

17 August 2021

Your Reference:
Our Reference: DA210032

J Hunter
27 Dethridge Street
NORTHGATE QLD 4012

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE
662 EUREKA ROAD, GOLDEN FLEECE
(Given under section 56(4) of the *Planning Act 2016*)

Thank you for your concurrence agency referral for the following premises which was properly referred on . The North Burnett Regional Council has assessed the referral against the relevant matters of its jurisdiction and has made a decision as follows:

Applicant details

Applicant name:	Jeffrey George Hunter
Applicant contact details:	27 Dethridge Street NORTHGATE QLD 4013
Email:	
Phone:	
Mobile:	0415 265 592

Location details

Street address:	662 EUREKA ROAD, GOLDEN FLEECE
Real property description:	Lot 60 on SP323413
Local government area:	North Burnett Regional Council

Application details

Application number:	DA210032
Proposed development:	Development Permit for Building Works

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal
Amenity and Aesthetics	Development Permit	Removal House (IN)

Referral triggers

The development application was referred to the Council under the following provisions of the *Planning Regulation 2017*

Referral trigger

Schedule 9 – Building work assessable against the *Building Act*
Part 3 Division 2 Table 7 Building work for removal or rebuilding

Decision

Decision Details:

The North Burnett Regional Council advises the assessment manager that;
The development approval must be subject to stated development conditions set out in [Attachment 1](#).

Conditions

This approval is subject to the conditions in [Attachment 1](#).

The North Burnett Regional Council advises the assessment manager that the conditions must be attached to any development approval for the application in accordance with section 56 of the *Planning Act 2016* and that under section 62(b) of the *Planning Act 2016*. The assessment manager must attach this response to any approval for the development.

Reasons for decision to impose conditions

Under section 56 (7)(c) of the *Planning Act 2016*, the North Burnett Regional Council is required to set out reasons for the decision to impose conditions. These reasons are set out in [Attachment 2](#).

Approved Plans and Specifications

Document Number Reference	Title (prepared by)	Date
HUN-Cover	Cover Sheet by contract Design Staff Pty Ltd	
HUN-001	Site Plan by Contract Design Staff Pty Ltd	27.07.2021
HUN-002	Proposed Floor Plan by Contract Design Staff Pty Ltd	27.07.2021
HUN-003	Elevations by Contract Design Staff Pty Ltd	27.07.2021
HUN-004	Elevations by Contract Design Staff Pty Ltd	27.07.2021
HUN-006	Existing floor plan by Contract Design Staff Pty Ltd	27.07.2021

Giving of the Notice

Under section 56(4) of the *Planning Act 2016*, this notice of referral agency response has been issued (where applicable) to the applicant and the assessment manager of the application.

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

Yours faithfully


Jeff Miles
Planning and Environment Manager

Enc: Attachment 1-conditions to be imposed
Attachment 2-reasons for decision to impose conditions
Attachment 3-appeal rights
Attachment 4-plans

Attachment 1 – Conditions to be imposed by Concurrence Agency

No.	Conditions
General	
1.	Unless otherwise stated in a particular condition, all conditions must be completed prior to the completion of building works, or issue of a final certificate, whichever is the sooner, unless otherwise agreed to in writing by the Concurrence Agency.
Design and Siting	
2.	The approved dwelling must be sited generally in accordance with Site Plan by Contract Design Staff Pty Ltd reference number HUN-001.
8.	Utilise colours in the development that are sympathetic to the surrounding environment and avoid excessive brightness, contrast, colour intensity, and reflectivity. In this regard, materials/colours on the roof and wall of the structures must not reflect glare into the habitable rooms of any dwelling on surrounding allotments.
Removal/Resiting of a Dwelling or Other Structure	
15.	Complete all external works associated with the relocated dwelling within 12 months from the date of the development approval, or as otherwise approved in writing by the Concurrence Agency.
16.	All debris including any remaining stumps, foundations and plumbing fixtures must be removed from the site.
17.	The ground surface must be returned to a level state and must not contain trip hazards or excavations likely to be a safety risk.
18.	If asbestos is present it is to be removed by a licenced removalist prior to transporting the dwelling or structure.
Security	
18.	Provide a security to the Concurrence Agency to the amount of \$12,000.00 in the form of a cash bond, or an irrevocable bank guarantee that is to be maintained until such time as the Concurrence Agency provides written advice that the security (or part of the security) can be released. This security must be provided to the Concurrence Agency prior to the issue of the development approval for building works.
Works to be completed before Release of any Bond	
19.	All conditions of the Amenity and Aesthetics approval are to be completed prior to issue of Form 21.
20.	Replace or make good all exterior wall cladding material so as to be free of any visible or performance related defects.
21.	Complete all external wall finishes so as to provide a surface that is free of flaking paint, stains or rust. Wall finishes are to be renewed or replaced so as to match the colour and finish of surrounding wall areas of the building or structure.
22.	Replace or make good all roof cladding materials so as to be free of any visible or performance related defects including rust, flaking paint or broken tiles.
23.	Provide a copy of Form 21 Final Certificate/s covering all building works carried out under this approval to ensure that the dwelling is fully compliant with the <i>Building Act 1975</i> including, but not limited to the following works: <ol style="list-style-type: none"> Relocation and restumping of dwelling including all foundations; and Frame, bracing and tie down whether new, or required for upgrade; and Any new works whether renovations, additions, or other to bring the structure up to required NCC Classification compliance.

