

Officer: Senior Planner – Sam

Direct Telephone: 07 4189 9100 Our Reference: MCU25/0008

17 April 2025

R & M Vincent C/- Planning Insights Pty Ltd 156 Waterworks Road ASHGROVE QLD 4060

Dear Sir/Madam

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

Decision Notice Planning Act 2016

I refer to your application and advise that on 17 April 2025, Council decided, via delegated authority, to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU25/0008

Street Address: 3372 Bunya Mountains Road BUNYA MOUNTAINS

Real Property Description: Lot 8 on RP91699

Planning Scheme: South Burnett Regional Council

DECISION DETAILS

Type of Decision: Approval

Development Permit for Material Change of Use (Deck Extension

Type of Approval: to existing Dwelling House)

Date of Decision: 17 April 2025

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "*necessary infrastructure condition*" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

Customer Service Centres Page 1 of 16

Blackbutt	69 Hart Street
Kingarov	45 Glendon Street

■ Wondai Cnr Scott & Mackenzie Streets

■ Murgon 42 Stephens Street West

■ Nanango 48 Drayton Street

ASSESSMENT MANAGER CONDITIONS

GENERAL

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared By	Plan No.	Revision	Date
Cover Page	PassivPlans Design &	00 of 09	В	18/11/24
	Consulting			
Site Plan	PassivPlans Design &	01 of 09	В	18/11/24
	Consulting			
Existing Floor Plan	PassivPlans Design &	02 of 09	В	18/11/24
	Consulting			
Proposed Floor Plan	PassivPlans Design &	03 of 09	В	18/11/24
	Consulting			
Elevations & 3D Views	PassivPlans Design &	04 of 09	В	18/11/24
	Consulting			

- 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.
- GEN3. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.
- GEN4. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.
- GEN5. Maintain the site in a clean and orderly state at all times.
- GEN6. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.
- GEN7. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

DEVELOPMENT PERIOD - MCU

GEN8. The currency period for this development approval for Material Change of Use is six (6) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

COMMENCEMENT OF USE

GEN9. Submit to Council a Notice of Intention to Commence the Approved Use. The notice must:

- 1. Be submitted to the Manager, Planning and Development within a minimum of ten (10) business days prior to commencement of the approved use;
- 2. Nominate the day the approved use is intended to commence; and
- 3. Include evidence (i.e. copies of decision notice(s), photographic proof, and statement(s) of compliance with the conditions of this approval which demonstrates that all conditions of this approval have been complied with.

Note: Council offers condition compliance inspection, which currently attracts a fee \$453.50. However, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
00 of 09	В	Cover Page, prepared by PassivPlans Design & Consulting	18/11/2024
01 of 09	В	Site Plan, prepared by PassivPlans Design & Consulting	18/11/2024
02 of 09	В	Existing Floor Plan, prepared by PassivPlans Design & Consulting	18/11/2024
03 of 09	В	Proposed Floor Plan, prepared by PassivPlans Design & Consulting	18/11/2024
04 of 09	В	Elevations & 3D Views, prepared by PassivPlans Design & Consulting	18/11/2024

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

WHEN APPROVAL STARTS TO HAVE EFFECT

ADV1. This development approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

ADV2. This development approval will lapse in accordance with the provisions contained within Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this development approval.

MATERIAL CHANGE OF USE - CURRENCY PERIOD

ADV3. Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

INFRASTRUCTURE CHARGES NOTICE

ADV4. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

ADV5. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2025. Eligible development under this scheme is required to be completed by 31 December 2025.

For further information or application form please refer to the rules and procedures available on Council's website.

HERITAGE

ADV6.

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. A search can be arranged by visiting https://www.datsip.qld.gov.au and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

ADV7. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.southburnett.qld.gov.au, or at Council Offices.

Yours faithfully

KIMBERLEY DONOHUE

ACTING MANAGER PLANNING & DEVELOPMENT

Enc: Adopted Infrastructure Charge Notice

Approved Plans Appeal Rights

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Russell & Melissa Vincent

C/- Planning Insights Pty Ltd 156 Waterworks Road ASHGROVE QLD 4060

APPLICATION: Material Change of Use - Extension to Existing Dwelling

House (deck) - Code Assessable

DATE: 11/04/2025

FILE REFERENCE: MCU25/0008

AMOUNT OF THE LEVIED CHARGE: Total \$0.00 (Details of how these charges were calculated are shown overleaf) \$0.00 Water Supply Network \$0.00 Sewerage Network \$0.00 **Transport Network** \$0.00 Parks and Land for Community **Facilities Network** \$0.00 Stormwater Network

AUTOMATIC INCREASE OF LEVIED CHARGE: The amount of the levied charge is subject to an

automatic increase. Refer to the Information Notice attached to this notice for more information on how the

increase is worked out.

