

2 November 2023

Our reference: 1178154

Steven McFadyen
C/- JB Serisier Surveyors
PO Box 540
PIALBA QLD 4655
Email—surveying@cullenc.com.au & lauren@cullenc.com.au

Dear Applicant

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – ROOMING
ACCOMMODATION (9 UNITS IN 3 INDIVIDUAL STRUCTURES) AT 1-5 OLYMPIA STREET
MUNDUBBERA; LAND DESCRIBED AS LOT 21 ON M5860**

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 7 September 2023 and taken to be properly made on 9 August 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: DA230044 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,



Kim Mahoney
General Manager – Corporate and Community

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 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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(<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

for 

Kim Mahoney

General Manager – Corporate and Community

Enc: Attachment 1-conditions imposed by assessment manager
Attachment 2-approved plans
Attachment 3-concurrence agency response
Attachment 4-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 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.

Attachment 2 – Concurrence agency response

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Please refer to the following pages for approved plans.



SARA reference: 2308-36414 SRA
Council reference: DA230044
Applicant reference: S230528

28 September 2023

Chief Executive Officer
North Burnett Regional Council
PO Box 390
GAYNDAH QLD 4625
admin@northburnett.qld.gov.au

Attention: Development Services team

Dear Sir/Madam

SARA referral agency response—1-5 Olympia Street, Mundubbera

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 30 August 2023.

Response

Outcome:	Referral agency response – No requirements. Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	28 September 2023
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development Permit	Material Change of Use – Rooming Accommodation (9 units in 3 individual structures)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) – Material change of use of premises within 25m of a state transport corridor and within 100m of a state-controlled road intersection (Planning Regulation 2017)	

SARA reference: 2308-36414 SRA
 Assessment manager: North Burnett Regional Council
 Street address: 1-5 Olympia Street, Mundubbera
 Real property description: Lot 21 on M5860
 Applicant name: Steven McFadyen C/- JB Serisier Surveyors
 Applicant contact details: PO Box 540
 PIALBA QLD 4655
 surveying@cullenc.com.au / lauren@cullenc.com.au
Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Right Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Jackie Larrarte, Senior Planning Officer, on 07 4122 0407 or via email WBBSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



David Hooper
Manager

cc Steven McFadyen C/- JB Serisier Surveyors, surveying@cullenc.com.au / lauren@cullenc.com.au

enc Attachment 1 - Advice to the applicant
 Attachment 2 - Reasons for referral agency response
 Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- maintains or improves access to public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the state's ability to operate public passenger services on state-controlled roads
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.0, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- Section 58 of the *Human Rights Act 2019*.

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

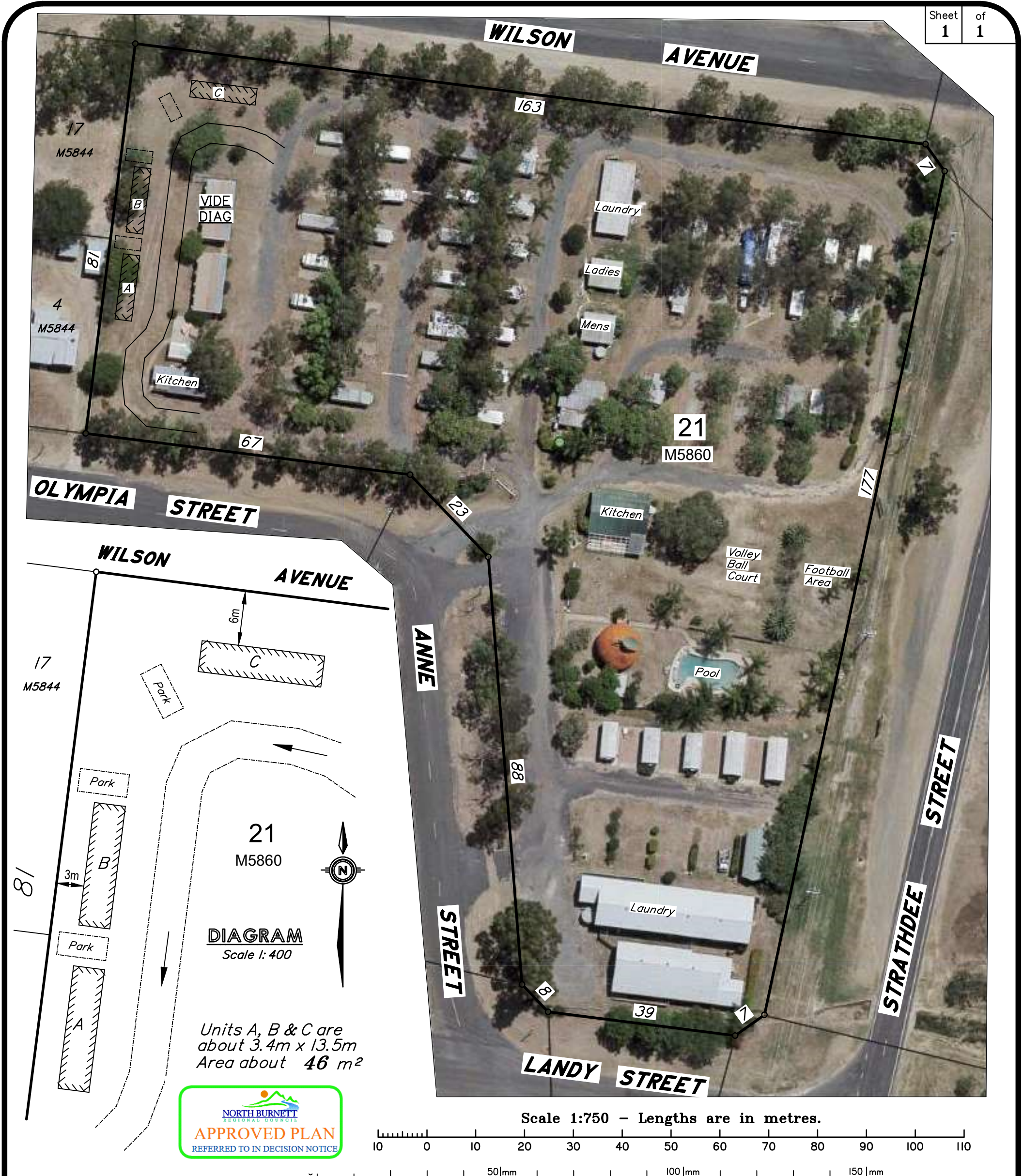
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 3 – Approved Plans

