

Enquiries: Sam Dunstan
Phone: 07 4189 9100
IR1382209 SD:JT



SOUTH BURNETT
REGIONAL COUNCIL

IDAS Development Application Decision Notice
Sustainable Planning Act 2009
Material Change of Use (Second dwelling house)

South Burnett Regional Council
ABN 89 972 463 351
PO Box 336
Kingaroy QLD 4610
☎ 1300 789 279 or (07) 4189 9100
☎ (07) 4162 4806
✉ info@southburnett.qld.gov.au
🌐 www.southburnett.qld.gov.au

13 August 2015

Suzanne Hansen
C/- ARC Surveys Pty Ltd
PO Box 1102
CABOOLTURE QLD 4510

Dear Sir/Madam

I refer to your Development Application for a Development Permit - Material Change of Use (Second dwelling house) at 354 Kingaroy Barkers Creek Road, Kingaroy (and described as Lot 3 on RP848615). The application was assessed and approved subject to conditions by Delegated Authority on Thursday 13 August 2015.

The following schedule provides the relevant details.

1 REFERRAL AGENCY ASSESSMENT

Concurrence Agencies:

Agency	Decision	Date of Decision
Department of State Development, Infrastructure and Planning	Approved subject to conditions	13 May 2015

Advice Agencies: Nil

2 CONDITIONS

Refer to Attachment A for Assessment Manager's Conditions
Refer to Attachment B for Department of State Development, Infrastructure and Planning Conditions

3 APPROVAL TYPE

Development Permit for Material Change of Use

4 FURTHER PERMITS/LICENCES REQUIRED

Development Permit for Plumbing and Drainage Work
Development Permit for Building Work

5 PROPERLY MADE SUBMISSIONS

One submission was received to the proposal but was withdrawn.

Customer Service Centres

☐ **Blackbutt** 69 Hart Street
☐ **Kingaroy** 45 Glendon Street
☐ **Nanango** 48 Drayton Street

☐ **Murgon** 42 Stephens Street West
☐ **Wondal** Cnr Mackenzie & Scott Streets

6 RIGHTS OF APPEAL

Details on rights of appeal are attached for your information and a Notice of Appeal can be accessed on <http://www.courts.qld.gov.au>

With a view to early completion of the appeal process, it is in your interest to advise Council of your acceptance of the approval and conditions or to lodge an Appeal at your earliest convenience – as pursuant to Division 5, s339 of the *Sustainable Planning Act 2009* the approval does not take effect until the completion of the applicants' Appeal Period.

7 ADVICE

The *Sustainable Planning Act 2009* provides the opportunity to make representations about a matter in the decision notice. This opportunity is provided during the applicant's 20 business day appeal period.

The purpose of this opportunity is to provide a mechanism for applicants and assessment manager to resolve disputes about conditions and other decision notice matters outside the formal appeal process.

Decision notice matters that can be negotiated are:

- the type of approval issued (eg. the issuing of a preliminary approval instead of a development approval)
- the length of the relevant period
- the conditions of approval
- the plans referred to in the approval
- the list of other development permits necessary to allow the development to be carried out; and
- the list of codes that may need to be complied with for self-assessable development.

8 ASSESSMENT MANAGER

South Burnett Regional Council.

Yours faithfully



Chris Du Plessis
MANAGER – PLANNING AND LAND MANAGEMENT

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ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL

General

- GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:
- Ref. Nos: Job No. h-30-p1, Rev – C, Drawing 1 of 4 – Site Plan 354 Kingaroy Barkers Creek Road Kingaroy.
- GEN2. The development herein approved may not start until the following development permits have been issued and complied with as required:-
- Development Permit for Building Works; and
 - Development Permit for Plumbing and Drainage Work.
- GEN3. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.
- GEN4. The proposed Dwelling House is to be connected to an on-site sewerage facility. The proposed facility is to comply with Australian Standard AS1547 and the Queensland Plumbing & Wastewater Code.
- GEN5. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

Compliance

- GEN6. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the commencement of the use, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A Compliance Certificate fee will be charged, with payment required prior to Council approval of the associated documentation requiring compliance assessment.

