

25/11/2022

Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

Your Reference: McLay - 22037
Our Reference: DA220045

Roger McLay
C/-Wayne Say and Associates
PO Box 91
CHILDERS QLD 4660

Dear Sir / Madam

**RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT – 2 LOTS INTO 2 LOTS
AT 297 GRAYS ROAD, WETHERON; LAND DESCRIBED AS LOT 3 AND 4 ON SP199356**

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 20 October 2022 and taken to be properly made on 07 November 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.

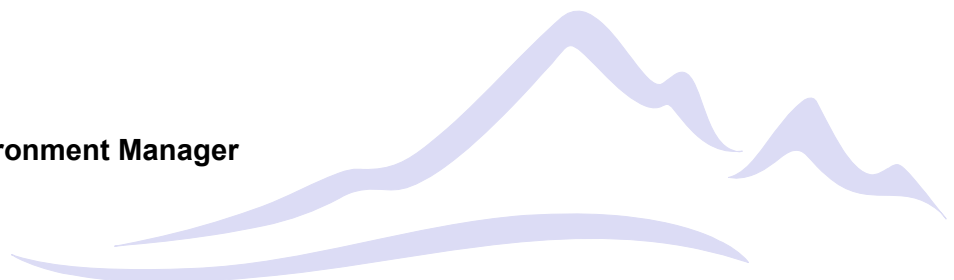
Please quote Council's application number: DA220045 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours sincerely,



David Rowland
Interim Planning & Environment Manager

Enc: Decision notice
Approved plans



Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 7 November 2022. The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Roger McLay
 Postal Address: C/-Wayne Say and Associates
 PO Box 91
 CHILDERS QLD 4660
 Email: admin@waynesay.com.au
 Phone No.: 4126 2555
 Mobile No.: 0427 062 714

Location details

Street address: 297 Grays Road, Wetheron
 Real property description: Lot 3 and 4 on SP199356
 Local government area: North Burnett Regional Council

Application details:

Application number: DA220045
 Approval sought: Development Permit
 Description of development proposed: Reconfiguring a lot — 2 Lots into 2 lots

Decision

Date of decision: 25 November 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.
 This application is taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in attachment 3—

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Development application plan of proposed lots 3 and 4 and easement B in lot 3	Wayne Say & Associates P/L	19/10/2022	22037	-

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

Not applicable

Properly made submissions

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

Referral agencies for the application

Not applicable — This application did not require referral to a concurrence agency.

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



David Rowland

Interim Planning & Environment Manager

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 the submission of the request for the approval of a 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.

Access Easement

- 6) At no cost to Council register an easement with the Department of Resources (Titles office) for access purposes benefitting proposed Lot 4 and burdening proposed Lot 3 as shown as proposed ‘Easement B’ in accordance with the approved plan.

Existing Services and Structures

- 7) Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the lot they serve.
- 8) 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.

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 of Plan being endorsed by Council
- 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.
- All rates, charges or any expenses levied by Council over the land must be paid prior to the Subdivision Plan being endorsed by Council.