Attachment 1B – Advice Notes

A.	This Concurrence Agency Response does not represent a development approval for Building Works under the <i>Building Act 1975</i> .
B.	All building works the subject of this notice can only proceed once a development permit for building works is issued by a Building Certifier.
C.	Prior to any alteration or modification of a building, it is recommended that an inspection be undertaken of the resite/removal dwelling or building by a qualified person/s to determine the existence of Asbestos Cement Material (ACM), Asbestos Cement Products (ACP) or any other material not deemed as an acceptable construction material as defined in the Australian Standards or the Building Code of Australia.

Attachment 2 – Reasons for decision to impose conditions

The reason for this decision are

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- Under *Planning Regulations 2017* Schedule 9, Division 2, Table 7, Council can set an amount for security of the works and the *Building Act 1975* s93 allows for the security to be release. The amount of this security bond has been set by the North Burnett Regional Council under Council resolution adopted on the 15 June 2016.
- The currency period for a resited structure is legislated by the *Building Act 1975* s71(3)
- The Amenity and Aesthetics policy adopted by North Burnett Regional Council on the 4 November 2016 states that matters for consideration are to be the architectural style, building form, construction materials and physical condition of the proposed dwelling complements existing houses in the locality and surrounding pattern of development.

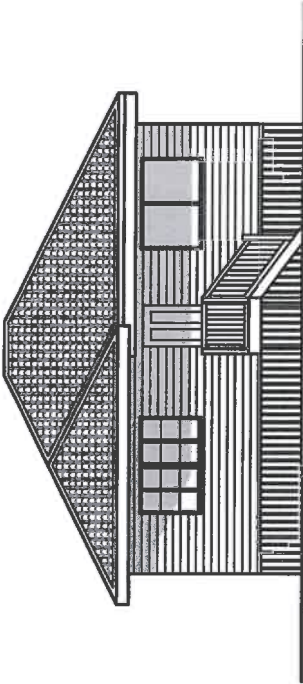
Attachment 3 – Approved Plans

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Please refer to the following pages for approved plans

PROPOSED DWELLING
FOR J HUNTER AT
LOT 60 EUREKA ROAD
CHILDERS

SHEET INDEX		
SHEET NUMBER	REVISION	DRAWING TITLE
HUN- 1	3	COVER SHEET
HUN- 2	2	SITE PLAN
HUN- 3	2	PROPOSED FLOOR PLAN
HUN- 4	2	ELEVATIONS
HUN- 5	2	ELEVATIONS
HUN- 6	4	SECTION A-A
HUN- 7	2	EXISTING FLOOR PLAN
HUN- 8	2	FOUNDATION AND DETAILS
HUN- 9	2	BRACING AND TIE DOWN
HUN- 10	2	DETAILS
ENGINEERING		
HUN-10	1	ENGINEERING NOTES
HUN-11	1	FOUNDATION DETAILS
HUN-12	1	PLUMBING DETAILS



Contract
Design Staff Pty Ltd

PO Box 262, Moorooka, 4105
P | (07) 3892 4360 M | 0418 728 547
F | (07) 3892 4775 E | admin@contractdesignstaff.com.au



APPROVED PLANS

These plans are associated to the
Decision Notice for application number

DA210032

HUN-COVER
WIND CATEGORY: N9

[illegible]