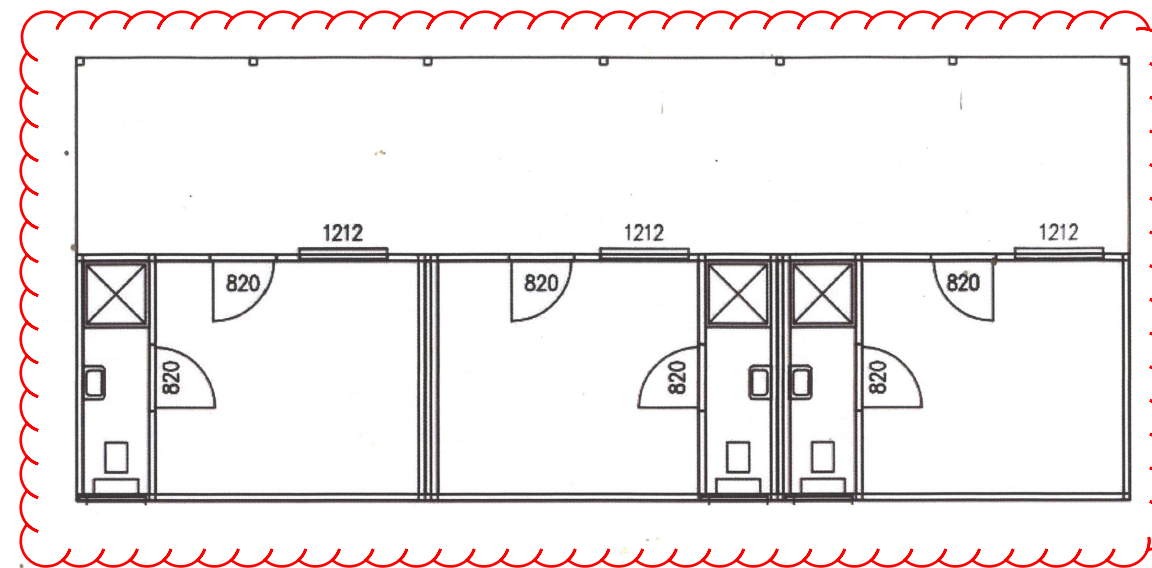
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Please refer to the following pages for approved plans.



<p>DISCLAIMER</p> <p>1. This plan was prepared for the purpose and exclusive use of Steven McFadyento 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.</p> <p>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.</p> <p>3. This plan may not be photocopied unless this note is included.</p>		<p>S McFADYEN</p>		<p>ACN 050 842 503</p> <p>JB SERISIER SURVEYORS & PLANNERS</p> <p>PH: 07 4165 4468 Email : jbs.surv@bigpond.net.au 58 Lyons Street, Mundubbera QLD 4626</p>	
		<p>Plan of Proposed MCU Lot 21 on M5864 (Additional Accommodation)</p>		<p>FORMAT <i>Proposal</i></p> <p>LOCALITY <i>MUNDUBBERA</i></p> <p>LOCAL GOVERNMENT <i>North Burnett R.C.</i></p>	
		<p>MERIDIAN MGA</p>	<p>DATE 17/07/2023</p>	<p>SCALE 1:750 @ A3</p>	<p>SURVEYORS REF S230528</p>
		<p>S230528-MCU1 DRAFT</p>			

