

24 July 2023

Your Reference:  
Our Reference: DA230005

J & Y Zohrab  
250 Swindon Road  
MOUNT PERRY QLD 4671  
Via email—[jzpfq67@gmail.com](mailto:jzpfq67@gmail.com)

Dear Sir / Madam

**RE: CHANGE “OTHER” APPLICATION FOR RECONFIGURING A LOT 3 INTO 6 LOTS AT 250 SWINDON ROAD, MOUNT PERRY; LAND DESCRIBED AS LOT 208 AND 209SP243274**

Thank you for your Change “Other” Application for Reconfiguring a lot for 3 into 6 lots at 250 Swindon Road, Mount Perry; land described as lot 208 and 209 on SP243274.

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—

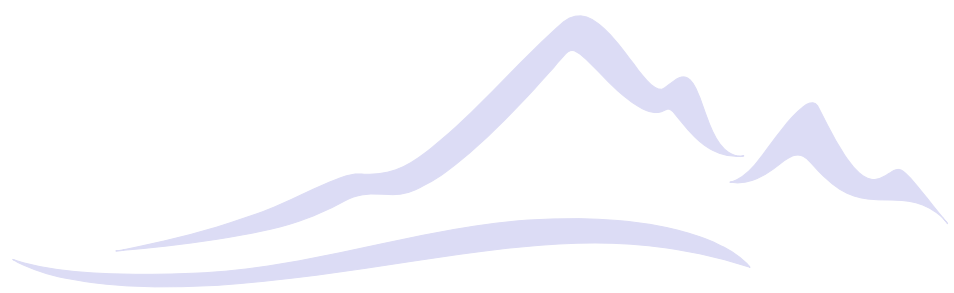
- if there is an appeal, after the appeal has ended;
- if there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

Please quote Council’s application number: 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,



Mick Jarman  
**Interim Planning & Environment Manager**



## Decision Notice — Approval (with conditions)

(Given under section 83 of the Planning Act 2016)

Thank you for your change application made under *section 78* of the *Planning Act 2016* detailed below which was properly made on . The North Burnett Regional Council has assessed your application and decided it as follows:

### 1. Applicant's details

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Name: J & Y Zohrab  
Postal Address: 250 Swindon Road  
MOUNT PERRY QLD 4671  
Email: [jzpfq67@gmail.com](mailto:jzpfq67@gmail.com)  
Phone No.: 0413 689 238  
Mobile No.:

### 2. Location details

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Street address: 250 SWINDON ROAD, MOUNT PERRY  
Real property description: Lot 208 SP243274 and lot 209 SP243274  
Local government area: North Burnett Regional Council

### 3. Details of Original Approval

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Reconfiguring a lot for 1 lot into 3 lots  
Date of Approval: 10 June 2021  
Application number: DA210006

### 4. Details of proposed development

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Development Permit for Change Application (Other) for Reconfiguring a lot 3 lots into 6 lots

### 5. Details of proposed development

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Date of decision: 21 July 2023  
Decision details: North Burnett Regional Council has decided to:  
Make the change. Please refer to attachment 1.

The changes agreed to are:

- Approved plans deleted plan “Finalised plan—Proposed Reconfiguration of a Lot cancelling Lot 209 on SP243274 creates Lots 209, 210, 211 on SP243274” by John Zohrab dated 20/4/2021.
- Approved plans inserted “Preliminary Plan of Approximate boundary layout for the proposed lot reconfiguration of Lots 209-215 cancelling lot 209 on SP243274” by Straughair & Bent Surveyors dated 2/10/2021
- Condition 5, 9 and 10 reword to be read “lots 209 to 215 inclusive” and deleted “and 211”.
- Condition 11 deleted “210 and 211” and included 212, 213, 215 and 215”.
- Condition 10 updated wording to corrected covenant inserted—

## 1. Definitions and interpretation

### 1.1 Definitions

In this Covenant:

- (1) **Covenanted Land** means the land described in Item 2;
- (2) **Covenantee** means North Burnett Regional Council and its successors and assigns; and
- (3) **Covenantor** means (*insert landowner/s name/s*) its successors and assigns and the registered proprietor for the time being of all or any part of the land subject to Covenant.

## 2. Covenants of Covenantor

2.1 The Covenanted Land is not connected to any electricity supply.

2.2 The provision of electricity supply to the Covenanted Land may require the installation of a transformer. The installation of any such transformer will be at the Covenantor's expense.