Rainwater Tanks

- MCU1. The developer shall provide 45,000 litres of roof water storage for the dwelling and additional for fire fighting purposes.

On-Site Waste Disposal

- MCU2. An on-site septic system will be required to service the proposed dwelling to current South Burnett Regional Council standards, this system requires a soil capacity design be undertaken by a competent person, and subsequent septic system designed from this information.

Advice

- ADV1. Section 341(1) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.
- ADV2. Telecommunication connections can be arranged by logging onto Telstra's website (<http://www.telstra.com.au/smart-community/developers/index.htm>) and completing the 'Application for Reticulation'.
- ADV3. Council would encourage you to discuss the development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the

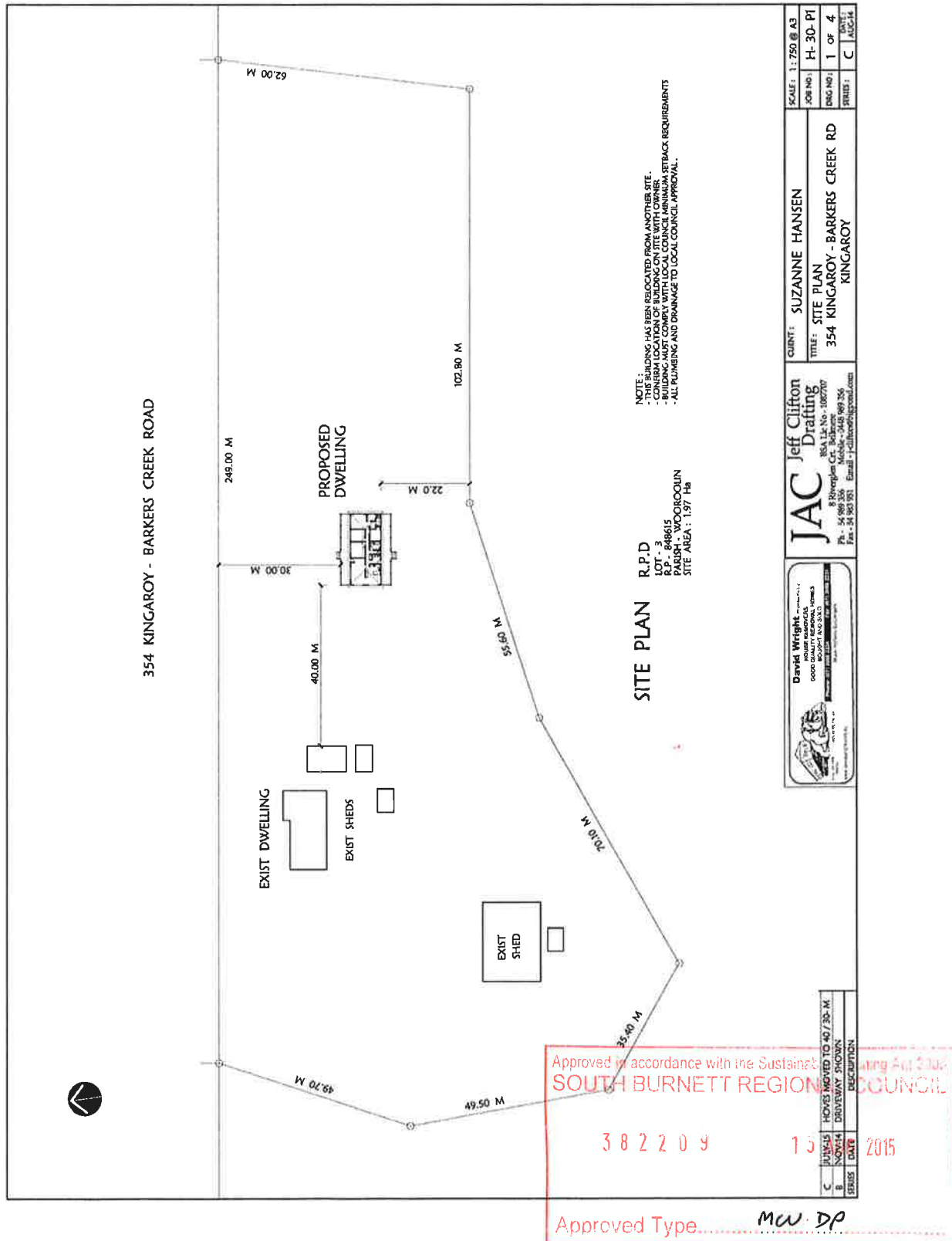
ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL

