

Council File Reference: 251617  
Council Contact: Brett Walsh  
Council Contact Phone: (07) 4651 5600

16 December 2016

Barcaldine Regional Council  
c/- Hoffmann Surveyors  
PO Box 160  
BLACKALL QLD 4472

Attention: Tony Morcom

Dear Tony

**Development Application**

**Development Permit for Reconfiguring a Lot – Boundary Realignment**

**Lot 14 on SP187137 – 2 Bottlebrush Avenue, Barcaldine**

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We refer to the assessment of the abovementioned development application.

Pursuant to sections 334 and 335 of the *Sustainable Planning Act 2009* (SPA), please find attached the **Decision Notice** for Development Permit for Reconfiguring a Lot – Boundary Realignment.

Please contact Barcaldine Regional Council on (07) 4651 5600 should you have any queries.

Yours Faithfully



D.A. Howard  
**Chief Executive Officer**

## **DECISION NOTICE**

(Section 334 of the *Sustainable Planning Act 2009*)

Council File Reference: 251617  
Council Contact: Brett Walsh  
Council Contact Phone: (07) 4651 5600

### **Development Application**

**Development Permit for Reconfiguring a Lot – Boundary Realignment**

**Lot 14 on SP187137 – 2 Bottlebrush Avenue, Barcaldine**

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### **Pursuant to section 335 of the *Sustainable Planning Act 2009* (SPA):**

#### **(1) Date of Decision**

On 16 December 2016 Barcaldine Regional Council decided the development application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment.

#### **(2) Applicant Details**

Name: Barcaldine Regional Council  
Postal Address: c/- Hoffmann Surveyors  
PO Box 160  
BLACKALL QLD 4472  
Attention: Tony Morcom  
Phone No.: 0408 398 567  
Email: [tony.morcom@hoffmannsurveyors.com.au](mailto:tony.morcom@hoffmannsurveyors.com.au)

#### **(3) Property Description**

RPD: Lot 14 on SP187137  
Street Address: 2 Bottlebrush Ave  
BARCALDINE QLD 4725

**(4) Referral Agencies**

Pursuant to sections 250(a) and 251(a) of the *Sustainable Planning Act 2009* (SPA) and the *Sustainable Planning Regulation 2009* (SP Reg) *Schedule 7 Referral Agencies and their Jurisdictions*, no referral agencies were prescribed for the development application.

**(5) Decision**

The development application has been assessed and is:

- Approved in Full
- Approved in Part
- Approved in Full, with Conditions
- Approved in Part, with Conditions
- Refused

**(6) Approval Under Section 331**

Pursuant to section 331 of SPA, the development application has not been deemed to be approved.

**(7) Details of Approval**

Aspect of Development	SP Reg, Schedule 3	Development Permit	Preliminary Approval
Carrying out Building Work		<input type="checkbox"/>	<input type="checkbox"/>
Carry out Operational Work		<input type="checkbox"/>	<input type="checkbox"/>
Making a Material Change of Use for		<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a Lot	Part 1, Table 3, Item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**(8) Conflict with a Relevant Instrument and Reasons for the Decision Despite the Conflict**

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

**(9) Submissions**

Not applicable.

**(10) Approved Plan**

The approved plan for this Development Permit is listed in the table below. Refer to Attachment A for a copy of the approved plan.

<b>Reference:</b>	B16104-02
<b>Description:</b>	"Proposal Plan of Realignment of Lot 14 and Road to Match Current Road Alignment", prepared by Hoffmann Surveyors, dated 29/11/2016
<b>Amendments:</b>	Nil.

**(11) Assessment Manager's Conditions**

**Development Approval – Development Permit for Reconfiguring a Lot – Boundary Realignment**

1. Approval is granted for the purpose of Reconfiguring a Lot – Boundary Realignment.
2. The development shall be generally in accordance with supporting information supplied by the applicant with the development application including the plan listed in Item 10 (above) of this *Decision Notice*.
3. All outstanding rates and charges shall be paid to Council prior to the submission to Council of the Plan of Survey required by Condition 4.
4. The applicant shall submit a detailed Plan of Survey, prepared by a licensed surveyor, for the approval of Council.

**Notes:**

1. *Vegetation Management Act 1999*

This approval in no way authorises the clearing of native vegetation protected under the *Vegetation Management Act 1999*.

2. *Aboriginal Cultural Heritage Act 2003*

This approval in no way removes the duty of care responsibility of the applicant under the *Aboriginal Cultural Heritage Act 2003*. Pursuant to Section 23(1) of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

**(12) Concurrence Agency Conditions**

Not applicable.

