

15 November 2021

Your Reference:
 Our Reference: DA210045

John Leggett
 PO Box 33
 GAYNDAH QLD 4625

Dear Sir

CONCURRENCE AGENCY RESPONSE
 22 FIELDING STREET, GAYNDAH
 (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 20 October 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: John C Leggett
 Applicant contact details: PO Box 33
 GAYNDAH QLD 4625
 Email: jleggett10@gmail.com
 Phone:
 Mobile: 0411 317 438

Location details

Street address: 22 FIELDING STREET, GAYNDAH
 Real property description: Lot 5 on RP67478:PAR GAYNDAH
 Local government area: North Burnett Regional Council

Application details

Application number: DA210045
 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
Concurrency Agency	Development Permit	Siting Variation for Carport

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 <i>Building Act</i> Part 3 Division 2 Table 1 Particular class 1 and 10 building and structures involving possible amenity and aesthetic impact Schedule 9 – Building work assessable against the <i>Building Act</i> Part 3 Division 2 Table 3 Design and Siting – QDC non-compliance and/or QDC alternate provision assessment
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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 <u>Attachment 1</u> .
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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
BM3760SK1	Site Plan by John Leggett	18.10.2021
BM3760SK3	Elevation by John Leggett	18.10.2021

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



Lyn McLeod
Development Officer

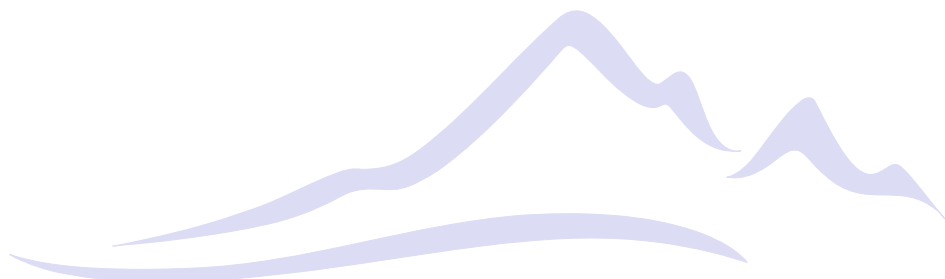
Enc: Attachment 1-conditions to be imposed
Attachment 2-reasons for decision to impose conditions
Attachment 3-appeal rights
Attachment 4-plans

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 carport must be sited a minimum 1 metre from the rear property boundary, with all setbacks measured from the outermost projection of the structure.
3.	The floor area of the approved carport must not exceed 104m ²
4.	The carport is maintained generally as an 'open' structure and is only to be infilled with walling as marked on the endorsed plan.
5.	The wall adjoining the southern boundary must be constructed of maintenance free material, such as unpainted or untreated masonry or prefinished steel sheeting.
6.	The height of the approved carport must not exceed the height above natural ground as shown on the endorsed plan.
7.	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	
8.	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
9.	The approved carport must not be used for habitable purposes.

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 amenity and aesthetics assessment 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:

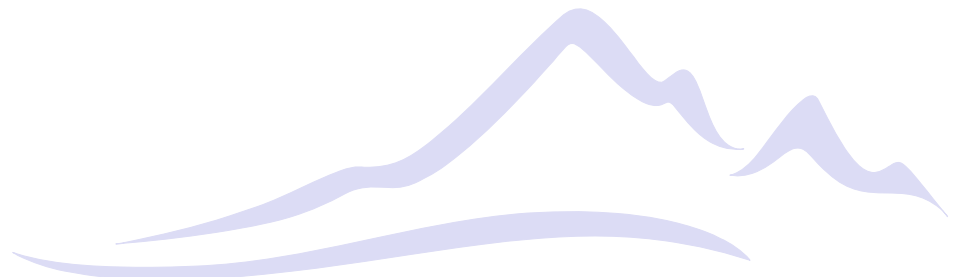
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure that the development is carried out in accordance with the performance criteria as stated in the Queensland Development Code MP1.2.
- To ensure that the development is carried out in accordance with the performance criteria as stated in the North Burnett Regional Council Planning Scheme v1.4 – Dwelling House Code.



Attachment 3 – Approved Plans

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Please refer to the following pages for approved plans.



BM3760SK1
18 Oct 2021

Certified as structurally sound:
Signed: *Steph*
Stephen A Strachan RPEQ No: 2968

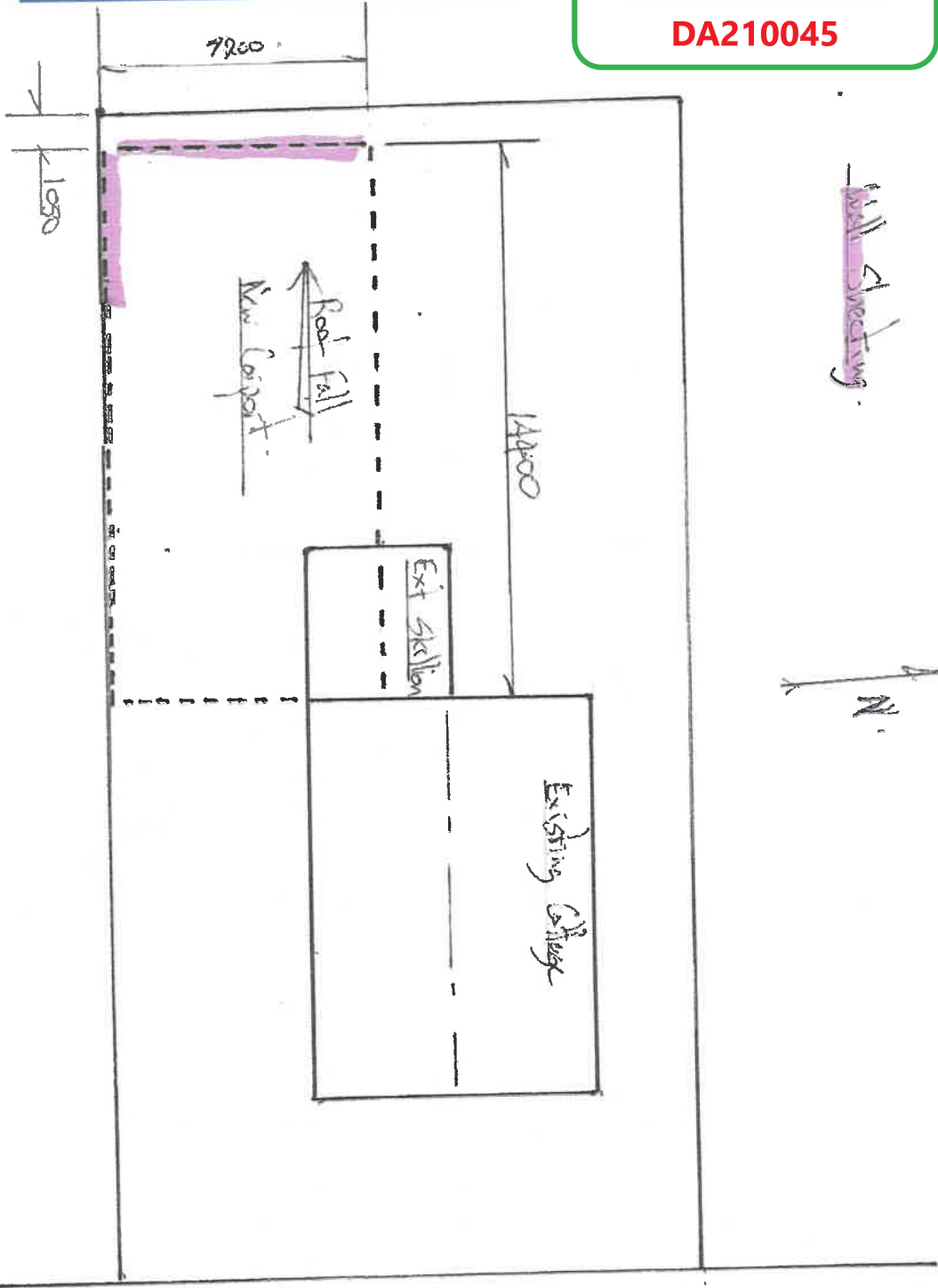


NORTH BURNETT
REGIONAL COUNCIL

APPROVED PLANS

These plans are associated to the
Decision Notice for application number

DA210045



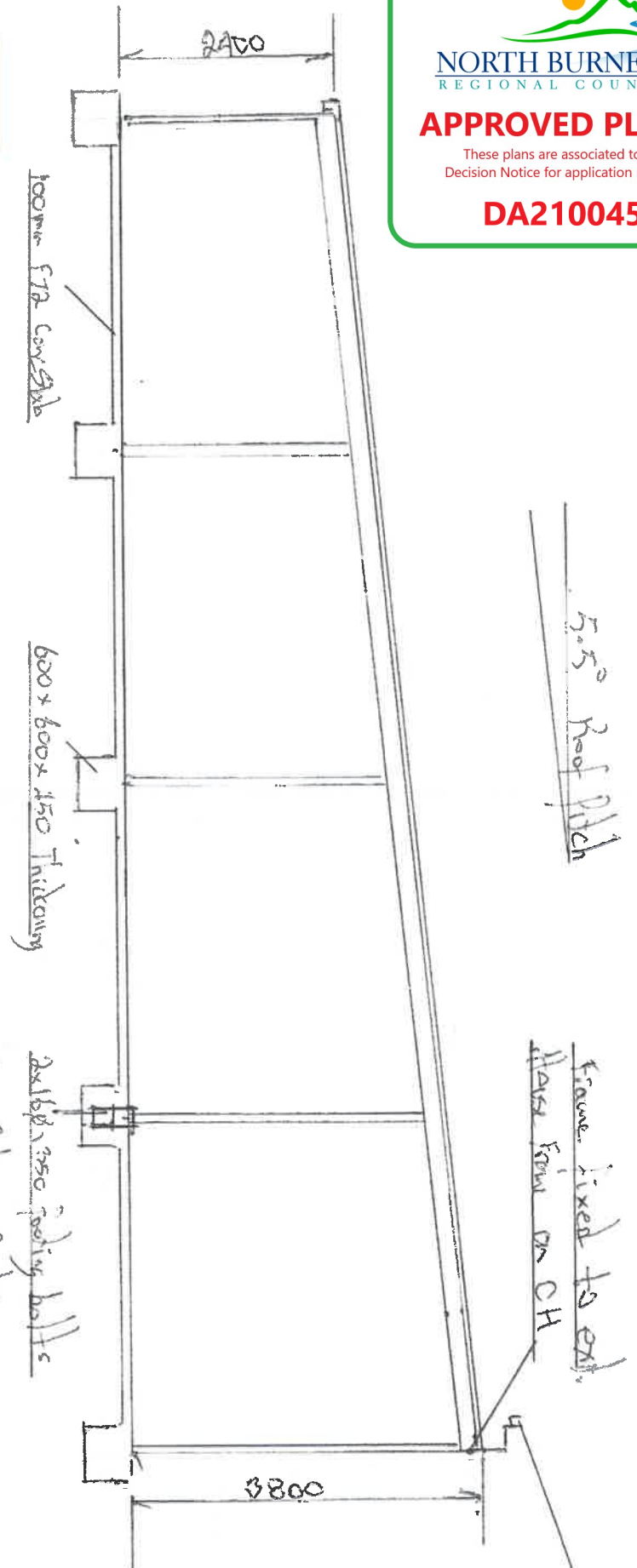
Site Plan Carport 92 Fielding St
Gympie Scale 1:150

Fielding St

BM3760SK3
18 Oct 2021

Certified as structurally sound:

Signed: South
Stephen A Strachan RPEQ No: 2968



Carport Details.

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>