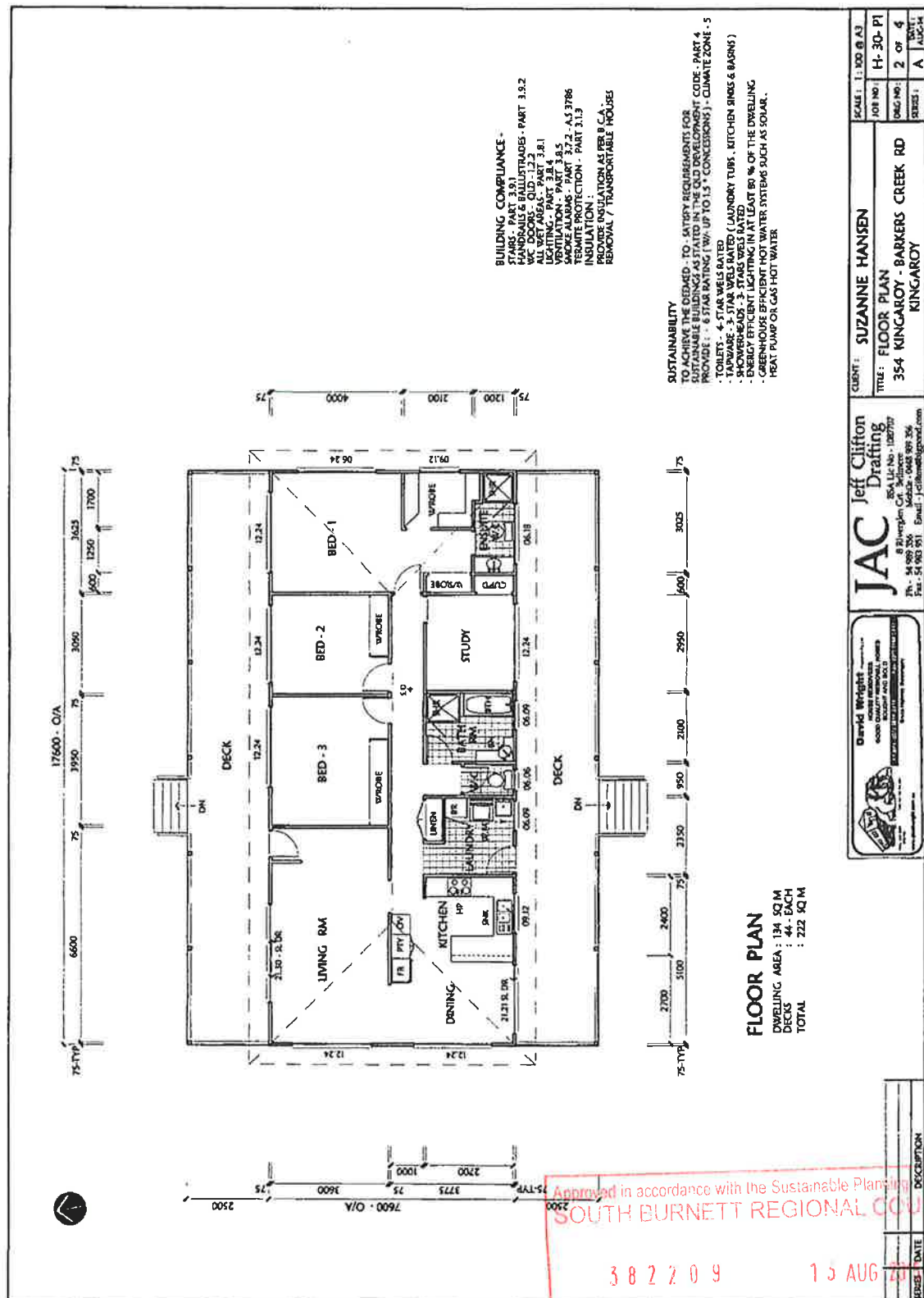
development. Connection of electricity can take up to eight (8) months from the date of application to Ergon Energy.

