

5 October 2021

Your Reference:
Our Reference: DA210037

Dennis Gibson
64 Bluffview Road
BIGGENDEN QLD 4621

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE
64 BLUFF VIEW ROAD, BIGGENDEN
(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 11 September 2021. 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: | Dennis Herbert Gibson |
| Applicant contact details: | 39 George Street BIGGENDEN QLD 4621 |
| Email: | ambleonn@gmail.com |
| Phone: | |
| Mobile: | 0488 188 204 |

Location details

| | |
|----------------------------|--------------------------------|
| Street address: | 64 BLUFF VIEW ROAD, BIGGENDEN |
| Real property description: | Lot 5 on RP211594 |
| Local government area: | North Burnett Regional Council |

Application details

| | |
|-----------------------|---------------------------------------|
| Application number: | DA210037 |
| 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 |
|--|--------------------|--|
| Building Work - assessable against planning scheme | Development Permit | Shed over 150m2 GFA, length over 15m, and Amenity and Aesthetics for 2 x shipping containers |

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 1 Particular class 1 and 10 building and structures involving possible amenity and aesthetic impact

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

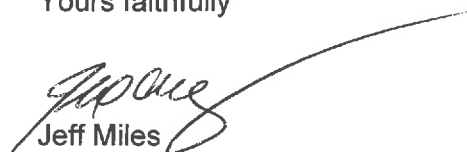
| Document Number Reference | Title (prepared by) | Date |
|----------------------------------|---|-------------|
| J10349-5SK03 | Site Plan | |
| J10349 – Page 1 | Skillion Carport over containers by John L Towler | 30/06/2021 |
| J10349 – Page 2 | Skillion Carport over containers by John L Towler | 30/06/2021 |
| | Layout by John L Towler | |
| | Component Position by John L Towler | |

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 shed and carport are to be sited generally in accordance with the approved site plan. |
| 2. | The approved shed and carport must be sited a minimum 130 metres from the eastern property boundary (Bluffview Road), with all setbacks measured from the outermost projection of the structure. |
| 3. | The combined floor area of the approved carport and shed must not exceed 400m ² |
| 4. | 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. |
| Use | |
| 9. | The approved carport is to be used for private/domestic purposes only. The approved structure must not be used as a separate domicile/dwelling or used for any industrial/business use unless valid development approvals are granted for such uses. To this end, the use of any of the approved building/s associated with this approval must be ancillary and incidental to the predominant use of the site for a Dwelling Unit |
| 10. | The approved carport must not be used for habitable purposes. |
| 21. | The exterior surface of the shipping container is to be 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. |

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. | Please note this approval pertains to the approval of a class 10 building only (defined as Domestic Carport, Shed and Garage (10a)). It is recommended that clarification from a Building Certifier be sought to ensure that an appropriate building classification is applied to align with the building size, purpose, use and intent of operations within the building. |

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.
- To ensure that the development is carried out in accordance with the performance criteria as stated in the Queensland Development Code MP1.2.
- 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.
- To ensure that the development is carried out in accordance with the performance criteria of the North Burnett Regional Council Planning Scheme, Dwelling House Code.

Attachment 3 – Approved Plans

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Please refer to the next page for approved plans

Attachment 4 – Planning Act 2016 Extract Appeal Rights

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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>

Untitled Map

SITE PLAN
64 BLUFF VIEW RD
BIGGENDEN

Dwg No - J10349-SK03

Legend

64 Bluff View Rd



Google Earth

Image © 2021 CNES / Airbus
Imagery © 2021 Google



100 m

Bluff View Rd

E1 S2 01'27.84"

6x12 Shed

64 Bluff View Rd

Skillion Carport
23m x 14m

S25°31'13.44"

JOHN L TOWLER

CIVIL & STRUCTURAL ENGINEERING

JOB No J10349 DATE 30/6/21 PAGE 1
PROJECT Skillion Carport over Containers
ADDRESS 64 BLUFF VIEW RD BIGGENDEN
CLIENT Gibson CLIENT REF J10349-SK01