**(13) Codes for Self-assessable Development**

Not applicable.

(14)

**Details of any Compliance Assessment Required**

Pursuant to Chapter 6, Part 10 of SPA and Schedule 19, Table 1 of the SP Reg, compliance assessment is required for the following document in relation to the development.

<b>Document for Which Compliance Assessment is Required</b>	<b>Matters or Things Against Which the Document is Assessed</b>	<b>Compliance Assessor</b>	<b>When the Request for Compliance Assessment Must be Made</b>
A Subdivision Plan (Plan of Survey)	(a) all of the following— (i) the conditions of the development permit or compliance permit about the reconfiguration have been complied with; (ii) for a reconfiguration requiring operational works—the conditions of the development permit or compliance permit for the operational works have been complied with; (iii) there are no outstanding rates or charges levied by the local government or expenses that are a charge over the land under any Act; (iv) the plan has been prepared in compliance with the development permit or compliance permit; (v) there are no outstanding charges levied by a distributor-retailer under the Act or the SEQ Water Act; or (b) both of the following— (i) satisfactory security has been given to the local government to ensure compliance with the requirements of paragraph (a)(i) to (iii); (ii) the plan is in accordance with the development permit or compliance permit	Barcaldine Regional Council	While this approval is still in effect, and following compliance with the matters which the document must be assessed against

**(15) Other Development Permits or Compliance Permits Required**

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out

- Carrying out Building Work
- Carry out Operational Work
- Making a Material Change of Use of Premises
- Reconfiguring a Lot

**(16) Rights of Appeal for Applicant**

Refer to Attachment B for a copy of the relevant extracts of SPA which detail your appeal rights regarding this decision.

**(17) Rights of Appeal for Submitters**

Not applicable.

**(18) Assessment Manager**

Name: Barcaldine Regional  
Council

Signature: 

Date: 19/12/16

**Attachment A – Approved Plan**

**Attachment B – SPA extract on Appeal Rights**

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# Attachment A

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## Approved Plan

<b>Reference:</b>	B16104-02
<b>Description:</b>	Proposal Plan of Realignment of Lot 14 and Road to Match Current Alignment", prepared by Hoffmann Surveyors, dated 29/11/2016
<b>Amendments:</b>	Nil

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# Attachment B

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## Extracts from the *Sustainable Planning Act 2009* Relating to Appeal Rights

Part 1	Appeals to Court Relating to Development Applications and Approvals	Chapter 7, Part 1, Division 8 (Part of)
Part 2	Making an Appeal to Court	Chapter 7, Part 1, Division 11 (Part of)



**PART 1 – APPEALS TO COURT RELATING TO DEVELOPMENT  
APPLICATIONS AND APPROVALS**  
Chapter 7, Part 1, Division 8 (Part of)

**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.*

**PART 2 – MAKING AN APPEAL TO COURT**  
**Chapter 7, Part 1, Division 11 (Part of)**

**481** *How appeals to the court are started*

- (1) *An appeal is started by lodging written notice of appeal with the registrar of the court.*
- (2) *The notice of appeal must state the grounds of the appeal.*
- (3) *The person starting the appeal must also comply with the rules of the court applying to the appeal.*
- (4) *However, the court may hear and decide an appeal even if the person has not complied with subsection (3).*



**BARCALDINE REGIONAL COUNCIL**  
 Approved Plan referred to in Council's Decision Notice

Development Permit:  
 Reconfiguring a Lot - Boundary Realignment

Council Reference:  
 Dated:  
 Signed: Assessment Manager

**HOFFMANN SURVEYORS**  
 A.B.N. 98 124 394 378  
 Head Office 37 Wilbers St, Rockhampton Q 4701 P 07 4922 3834 hoffmannsurveyors.com.au  
 Rockhampton Longreach Blackall Charleville CADASTRAL ENGINEERING MAPPING TOWN PLANNING

Drawn: A.S.MORCOM  
 Date: 22-10-2016  
 Checked: A.S.MORCOM  
 Date: 29-11-2016

Locality: BARCALDINE  
 Parish:  
 County:  
 Ref. No: B16104-02  
 A3

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PROPOSAL PLAN OF REALIGNMENT OF LOT 14 AND ROAD TO MATCH CURRENT ROAD ALIGNMENT

Client: BARCALDINE REGIONAL COUNCIL

Scale 1:1000

0 10 20 40 60 80 100 150 mm

Meridian: SP187137  
 Vertical Datum:  
 RL of Origin:  
 Derived from: