

Enquiries: Veronniqa Harris  
Phone: 07 4189 9100  
ROLC2016/0007

**IDAS Development Application Decision Notice**  
Sustainable Planning Act 2009  
**Reconfiguring of a Lot (Boundary Realignment)**

16 August 2016

O'Reilly Nunn Favier - ONF Surveyors  
PO Box 896  
KINGAROY QLD 4610

Reference: 6284

Dear Sir/Madam

I refer to your Development Application for a Development Permit – Reconfiguring of a Lot (Boundary realignment) at 255 Blacks Crossing Road and Silverleaf Road, Silverleaf (and described as Lot 1 RP160155 and Lot 2 RP160155). The application was assessed and approved subject to conditions by Delegated Authority on Tuesday 16 August 2016.

The following schedule provides the relevant details.

**1 REFERRAL AGENCY ASSESSMENT**

**Concurrence Agencies:** Nil

**Advice Agencies:** Nil

**2 CONDITIONS**

Refer to Attachment A for Assessment Manager's Conditions

**3 APPROVAL TYPE**

Development Permit for Reconfiguring of a Lot

**4 FURTHER PERMITS/LICENCES REQUIRED**

N/A

**5 PROPERLY MADE SUBMISSIONS**

N/A.

**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>

**Customer Service Centres**

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

- Murgon** 42 Stephens Street West
- Wondai** Cnr Mackenzie & Scott Streets

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

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**

Enc

**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:
- Drawing no: 6284P/1, Sheet No. 1 of 1, Rev: A, Title: Boundary Realignment, prepared by: O'Reilly Nunn Favier and dated: 24/08/16.
- GEN2. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

**Compliance Assessment**

- GEN3. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the sealing of the Survey Plan, 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.

**Survey Marks**

- RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

**Natural Resources Valuation Fees**

- RAL2. Payment of Department of Natural Resources and Mines valuation fee that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$94.00 (2 x \$47.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

**Advice**

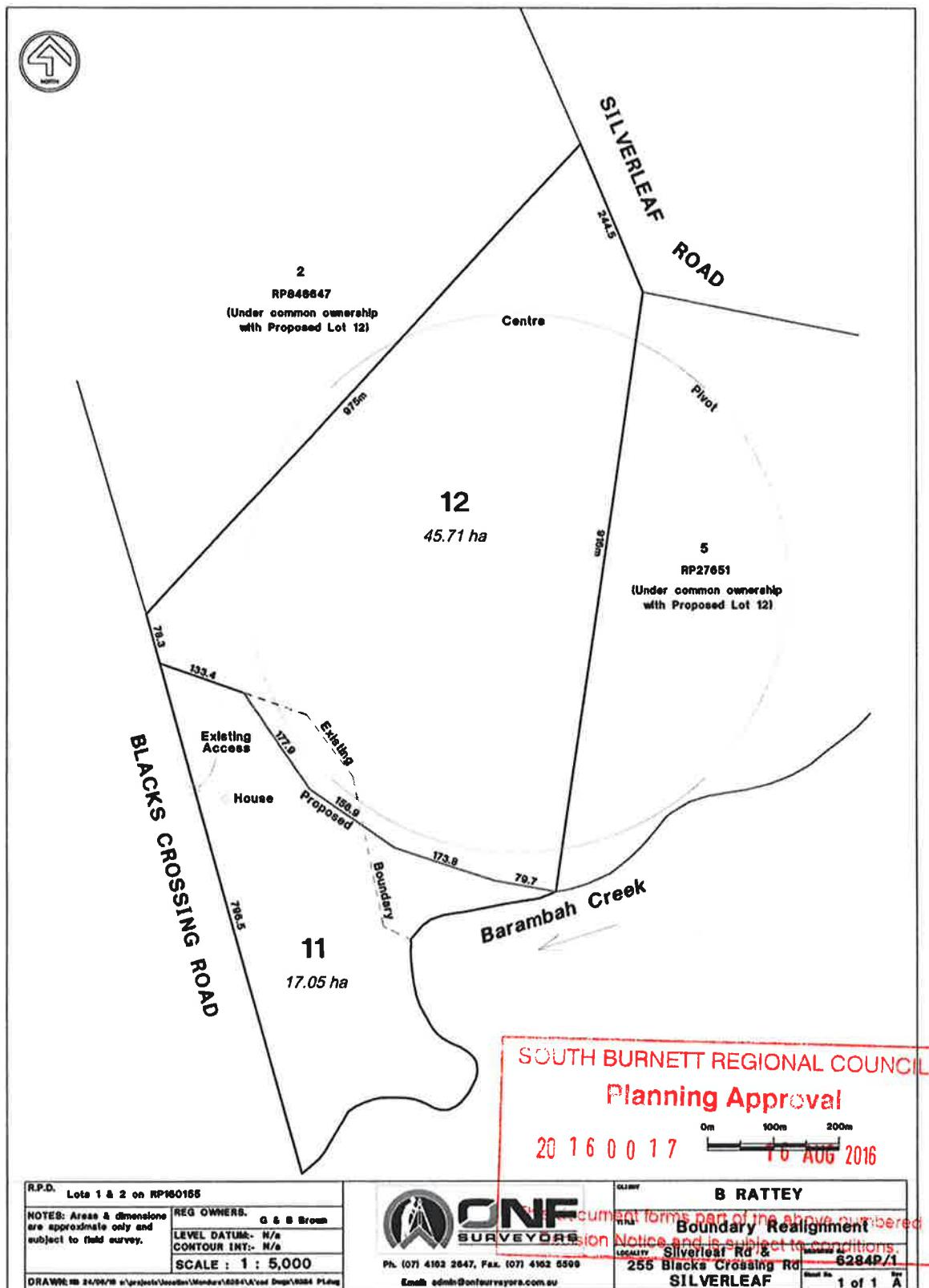
- ADV1. Section 341(2)(a) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of two (2) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.
- ADV2. Telecommunication connections can be arranged by emailing [F1103721@team.telstra.com](mailto:F1103721@team.telstra.com) providing the following information:
- Full name;
  - Address of property including state & postcode;
  - Lot No's and Plan No's; and
  - What the development is (units, subdivision, shop, etc)

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

- ADV3. 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.
- 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



# 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.