

3/02/2023

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:
Our Reference: DA230003

DJ & LK Doyle Pty Limited
PO Box 238
GAYNDAH QLD 4625

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - SECONDARY DWELLING AT 165 BIGGENDEN MINES ROAD, BIGGENDEN; LAND DESCRIBED AS LOT 48 ON C37976

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 19 January 2023 and taken to be properly made on 3 February 2023

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.

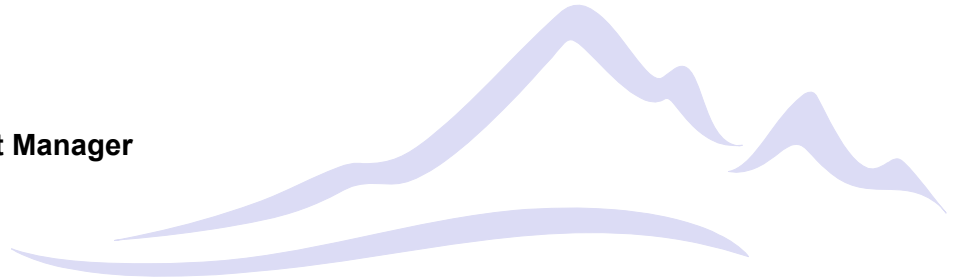
Please quote Council's application number: DA230003 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours sincerely,

for 

David Rowland
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 3 February 2023 The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: DJ & LK Doyle Pty Limited
 Postal Address: PO Box 238
 GAYNDAH QLD 4625

Email: ddoyle.mail4@bigpond.com
 Phone No.: 07 4161 1860
 Mobile No.: 0427 582 390

Location details

Street address: 165 BIGGENDEN MINES ROAD, BIGGENDEN
 Real property description: 48C37976
 Local government area: North Burnett Regional Council

Application details:

Application number: DA230003
 Approval sought: Development Permit
 Description of development proposed: Material change of use — Secondary Dwelling

Decision

Date of decision: 3 February 2023
 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	Date	Reference no.	Version/issue
Site Plan / Site Detail	Anthony Nelson Building Design	PC/1114/22 Sheet 6	Oct 2022	

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
- All Plumbing and Drainage Work

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

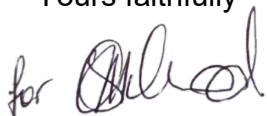
No conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*

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
Planning & Environment Manager

Address all correspondence to the Chief Executive 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) Exercise the approval and complete all associated works, including any relocation, installation, alteration, protection and repair of services, easements and other public utility installations at no cost to Council.

Construction management

- 3) 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.
- 4) 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.

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.

- 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.



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Attachment 2 – Approved Plans

