

19/06/2023

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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:
Our Reference: DA230012

J M Skinner
C/- JB Serisier Surveyors
PO Box 540
PIALBA QLD 4655
Email—jbs.surv@bigpond.net.au & lauren@cullenc.com.au

Dear Sir / Madam

**RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY
REALIGNMENT (2 INTO 2 LOTS) AT BERONNE ROAD, GAYNDAH; LAND DESCRIBED AS
2SP317112**

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 13 March 2023 and taken to be properly made on 20 March 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.

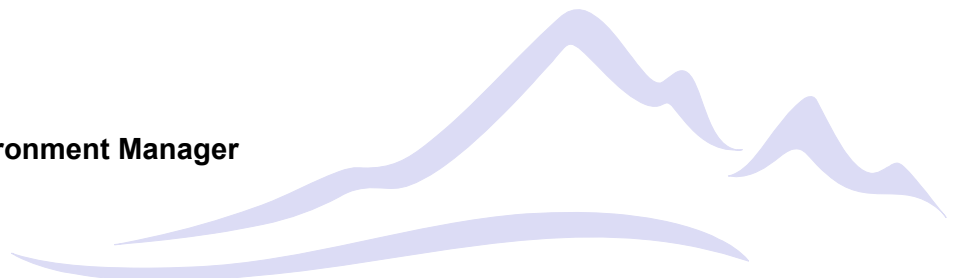
Please quote Council's application number: DA230012 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours sincerely,

for 

Mick Jarman
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 20 March 2023. The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Jennifer M Skinner
 Postal Address: C/- JB Serisier Surveyors
 PO Box 540
 PIALBA QLD 4655
 Email: jbs.surv@bigpond.net.au; lauren@cullenc.com.au
 Phone No.: 07 4161 2322
 Mobile No.: 0488 957 401

Location details

Street address: BERONNE ROAD, GAYNDAH
 Real property description: 2SP317112
 Local government area: North Burnett Regional Council

Application details:

Application number: DA230012
 Approval sought: Development Permit
 Description of development proposed: Reconfiguring a lot — Boundary Realignment (2 into 2 lots)

Decision

Date of decision: 14 June 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 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
Proposed Reconfiguration – Lots 2 & 8 and Proposed Easement A in Lot 8 Cancelling Lots 2 & 8 on SP317112	J B Serisier Surveyors & Planners	05/05/2023	Drawing No: S220441 –	Pro2

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

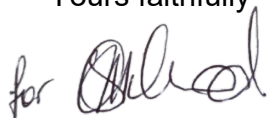
No conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*

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



Mick Jarman

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 conditions of this development permit to the submission of the request for the approval of plan of subdivision, unless otherwise explicitly stated otherwise.

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.

Vehicle access

- 6) Access for lot 2
 - a) Remove the vehicle access cross-over on the south-eastern corner of lot 2, including any gate or grid so that a vehicle cannot enter the property at this location.
 - b) The vehicle access cross-over for lot 2 is to be at the north-eastern location detailed on the “approved plan” and as previously approved by Council.
- 7) Vehicle access cross-overs to each lot are to be design and constructed in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*.
- 8) Any works on existing vehicle access cross-overs or installation of new vehicle access cross-overs require written approval by Council’s Civil Works team prior to commencement of works.

Electricity Connection

- 9) Provide to Council evidence of a supply arrangement with Ergon for proposed lot 2.
- 10) Provide to Council evidence of a new consent to enter provided to Ergon for the proposed lot 2.

Existing Services and Structures

- 11) Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the lot they serve.
- 12) 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.

Water supply and sewerage infrastructure

- 13) Proposed lot 2 and 8 are not serviced by reticulated town water. At time of building residential premises on proposed lot 2 it is to be provided with rainwater tank/s of minimum 45,000 litre capacity.
- 14) Proposed lot 2 and 8 are not serviced by reticulated sewer system. At time of building residential premises on proposed lot 2 it is to be provided with an on-site wastewater treatment system that complies with the Plumbing and Drainage Act 2018, Plumbing and Drainage Regulation 2019 and all relevant Codes and Standards.

Erosion and sediment control

- 15) Implement and maintain an erosion and sediment control (ESC) plan on-site for the duration of the operational and building works, and until all exposed and disturbed soil areas are permanently stabilised, to prevent the release of sediment or sediment laden stormwater from the site.

Infrastructure

- 16) Design and implement a stormwater drainage system connecting to a lawful point of discharge in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*.