SIGNED

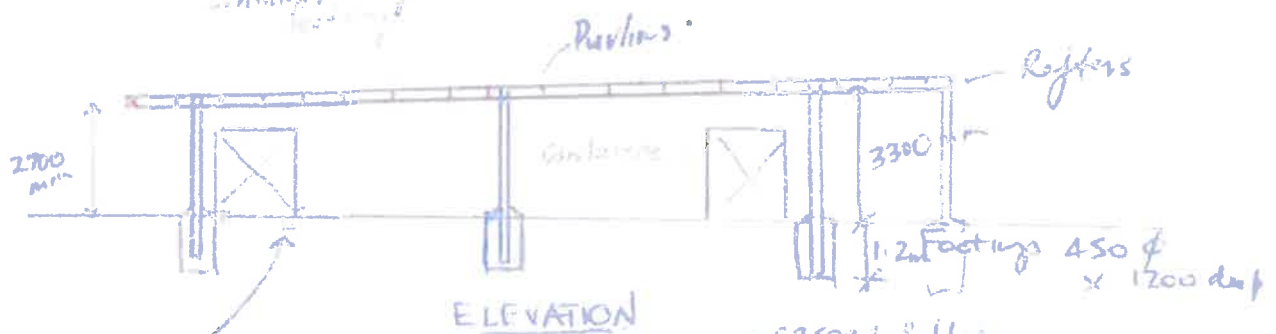
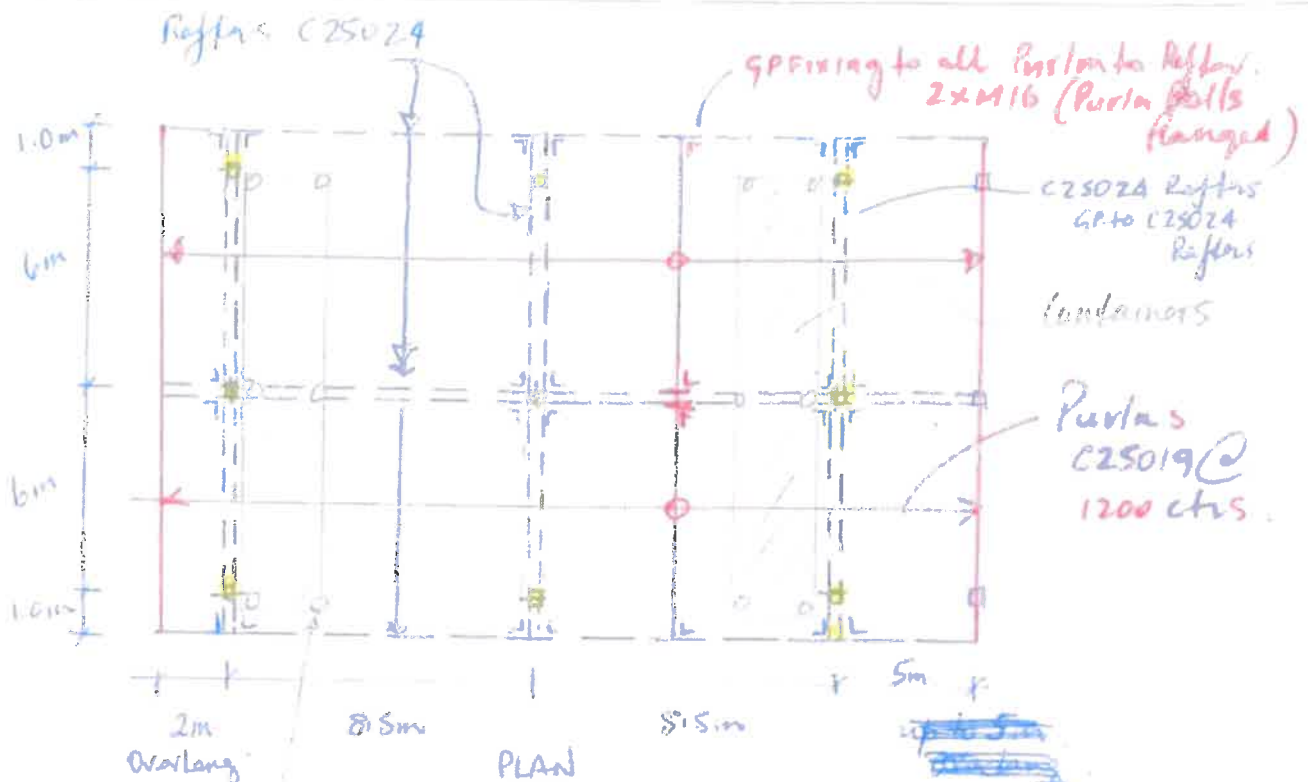
☐ CALCULATION

