



Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
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Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

28 May 2019

Your Reference:
Our Reference:

Megan and Ken Roth
26 Tablelands Road
GAYNDAH QLD 4625

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR ROOMING ACCOMODATION AT 19 SEENEY STREET, GAYNDAH Q 4625 LAND DESCRIBED AS LOT 23 ON RP32450

Thank you for the above-mentioned development application for a development permit, lodged with Council on 22 April 2019. Please find attached the decision notice.

Section 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 any appeal, after the appeal has ended.

Please quote Council's application number: 51/19 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,

Trevor Harvey
General Manager Strategy, Innovation and Assets
On behalf of Gary Rinehart
Chief Executive Officer

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 22 April 2019. The North Burnett Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Megan and Ken Roth
 Postal Address: 26 Tableland Road
 GAYNDAH QLD 4625
 Email: rothcitrus@bigpond.com
 Phone No.:
 Mobile No.: 0427 611 905

2. Location details

Street address: 19 Seeney Street, Gayndah Q 4625
 Real property description: Lot 23 on RP32450
 Local government area: North Burnett Regional Council

3. Decision

Application number: 51-19
 Date of decision: 23 May 2019
 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.

4. Details of proposed development

	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 and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site Plan	Design Direct	05/03/2019	MD01	Original
Floor Plan	Design Direct	05/03/2019	MD02	Original

6. 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.

7. Further development permits

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

- Building Work

8. 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.

9. 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>

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>

Appeal provisions 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>

A hard copy of the appeal provisions are provided with this approval.

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

Yours faithfully



Trevor Harvey

General Manager Strategy, Innovation and Assets

On behalf of Gary Rinehart

Chief Executive Officer

Enc: Attachment 1-conditions imposed by assessment manager
Attachment 2-plans

Attachment 1 – Conditions Imposed by Assessment Manager

General

- 1) Carry out the approved development generally in accordance with the approved plans 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, the conditions prevail.
- 3) Comply with all of the conditions of this development permit prior to the commencement of the use, unless otherwise and maintain compliance whilst the use continues.

Use

- 4) No more than 12 persons are to reside at the site at any one time.
- 5) Dwelling is not to be used as a “Backpackers” or “Party House”.
- 6) Single detached dwelling Class 1a structure is to be reclassified as a boarding house class 1b.

Vehicle Access and Manoeuvring

- 7) Provide on-site car parking for at least four (4) vehicles.
- 8) Provide sufficient manoeuvring to enable all vehicles to enter and leave the site in a forward direction.

Lighting

- 9) 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.
- 10) Illumination emanating from the premises does not exceed (8) lux measured at any point 1.5m outside the boundary of the site at or above ground level.

Fencing

- 11) Maintain all existing fencing.

Construction management

- 12) Do not undertake building work in a way that makes audible noise:
 - a) On a business day or Saturday, before 6.30am or after 6.30pm; or
 - b) On any other day, at any time.
- 13) Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.

Advice to the applicant

- This approval does not represent a development approval for Building Works under the *Building Act 1975*.
- 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.



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Attachment 2 – Approved Plans

