



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

11 February 2020

Our reference: 09-20

Your reference: 19005

Bruce Serisier
c/- JB Serisier Surveyors
58 Lyons Street
MUNDUBBERA QLD 4626

via email: jbs.surv@bigpond.net.au

Dear Bruce,

RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT—BOUNDARY REALIGNMENT (2 LOTS INTO 2 LOTS) AT 125 NETZS ROAD AND 1051 ABERCORN ROAD, GLENLEIGH ON LAND DESCRIBED AS LOT 3 ON SP130859 AND LOT 36 ON RW90

Thank you for the above-mentioned development application for a development permit, lodged with Council and properly made on 20 January 2020. Council decided to approve the application in full subject to conditions. Please find attached the decision notice.

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 if an appeal about the approval is started; the approval starts to have effect when the appeal ends (subject to the outcome of the appeal).

Please quote Council's application number: 09-20 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
Appeal rights

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 20 January 2020. The North Burnett Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Bruce Serisier
 JB Serisier Surveyors

Postal Address: 58 Lyons Street
 MUNDUBBERA QLD 4626

Email: jbs.surv@bigpond.net.au

2. Location details

Street address: 125 Netzs Road and 1051 Abercorn Road
 GLENLEIGH QLD 4630

Real property description: Lot 3 on SP130859 and Lot 36 on RW90

3. Details of the proposed development

Application number: 09-20

Approval sought: Development permit

Nature of development: Reconfiguring a lot—Boundary realignment (2 lots into 2 lots)

4. Decision

Date of decision: 11 February 2020

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.

	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 – Reconfiguring a lot		<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Approved plans

Copies of the following plans are enclosed in Attachment 2.

Document title	Prepared by	Date	Drawing no.
Proposed Reconfiguration – Lots 3 & 36 Cancelling Lot 3 on SP130859 and Lot 36 on RW90 on RP187583	J B Serisier Surveyors	14/01/2020	19005/01

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

Nil.

8. Properly made submissions

Not applicable.

9. Referral agencies for the application

Not applicable.

10. 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.

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 the conditions of this development permit prior to the submission of the request for the approval of plan of subdivision, unless otherwise explicitly identified.

Survey

- 5) 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.

Natural hazard

- 6) Site any new buildings or structures:
 - a) within areas of lowest bushfire hazard within the lot;
 - b) setback from hazardous vegetation 1.5 times the predominant mature canopy tree height or 15 metres whichever is the greater; and
 - c) are 10 metres from any retained vegetation strips or small areas of vegetation.
- 7) Provide each new Class 1, 2, 3 or 4 building under the *Building Code of Australia* with a storage system that permanently holds a minimum of 5,000 litres (e.g. a dam, swimming pool or water tank with fire brigade fittings and building’s take off connection from that tank at a level that allows 5,000 litres to be dedicated for firefighting purposes) within 100m of the building.
- 8) Site any new buildings with habitable rooms (Class 1, 2, 3 and 4 buildings under the *Building Code of Australia*) and any new on-site water supply and wastewater disposal infrastructure on proposed Lot 3 above the flood level of a 1 per cent AEP flood event.
- 9) Any extensions to habitable rooms for the existing Class 1 building on Lot 36 that is situated below the flooding and inundation area, defined flood level or 1% AEP flood event level and the additions constitute less than 50% of the existing floor area is to be not less than the floor level of the existing habitable rooms or exceed 50m².

Property notes

- Development approval 09-20 – Electricity and telecommunications

The following notations applies to approved Lot 3—

At the time of its creation, Council did not require this lot to be connected to the reticulated electricity or telecommunications networks. The owner and potential purchasers should

investigate whether the lot has since been connected to the networks or if alternative arrangements have been made.

Advice to the applicant

- 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.

Attachment 2 – Approved Plans

Intentionally left blank

Please refer to the following pages for the approved plans

Attachment 3 – Appeal Rights Planning Act 2016

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) ...
 - (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note — See the P&E Court Act for the court's power to extend the appeal period.*
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—

- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

SCHEDULE 1 APPEALS

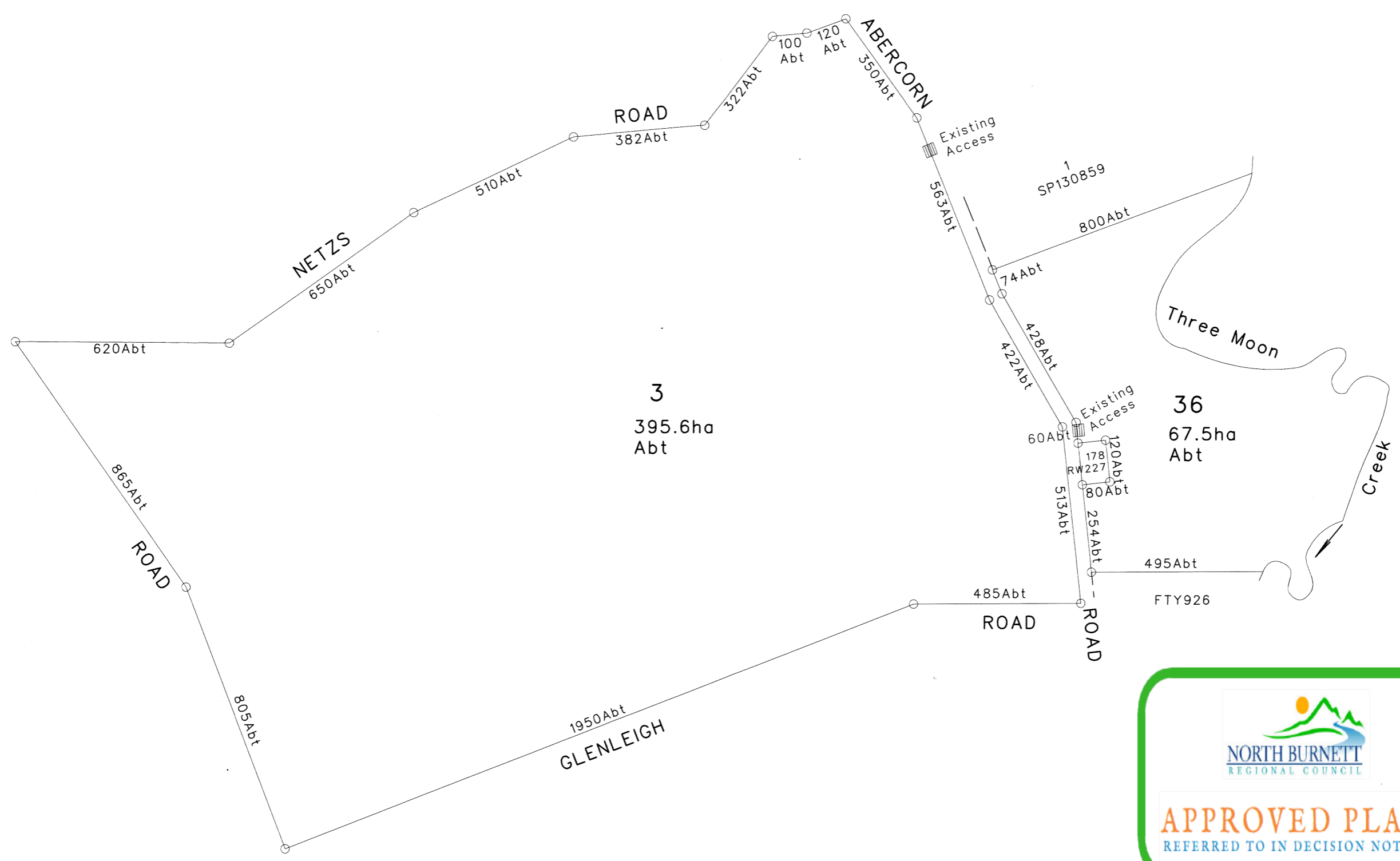
1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
- (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to—
 - (i) a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>1. Development applications For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ul style="list-style-type: none"> 1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

Table 2			
Appeals to the P&E Court only			
<p>1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <ul style="list-style-type: none"> (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—



J B SERISIER SURVEYORS
 58 LYONS STREET
 MUNDUBBERA Q4626
 Ph: 41654468
 Mob: 0428 769224
 jbs.surv@bigpond.net.au

PROPOSED RECONFIGURATION
 LOTS 3 & 36
 Cancelling Lot 3 on SP130859
 & Lot 36 on RW90
 Locality of Glenleigh
 North Burnett Regional Council

DISCLAIMER
 This plan has been prepared for a development application only, and should not be used for any other purpose. Dimensions and areas shown on this plan are approximate only and may differ from the actual final dimensions. This plan should not be altered or amended in any way without the express permission of J B Serisier Surveyors.

CLIENT LF & MK Felesina	
FILE 19005	DATE 14/01/2020
Drawing No. 19005/01	
SCALE:- 1 : 1250	

