATION AT COONAMBULA ROAD, MUNDUBBERA ON LAND DESCRIBED AS LOT 187 ON SP322893.**

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 28 February 2022 and taken to be properly made on 18 March 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.

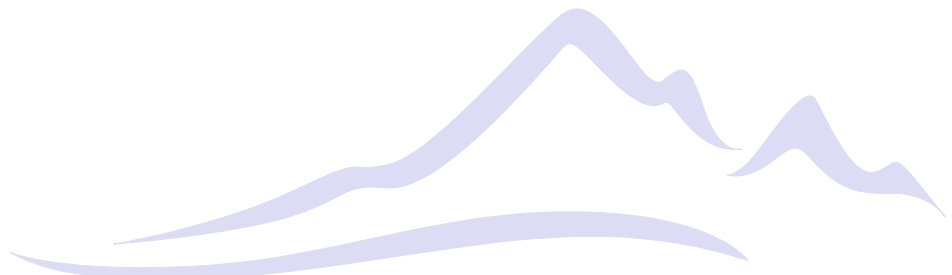
Please quote Council's application number: DA220011 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours faithfully



Lyn McLeod  
**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 made under section 78 of the *Planning Act 2016* detailed below which was properly made on 18 March 2022. The North Burnett Regional Council has assessed your application and decided it as follows—

### Applicant's Details

Name: Emmerton Investment Trust  
 C/- Scape Town Planning  
 Postal Address: Suite 3088  
 32 Ross Street NEWSTEAD QLD 4006  
 Mobile Number: 0419 300 041  
 Email Address: will.koschade@scaptownplanning.com.au

### Location details

Street address: Coonambula Road, Mundubbera  
 Real property description: Lot 187 on SP322893  
 Local government area: North Burnett Regional Council

### Application details

Application number: DA220011  
 Approval sought: Material Change of Use  
 Description of development proposed: Material Change of Use— Rural Workers Accommodation (2 buildings)

### Decision

Date of decision: 22 March 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/<br>issue |
|----------------------------|----------------|------------|---------------|-------------------|
| Contours and detail survey | Surveyors@work | 09/02/2022 | 3 of 5        | -                 |
| Site Plan                  | Surveyors@work | 09/02/2022 | 5 of 5        | -                 |

## 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

---

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Plumbing and Drainage Work

## Referral agencies for the application

---

There were no referral agencies for this application

## 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

## 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 right

## **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.
- 4) Comply with all the conditions of this development permit prior to commencement of the use and maintain compliance whilst the use continues.

### **Use**

- 5) No more than 12 persons are to reside in each structure at any one time.
- 6) The two individual dwellings are not to be used as a “Backpackers” or “Party House”.
- 7) Both detached Class 1a structures are to be reclassified as a class 1b.

### **Infrastructure**

- 8) Design, install, operate and maintain an on-site effluent disposal and treatment system that—
  - a) prevents a risk to public health;
  - b) prevents environmental damage, including to land, soil, groundwater and surface water; and
  - c) protects community amenity.
- 9) The development must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance, fire-fighting purposes and also a potable water supply sufficient to meet the needs of staff and visitors to the site.
- 10) The development must be provided with an adequate supply of electricity. If such a supply cannot be achieved through efficient design, alternative energy technologies or portable generators, a connection to a reticulated electricity network must be made available.

### **Vehicle access, parking, and manoeuvring**

- 11) Internal vehicle access shall be provided for traffic movements within the development site area, including—
  - a) Direct access to the site is limited to the existing access crossover servicing the site from Coonambula Road;
  - b) sufficient on-site car parking to accommodate employees and visitors;
  - c) generally—incorporate adequate road width, turning radii, drainage, a suitable surface, and adequate site distance;

- d) sufficient on-site manoeuvring to allow all vehicles to enter and leave the site in forward direction. Vehicle movements in this regard are to be totally contained within the development site boundaries.

### **Waste management**

- 12) Provide an impervious bin storage area for the storage of refuse bins in accordance with the following—
  - a) designed so as to prevent the release of contaminants into the environment
  - b) sufficiently sized to accommodate all refuse bins
  - c) screened from the road frontage or other public space by landscaping or constructed screening
  - d) must be maintained in a clean and sanitary manner.
- 13) Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.

### **Amenity and Nuisance**

- 14) No unreasonable and sustained nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

### **Lighting**

- 15) Lighting to be used within the development is to be designed and installed in accordance with AS4282-1997: "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause nuisance to occupants, nearby residents or passing motorists.

### **Advice to the applicant**

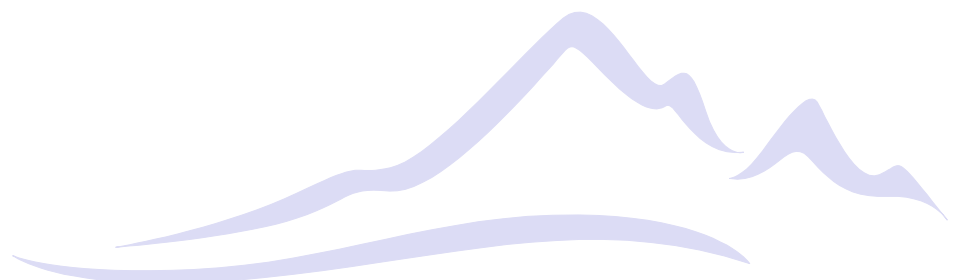
- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on Council's website. 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.
- The use has been approved in an area that is not currently connected to a reticulated water supply. In accordance with the *Public Health Act 2005*, the development must be provided with a safe, adequate and potable water supply. Tank water must be treated to a potable standard and fitted with an appropriate sanitation system such that water is safe to drink. It is recommended that prior to commencement of use, testing certification be undertaken in order to ensure water is safe for consumption.

