

24/05/2023

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: DA230016

Scott Marshall
C/- Insite SJC
PO Box 1073
Bundaberg QLD 4670 4670

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY REALIGNMENT (2 INTO 2 LOTS) AT 345 COCKINGS ROAD, DUNDARRAH; LAND DESCRIBED AS 104MZ277 AND 23MZ294

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 27 March 2023 and taken to be properly made on 3 May 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.

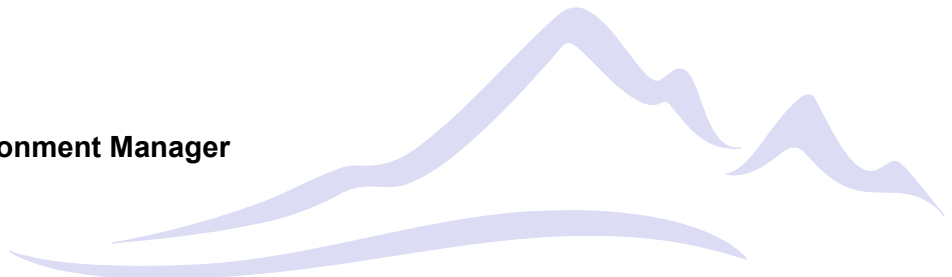
Please quote Council's application number: DA230016 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours sincerely,

for 

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

Applicant's Details

Name: Scott Marshall
 Postal Address: C/- Insite SJC
 PO Box 1073
 Bundaberg QLD 4670 4670
 Email: shane@insitesjc.com.au
 Phone No.:
 Mobile No.: 0429 352 884

Location details

Street address: 345 COCKINGS ROAD, DUNDARRAH
 Real property description: 104MZ277 and 23MZ294
 Local government area: North Burnett Regional Council

Application details:

Application number: DA230016
 Approval sought: Development Permit
 Description of development proposed: Reconfiguring a lot — Boundary Realignment (2 into 2 lots)

Decision

Date of decision: 16 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.

	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	Date	Reference no.
Plan of Proposed Boundary Realignment (with aerial image) by Insite SJC	21/02/2023	GC23-068-P1
Plan of Proposed Boundary Realignment (with aerial image) by Insite SJC	21/02/2023	GC23-068-P1

Conditions

This approval is subject to the conditions in Attachment 1. 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



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 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 dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot.

Vehicle access

- 7) Driveway cross-overs to each lot are to be designed and constructed in accordance with the North Burnett Regional Council Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*.
- 8) Any works on an existing driveway cross-over/s or installation of new driveway cross-overs require written approval by Council prior to commencement of 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.



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Attachment 2 – Conditions Imposed by Concurrence Agency

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**Please refer to the following pages for the conditions imposed
by the Concurrence Agency.**



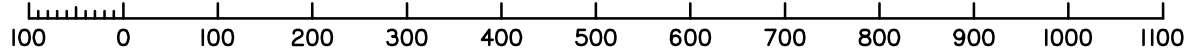
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Attachment 3 – Approved Plans

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Please refer to the following pages for approved plans.