LAND TO WHICH CHARGE APPLIES: Lot 8 on RP91699

SITE ADDRESS: 3372 Bunya Mountains Road, Bunya Mountains

PAYABLE TO: South Burnett Regional Council

WHEN PAYABLE:

(In accordance with the timing stated in Section 122 of the Planning Act 2016)

Material Change of Use – When the change happens.

OFFSET OR REFUND: Not Applicable.

This charge is made in accordance with South Burnett Regional Council's *Charges Resolution (No. 3)* 2019

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DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Deck extension to a Dwelling house	0	0	\$0.00	CR Table 2.1	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
N/A	0	0	\$0.00	N/A	\$0.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
N/A	0	0	\$0.00	N/A	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
N/A	0	0	\$0.00	N/A	\$0.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Deck extension to a Dwelling house	0	0	\$0.00	CR Table 2.1	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
N/A	0	0	\$0.00	N/A	\$0.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Deck extension to a Dwelling house	0	0	\$0.00	CR Table 2.1	\$0.00

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Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
N/A	0	0	\$0.00	N/A	\$0.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
N/A	0	0	\$0.00	N/A	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
N/A	0	0	\$0.00	N/A	\$0.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Deck extension to a Dwelling house	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

^{*} In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.

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INFORMATION NOTICE

Authority and Reasons for Charge

This Infrastructure Charges Notice has been given in accordance with section 119 of the *Planning Act 2016* to support the Local government's long-term infrastructure planning and financial sustainability.

Appeals

Pursuant to section 229 and Schedule 1 of the *Planning Act* 2016 a person may appeal an Infrastructure Charges Notice. Attached is an extract from the *Planning Act* 2016 that details your appeal rights.

Automatic Increase Provision of charge rate (\$)

charge An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.

However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.

GST

The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the *Planning Act* 2016 are GST exempt.

Making a Payment

This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.

To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.

An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au

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¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

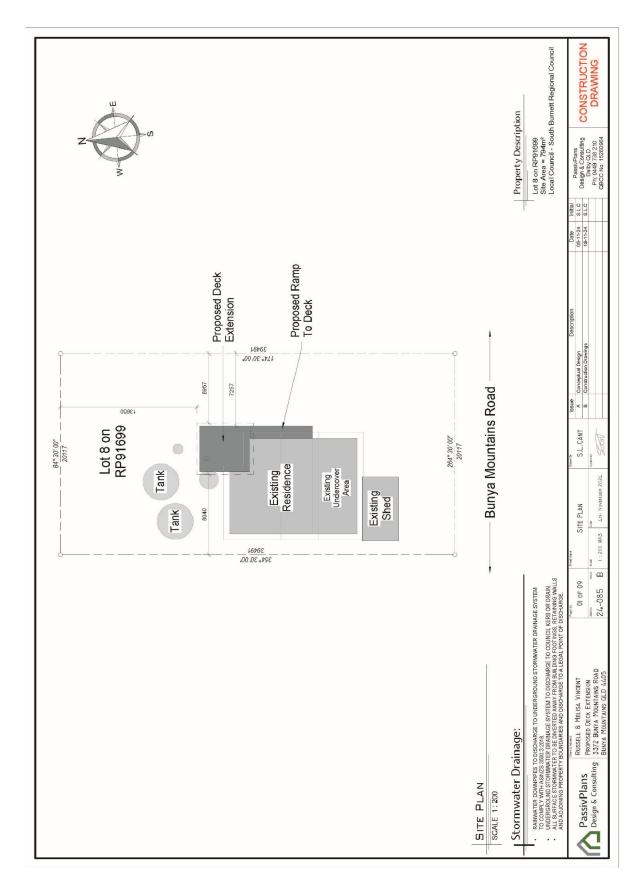
Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Finance & Liveability, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@sbrc.qld.gov.au