☒ DRAWING

☐ MEETING

☐ FILE NOTE

☐ ADVICE



Container
pad footings
0.4 x 0.4 x 0.4
concrete
to container

Posts
75x4 SHS



APPROVED PLANS

These plans are associated to the
Decision Notice for application number

DA210037

JOHN L TOWLER

CIVIL & STRUCTURAL ENGINEERING

| | | | | | |
|---------|----------------------------|------------|-------------|------|---|
| JOB No. | J10349 | DATE | 30/6/21 | PAGE | 2 |
| PROJECT | Slab Details et al | | | | |
| ADDRESS | 64 Bluff View Rd Biggenden | | | | |
| CLIENT | Gibson | CLIENT REF | J10349-SK02 | | |

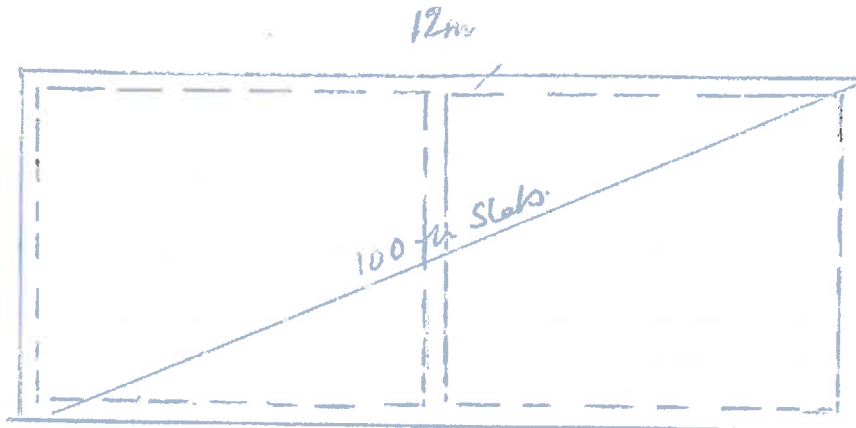
SIGNED

☐ CALCULATION

☒ DRAWING

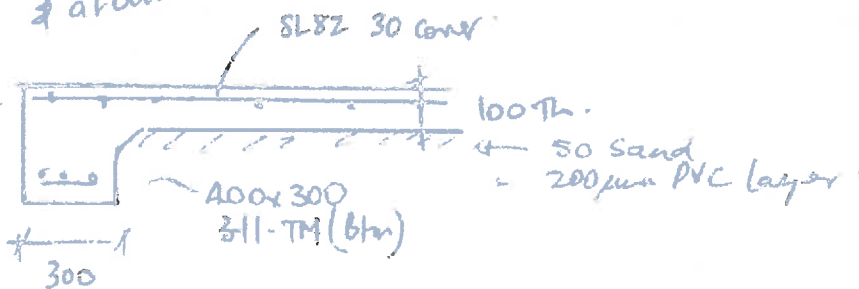
☐ MEETING

☐ FILE



SHED SLAB
PLAN VIEW

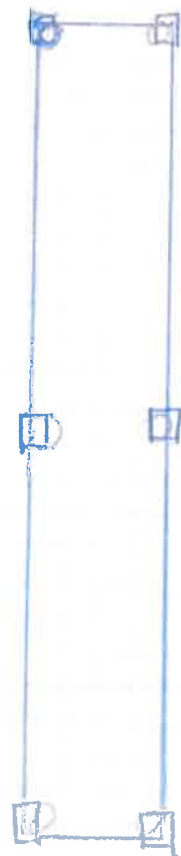
