

15/05/2023

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Facsimile: (07) 4161 1425
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Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

Your Reference: 5411
Our Reference: DA230020

Clythia Amelia Bowyer
C/- Straughair & Bent
PO Box 341
BUNDABERG CENTRAL QLD 4670
Via email: survey@strabent.com.au

Dear Sir / Madam

**RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY
REALIGNMENT (2 INTO 2 LOTS) AT 20 NORMANBY RANGE ROAD, MOUNT PERRY; LAND
DESCRIBED AS 36BON662**

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 18 April 2023 and taken to be properly made on 19 April 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.

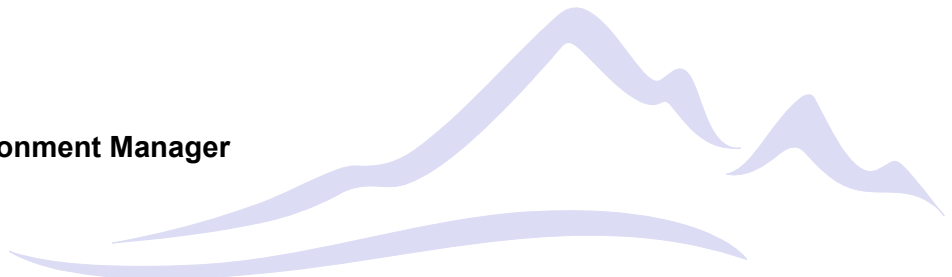
Please quote Council's application number: DA230020 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours sincerely,



Rachael Duncan
Acting 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 19 April 2023 The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Clythia Amelia Bowyer
 Postal Address: C/- Straughair & Bent
 PO Box 341
 BUNDABERG CENTRAL QLD 4670
 Email: survey@strabent.com.au
 Phone No.: 07 4152 3811
 Mobile No.: 0400 810 735

Location details

Street address: 20 NORMANBY RANGE ROAD, MOUNT PERRY and
 TOWNS CREEK ROAD, MOUNT PERRY
 Real property description: Lot 36 on BON662 and Lot 167 on BON1060
 Local government area: North Burnett Regional Council

Application details:

Application number: DA230020
 Approval sought: Development Permit
 Description of development proposed: Reconfiguring a lot — Two (2) lots into two (2) lots (Boundary Realignment)

Decision

Date of decision: 15 May 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.
 This application is not 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
Plan of proposed boundary realignment of Lots 36 and 167	Atkinson & Bowyer	15/04/2023	541110	Rev A

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:

- Plan of Subdivision

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* and Schedule 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 hard copy of the appeal rights extracted from the *Planning Act 2016* can be provided upon request.

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

Yours faithfully



Rachael Duncan

Acting 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.

Survey

- 4) 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.

Existing Services and Structures

- 5) Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the lot they serve.
- 6) Certification must be submitted to the 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 the 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 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

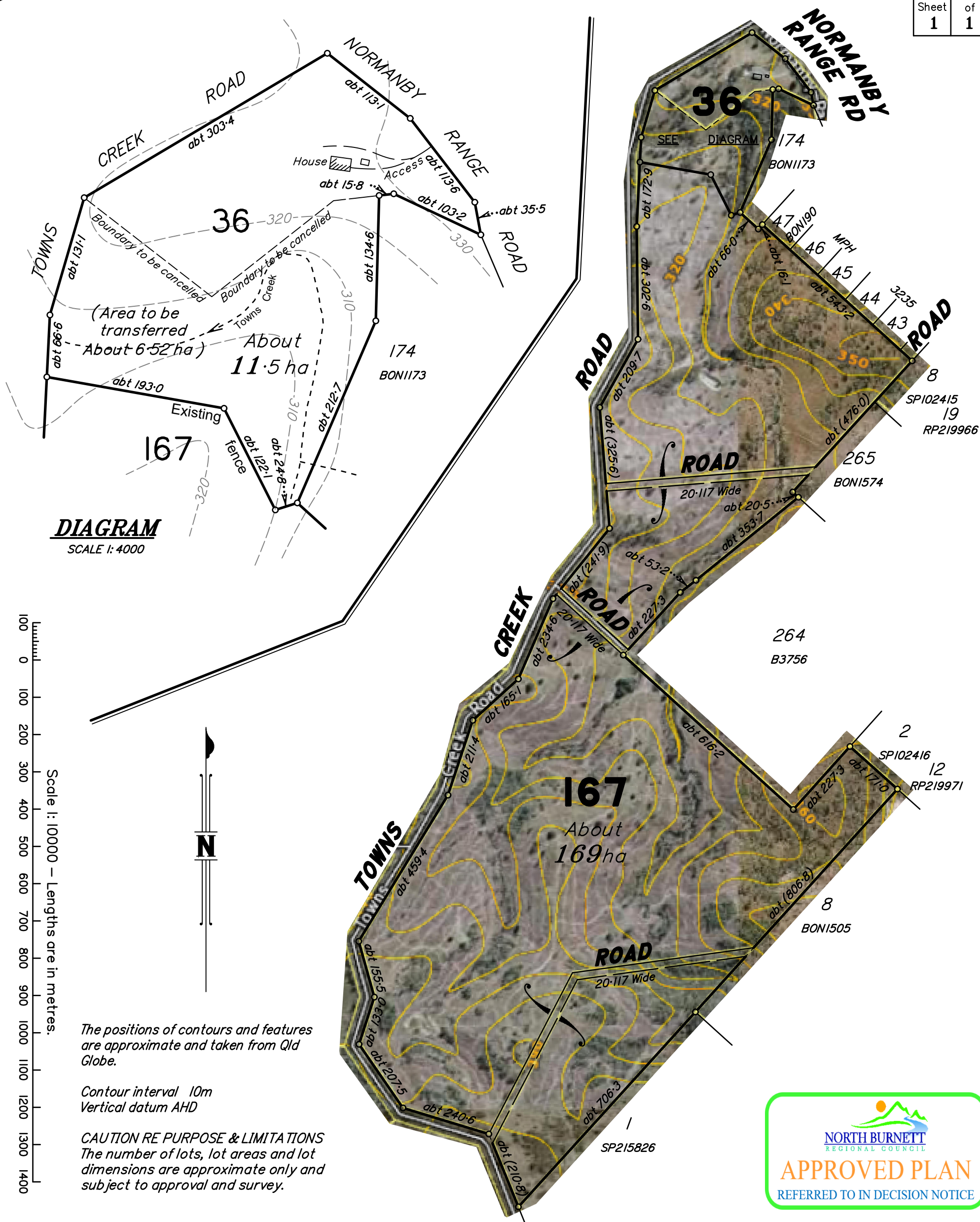
to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. 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.

- Vegetation clearing for the purposes of infrastructure must comply with the "Accepted Development Vegetation Clearing Code – Clearing for Infrastructure" document by the Department of Resources 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 the Department of Resources as part of the accepted development requirements.

Attachment 2 – Approved Plans

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Please refer to the following pages for approved plans.



REVISION DETAILS

Plan prepared by and under the supervision of Greg Atkinson

PLAN OF

Proposed Boundary Realignment of Lots 36 & 167
Cancelling Lot 36 on BON662
& Lot 167 on BON1060.

SCALE
1:10000

Reference 5411

LOCALITY MOUNT PERRY
LOCAL GOVERNMENT NORTH BURNETT R.C.

Atkinson & Bowyer
15/04/2023

Drawing No. 541110

Rev. A



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>