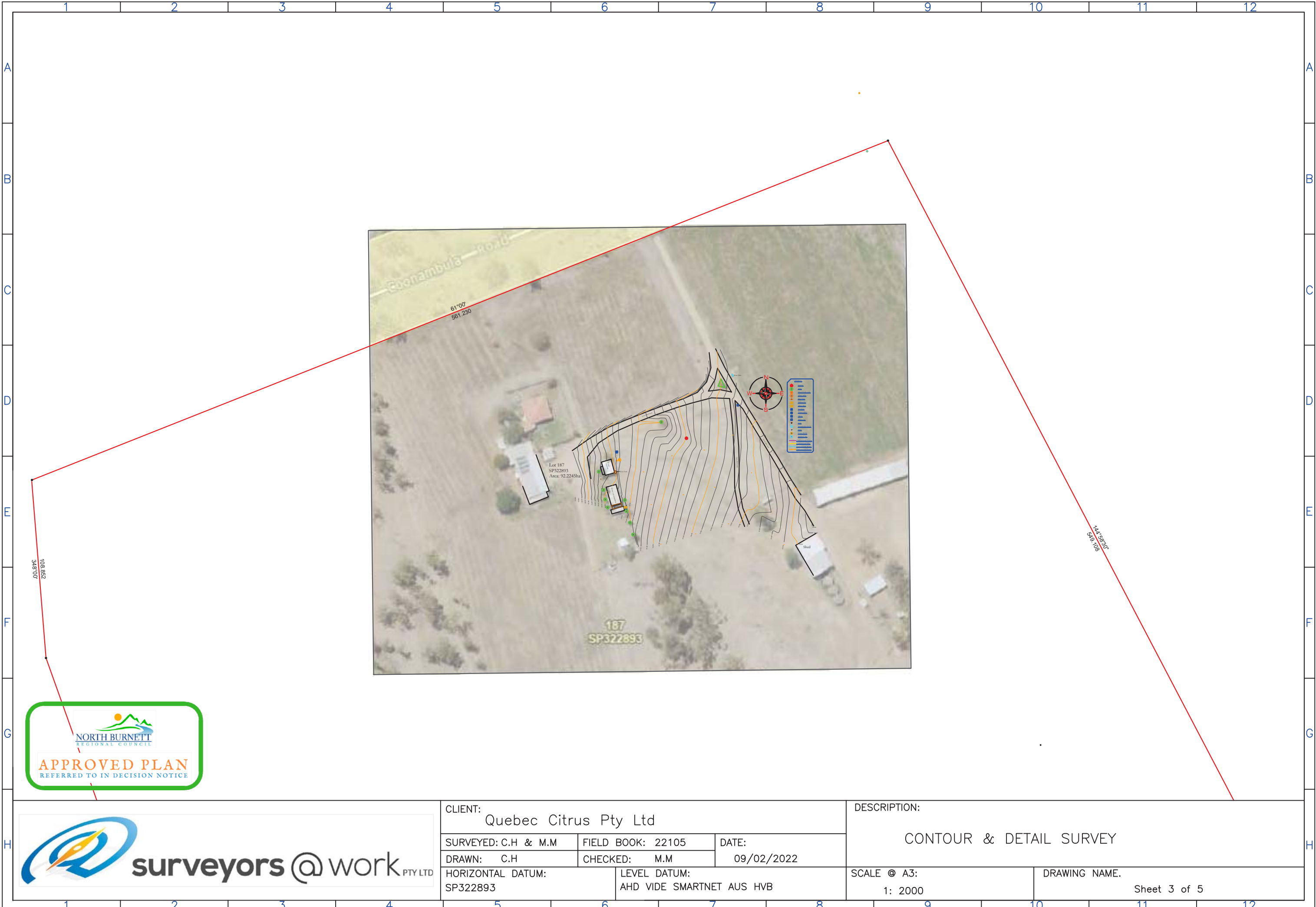
## **Attachment 2 – Approved Plans**

---

**Intentionally left blank**

**Please refer to the following pages for approved plans.**





|                                  |                   |   |
|----------------------------------|-------------------|---|
| CLIENT:<br>Quebec Citrus Pty Ltd |                   |   |
| SURVEYED: C.H & M.M              | FIELD BOOK: 22105 | DATE:<br>09/02/2022                       |
| DRAWN: C.H                       | CHECKED: M.M      |   |
| HORIZONTAL DATUM:<br>SP322893    |                   | LEVEL DATUM:<br>AHD VIDE SMARTNET AUS HVB |

|   |                               |
|---|-------------------------------|
| DESCRIPTION:<br><br>CONTOUR & DETAIL SURVEY |                               |
| SCALE @ A3:<br>1: 2000                      | DRAWING NAME.<br>Sheet 3 of 5 |

Plot date: 14/02/2022



|                                  |                   |   |
|----------------------------------|-------------------|---|
| CLIENT:<br>Quebec Citrus Pty Ltd |                   |   |
| SURVEYED: C.H & M.M              | FIELD BOOK: 22105 | DATE:<br>09/02/2022                       |
| DRAWN: C.H                       | CHECKED: M.M      |   |
| HORIZONTAL DATUM:<br>SP322893    |                   | LEVEL DATUM:<br>AHD VIDE SMARTNET AUS HVB |

|                               |                               |
|-------------------------------|-------------------------------|
| DESCRIPTION:<br><br>SITE PLAN |                               |
| SCALE @ A3:<br>1: 500         | DRAWING NAME.<br>Sheet 5 of 5 |

Plot date: 14/02/2022



## **Attachment 3 – Appeal Rights Planning Act 2016**

---

**Intentionally left blank**

**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>