Advice to the applicant

- Unless otherwise explicitly identified, all condition of this development permit must be completed to Council's satisfaction prior to the Subdivision of Plan being endorsed by Council or proposed use commenced.
- 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.
- 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

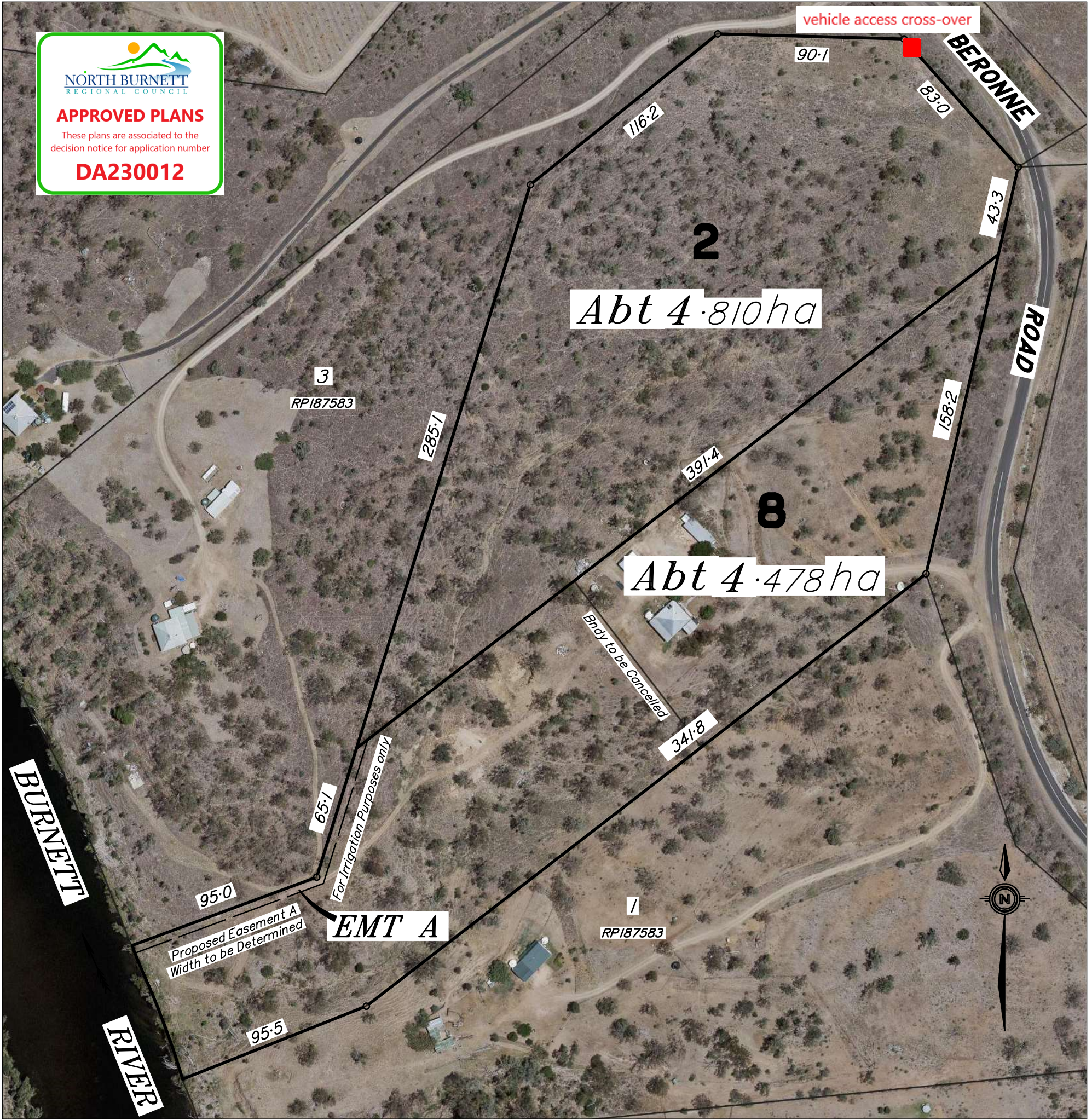
other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the Queensland Nature Conservation Act 2002.

- Vegetation clearing for the purposes of infrastructure must comply with the “Accepted Development Vegetation Clearing Code – Clearing for Infrastructure” document by the Department of 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 Department of Resources as part of the accepted development requirements.
- Work that is Constructing or Raising Waterway Barrier Works” document by the Department of Agriculture and Fisheries, otherwise a formal application for Operational Works is required to be submitted to SARA for assessment.

Attachment 2 – Approved Plans

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Please refer to the following pages for approved plans.



DISCLAIMER

1. This plan was prepared for the purpose and exclusive use of Jennifer Skinner to accompany an application to the North Burnett Regional Council for approval to reconfigure the land described in the plan and is not to be used for any other purpose or by any other person person or corporation. CULLEN & COUPER PTY LTD accept no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses 2 or 3 hereof.
2. The dimensions, area, size and location of utilities, improvements, flood information (if shown) and number of lots shown on this plan are approx. only and may vary.
3. This plan may not be photocopied unless this note is included.

J SKINNER



**Plan of Proposed Lots 2 & 8 and
Proposed Easement A in Lot 8**

(Note: – Proposed Easement A is not part of this
application but will be shown on the Survey Plan)
Cancelling Lots 2 & 8 on SP317112

FORMAT *Proposal*

LOCALITY *GAYNDAH*
LOCAL GOVERNMENT *North Burnett R.C.*

S220441–Pro2

MERIDIAN
MGA

DATE
5/05/2023

SCALE
1:2000 @ A3

SURVEYORS REF
S220441

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>