

1 May 2018

Our Reference: 11/18

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 HAWKWOOD RD AND 1502 MUNDUBBERA DURONG RD, DERRI DERRA ON LAND DESCRIBED AS LOT 34 ON NT55 AND LOT 2 ON RP145292

Thank you for the above-mentioned development application for a development permit, lodged with Council on 6 February 2018. Please find attached the decision notice.

Please quote Council's application number: 11/18 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,



MJP Pitt
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 6 February 2018. The North Burnett Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: JB Serisier Surveyors
 Postal Address: 58 Lyons Street
 MUNDUBBERA QLD 4626
 Phone: 4165 4468
 Email: jbs.surv@bigpond.net.au
 Reference: 17034

2. Location details

Street address: Hawkwood Road and 1502 Mundubbera Durong Road
 DERRI DERRA QLD 4626
 Real property description: Lot 34 on NT55 and Lot 2 on RP145292
 Local government area: North Burnett Regional Council

3. Decision

Application number: 11/18
 Date of decision: 1 May 2018
 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.

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

5. Approved plans

Copies of the following plans are enclosed in Attachment 3.

Drawing title	Prepared by	Date	Reference
Proposed reconfiguration Lots 2 & 34 Cancelling Lot 2 on RP145292 & Lot 34 on NT55	JB Serisier Surveyors	13/02/2018	17034/02

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

Not applicable.

8. Referral agencies for this application

The referral agency for this application is:

Department of State Development, Manufacturing, Infrastructure and Planning State Assessment and Referral Agency (SARA) E: WBBSARA@dsdmip.qld.gov.au P: PO Box 979 Bundaberg QLD 4670	State transport corridor—Schedule 10, Part 9, Division 4, Subdivision 2 of the <i>Planning Regulation 2017</i> .
---	--

9. Properly made submissions

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

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 2.

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

Yours faithfully,



MJP Pitt
Chief Executive Officer

Enc: Attachment 1
Part A – Conditions imposed by assessment manager
Part B – Conditions imposed by concurrence agency
Attachment 2 – Appeal rights
Attachment 3 – Approved plans
Attachment 4 – Adopted Infrastructure Charges Notice

Attachment 1

Part A - 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) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4) Reinstate survey marks where required and install new survey marks in their correct position in accordance with the approved plan. The Subdivision Plan is to be endorsed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated regulations and standards.
- 5) Provide certification to the Assessment Manager from an appropriately qualified person which certifies that:
 - a) the boundary clearance for any existing buildings and structures on site comply with the relevant provisions of the planning scheme and the *Building Act 1975*;
 - b) all existing and proposed utility services are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible;
 - c) 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.

Advice to the applicant

- Unless otherwise explicitly identified, all conditions of this development permit must be completed to Council's satisfaction prior to the Subdivision Plan being endorsed by Council.
- All rates, charges or any expenses levied by Council over the land must be paid prior to the Subdivision Plan being endorsed by Council.
- This development permit is subject to an adopted infrastructure charges notice, which in this case is calculated to be \$nil. The notice is Council's formal confirmation that no payment is required.
- 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 1

Part B - Conditions Imposed by Concurrence Agency

Intentionally left blank

Please refer to the following pages for conditions imposed by concurrence agency



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning
Statement of reasons for application 1802-4209 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: JB SERISIER SURVEYORS
Applicant contact details: 58 Lyons Street
Mundubbera QLD 4626
jbs.surv@bigpond.net.au

Location details

Street address: 1502 Mundubbera Durong Road and Hawkwood Road, Derri Derra
Real property description: Lot 2 on RP145292; Lot 34 on NT55
Local government area: North Burnett Regional Council

Development details

Development permit Reconfiguring a lot - Boundary realignment two (2) lots into two (2) lots

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions (version 2.1) State Code 1: Development in a state-controlled road environment

Reasons for the department's decision

The reasons for the decision are that the proposed development:

- complies with the relevant provisions set out under State code 1 of the State Development Assessment Provisions, Version 2.1.
- reduces the number of vehicular accesses to the state-controlled road (Mundubbera Durong Road).
- does not create a safety hazard for users of the state-controlled road or result in a worsening of operating conditions, subject to conditions being applied.