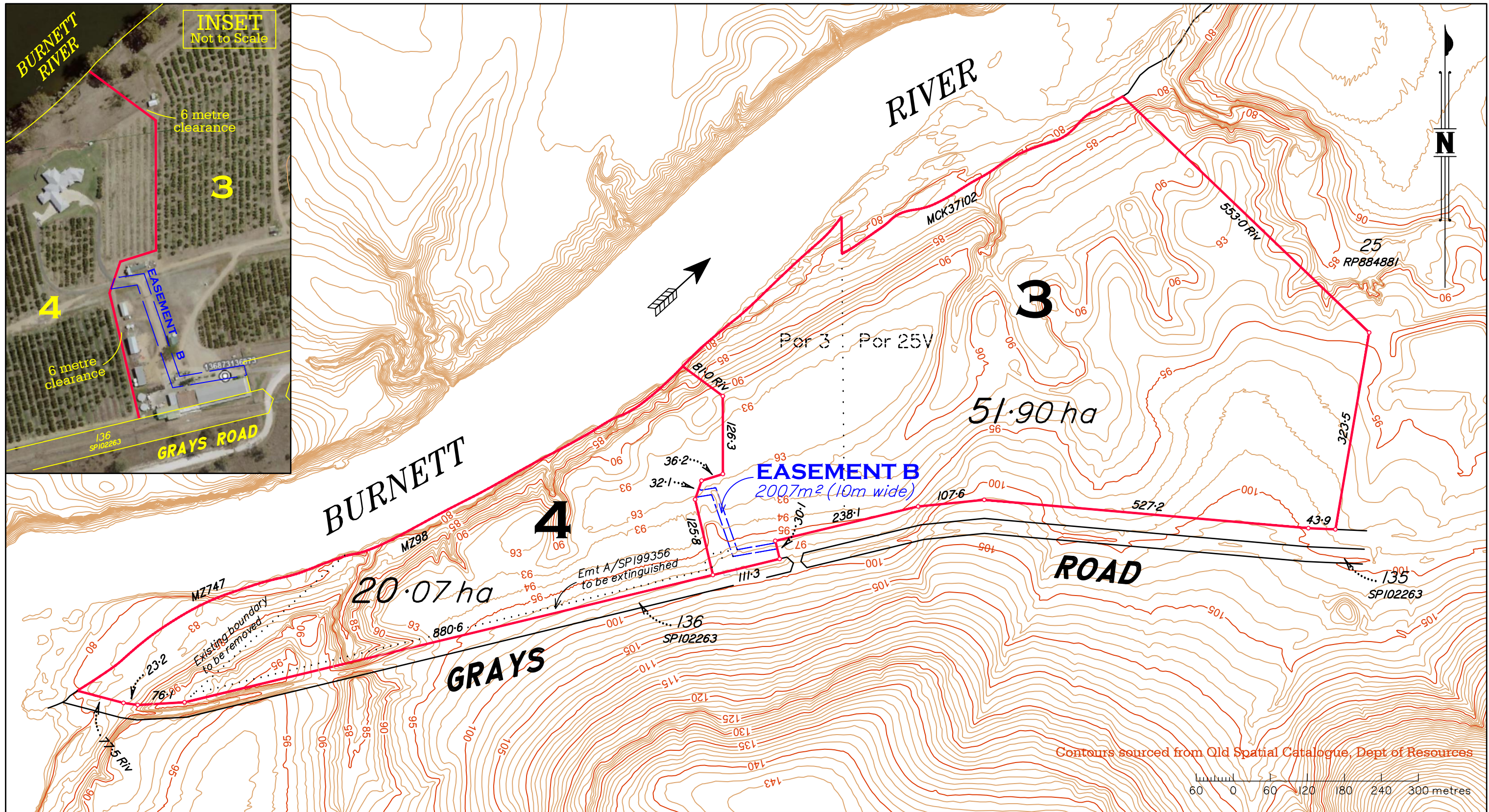


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Attachment 2 – Approved Plans

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Please refer to the following pages for approved plans.



Areas and dimensions subject to survey
Contour Interval 1 metre.



Existing Easement A on SP199356 to be extinguished.
Proposed Easement B in Lot 3 in favour of Lot 4.

WAYNE SAY & ASSOCIATES P/L.
CONSULTING SURVEYORS.

'The Bellevue'
47 Churchill Street, CHILDERS

Ph. (07) 41 262 555
(Mobile) 0427 062714

admin@waynesay.com.au

DEVELOPMENT APPLICATION PLAN 1
DEVELOPMENT APPLICATION PLAN OF PROPOSED LOTS 3 AND 4 AND EASEMENT B IN LOT 3
Cancelling Lots 3 and 4 on SP199356
LOCALITY OF WETHERON

<u>APPLICANT</u>	McLAY	<u>OWNER</u>	McLAY
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<u>MERIDIAN</u>	<u>MAP REF.</u>	<u>DRAWING</u>	<u>REFERENCE</u>	<u>DATE</u>	<u>SCALE</u>	<u>LOCAL GOVERNMENT</u>
MGA	9246-41424	22037 Drwg No. 1	22037	19/10/2022	1: 6000 (A3)	NORTH BURNETT R.C.

Draft.: - BD22354
Mmts.: - W.M.S.
Calcs.: - W.M.S.
Check: - W.M.S.



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>