2.3 The Covenantor covenants with the Covenantee that:

- (1) If electricity is required to be connected to the Covenanted Land, the Covenantor must arrange for an electricity supplier to install an electricity connection to the Covenanted Land;
- (2) The Covenantor will pay the cost to connect the electricity supply to the Covenanted Land.

2.4 This covenant is intended to be binding on the Covenantor and the successors in title of the Covenantor to the Covenanted Land.

2.5 The Covenantor must not sell, transfer or otherwise dispose of the Covenanted Land without first providing to the proposed transferee a copy of this Covenant and the Decision Notice relating to this Covenant.

## 3. Costs and outlays

3.1 The Covenantor must pay all costs and outlays connected with the negotiation, preparation, execution, stamping and registration of this Covenant.

### • Condition 10 deleted—

a) The provision of electricity supply to the "Covenanted Land" may require the installation of electricity infrastructure which could include a transformer. The installation of any such infrastructure will be at the Covenantor's expense.

b) The Covenantor covenants with Covenantee that:

- i) If electricity is required to be connected to the Covenanted Land, the Covenantor must arrange for an electricity supplier to install an electricity connection to the "Covenanted Land"; and
- ii) The Covenantor will pay the cost to connect the electricity supply to the "Covenanted Land".

- c) The covenant is intended to be binding on the Covenantor and the successors in title of the Covenantor to the 'Covenanted Land'.
- Changed property notes for natural resources that the “notation applies to all approved lots” and removed “209 and 211”.

## 6. Rights of appeal

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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*. 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*).

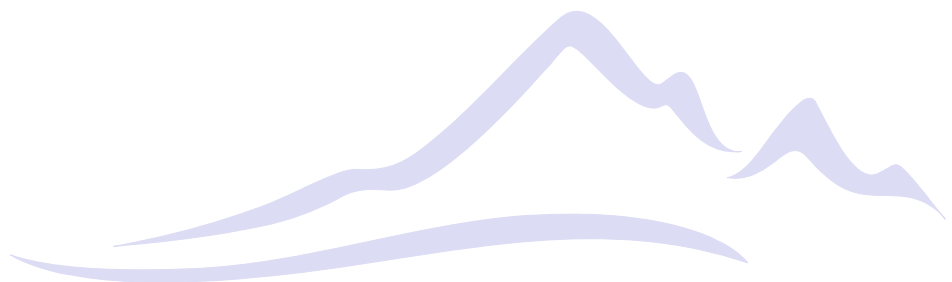
A copy of the relevant appeal provisions are included in Attachment 2.

Yours sincerely,

for 

Mick Jarman  
**Interim Planning & Environment Manager**

Schedule 1—Existing approval incorporating changes  
Schedule 2—Appeal rights



## Schedule 1 – Existing Approval Incorporating Changes

This Decision Notice includes changes approved on 21 July 2023  
 — Changes are in **red**  
 (Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 10 March 2023. The North Burnett Regional Council has assessed your application and decided it as follows:

### 7. Applicant's details

Name: J & Y Zohrab  
 Postal Address: 250 Swindon Road  
 MOUNT PERRY QLD 4671  
 Email: jzpfq67@gmail.com  
 Mobile No.: 0413 689 238

### 8. Location details

Street address: 250 SWINDON ROAD, MOUNT PERRY  
 Real property description: Lot 208 and lot 209 on SP243274  
 Local government area: North Burnett Regional Council

### 9. Decision

Application number: DA230005  
 Date of decision: 10 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.

### 10. Details of proposed development

	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"/>

## 11. Approved plans and specifications

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Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date
<del>Finalised plan—Proposed Reconfiguration of a Lot cancelling Lot 209 on SP243274 creates Lots 209, 210, 211 on SP243274</del>	<del>John Zohrab</del>	<del>20/04/2021</del>
Preliminary Plan of Approximate boundary layout for the proposed lot reconfiguration of Lots 209-215 cancelling lot 209 on SP243274	Straughair & Bent Surveyors	02/10/2021

## 12. Conditions

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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.

## 13. Further development permits

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Not applicable

## 14. Properly made submissions

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Not applicable — No part of the application required public notification.

## 15. Currency period for the approval

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This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

- (1) A part of a development approval lapses at the end of the following period (the **currency period**)—
  - (a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—
    - (i) the period stated for that part of the approval; or
    - (ii) if no period is stated—6 years after the approval starts to have effect;
  - (b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—
    - (i) the period stated for that part of the approval; or
    - (ii) if no period is stated—4 years after the approval starts to have effect;
  - (c) for any other part of the development approval—if the development does not substantially start within—
    - (i) the period stated for that part of the approval; or
    - (ii) if no period is stated—2 years after the approval starts to take effect.