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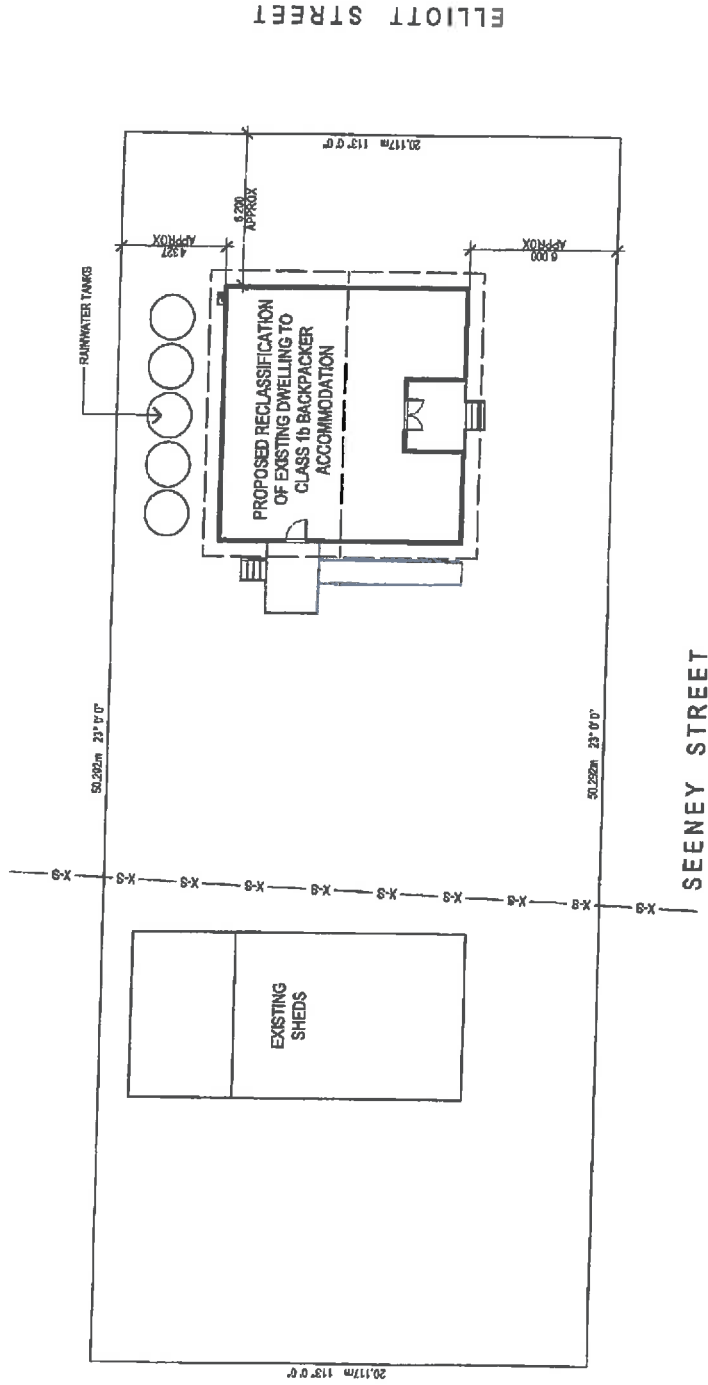
Please refer to the following pages for approved plans.

PROPERTY DESCRIPTION:
 LOT 23 ON RP32450
 PARISH OF TAUGHBOYNE
 COUNTY OF BOWEN
 SITE AREA - 1011.7m²

LEGEND:
 — X-S — BENCHMARK



**This document forms part of
 development permit 51-19.**



SITE PLAN
 SCALE 1:200

design direct BUILDING DESIGNERS 100/101 Macrossan Drive BUNDABERG 3403 Number Street BRISBANE QLD 4102 (07) 4154 3911 (07) 4126 3911		ISSUE FOR INFORMATION NOT FOR CONSTRUCTION <small>THESE DRAWINGS AND DESIGNS ARE COPYRIGHTED AND NOT BE LOANED, REPRODUCED, COPIED, REPRODUCED, WHOLLY OR PARTLY, WITHOUT THE WRITTEN PERMISSION FROM DESIGN DIRECT</small>		REV DESCRIPTION DATE BY		PROJECT PROPOSED RECLASSIFICATION OF EXISTING DWELLING TO CLASS 1b BACKPACKER ACCOMMODATION CLIENT ROTH'S CITRUS		LOCATION 19 SEENEY STREET GAYNDAH TITLE SITE PLAN		PAGE SIZE A3		SCALE 1:200		START DATE MAR 2018		DESIGNED BC			
										BCA CLASS 1b		PROJECT NO. 190209		DRAWING NO. MD01		CHECKED TL		REVISION *	

NOTE:

SMOKE ALARMS & EMERGENCY LIGHTING TO BE INSTALLED TO COMPLY WITH THE ODC MP 2.1 - FIRE SAFETY IN BUDGET ACCOMMODATION BUILDINGS

ABBREVIATION LEGEND:

- CH CEILING HEIGHT
- CW CASEMENT WINDOW
- LV LOUVER WINDOW
- MB METER BOX
- REF REFRIGERATOR SPACE
- SH SHELVES
- ST STOVE
- SW SLIDING WINDOW

SYMBOL LEGEND:

- EXIT SIGN
- LIGHT FITTING - EMERGENCY LUMINAIRE
- METER BOX
- SMOKE ALARM

WALL LEGEND:

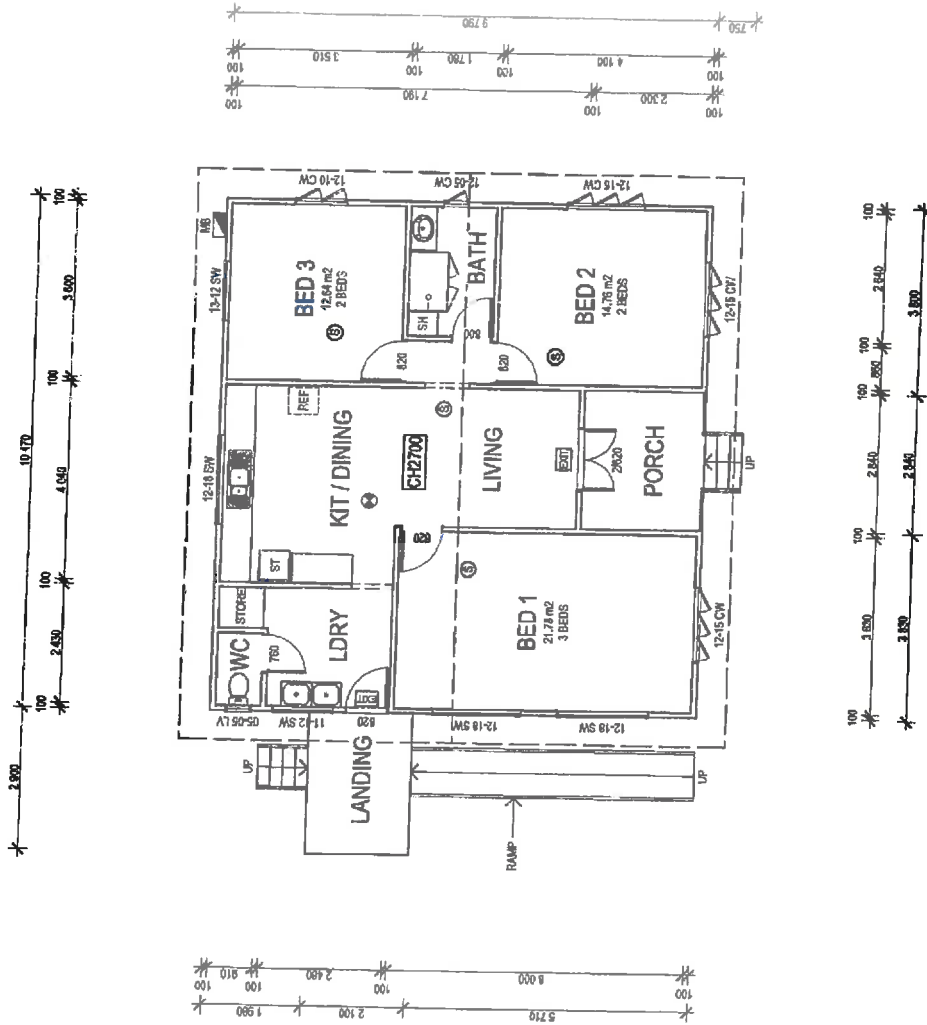
(REFER PLAN FOR WALL THICKNESSES)
 TIMBER STUD FRAMED WALL

BUILDING AREAS:

- ENCLOSED 95.7
- LANDING 6.1
- PORCH 6.6
- 108.5 m²



This document forms part of development permit 51-19.



FLOOR PLAN

SCALE 1:100

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		<p>design direct BUILDING DESIGN</p>		<p>BUNDABERG 9 Tang Street (07) 4154 3911</p>	
<p>PROPOSED RECLASSIFICATION OF EXISTING DWELLING TO CLASS 1b BACKPACKER ACCOMMODATION</p>		<p>CLIENT</p> <p>ROTHS CITRUS</p>		<p>DATE</p> <p>06/02/19 B/C</p>	
<p>PROJECT</p> <p>19 SEENEY STREET GAYNDAH</p>		<p>LOCATION</p> <p>19 SEENEY STREET GAYNDAH</p>		<p>TITLE</p> <p>FLOOR PLAN</p>	
<p>SCALE</p> <p>1:100</p>		<p>PAGE SIZE</p> <p>A3</p>		<p>START DATE</p> <p>MAR 2018</p>	
<p>DESIGNED</p> <p>BC</p>		<p>CHECKED</p> <p>TL</p>		<p>DRAWING NO.</p> <p>MD02</p>	
<p>REVISION</p> <p>*</p>		<p>PROJECT NO.</p> <p>190209</p>		<p>B/C CLASS</p> <p>1b</p>	