

20/10/2022

Mailing Address: PO Box 390, Gayndah Qld 4625
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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: DA220039 and 1121216

Kenneth D & Megan L Roth
26 TABLELAND ROAD
GAYNDAH

Dear Kenneth and Megan

RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - ROOMING ACCOMMODATION AT 11 TABLELAND ROAD, GAYNDAH; LAND DESCRIBED AS LOT 1 ON RP202224

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 29 September 2022 and taken to be properly made on 13 October 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.

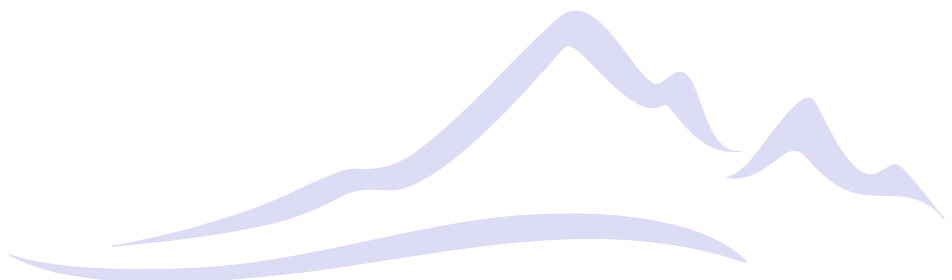
Please quote Council's application number: DA220039 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

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

Applicant's Details

Name: Kenneth D & Megan L Roth
 Postal Address: 26 TABLELAND ROAD
 GAYNDAH QLD 4625
 Email:
 Phone No.: 07 4161 1905
 Mobile No.: 0427 611 905

Location details

Street address: 11 TABLELAND ROAD, GAYNDAH
 Real property description: LOT 1 ON RP202224
 Local government area: North Burnett Regional Council

Application details:

Application number: DA220039
 Approval sought: Development Permit
 Description of development proposed: Material change of use — Rooming Accommodation

Decision

Date of decision: 20 October 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	Reference no.
Site plan	TR & SL Roper Building Design and Drafting	22-720-1
Elevations	TR & SL Roper Building Design and Drafting	22-720-1
Floor plan	TR & SL Roper Building Design and Drafting	22-720-1

Conditions

This approval is subject to the conditions in Attachment 1 and 2. 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:

- Building Work

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.
- 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 the structure at any one time.
- 6) The class 1a structure is to be reclassified as a class 1b structure.
- 7) The dwelling (class 1b) structure is not to be used as a “Backpackers” or “Party House”.
- 8) No reasonable 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.

Existing Services and Structures

- 9) Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the lot they serve.
- 10) Certification must be submitted to council from a cadastral surveyor which certifies that:
 - (a) the boundary clearances for any existing buildings that are to remain on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975* (unless varied by this development approval), where boundary clearances for buildings other than class 1 or 10 buildings are to be determined by a building certifier
 - (b) all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of the *Plumbing and Drainage Act 2002* and associated codes and requirements, as determined by a building certifier or other suitably qualified professional.
 - (c) all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot.

Construction management

- 11) Unless otherwise approved in writing by the Assessment manager, do not carry out building work in a way that makes audible noise—
 - a) on a business day or Saturday, before 6:30am or after 6:30pm
 - b) on any other day, at any time.

- 12) Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.
- 13) Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.

Waste management

- 14) 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) a suitable hose cock (with backflow prevention) and hoses must be provided at the bin storage area, and wash down to be drained to the sewer and fitted with an approved stormwater diversion valve arrangement
 - e) must be maintained in a clean and sanitary manner.
- 15) 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.

Infrastructure

- 16) Design and implement a stormwater drainage system connecting to a lawful point of discharge in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*.
- 17) Connect the premises to the reticulated water supply and sewerage systems, and provide internal infrastructure as required to satisfy the demands of the development.

Vehicle access

- 18) Design and construct off-street car parking, access, and manoeuvring areas in accordance with the approved plans and the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*. Car parking, access, and manoeuvring areas must—
 - a) limit direct access to the development to the existing access crossovers servicing the site from Tablelands Road;
 - b) provide a minimum of 3 parking spaces
 - c) provide on-site loading and unloading for all necessary service and delivery vehicles; and
 - d) provide sufficient manoeuvring to enable all vehicles to enter and leave the site in a forward direction.

Lighting

- 19) 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 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.
- The existing structures that are to be removed may contain asbestos containing materials. A suitably qualified person must inspect the buildings prior to demolition. Any material found that contains asbestos must be handled according to *Work Health and Safety Regulations 2011*. For further information visit www.worksafe.qld.gov.au.



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Attachment 2 – Approved Plans

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Please refer to the following pages for approved plans.

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>