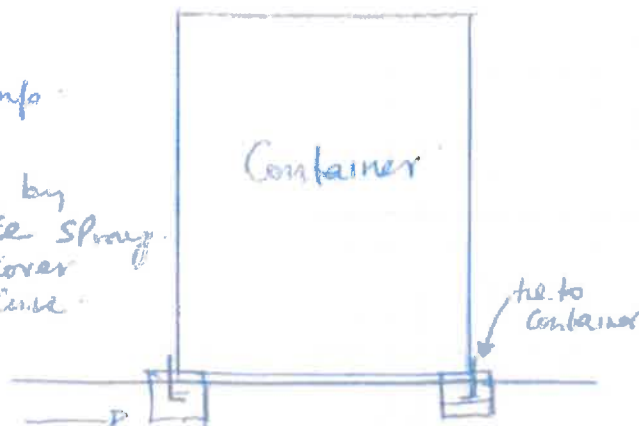
ensure drainage
away from slab
& around.



① Concrete - 25MPa
100 Slump

② Curing - 7 days by
concrete spray
or PVC cover
or wet cure

400 x 400
x 400 Pad
footing



Container
footing
locations



APPROVED PLANS

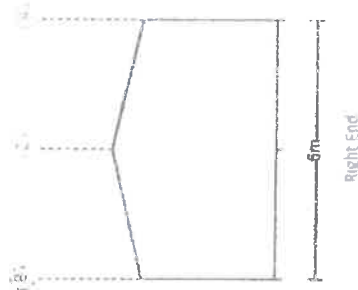
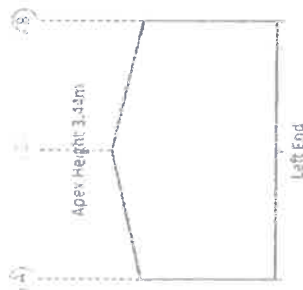
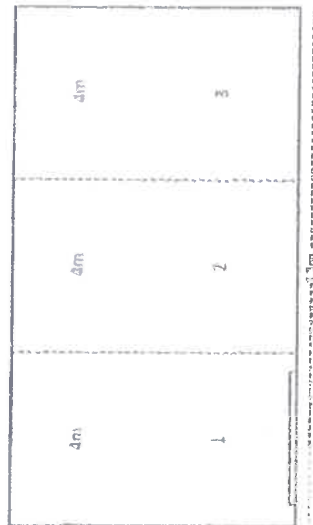
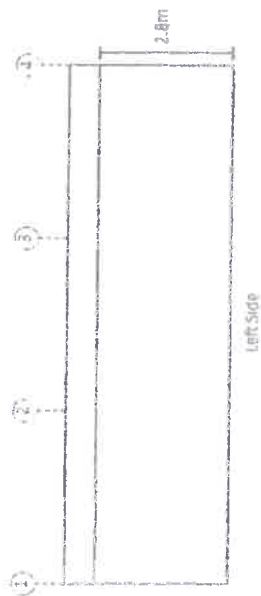
These plans are associated to the
Decision Notice for application number

DA210037

APPROVED PLANS

These plans are associated to the
Decision Notice for application number

DA210037



**John L Towler RPEQ No 4562
Recertified Shed Plans for
relocation to new address at
64 Bluff View Rd
Bliggden
Ref J10349**