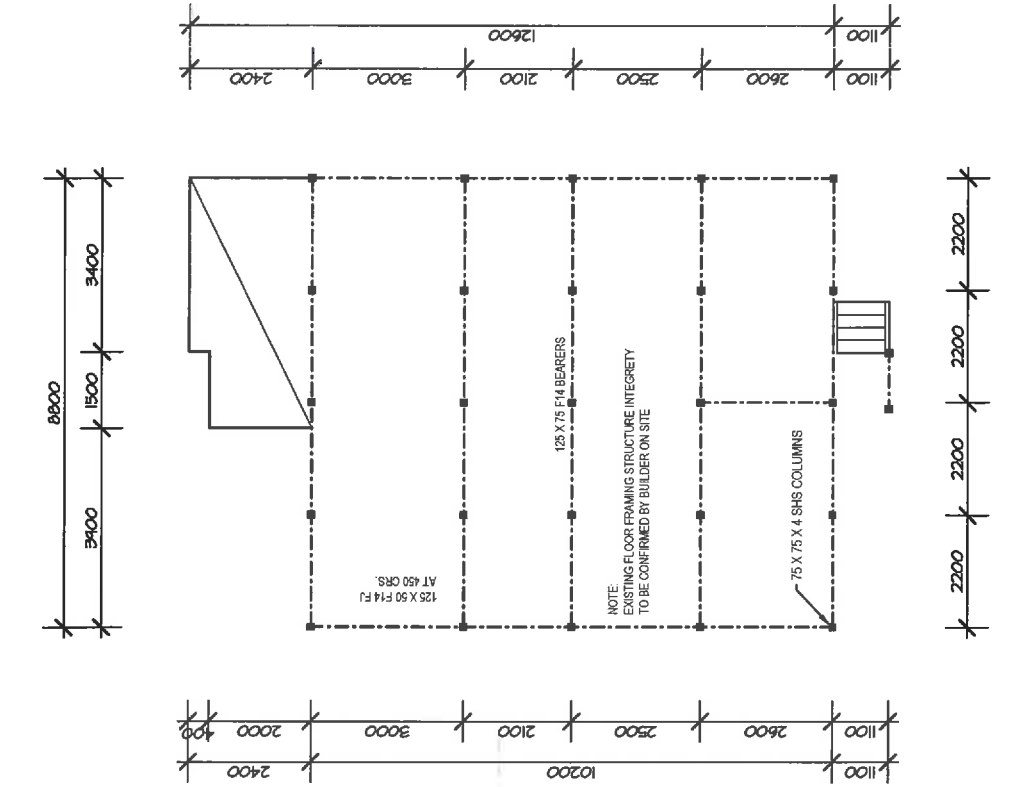
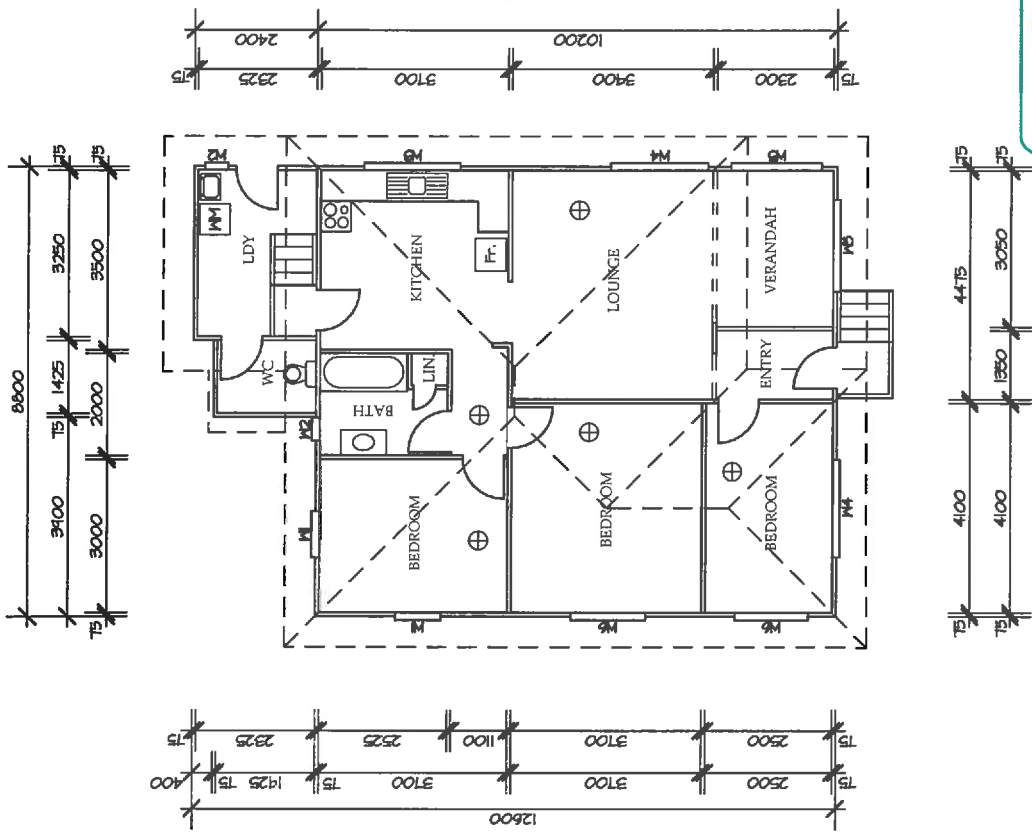
Scale 1:200
0 2 5m