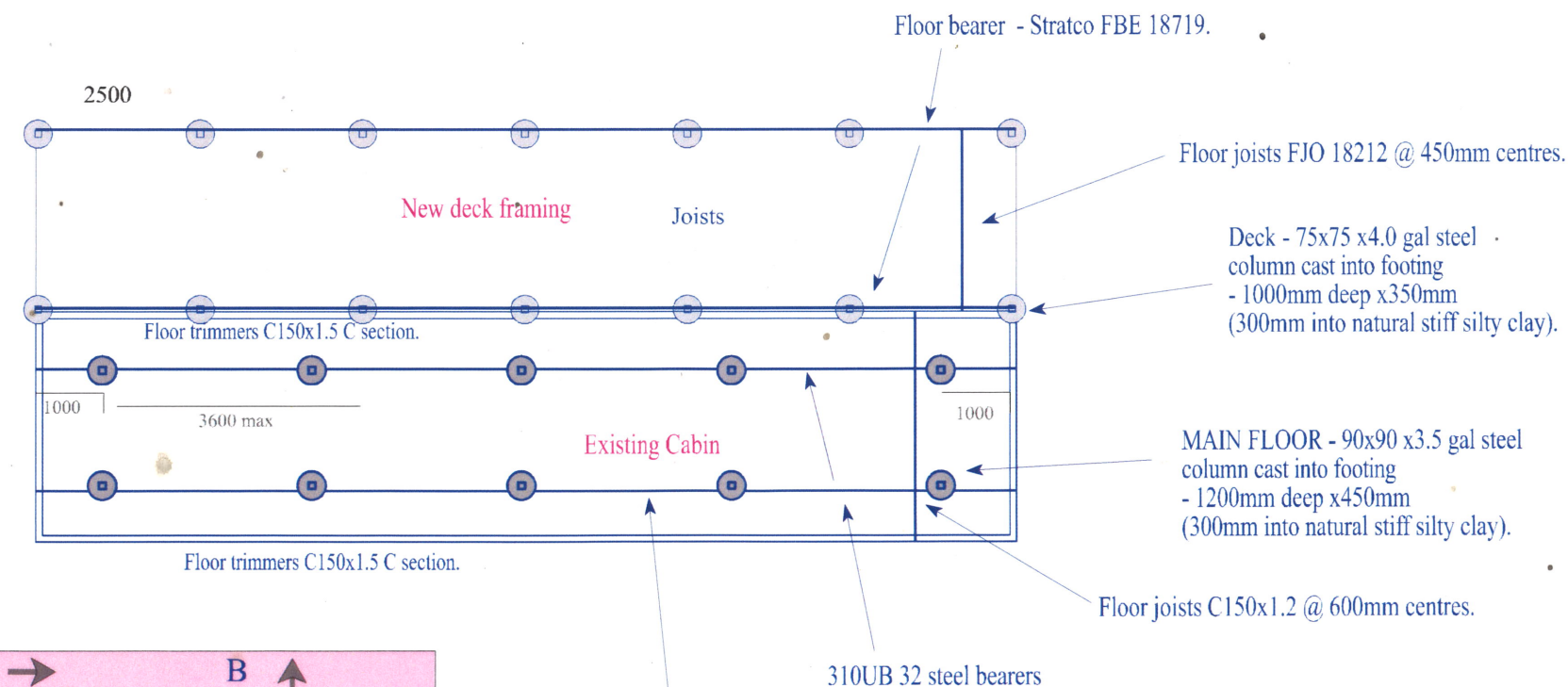
This plan is approved for illustrative purpose only of identifying associated floor plan layout of each accommodation cabin.



75x75x4.0 SHS columns extending to roof beams -
50mm to 75mm bondor roof sheeting - custom c section
channel to existing roof frame - fixed to existing top plate
with 12 gauge screw s@ 300mm centre -
External roof beam - 125x75x2RHS - 1M12 bolt to SHS -
fix bondor channel to roof beam with 12 gauge screws
at 300mm centres.

Existing Steel framed Cabin to N3 wind loading
- External & Internal studs - 90x35x1.0mm steel C channel framing
@ 450 to 600mm spacing - 90x35x1.0 C section top & bottom -
punched & rivetted - K cross bracing -
100mm thick sandwich roof panelling to N3 wind loading.

A → B ↑
Wind Load = 17 kN Wind Load = 26 kN
Bracing = 17+ kN Bracing = 26+ kN
Main floor bracing N3.



A → B ↑
Wind Load = 28 kN Wind Load = 60 kN
Bracing = 28+ kN Bracing = 60+ kN
Sub floor bracing N3.

Wall frame - gal steel 90x40 x 1.0mm @ 600mm centres,
with steel stud K bracing & 30x0.8 GI strapping.



First floor wall & roof frame design.

Frame Design Drawing 1 Scale ~1:100

Sunrise Design Qld Pty Ltd

ABN 20 091 829 140 ACN 091 829 140

Consulting Geotechnical
& Design Engineers

Report No: W7235 de.
Client Name: Steven Mcfadyen.
Report Date: 2 nd August 2022.
Site Address: No 1 Anne Street, Mundubbera.

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>