Decision

- The development application proposes to re-align the property boundaries of two lots
- The department's response includes conditions that must be attached to any approval given by the decision maker (North Burnett Regional Council).
- The inclusion of conditions will ensure that access is limited to the approved single access off Mundubbera Durong Road only and other vehicular access is sought via Hawkwood Road.

Relevant material

- development application material
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- *Planning Act 2016*
- Planning Regulation 2017

Our reference: 1802-4209 SRA
Your reference: 11/18

12 April 2018

The Chief Executive Officer
North Burnett Regional Council
PO Box 390
GAYNDAH QLD 4625
admin@northburnett.qld.gov.au

Attention: Ms Lyn McLeod

Dear Lyn

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 15 March 2018.

Applicant details

Applicant name:	JB SERISIER SURVEYORS
Applicant contact details:	58 Lyons Street Mundubbera QLD 4626 jbs.surv@bigpond.net.au

Location details

Street address:	1502 Mundubbera Durong Road and Hawkwood Road, Derri Derra
Real property description:	Lot 2 on RP145292; Lot 34 on NT55
Local government area:	North Burnett Regional Council

Application details

Development permit	Reconfiguring a lot - Boundary realignment two (2) lots into two (2) lots
--------------------	---

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.1.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

A copy of this response has been sent to the applicant for their information.

For further information please contact Danica Clark, Senior Planner, on 4331 5619 or via email WBBSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning

cc JB SERISIER SURVEYORS, jbs.surv@bigpond.net.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—s62 Approval – Permitted Road Access Location

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Reconfiguring a lot - Boundary realignment two (2) lots into two (2) lots		
10.9.4.2.1.1—State transport corridors and future State transport corridors—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The permitted road access location, is to be located, designed and constructed in accordance with the Section 62 approval (Attachment 3) granted by the Department of Transport and main roads dated 11/04/2018 under the <i>Transport Infrastructure Act 1994</i> .	At all times.
2.	Direct access is not permitted between the Mundubbera-Durong Road and Lot 2 at any location other than the permitted road access location.	At all times.
3.	Direct access is not permitted between the Mundubbera-Durong Road and Lot 34.	At all times.

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required.

Attachment 3—s62 Approval – Permitted Road Access Location

Our ref TMR18-024160
Your ref 17034
Enquiries Andrea McPherson



11 April 2018

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 11/18 lodged on the 6 February 2017 involves constructing or changing a vehicular access on Lot 2RP145292 and Lot 34NT55, the subject of the application, and the Mundubbera – Durong Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Tansey Pastoral Company Pty Ltd C/- JB Serisier Surveyors
58 Lyons Street
Mundubbera QLD 4626

Application Details

Address of Property 1502 Mundubbera - Durong Road, Derri Derra QLD 4626
Real Property Description 2RP145292, 34NT55
Aspect/s of Development Reconfiguring a Lot for Boundary Realignment - 2 Lots into 2 Lots

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is located at Tdist_15.069R on road no. 435 or in accordance with the TMR Layout Plan TMR18-024160, dated 11/04/2018.	At all times.
2	Direct access is prohibited between Lot 2 at any other location other than the permitted road access location described in Condition 1.	At all times
3	Not access is permitted between Lot 34 and the Mundubbera-Durong Road.	

Reasons for the decision

The reasons for this decision are as follows:

¹ Please refer to the further approvals required under the heading 'Further approvals'

- a) The management of access between a state-controlled road (Mundubbera – Durong road) and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- b) Where access is available via a local road network it is preferable that access to allotments is not via the state controlled road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

If further information about this approval or any other related query is required, Ms Andrea McPherson, A/ Senior Town Planner, Infrastructure Management & Delivery should be contacted by email at WBB.IDAS@tmr.qld.gov.au or on (07) 41540208.