## 16. Rights of appeal

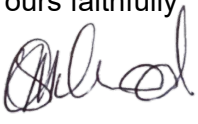
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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Attachment 2.

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

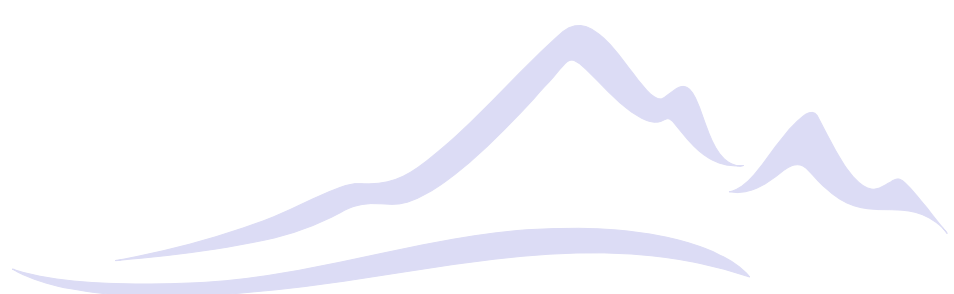
Yours faithfully

for 

Mick Jarman

**Interim Planning & Environment Manager**

Enc: Attachment 1-conditions imposed by assessment manager  
Attachment 2- plans



## **Attachment 1 – Conditions Imposed by Assessment Manager**

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### **General**

- 2) 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.
- 3) Where there is any conflict between conditions of this approval and details shown on the approved plans and documents, the conditions prevail.
- 4) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 5) Comply with all the conditions of this development permit prior to commencement of the use, and maintain compliance whilst the use continues.

### **Building and Access**

- 6) All new vehicular access and driveway cross-overs for proposed lots 209 to 215 inclusive and 211 must be approved by the assessment manager prior to installation and be constructed in accordance with SC6.2 Design and construction standards for development works policy – refer <https://www.northburnett.qld.gov.au/wp-content/uploads/2020/08/North-Burnett-Regional-Planning-Scheme-Works-Policy-SC6-2-Rev1.0.pdf>. Only one access per lot is permitted.
- 7) The development sites are not serviced by reticulated town water. At time of building a residential premise, the relevant lot is to be provided with rainwater tank/s of minimum 45,000 litre capacity.  
*Note: Due to all allotments being classified in a bush fire prone area fire brigade fittings are to be installed to tank and that the building take-off connection from the tank be at a level that allows 5,000 litres to be dedicated for firefighting purposes.*
- 8) The development sites are not serviced by reticulated sewer system. At time of building residential premises, the relevant lot 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.
- 9) At time of building, residential premises are to be sited within areas of lowest bushfire hazard and, where possible, setback from hazardous vegetation the greater of 15 metres or 1.5 times the predominant mature canopy tree height. At time of building, fire maintenance trails are to be provided in accordance with AO5.2 of the Bushfire hazard overlay code but also in accordance with the relevant accepted development vegetation clearing code/s – refer <https://www.qld.gov.au/environment/land/management/vegetation/clearing-codes>.

### **Electricity Connection**

- 10) Provide to Council evidence of a supply arrangement with Ergon for new lot 209 to 215 inclusive. and 211 Provide to Council evidence of a new consent to enter provided to Ergon for the proposed lots.
- 11) Upon Council receiving evidence that Condition 9 and 10 are financially onerous Council requires a covenant regarding electricity supply to be place over proposed lot 209 to 215



inclusive and 214 (the "Covenanted Land"). The covenant is to state—

#### 4. Definitions and interpretation

##### 4.1 Definitions

In this Covenant:

- (4) **Covenanted Land** means the land described in Item 2;
- (5) **Covenantee** means North Burnett Regional Council and its successors and assigns; and
- (6) **Covenantor** means (*insert landowner/s name/s*) its successors and assigns and the registered proprietor for the time being of all or any part of the land subject to Covenant.

#### 5. Covenants of Covenantor

5.1 The Covenanted Land is not connected to any electricity supply.

5.2 The provision of electricity supply to the Covenanted Land may require the installation of a transformer. The installation of any such transformer will be at the Covenantor's expense.