- ADV4. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—
- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
 - b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

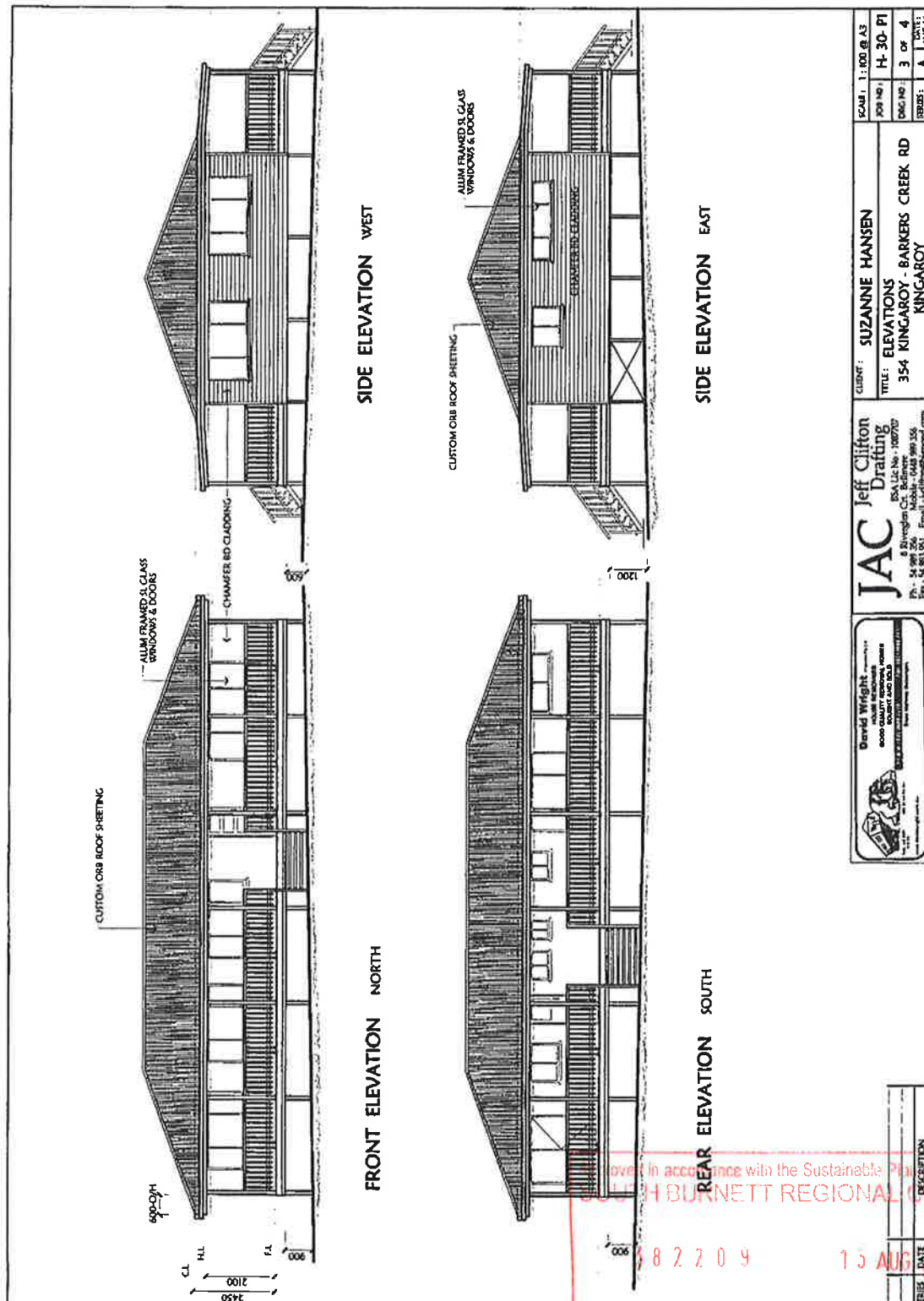
ATTACHMENT A ASSESSMENT MANAGER'S REPORT SOUTH BURNETT REGIONAL COUNCIL

Approved Plans





**ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL**

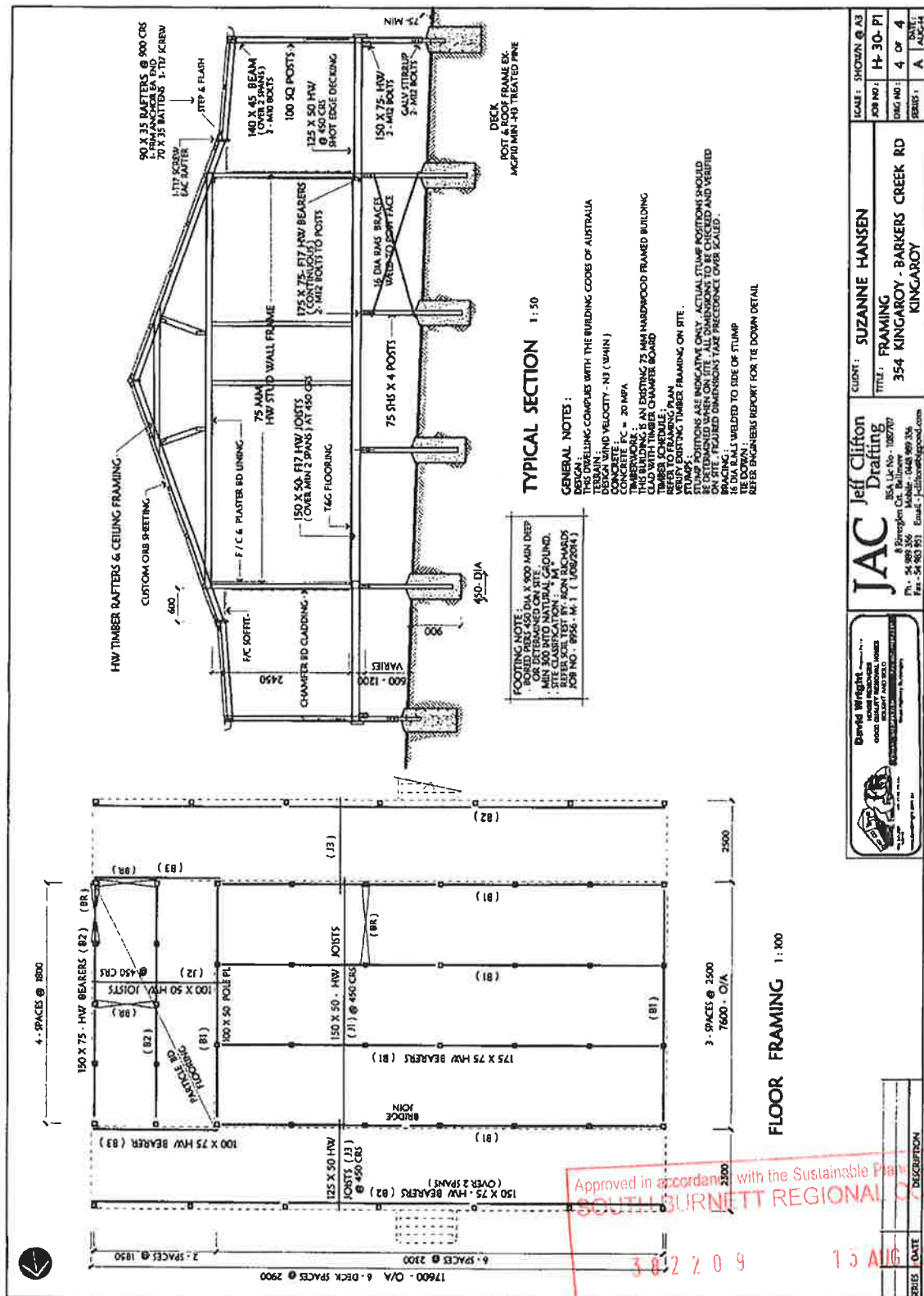


JAC Jeff Clifton Drafting 8 Blenheim Crt. Blenheim Ph: 04 909 326 Fax: 04 909 351 Email: jclifton@jacnz.com		CLIENT: SUZANNE HANSEN TITLE: ELEVATIONS 354 KINGAROY - BARKERS CREEK RD KINGAROY	SCALE: 1:100 @ A3 JOB NO: H-30-P1 DATE: 15 AUG 2015 DRAW NO: 3 OF 4 SERIES: A
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Approved in accordance with the Sustainable Planning Act 2008
 SOUTH BURNETT REGIONAL COUNCIL