Yours sincerely



Vince Green

A/Manager –Project Planning and Corridor Management

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to make decisions about permitted road access locations between particular/adjacent land and a state controlled road.
- Maintenance of the existing access for proposed lot 2 will not adversely affect the function or operational efficiency of Mundubbera – Durong Road.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Transport Infrastructure Act 1994	Queensland Government	Current as at 28 August 2017	N/A	N/A
Proposed Reconfiguration	J B Serisier Surveyors	13/02/2018	17034	2
Report on Proposed Development	J B Serisier Surveyors	6/02/2018	17034	N/A

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment 2 – 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) 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

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 a matter under paragraphs (a) to (g); 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			
1. Development applications An appeal may be made against— <ol style="list-style-type: none"> the refusal of all or part of the development application; or the deemed refusal of the development application; or a provision of the development approval; or 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	<ol 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
2. Change applications For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against— <ol style="list-style-type: none"> the responsible entity's decision on the change application; or a deemed refusal of the change application. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ol style="list-style-type: none"> 1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice 	The responsible entity	If an affected entity starts the appeal—the applicant	<ol style="list-style-type: none"> 1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— <ol style="list-style-type: none"> the assessment manager's decision on the extension application; or a deemed refusal of the extension application. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ol style="list-style-type: none"> 1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application 	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds— <ol style="list-style-type: none"> the notice involved an error relating to— <ol style="list-style-type: none"> (i) the application of the relevant adopted charge; or <i>Examples of errors in applying an adopted charge—</i> <ul style="list-style-type: none"> the incorrect application of gross floor area for a non-residential development applying an incorrect 'use category', under a regulation, to the development <ol style="list-style-type: none"> (ii) the working out of extra demand, for section 120; or (iii) an offset or refund; or there was no decision about an offset or refund; or if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount. 			

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—

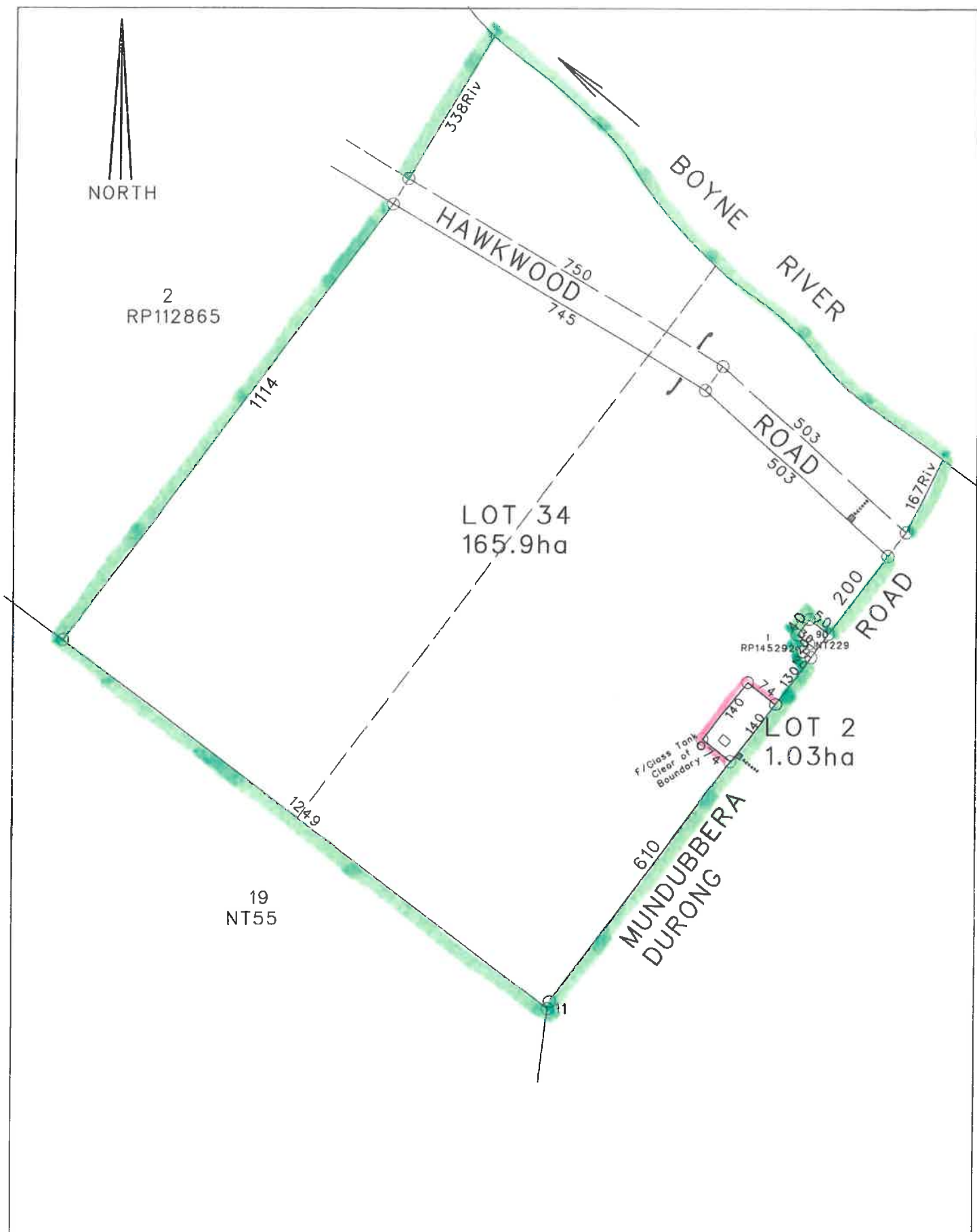
Table 2 Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 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	—	—
2. Eligible submitter appeals For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application	1. For a development application—the assessment manager 2. For a change application—the responsible entity	1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3. Eligible submitter and eligible advice agency appeals For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application 3. An eligible advice agency for the development application or change application	1. For a development application—the assessment manager 2. For a change application—the responsible entity	1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval. 2 A private certifier for the development application related to the approval
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision.	—	—
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against— <ul style="list-style-type: none"> (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision.	The person who made the decision	—	—
4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—