Contract
Design Staff Pty Ltd
PO Box 262, Moorooka, 4105
P (07) 3892 4360 | F (07) 3892 4366
QBSA Licence No 4266

PROPOSED DWELLING
FOR J HUNTER AT
LOT 60 EUREKA ROAD
CHILDERS

HUN-001

SHEET | OF 12

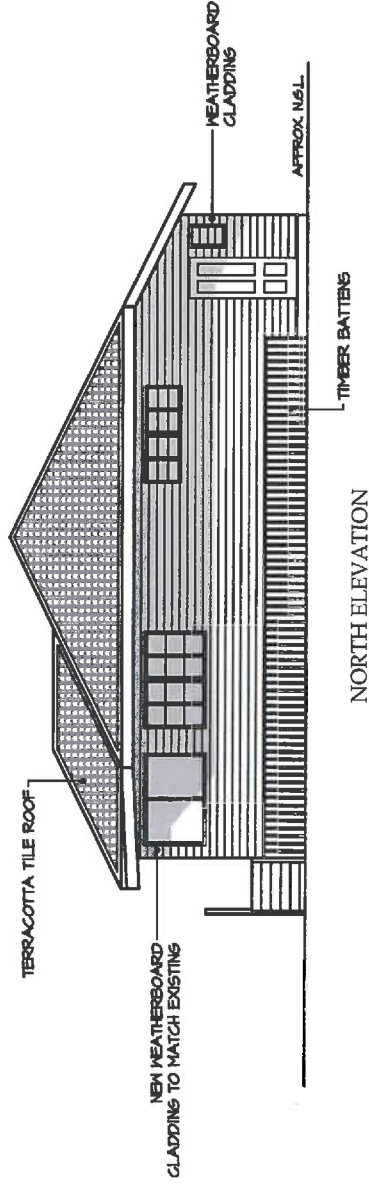
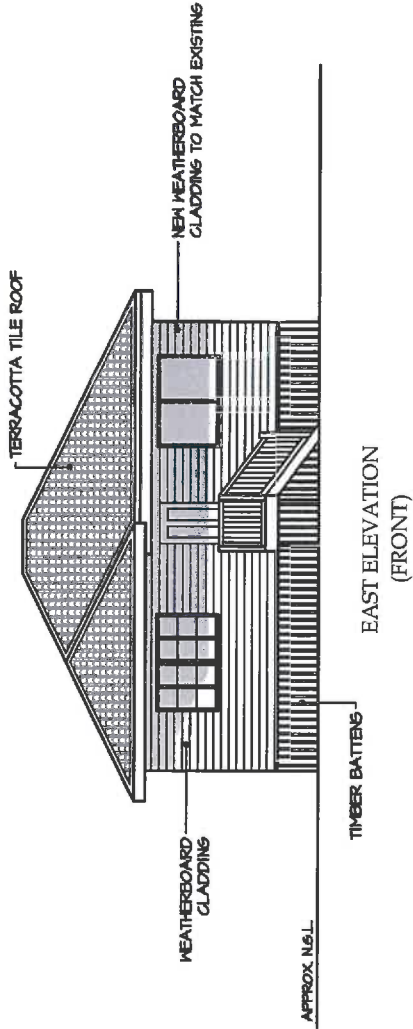


