

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

Applicant's Details

Name: Gayndah Horse & Pony Club
 Postal Address: 261 Mulhollands Road
 GINOONDAN QLD 4625
 Email: dt.barbeler@bigpoond.com
 Phone No.:
 Mobile No.: 0428 463 267

Location details

Street address: 55-71 ARTHUR STREET, GAYNDAH
 Real property description: 1G1364
 Local government area: North Burnett Regional Council

Application details:

Application number: DA220051
 Approval sought: Development Permit
 Description of development proposed: Building Work - assessable against planning scheme — Shed with the flood hazard overlay

Decision

Date of decision: 28 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. |
|------------------------|--------------|------|----------------------|
| Site plan | David Doyle | | |
| Architectural Drawings | McHugh Steel | | QP1 - 32090510271496 |

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:

- All 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



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 commencement of the use, and maintain compliance whilst the use continues.

Infrastructure Services and Structures

- 5) Ensure all electrical infrastructure within the shed is above the defined flood level identified on Overlay map Flood Hazard – Gayndah Sheet 15 of 15 plan reference OM-FH-015.
- 6) Design and construction of service infrastructure (electricity, gas, water supply, sewerage and/or telecommunications) for the approved shed shall—
 - a) Prevent floodwater intrusion and infiltration; and
 - b) Resist hydrostatic and hydrodynamic forces resulting from a 1 per cent AEP flood event.

Use

- 7) Storage of hazardous materials of 50 litres or more of chemicals of class C1 or C2 combustible liquids under Australian Standard AS1940 is not to occur.
- 8) The approved shed must not be used for habitable purposes.

Construction management

- 9) 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.
- 10) 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.

Lighting

- 11) 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 does not represent a development approval for Building Works under the Building Act 1975.
- All building works the subject of this notice can only proceed once a development permit for building works is issued by a Building Certifier.
- 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.northburentt.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.
- Vegetation clearing for the purposes of infrastructure must comply with the "Accepted Development Vegetation Clearing Code – Clearing for Infrastructure" document by the Department of Natural Resources, Mines and Energy or otherwise a formal application for Operational Works is required to be submitted to SARA for assessment. Please note that some aspects of the vegetation clearing works may be required to be notified to DNRME as part of the Accepted Development requirements.



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

Attachment 2 – Approved Plans

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Please refer to the following pages for approved plans.

SITE PLAN
55-71 ARTHUR ST
GAYDAH, 4625
LOT 1 Q1364
N.B.R.C.



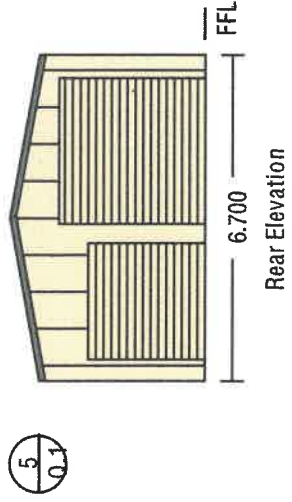
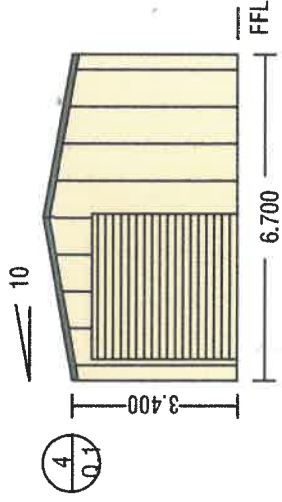
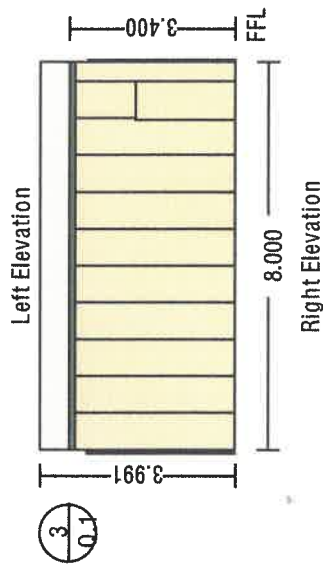
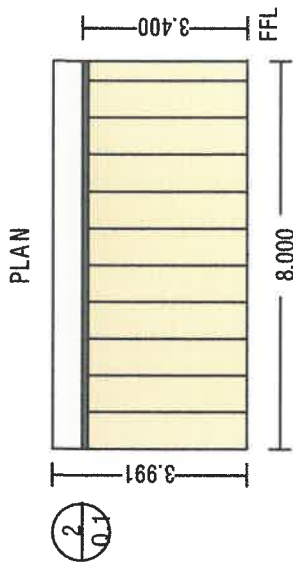
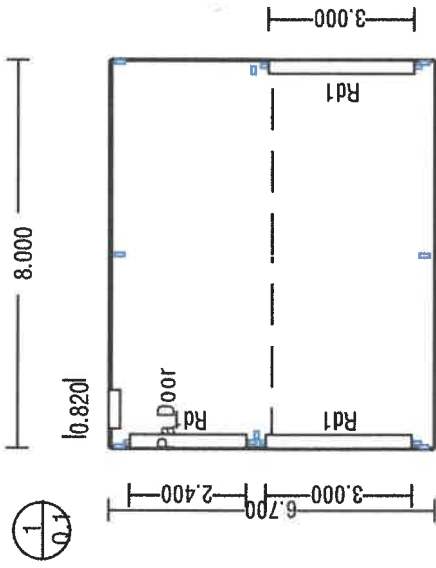
NORTH BURNETT
REGIONAL COUNCIL

APPROVED PLANS

These plans are associated to the
Decision Notice for application number

DA220051





CLIENT

Portal Frame Gable Roof-Open Domestic Design Vdes=49 m/s (Reg-B) 6.700 x 8.000 x 3.400

At: 55-71 Arthur Street Gayndah 4625

For: DAVE DOYLE

Approved by: _____ Date: _____

DRAWING

QP1 | Ref: 32090510271496 | NTS

ARCHITECTURAL DRAWINGS

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>