

18/07/2023

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: DA230021

Energia Property Holdings Pty Ltd
C/- Adapt Development Management Pty Ltd
PO Box 7618
SIPPY DOWNS QLD 4556

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY REALIGNMENT (2 INTO 2 LOTS) AND ACCESS EASEMENT AMENDMENT AT 48-50 AND 52-56, LYONS STREET, MUNDUBBERA; LAND DESCRIBED AS LOT 3 ON SP180560 AND LOT 8 ON SP193730

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 21 April 2023 and taken to be properly made on 21 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: DA230021 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
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 21 April 2023 The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Energia Property Holdings Pty Ltd
 Postal Address: C/- Adapt Development Management Pty Ltd
 PO Box 7618
 SIPPY DOWNS QLD 4556
 Email: tiani.boulton@adaptplanning.com.au
 Phone No.:
 Mobile No.: 0404924460

Location details

Street address: 48-50, 52-56 LYONS STREET, MUNDUBBERA
 Real property description: Lot 3 on SP180560 and Lot 8 on SP193730
 Local government area: North Burnett Regional Council

Application details:

Application number: DA230021
 Approval sought: Development Permit
 Description of development proposed: Reconfiguring a lot — Two (2) lots into two (2) lots (Boundary Realignment) and Access Easement Amendment

Decision

Date of decision: 18 July 2023
 Decision details: Approved in full with conditions. These conditions are set out in Attachment 1.

	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"/>
Reconfiguring a lot under the Land Title Act 1994	Schedule 10, part 14, division 1	<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 Lots 3 & 8 and Easement E in Lot 3 – Cancelling Lot 3 on SP180560 & Lot 8 in SP193730	JB Serisier Surveyors & Planners	21/02/2013	S220218-Pro1	-

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Plan sealing

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

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 or alternatively are located within an easement.
- 6) Certification must be submitted to Council from a cadastral surveyor that 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.

Access Easement

- 7) Lodge to the State (Titles office) for registration the following easement(s): access easement benefitting Lot 8 and burdening Lot 3 in accordance with the approved plan. Submit all draft easement documentation to the Assessment Manager with the lodgement of the survey plans for endorsement.

Vehicular Access (Lyon Street access easement)

- 8) Cancel Easement D and create Easement E in the location notated on the “Approved Plans”. Access from Lyons Street is to be restricted to entry only with suitable signage and line marking required.

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.

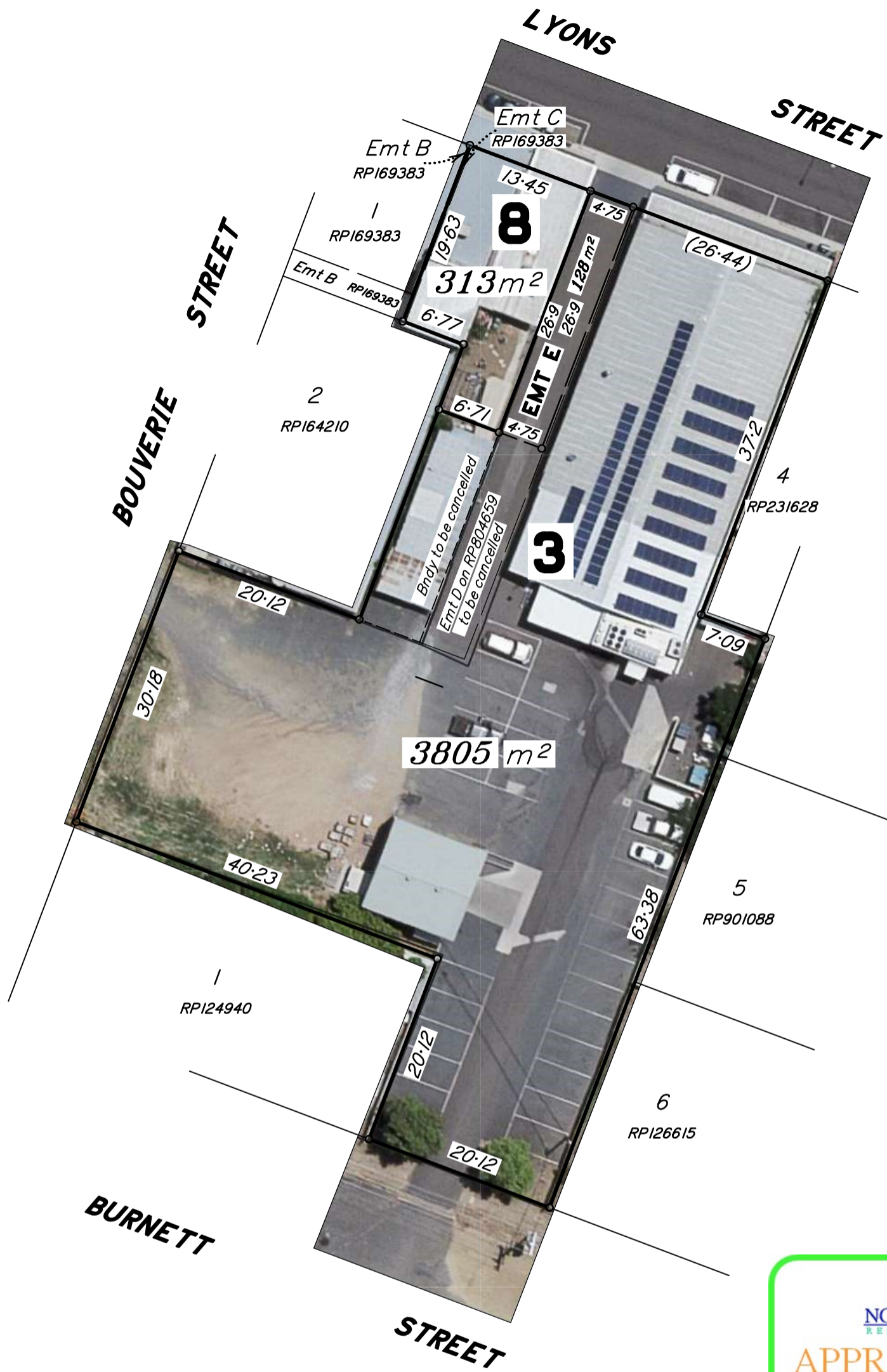


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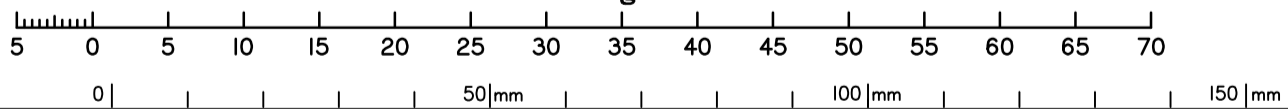
Attachment 2 – Approved Plans

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Please refer to the following pages for approved plans.



Scale 1:500 @ A3 - Lengths are in metres.



DISCLAIMER

1. This plan was prepared for the purpose and exclusive use of Adapt Planning 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.

ADAPT

Plan of Proposed Lots 3 & 8 and Easement E in Lot 3

Cancelling Lot 3 on SPI80560 & Lot 8 on SPI93730

FORMAT *Proposal*
 LOCALITY *MUNDUBBERA*
 LOCAL GOVERNMENT *North Burnett R.C.*

S220218-Pro1

MERIDIAN MGA	DATE 21/02/2023	SCALE 1:500 @ A3	SURVEYORS REF S220218
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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>