Right Side

Professor Robert Drees, Chairman

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PTAd alpha-actinin motif

Seller: Wide Span Sheds
Steelx Pty Ltd
Phone: 07 5657 8888
Fax: 07 5657 8899
Email: admin@spansheds.com

TNG ENGINEERING PTY LTD

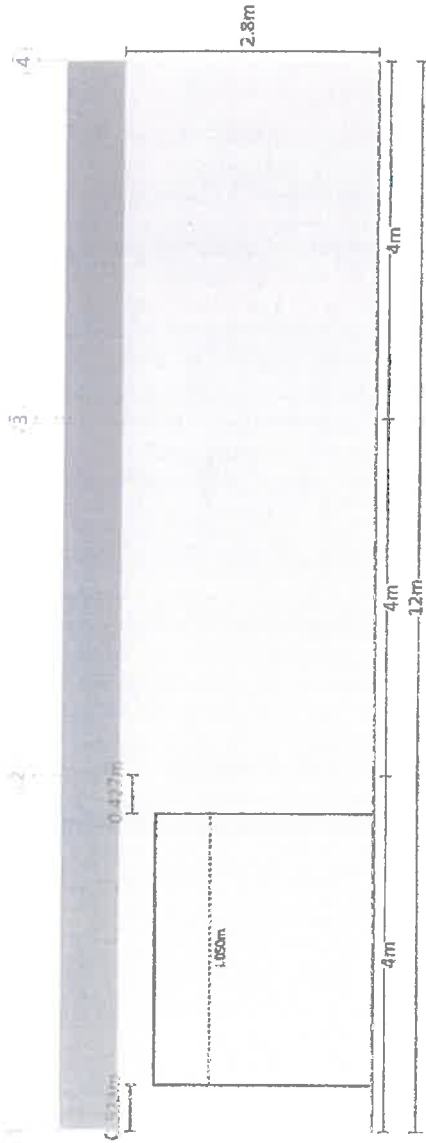
TNG ENGINEERING PTY LTD
ACN: 690,855,280
ME Austral (Pty) Ltd NER Structural & Civil 2741240
QLD IRPECO No. 13950, MC: EQ4484; TAS: C08968; N.T.: 225521ES;
Practising Professional Structural & Civil Engineer

Signature: _____

~~R. Nancarrow Date: 15/12/17~~

This stout is provided as a guide only. It is the responsibility of the contractor to confirm that all dimensions are correct.

Right Side



Measurements are from the outside of end girts (end bays) and/or centre of columns (mid bays) to inside of component opening size.

Purchaser Name: Dennis Gibson

Site Address: 26 George Street, Melbourne, Victoria 3000

Drawing # WSS/73319-16 Print Date: 15/12/17

Component Position

Not to Scale
Page 1 of 1
© Copyright Steeltek Pty Ltd

Seller: Wide Span Sheds
Steeltek Pty Ltd
Phone: 07 5657 8838
Fax: 07 5657 8899
Email: admin@sheds.com.au

WSS ENGINEERING PTY LTD

ABN 68 652 280
ME and PE Engineers
CLD - RPEQ No 4562
Practising Professional Structural Engineer

Signature: R. Nicolson Date: 15/12/17

John L. Towler RPEQ No 4562
Relocation to new address at
64 Bluff View Rd
Bliggenden
Ref J10349



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



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- (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 | <ul style="list-style-type: none"> 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) |
|---|------------------------|---|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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. | | | | |



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| 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 | 1 For a development application—the assessment manager | 1 The applicant | Another eligible submitter for the application |
| 2 For a change application—an eligible submitter for the change application | 2 For a change application—the responsible entity | 2 If the appeal is about a concurrence agency's referral response—the concurrence agency | |
| 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 | 1 For a development application—the assessment manager | 1 The applicant | Another eligible submitter for the application |
| 2 For a change application—an eligible submitter for the change application | 2 For a change application—the responsible entity | 2 If the appeal is about a concurrence agency's referral response—the concurrence agency | |
| 3 An eligible advice agency for the development application or change application | | | |