Attachment 3 – Approved Plans

Intentionally left blank

Please refer to the following pages for approved plans



J B SERISIER SURVEYORS 58 LYONS STREET MUNDUBBERA Q4626 Ph: 41654468 Fax: 41654614 Mob: 0428 769224 jbs.surv@bigpond.net.au	<u>PROPOSED RECONFIGURATION</u> LOTS 2 & 34 Cancelling Lot 2 on RP145292 & Lot 34 on NT55 Locality of Derri Derra North Burnett Regional Council	<u>DISCLAIMER</u> This plan has been prepared for a development application only, and should not be used for any other purpose. Distances and areas are approximate only and may differ from the final surveyed dimensions. This plan should not be altered or changed in any way without the express permission of J B Serisier Surveyors.	<u>CLIENT:</u> Tansey Pastoral <table><tr><td><u>File No:</u> 17034</td><td><u>Date:</u> 13/02/2018</td></tr><tr><td colspan="2"><u>Drawing No:</u> 17034/02</td></tr><tr><td colspan="2"><u>SCALE:</u> 1 : 10000</td></tr></table>	<u>File No:</u> 17034	<u>Date:</u> 13/02/2018	<u>Drawing No:</u> 17034/02		<u>SCALE:</u> 1 : 10000	
<u>File No:</u> 17034	<u>Date:</u> 13/02/2018								
<u>Drawing No:</u> 17034/02									
<u>SCALE:</u> 1 : 10000									

Attachment 4 – Adopted Infrastructure Charges Notice

Intentionally left blank

Please refer to the following pages for adopted infrastructure charges notice



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

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 2) 2015

TO	Applicant: JB Serisier Surveyors	File Number: 11/18
	Address: 58 Lyons Street MUNDUBBERA QLD 4626	Date of Issue: 1 May 2018

LAND TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

Site Address: Hawkwood Road and 1502 Mundubbera Durong Road, Derri Derra
Property Description: Lot 34 on NT55, and Lot 2 on RP145292

DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

The adopted infrastructure charge applies to the following development type:
Reconfiguring a Lot—Boundary Realignment (2 Lots into 2 Lots)
Development Approval No. 11/18

CURRENT AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE

The adopted infrastructure charge has been calculated in accordance with the method outlined in the North Burnett Regional Council Adopted Infrastructure Charges Resolution (No 2.) 2015 and Chapter 4 of the *Planning Act 2016*. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$Nil
(as at date of issue)

OFFSETS

There are no offsets applicable to this development.