SUB-FLOOR

FLOOR



<p>PROPOSED DWELLING FOR J HUNTER AT LOT 60 EUREKA ROAD CHILDERS</p>		<p>PROPOSED DWELLING FLOOR PLAN</p>		<p>HUN-002 SHEET 2 OF 12</p>
<p>Contract Design Staff Pty Ltd PO Box 262, Moorooka, 4105 P (07) 3892 4360 F (07) 3892 4775 Q B S A Licence No. 42635</p>		<p>DATE 21.07.2021</p>		
<p>LEGEND ⊕ SMOKE ALARM</p>		<p>SCALE 1:100 0 1 2 4m</p>		
<p>WINDOW SCHEDULE</p> <ol style="list-style-type: none"> 1200 x 900 700 x 450 700 x 1900 1200 x 1900 1200 x 1800 1200 x 1450 		<p>REQUIREMENT STATEMENT</p> <ol style="list-style-type: none"> Confirm details of objects, levels, heights and critical dimensions on site prior to and during the works. Notify designer of any discrepancies discovered before proceeding. Verify all dimensions with the Building Code of Australia and applicable Australian Standards. Use dimensions over tracing of the drawing. Verify all dimensions with the property owner and the property owner's CONTRACT DESIGNER. Verify all dimensions with the property owner and the property owner's CONTRACT DESIGNER. Verify all dimensions with the property owner and the property owner's CONTRACT DESIGNER. 		



1. Client's design of building, structure, site and other dimensions on site prior to and after construction. All dimensions shall be in accordance with the Building Code of Australia and applicable standards.

2. All construction shall comply with the Building Code of Australia and applicable standards.

3. The dimensions shown on the drawing are for information only. The responsibility of CONTRACT DESIGN STAFF FOR THE FINAL DESIGN SHALL NOT BE UNDERTAKEN OR COPIED WITHOUT THE WRITTEN IN WRITING OF CONTRACT DESIGN STAFF FOR THE FINAL DESIGN.

4. The design is subject to the Engineer's Terms and Conditions of Design & Specifications.

0 1 2 4m
SCALE 1:100
DRAWN: MP DATE 21/01/2021

Contract
Design Staff Pty Ltd
PO Box 262, Moorooka, 4105
P (07) 3892 4360 | F (07) 3892 4775
Q.B.S.A. Licence No. 42685

PROPOSED DWELLING
FOR J HUNTER AT
LOT 60 EUREKA ROAD
CHILDERS

ELEVATIONS

HUN-003 SHEET 3 OF 12

Attachment 4 – Appeal Rights Planning Act 2016

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Please refer to attached document or

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>



The floor plan shows a rectangular house with a verandah on the right side. The layout includes three bedrooms, a lounge, a kitchen, a bathroom, a laundry, and a WC. The dimensions are as follows:

- Overall width: 12600
- Overall depth: 2265
- Bedroom 1 (top left): 3700 x 2400
- Bedroom 2 (middle left): 3700 x 2400
- Bedroom 3 (bottom left): 3700 x 2400
- Lounge: 9400 x 10200
- Kitchen: 2400 x 2400
- Bath: 2400 x 2400
- Verandah: 2400 x 2400

BRICKWORK TO BE REMOVED
 & WALLS TO BE REBUILT WITH
 70 x 35mm TREATED PINE
 STUDS AND WEATHERBOARD
 CLADDING TO MATCH
 EXISTING DWELLING.



PLANNING ACT 2016

Current as at 16 June 2021



Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) [Schedule 1](#) 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.

(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 is 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 an appeal relating to the [Plumbing and Drainage Act 2018](#)—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the [Plumbing and Drainage Act 2018, section 143](#) (2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the [Plumbing and Drainage Act 2018](#)—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) 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.



PLANNING ACT 2016

Current as at 16 June 2021



230 Notice of appeal

- (1) 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, section 1, table 1, item 1](#)—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under [schedule 1, section 1, table 1, item 2](#)—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (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 is 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

Schedule 1 Appeals

[section229](#)

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or



PLANNING ACT 2016

Current as at 16 June 2021



- (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the [Building Act](#), other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the [Plumbing and Drainage Act 2018](#); or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under [section 230](#)(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—**storey** see the Building Code, part A1.1.

PLANNING ACT 2016

Current as at 16 June 2021

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications For a development application other than an excluded application, an appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application

PLANNING ACT 2016

Current as at 16 June 2021

				4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager's decision on the extension application; or (b) a deemed refusal of the extension application.				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager	
Table 2 Appeals to the P&E Court only				
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252 , on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—	
2. Eligible submitter appeals For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.				



PLANNING ACT 2016

Current as at 16 June 2021



Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application— 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3. Eligible submitter and eligible advice agency appeals For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application