

20 October 2021

Your Reference:  
Our Reference: DA210039

C Williams  
11 Rayleigh Street  
MONTQ QLD 4630

Dear Sir/Madam

**CONCURRENCE AGENCY RESPONSE**  
83 GOLDEN SPUR STREET, EIDSVOLD  
(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 2021-10-07 08:15:00 +1000. 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:	Clifford Williams
Applicant contact details:	11 Rayleigh Street MONTQ QLD 4630
Email:	kmryan
Phone:	0457 884 840
Mobile:	

**Location details**

Street address:	83 GOLDEN SPUR STREET, EIDSVOLD
Real property description:	Lot 1 on MPH22698
Local government area:	North Burnett Regional Council

**Application details**

Application number:	DA210039
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 Dwelling (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 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

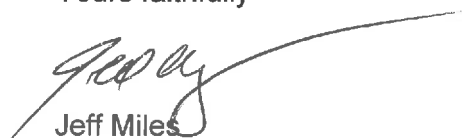
Document Number Reference	Title (prepared by)	Date
21.68 – Sheet 6 of 10	Site Plan by Plan a Building	28-09-2021
21.68 – Sheet 3 of 10	Floor Plan by Plan a Building	28-09-2021
21.68 – Sheet 4 of 10	Elevation A, B & C by Plan a Building	28-09-2021
21.68 – Sheet 5 of 10	Elevation D and Section X-X by Plan a Building	28-09-2021

### 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
<b>General</b>	
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.
<b>Design and Siting</b>	
2.	The approved dwelling must be sited a minimum 6.03 metres from the Golden Spur Street property boundary and 7.77 from Archer Street property boundary, with all setbacks measured from the outermost projection of the structure.
3.	The height of the approved dwelling must not exceed the height above natural ground shown on the endorsed plan. Any earthworks required for the development must be undertaken in such a way as to ensure that the height of the building complies with this condition.
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.
<b>Use</b>	
5.	The approved dwelling is to be used for private/domestic purposes only. The approved structure must not be used for any industrial/business use unless valid development approvals are granted for such uses.
<b>Removal/Resiting of a Dwelling or Other Structure</b>	
6.	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.
7.	The ground surface must be returned to a level state and must not contain trip hazards or excavations likely to be a safety risk.
8.	If asbestos is present it is to be removed by a licenced removalist prior to transporting the dwelling or structure.
<b>Security</b>	
9.	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.
<b>Works to be completed before Release of any Bond</b>	
10.	All conditions of the Amenity and Aesthetics approval are to be completed prior to issue of Form 21.
11.	Replace or make good all exterior wall cladding material so as to be free of any visible or performance related defects.
12.	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.
13.	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.

14.	<p>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:</p> <ul style="list-style-type: none"> <li>a. Relocation and restumping of dwelling including all foundations; and</li> <li>b. Frame, bracing and tie down whether new, or required for upgrade; and</li> <li>c. Any new works whether renovations, additions, or other to bring the structure up to required NCC Classification compliance.</li> </ul>
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#### **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**

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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 – 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>

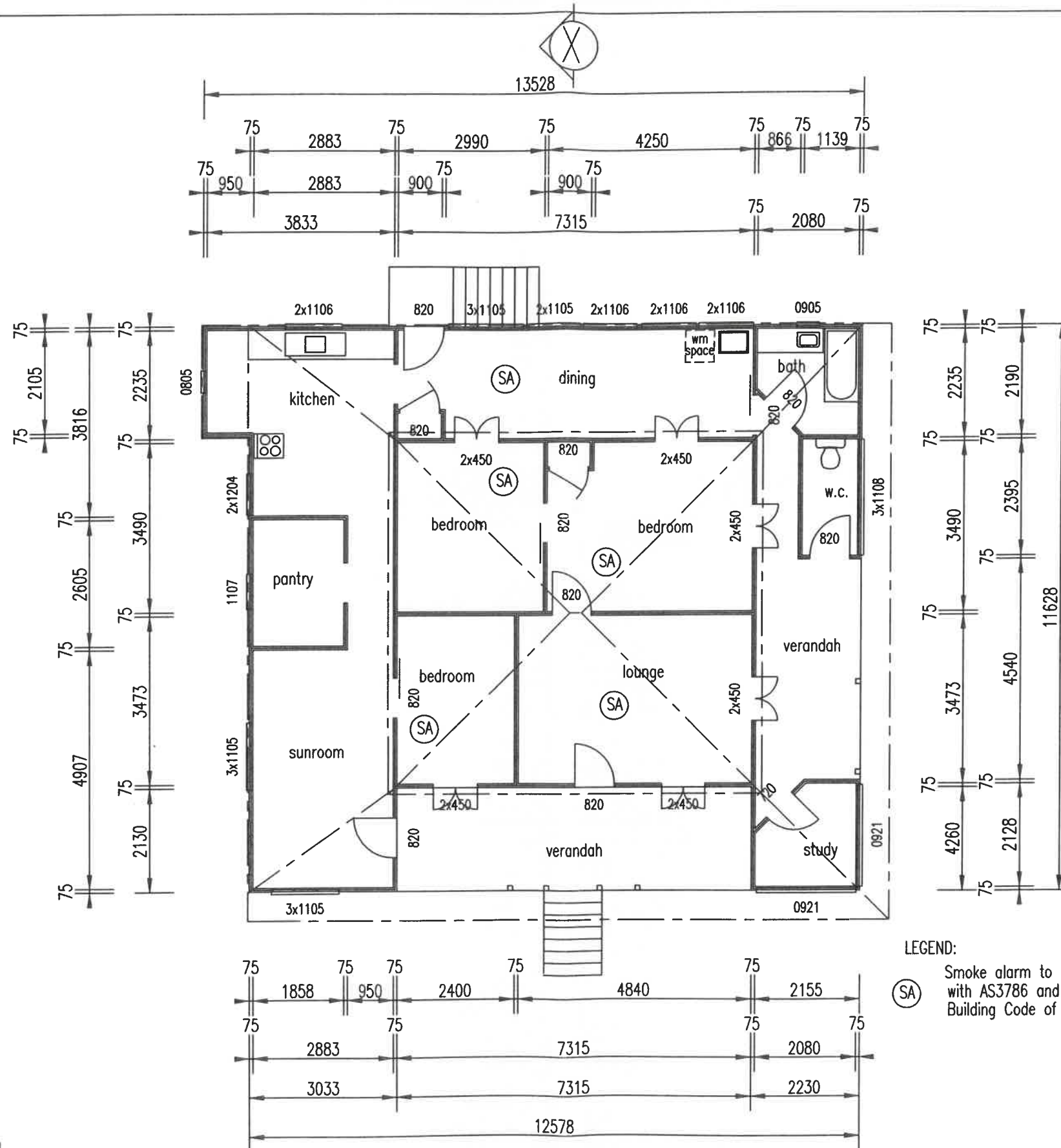
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>

## **Attachment 4 – Approved Plans**

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Please refer to the next page for approved plans

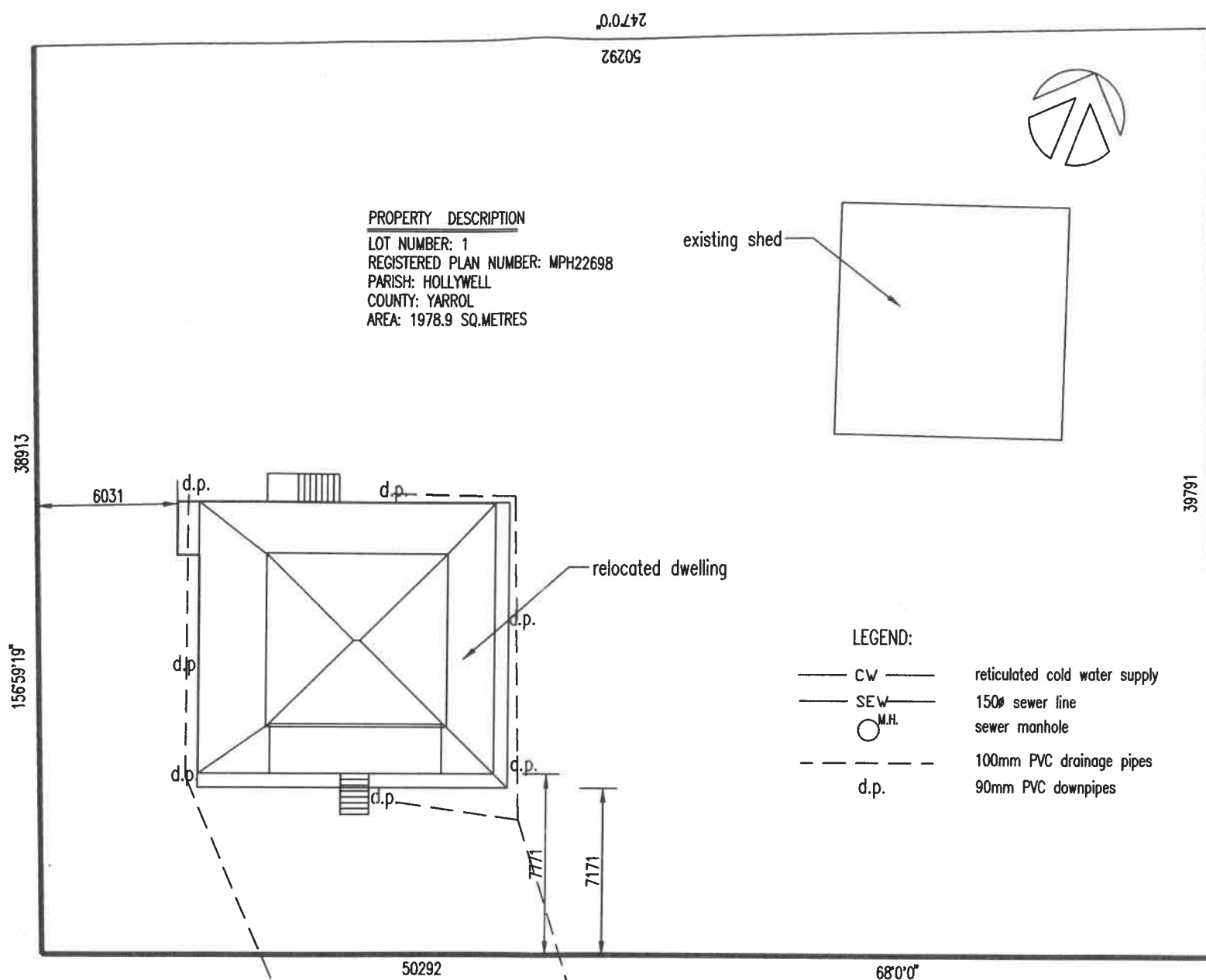






83 GOLDEN SPUR STREET

EDGE OF BITUMEN

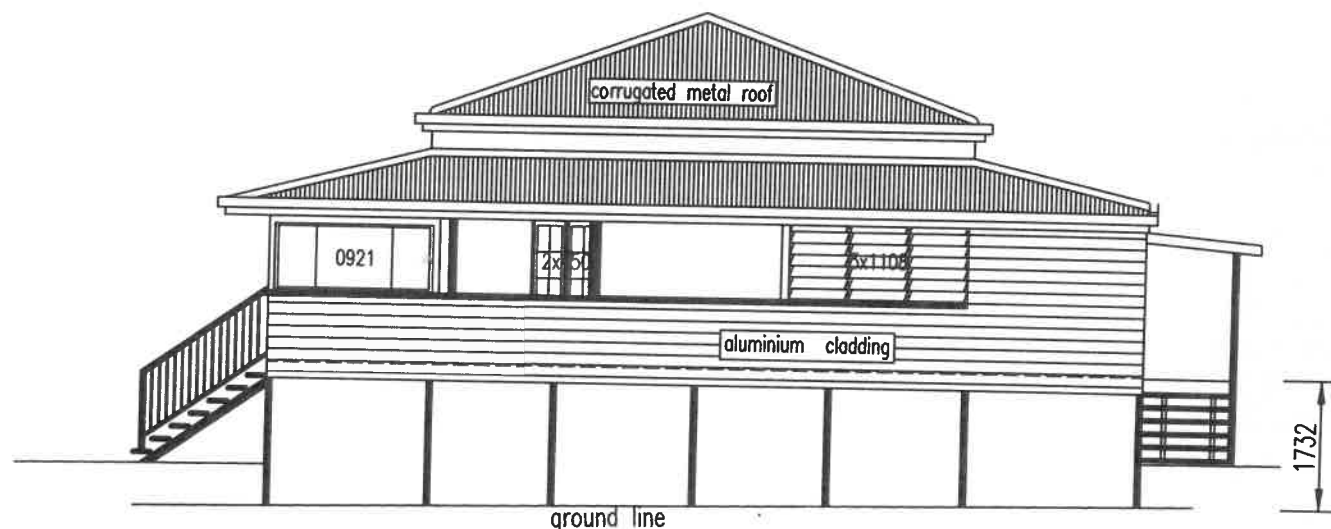


SITE PLAN

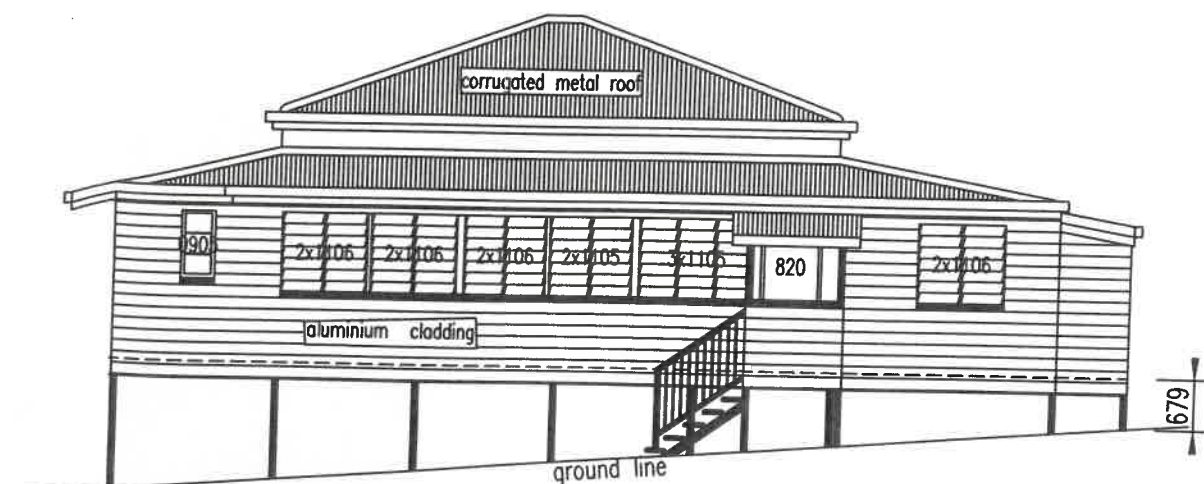
EDGE OF BITUMEN

ARCHER STREET

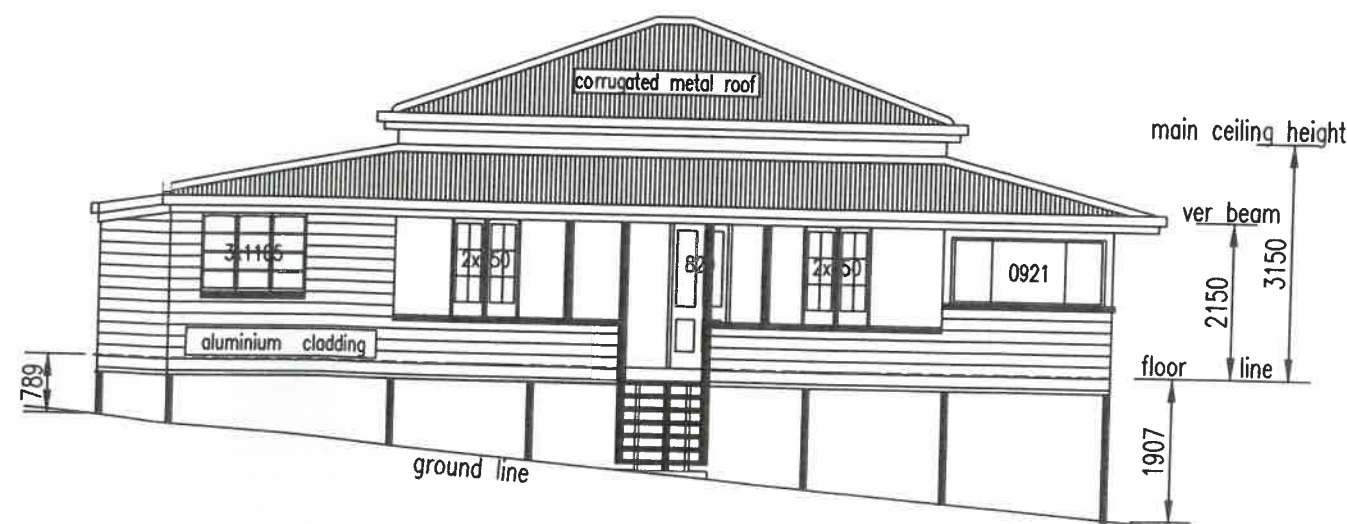
