

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 9 August 2023. The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: Steven McFadyen
 Postal Address: C/- JB Serisier Surveyors
 PO Box 540
 Pialba QLD 4655
 Email: lauren@cullenc.com.au
 Phone No.: (07) 4124 7054
 Mobile No.: -

Location details

Street address: 1-5 OLYMPIA STREET, MUNDUBBERA
 Real property description: Lot 21 on M5860
 Local government area: North Burnett Regional Council

Application details:

Application number: DA230044
 Approval sought: Development Permit
 Description of development proposed: Material Change of Use—Rooming accommodation (9 units in 3 individual structures)

Decision

Date of decision: 26 October 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
Plan of Proposed MCU Lot 21 on M5860 (Additional Accommodation)	JB Serisier Surveyors & Planners	17/07/2023	S230528-MCU1 Draft	-
Frame Design (amended in red by Council)	Sunrise Design Qld Pty Ltd	02/08/2022	W7235 de.	-

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:

- 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

The referral agencies for this application are—

For an application involving	Name of referral agency and address	Advice or concurrence agency
State transport corridors and future State transport corridors Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the <i>Planning Regulation 2017</i> . Material change of use of premises near a State transport corridor or that is a future State transport corridor	Department of State Development, Infrastructure, Local Government and Planning State Assessment and Referral Agency (SARA) E: WBBSARA@dsdmip.qld.gov.au P: PO Box 979 Bundaberg QLD 4670 Elodge using MyDAS2: https://prod2.dev-assess.qld.gov.au/suite/	Concurrence

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*

Address all correspondence to the Chief Executive Officer

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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.

Construction management

- 5) 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.
- 6) 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.
- 7) Remove any spills of soil or other material from the road or gutter upon completion of each day’s work, during construction.

Landscaping

- 8) Retain all existing landscaping on site where possible.
- 9) Landscaping does not include any species identified as an unacceptable species in planning scheme policy SC6.5 Landscaping, section SC6.5.5 Unacceptable plant species for landscaping or are otherwise known to be toxic to people or animals.

Fencing

- 10) Provide a minimum 1.8-metre high solid timber screen fence along the full length of the western side boundary.

Erosion and sediment control

- 11) 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

- 12) 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*.
- 13) Provide internal infrastructure to ensure accommodation units are connected to all urban services including reticulated water, reticulated sewer, electricity and telecommunications.

Access, car parking and manoeuvring areas

- 14) Access is to be obtained from the existing access on Olympia Street.
- 15) Design and construct off-street car parking and manoeuvring areas in accordance with the approved plans and the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*. Car parking and manoeuvring areas must—
 - a) provide a minimum of 3 parking spaces
 - b) be designed, constructed and delineated in accordance with AS2890 Parking facilities – off-street car parking
 - c) provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities
 - d) be constructed with gravel all-weather surface treatment
 - e) provide sufficient manoeuvring to enable all vehicles to enter and leave the site in a forward direction.

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.
- 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.



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 – Concurrence agency response

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Please refer to the following pages for approved plans.



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Attachment 3 – Approved Plans

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Please refer to the following pages for approved plans.

Attachment 4 – 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>