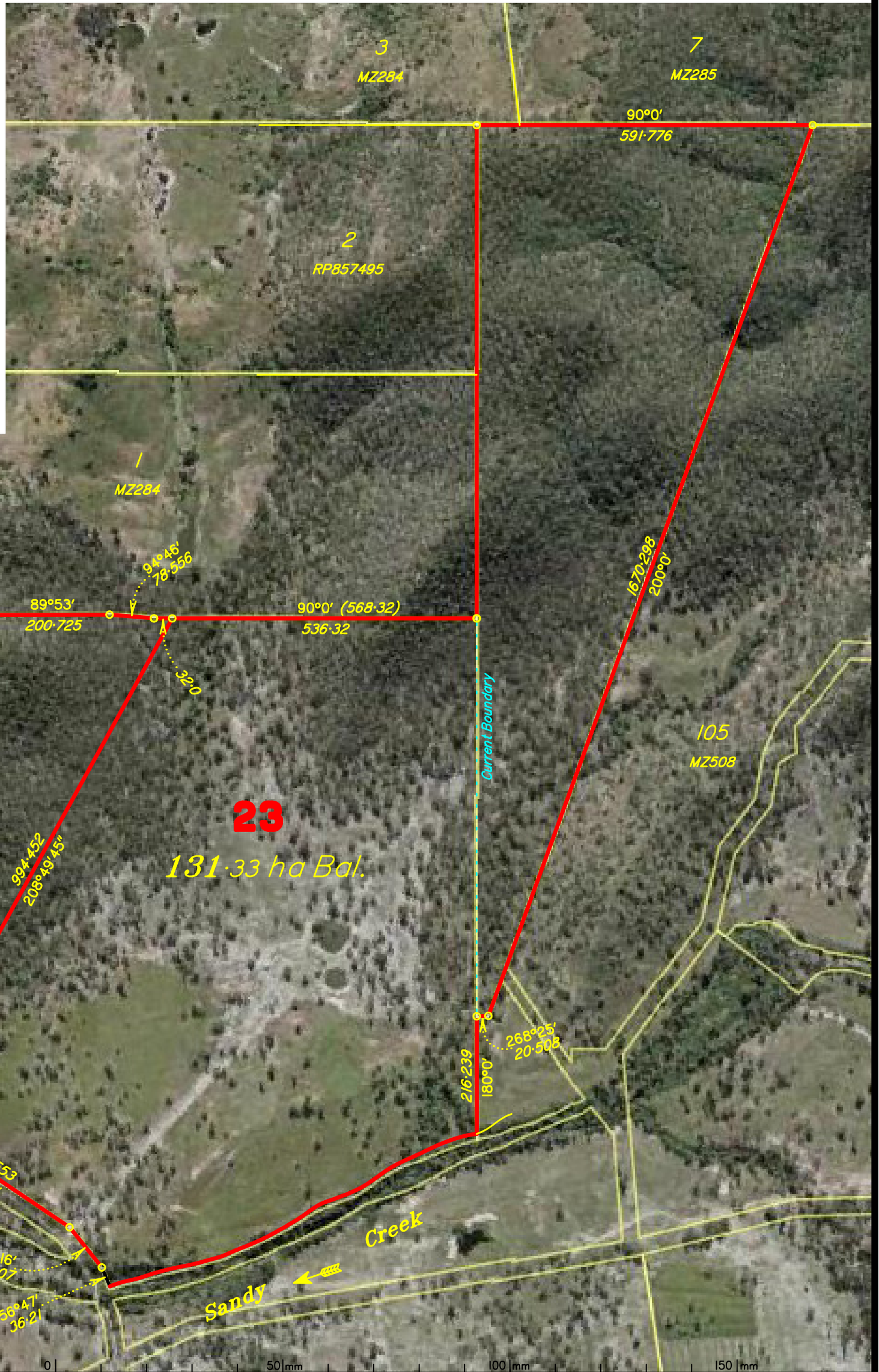
Scale 1:8000 - Lengths are in metres.



NORTH BURNETT REGIONAL COUNCIL

APPROVED PLANS

These plans are associated to the decision notice for application number **DA230016**



Insite SJC 67 Barolin Street
PO Box 1073
BUNDABERG QLD 4670

ABN 89 659 819 351 admin@insitesjc.com.au
Phone: 07 4151 6677 www.insitesjc.com.au