STREET



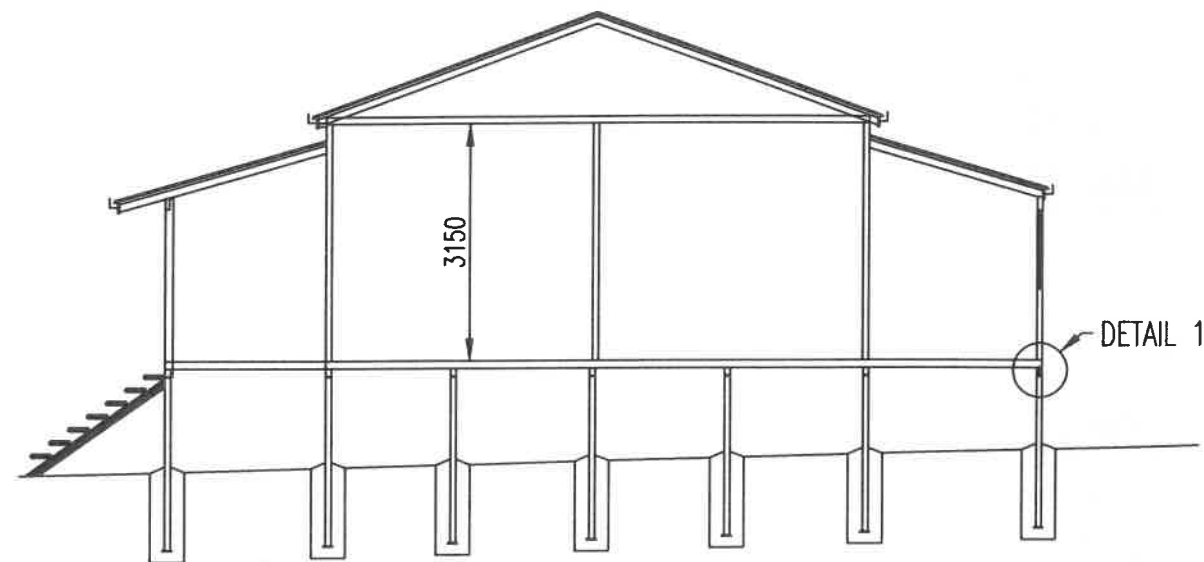
ELEVATION B



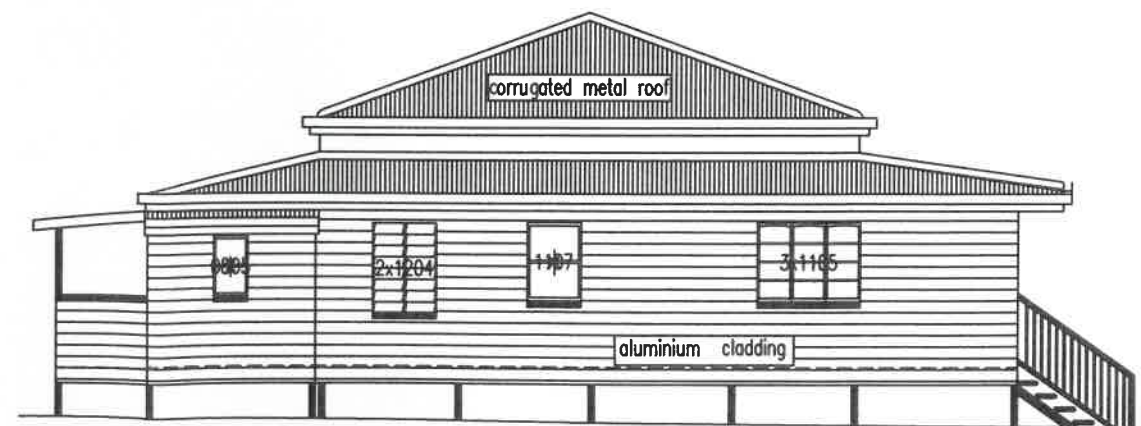
ELEVATION C



ELEVATION A



SECTION X - X



ELEVATION D

PROJECT	DWELLING RELOCATION	SCALE:	JOB No:
SITE ADDRESS	83 GOLDEN SPUR STREET, EIDSVOLD. QLD. 4627	1:100	21.68
CLIENT	S WELCH & C WILLIAMS	28-09-2021	SHEET 5 OF 10
CLIENT ADDRESS	11 RAYLEIGH STREET, MONTO. QLD. 4630		
OWNER	S WELCH & C WILLIAMS		
OWNERS ADDRESS	11 RAYLEIGH STREET, MONTO. QLD. 4630		