5.3 The Covenantor covenants with the Covenantee that:

- (3) If electricity is required to be connected to the Covenanted Land, the Covenantor must arrange for an electricity supplier to install an electricity connection to the Covenanted Land;
- (4) The Covenantor will pay the cost to connect the electricity supply to the Covenanted Land.

5.4 This covenant is intended to be binding on the Covenantor and the successors in title of the Covenantor to the Covenanted Land.

5.5 The Covenantor must not sell, transfer or otherwise dispose of the Covenanted Land without first providing to the proposed transferee a copy of this Covenant and the Decision Notice relating to this Covenant.

#### 6. Costs and outlays

6.1 The Covenantor must pay all costs and outlays connected with the negotiation, preparation, execution, stamping and registration of this Covenant.

~~a) The provision of electricity supply to the "Covenanted Land" may require the installation of electricity infrastructure which could include a transformer. The installation of any such infrastructure will be at the Covenantor's expense.~~

~~b) The Covenantor covenants with Covenantee that:~~

- ~~i) If electricity is required to be connected to the Covenanted Land, the Covenantor must arrange for an electricity supplier to install an electricity connection to the "Covenanted Land"; and~~
- ~~ii) The Covenantor will pay the cost to connect the electricity supply to the "Covenanted Land".~~

- e) ~~The covenant is intended to be binding on the Covenantor and the successors in title of the Covenantor to the 'Covenanted Land'.~~

## Survey

- 12) Align the common boundary of proposed Lots ~~212, 213, 214 and 215~~ ~~210 and 211~~ on the approved plan a minimum of 10 metres from the Category B regulated vegetation mapped over the site.
- 13) 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.
- 14) Provide a certificate from an appropriately qualified surveyor certifying—
  - (a) the boundary clearances for any existing buildings remaining on site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless otherwise agreed in writing by the assessment manager;
  - (b) all existing and proposed utility services and connections are wholly located within the lot they service or alternatively within easement;
  - (c) 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 2019* and associated codes and standards;
  - (d) all boundaries are located a minimum of 10 metres from mapped Category B regulated vegetation.

## Property notes

The Council intends to apply the following property notes to the lots resulting from the approval.

### A. Telecommunications

The following notation applies to all approved lots—

Council did not require provisioning from the fixed-line telecommunications networks as telecommunications is available via mobile and broadband fixed-wireless networks.

### B. Natural resources

The following notation applies to ~~all~~ approved lots ~~209 and 211~~—

Swindon Road is identified as a Local Resource Area (extractive resources) transport route.

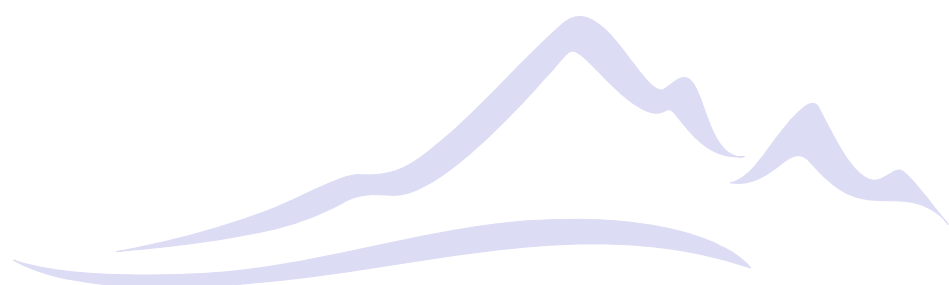
At time of building, residential premises should be sited the greatest distance practicable from Swindon Road and designed and orientated to minimise/mitigate any actual and potential adverse impacts on human health and wellbeing from existing and future extractive industries including noise and air emissions and ground vibration.

## 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 realignment plan being endorsed by Council.
- 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.

- 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](http://www.northburnett.qld.gov.au)). For information about State and Commonwealth requirements please consult with these agencies directly.
- 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 Natural Resources, Mines and Energy 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 DNRME as part of the Accepted Development requirements.
- Development that is considered to be constructing or raising waterway barrier works must be undertaken in accordance with the "Accepted Development Requirements for Operational 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.**