182209 15 AUG 2015

Approved Type..... MW - DP



ATTACHMENT B
DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE & PLANNING
CONCURRENCE AGENCY



Department of
State Development,
Infrastructure and Planning

Our reference: SDA-1114-015648
Your reference: IR12382209

20 November 2014

Garry Wall
Chief Executive Officer
South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610
info@southburnett.qld.gov.au

Attention: Chris du Plessis

Dear Mr du Plessis

Concurrence agency response—with conditions

354 Kingaroy - Barkers Creek Road, Kingaroy, South Burnett Regional, QLD – lot 3 on
RP848615

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received
by the Department of State Development, Infrastructure and Planning under section 272 of
the *Sustainable Planning Act 2009* on 6 November 2014.

Applicant details

Applicant name: Suzanne Hansen
Applicant contact details: c/- ARC Surveys Pty Ltd
PO Box 1102
Caboolture Qld 4510
info@arcsurveys.com.au

Site details

Street address: 354 Kingaroy Barkers Creek - Kingaroy, South Burnett
Regional Council - QLD

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Wide Bay - Burnett Region
Level 1, 7 Takalvan Street
PO Box 979
Bundaberg QLD 4670

ATTACHMENT B
DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE & PLANNING
CONCURRENCE AGENCY

SDA-1114-015648

Lot on plan: 3 RP848615
Local government area: South Burnett Regional Council

Application details

Proposed development: Development Permit for Material Change of Use (second dwelling)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Second Dwelling	Impact Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 3, Item 1 - Making a material change of use of premises if any part of the land -
(a) is within 25m of a State-controlled road; or
(b) is future State-controlled road; or
(c) abuts a road that intersects with a State-controlled road within 100m of the land

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use				
Site Plan – 354 Kingaroy-Bakers Creek Road, Kingaroy	JAC Jeff Clifton Drafting	August 2014	H-30-P1 Drawing 1 of 4	A

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

For further information, please contact Holly Soroan, Senior Planning Officer, SARA Wide

ATTACHMENT B
DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE & PLANNING
CONCURRENCE AGENCY

SDA-1114-015648

Bay Burnett on 07 4331 5605, or email WBBSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Michelle Riley
Manager (Planning)

cc: Suzanne Hansen
c/- ARC Surveys Pty Ltd,
Info@arcsurveys.com.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

ATTACHMENT B
DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE & PLANNING
CONCURRENCE AGENCY

SDA-1114-015648

Our reference: SDA-1114-015648

Your reference: IR12382209

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use		
State-controlled road — Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans as amended in red: <ul style="list-style-type: none">• Site Plan – 354 Kingaroy-Bakers Creek Road, prepared by JAC Jeff Clifton Drafting, Dated August 2014, Plan Number H-30-P1, series A.	At all times
2.	The permitted road access location, for which approval under section 62 of the Transport Infrastructure Act 1994 must be obtained, is to be located approximately 76 metres from the western boundary generally in accordance with •Site Plan – 354 Kingaroy-Bakers Creek Road, prepared by JAC Jeff Clifton Drafting, Dated August 2014, Plan Number H-30-P1, series A as amended in red.	At all times
3.	All vehicles must enter and exit the subject site at the permitted road access location (for which approval under section 62 of the Transport Infrastructure Act 1994 must be obtained) in a forward motion.	At all times

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CONCURRENCE AGENCY

SDA-1114-015648

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Your reference: IR12382209

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the turning movements of vehicles entering and exiting the premises via the road access maintains the safety and efficiency of the state-controlled road.