REFUNDS

There are no refunds applicable to this development.

AUTOMATIC INCREASE

The charges are subject to an automatic increase in accordance with section 114(3)(b) of the *Planning Act 2016*. The increase will be the lesser of the following:

- The difference between the levied charge and the maximum adopted charge the local government could have levied for the development when the charge is paid;
- The increase for the PPI index for the period starting on the day the levied charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average.

PAYMENT OF THE ADOPTED INFRASTRUCTURE CHARGE

- The due date for payment of the adopted infrastructure charge is prior to the plan of subdivision being endorsed by Council.
- Interest at 11% per annum, calculated daily, will be applied to overdue payments.
- The charge is to be paid to the North Burnett Regional Council. Please contact North Burnett Regional Council, Development Services Department, prior to making payment.
- Please include a copy of this Notice with payment.



OTHER IMPORTANT INFORMATION

1. PAYMENT

This notice is due and payable by the due date shown. Charges are payable to North Burnett Regional Council.

Payment can be made:

- In person at any of Council's offices;
- By credit card;
- By debit card;
- By mail with your cheque or money order made payable to North Burnett Regional Council, PO Box 390, Gayndah QLD 4625. Cheques should be made payable to North Burnett Regional Council and crossed "Not Negotiable". Acceptance of a cheque is subject to collection of proceeds. Post-dated cheques will not be accepted.

2. INTEREST

Compound interest at a rate of 11% per annum calculated daily is payable on all infrastructure charges outstanding after the due date shown on this charges notice.

3. GOODS AND SERVICES TAX

The federal government has determined that rates and utility charges levied by a local government will be GST exempt. Accordingly, no GST is included in this infrastructure charges notice.

4. INFRASTRUCTURE CHARGES ENQUIRY

Enquiries regarding this infrastructure charges notice should be directed to Council's Development Services Department on 1300 696 272 during office hours or admin@northburnett.qld.gov.au

Notice is hereby given under the *Planning Act 2016* and the *Local Government Act 2009* that the adopted infrastructure charges notice is levied by the North Burnett Regional Council on the described land. The adopted infrastructure charge is DUE AND PAYABLE BY THE ABOVE DUE DATE. The adopted infrastructure charge plus any arrears and interest may be recovered by legal process without further notice if unpaid after the expiration of the DUE DATE as the charge is deemed to be overdue.

Authorised by:

MJP Pitt
Chief Executive Officer



ADOPTED INFRASTRUCTURE CHARGES NOTICE

SCHEDULE 1— Calculation of Current Charges, Offsets and Refunds

LAND TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

Site Address: Hawkwood Road and 1502 Mundubbera Durong Road, Derri Derra
Property Description: Lot 34 on NT55, and Lot 2 on RP145292

DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

The adopted infrastructure charge applies to the following development type:
Reconfiguring a Lot—Boundary Realignment (2 Lots into 2 Lots)
Development Approval No. 11/18

CALCULATION OF CURRENT AMOUNT

DEVELOPMENT

Approved Use	Rural zone
Rate charged at	\$1,500 per lot
No. of lots	2
<i>Subtotal</i>	<i>\$3,000</i>

CREDIT FOR EXISTING USE

Existing Use	Rural zone
Rate charged at	\$1,500 per lot
No. of lots	2
<i>Subtotal</i>	<i>\$3,000</i>

GROSS TOTAL CHARGE AMOUNT

\$Nil

TRUNK INFRASTRUCTURE APPLICABLE TO THE DEVELOPMENT

Nil	N/A
-----	-----

TOTAL VALUE OF TRUNK INFRASTRUCTURE

\$0

Value of offset applied to the charge	N/A
Value of refund payable to applicant	N/A

NETT TOTAL (CURRENT AMOUNT)

\$Nil

REFUNDS

Not Applicable