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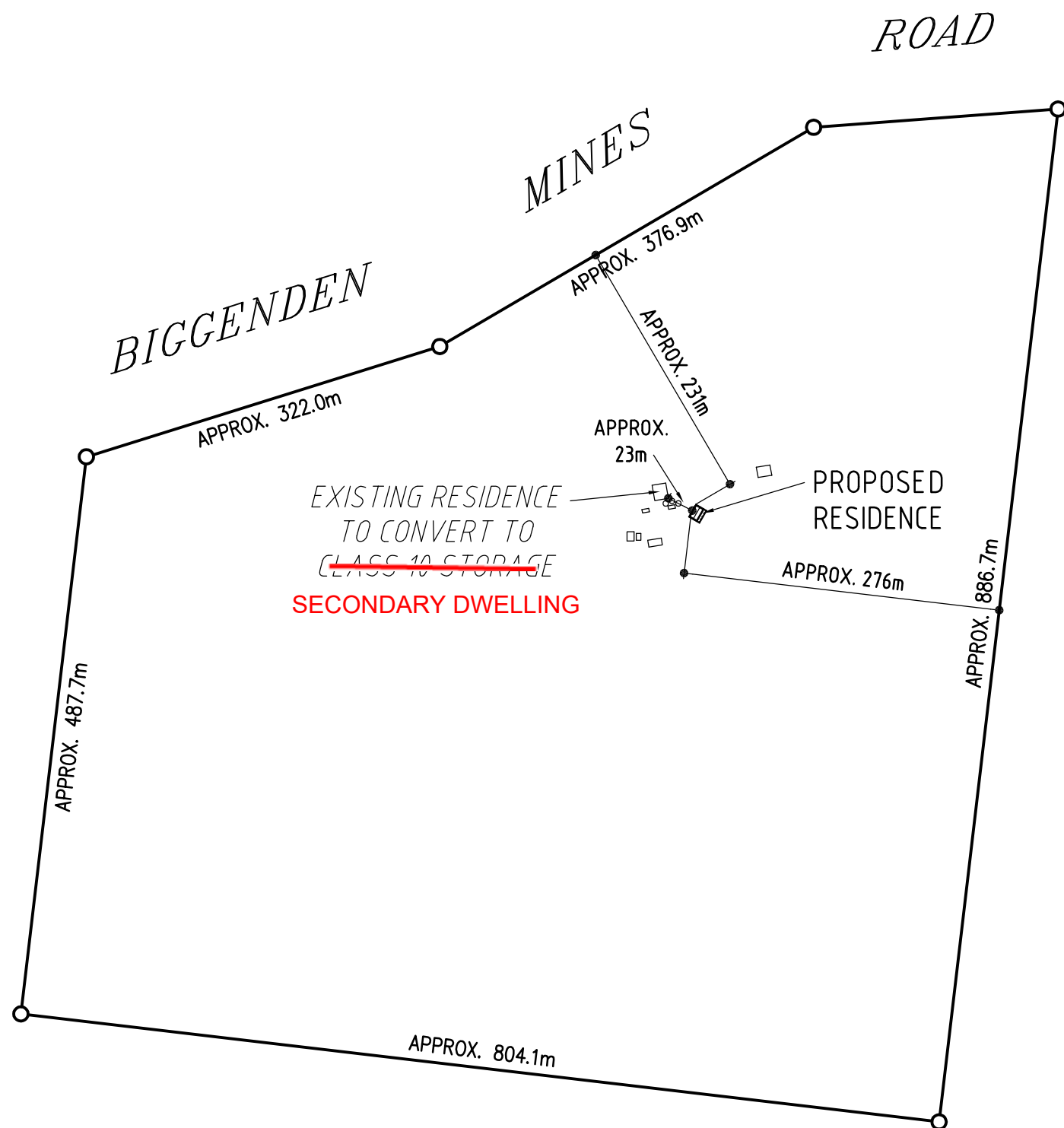
Please refer to the following pages for approved plans.

RP. DESCRIPTION:
 LOT 48 ON C. 37976
 AREA OF 56.65ha

AREAS:	
LIVING:	85.1sqm
VERANDAH:	27.6sqm
TOTAL:	112.7sqm

NOTES:

- ALL CUT / FILL (UNRETAINED EARTHWORK) TO COMPLY WITH NCC 3.1.1 & LOCAL AUTHORITY REQUIREMENTS.
- RETAINING WALLS BETWEEN 800mm TO 15m TO COMPLY WITH AS 4678 AS PER NCC 3.1.2.
- ϕ 90mm DOWNPIPES, ϕ 100mm STORMWATER LINES TO RAINWATER TANKS PIT IN ACCORDANCE WITH NBRC REQUIREMENTS. ALL GUTTERS & DOWNPIPES TO BE INSTALLED IN ACCORDANCE WITH PART 3.5.3 OF NCC.
- SITE LEVELS ARE APPROXIMATE ONLY. BUILDER TO CONFIRM ALL LEVELS ON SITE PRIOR TO COMMENCEMENT.
- EXISTING BUILDING LOCATIONS ARE APPROXIMATE ONLY. BUILDER TO CONFIRM ALL LOCATIONS ON SITE PRIOR TO COMMENCEMENT.



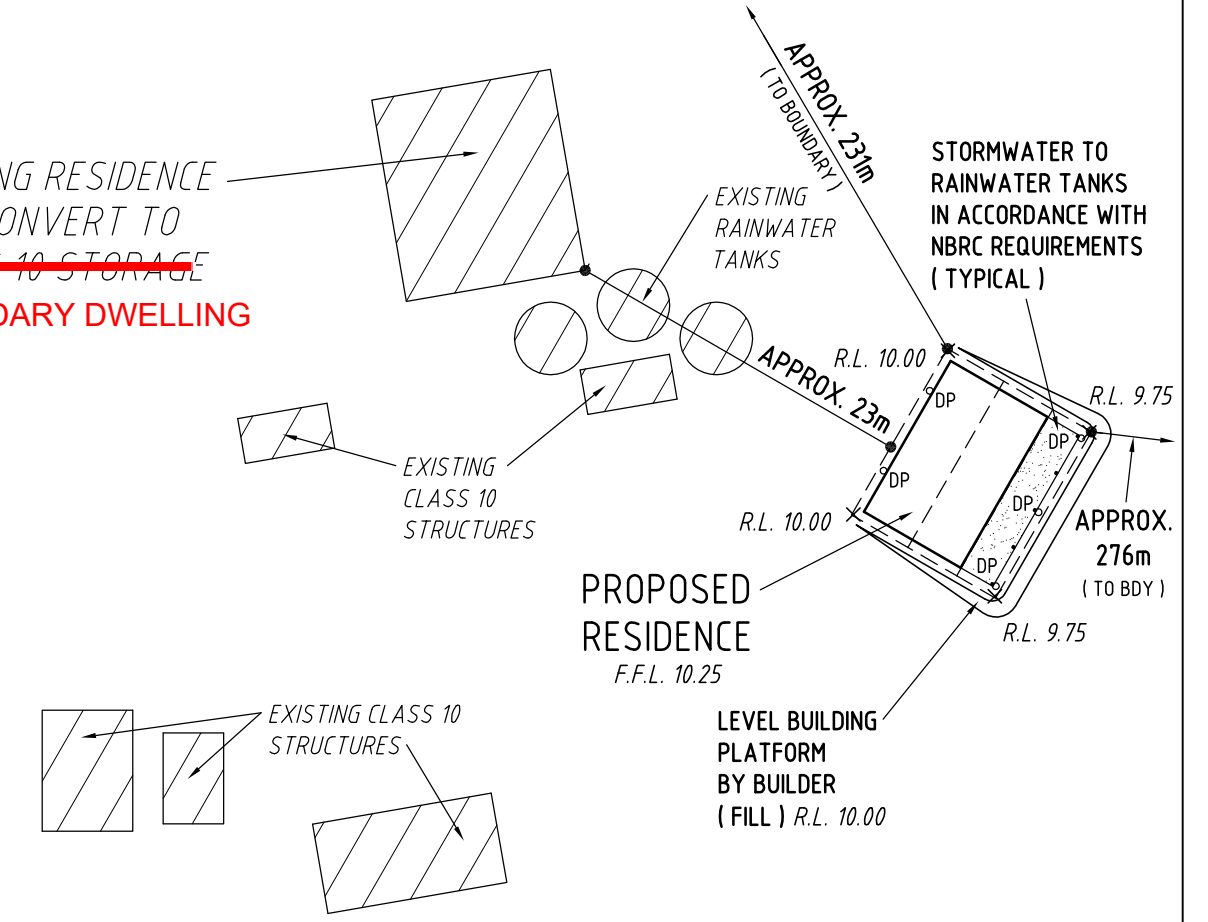
SITE PLAN

(SCALE 1: 5000)

EXISTING RESIDENCE
 TO CONVERT TO
~~CLASS 10 STORAGE~~
 SECONDARY DWELLING

SITE DETAIL

(SCALE 1: 500)



SITE PLAN / SITE DETAIL
 1 : 5000 / 1 : 500

PROPOSED RESIDENCE
 L. BROOKS
 LOT 48 (165) BIGGENDEN MINES ROAD, BIGGENDEN

DRAWN B.Y.
 DATE OCT '22
 CHECKED A.N.

JOB No. PC/1114/22
 SHEET 6
 Amdt. -

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>