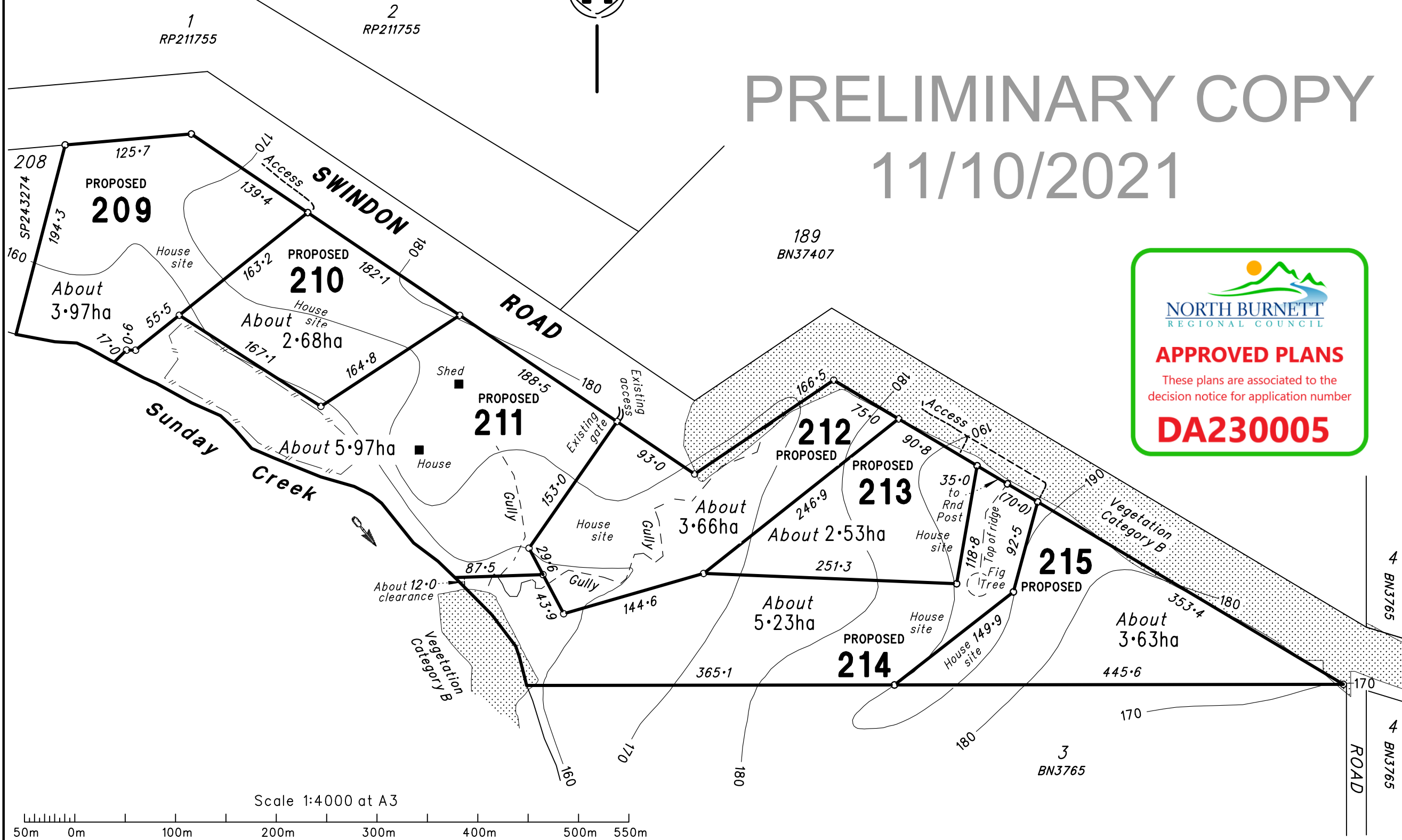


Contours have been traced from Department of Natural Resources mapping on the Queensland Globe website

CAUTION RE PURPOSE & LIMITATIONS  
The number of lots, lot areas and lot dimensions are approximate only and subject to approval and survey.

Contour interval 10m  
Vertical datum AHD

# PRELIMINARY COPY 11/10/2021



**LOCALITY MOUNT PERRY**  
North Burnett  
LOCAL GOVERNMENT Regional C.

**J & Y ZOHRAB**  
02/10/2021  
Dwg No 5365pa  
Rev. A

**PLAN OF** Approximate boundary layout  
for the Proposed Lot Reconfiguration of  
Lots 209 - 215 cancelling  
Lot 209 on SP243274

Surveyor's  
Reference  
536510

Scale 1: 4000

**REVISION DETAILS**  
Revision A: original issue 02/10/2021

(07)41523811  
Mob. 0400 810 735  
gbent@strabent.com.au  
www.strabent.com.au

Plan prepared by  
**STRAUGHAIR & BENT - SURVEYORS**