PLAN OF PROPOSED BOUNDARY REALIGNMENT

Proposed Lots 23 & 104
Cancelling Lot 23 on MZ29 & Lot 104 on MZ277
Dundarrah

PARISH of ...
LOCALITY of **Dundarrah**

CLIENT:
Scott Marshal

SCALE
1:8000 at A3

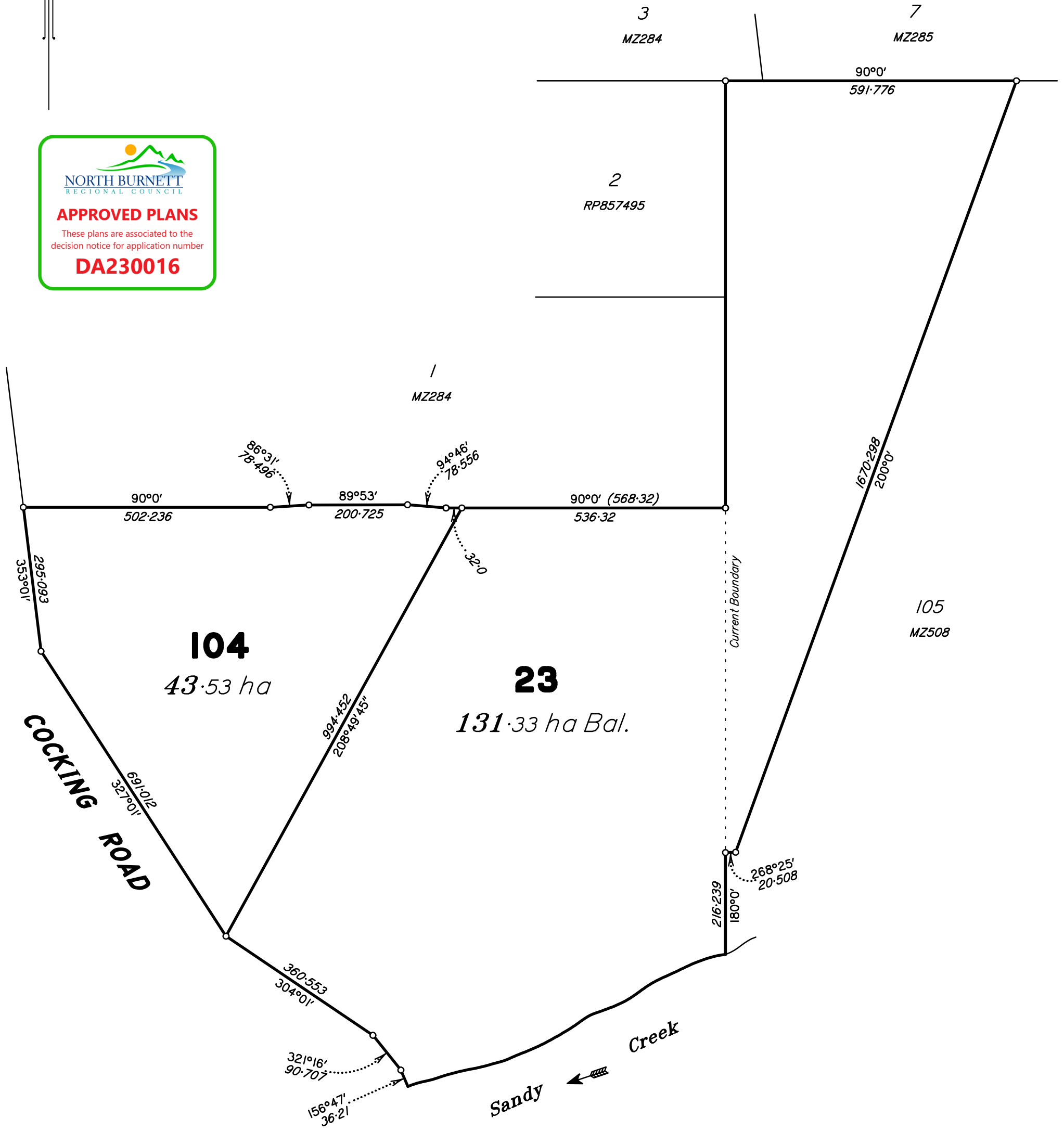
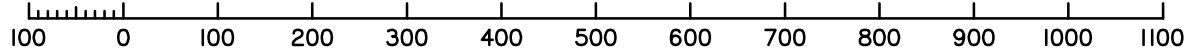
PROPOSAL PLAN ONLY
Not to be used for contractual purposes.

Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.

PLANNING SCHEME:
North Burnett 2016
COUNTY: COOK
GOVERNMENT: NORTH BURNETT R.C.

DESIGN <i>SB</i>	DRAWN <i>JR</i>	CHECKED <i>SB</i>	PLAN REFERENCE No. GC23-068 -PI
DATE <i>Feb.2023</i>	DATE <i>21/02/23</i>	DATE <i>21/02/23</i>	

Scale 1:8000 - Lengths are in metres.



Insite SJC
Town Planning | Surveying | Projects
67 Barolin Street
PO Box 1073
BUNDABERG QLD 4670
ABN 89 659 819 351
admin@insitesjc.com.au
Phone: 07 4151 6677
www.insitesjc.com.au

PLAN OF PROPOSED BOUNDARY REALIGNMENT
Proposed Lots 23 & 104
Cancelling Lot 23 on MZ29 & Lot 104 on MZ277
Dundarrah

PARISH of ...
LOCALITY of **Dundarrah**
CLIENT: Scott Marshal
SCALE: 1:8000 at A3

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PLANNING SCHEME: North Burnett 2016
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DESIGN SB	DRAWN JR	CHECKED SB	PLAN REFERENCE No. GC23-068 -PI
DATE Feb.2023	DATE 21/02/23	DATE 21/02/23	

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>