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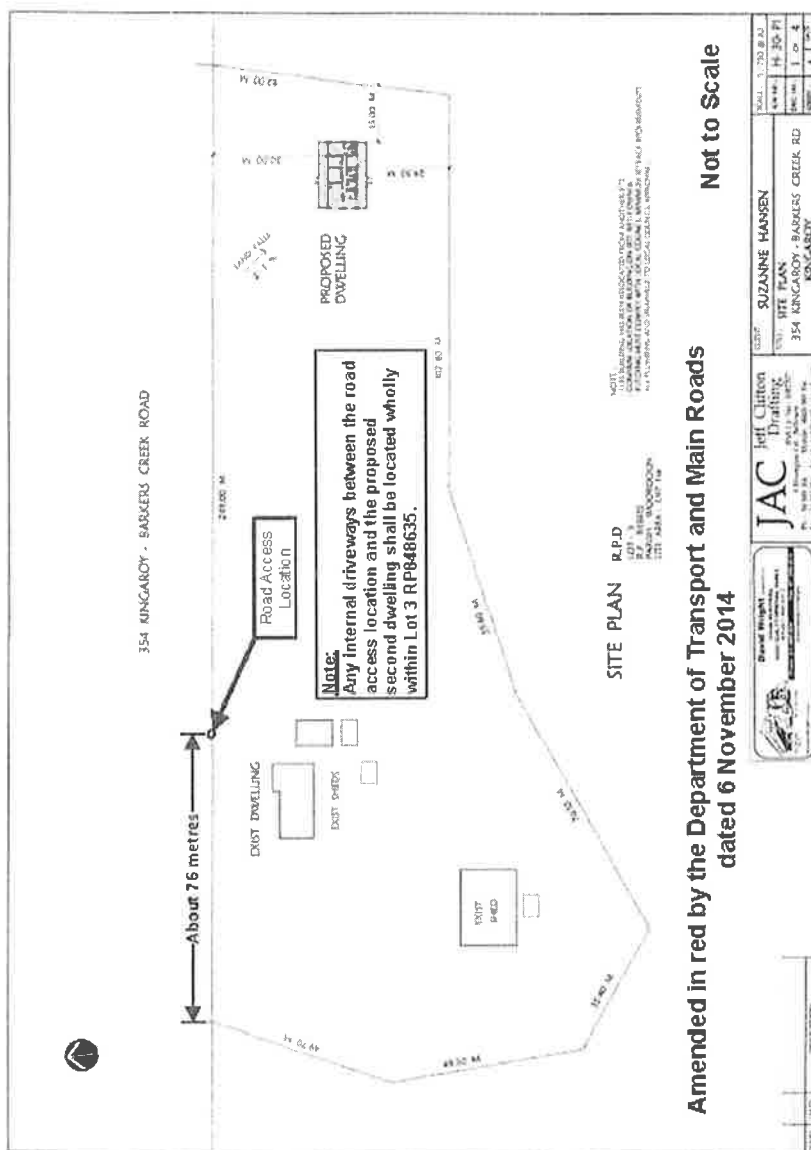
Attachment 3—Further advice

General advice	
1.	<p>Transport noise corridor: Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local Government and Planning website (http://napmap.smarteda.qld.gov.au/planmapweb/) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.</p>
2.	<p>Road Access Approval: Approval under the Sustainable Planning Act 2009 from the Department of State Development and Infrastructure Planning as a concurrence agency for the development application will not constitute approval about access under Section 62 of the <i>Transport Infrastructure Act 1994</i>.</p> <p>The landowner will have to obtain a separate Section 62 Decision about access from Transport and Main Roads under the Transport Infrastructure Act 1994.</p> <p>To commence the process for obtaining a Section 62 Decision from Transport and Main Roads, the landowner should contact the Bundaberg Office of Transport and Main Roads on 4154 0200.</p>

SDA-1114-015648

Your reference: IR12382209

Attachment 4—Approved plans and specifications



Appeal Rights

Sustainable Planning Act 2009
IDAS Development Application

The following is an extract from the
Sustainable Planning Act 2009

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

- (a) the giving of a development approval;
- (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or
- (b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

- (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
- (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.