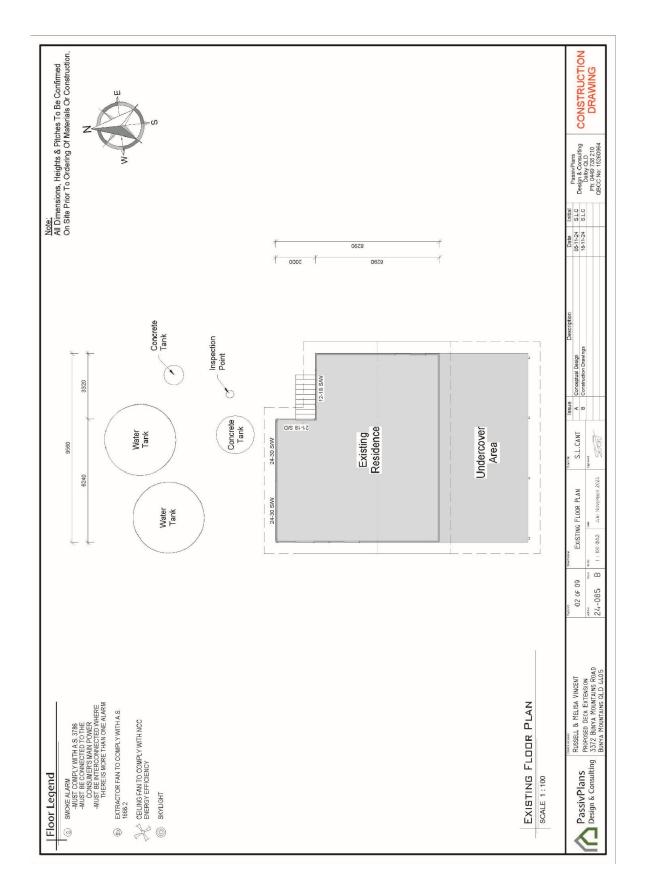
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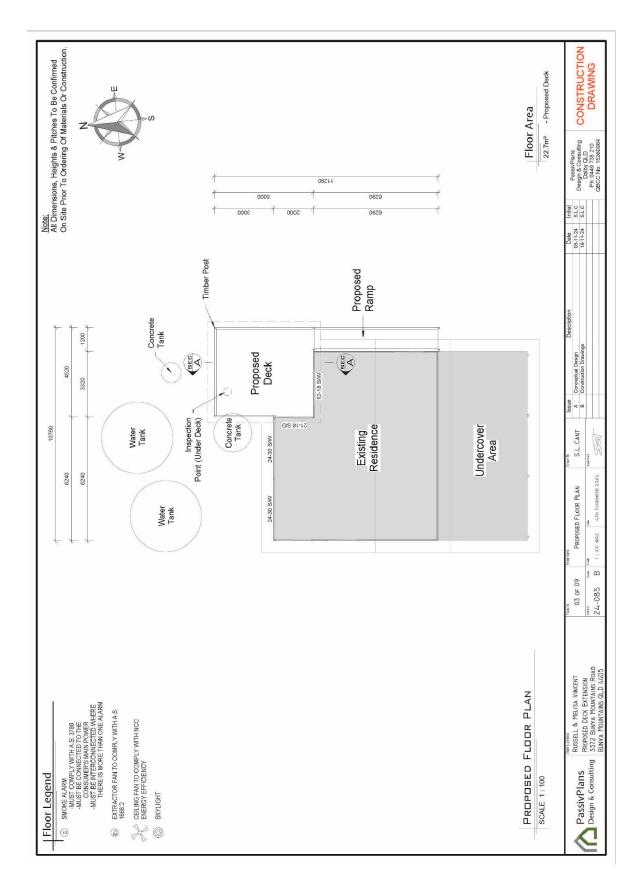
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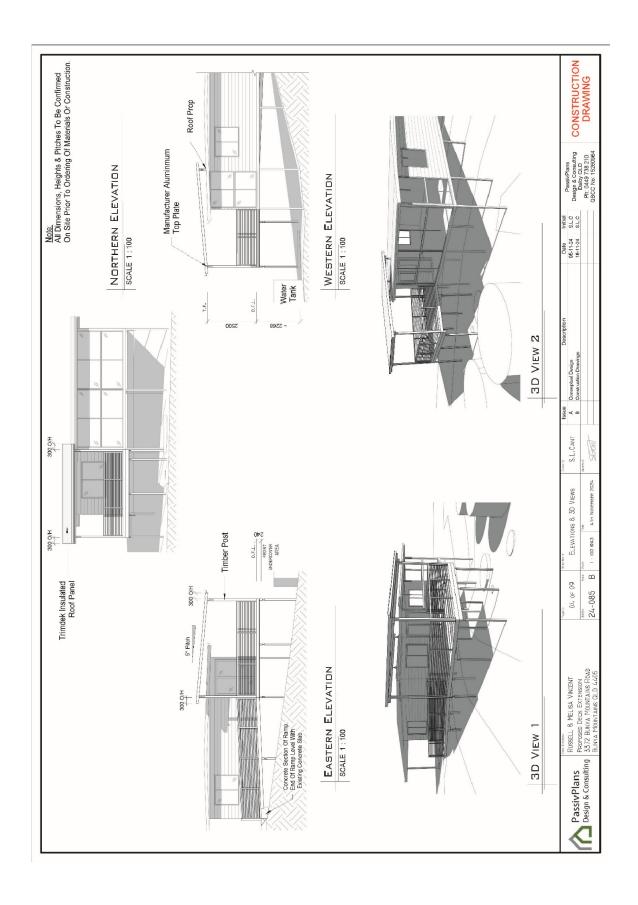
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Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states -
 - a) Matters that may be appealed to -
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter: and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is -
 - (a) for an appeal by a building advisory agency 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice us published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice
 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note -

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and

- (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
- (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
- (e) each person who may elect to become a corespondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court the chief executive;
- (g) for an appeal to a tribunal under another Act any other person who the registrar considers appropriate.
- (4) The service period is -
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section -

decision includes-

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal. However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.