

6 June 2019

Your Reference:
 Our Reference: 101-19

Trudie Roth
 32 Alma Vale Road
 EIDSVOLD QLD 4627

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE
36 LOCHABER ROAD EIDSVOLD Q 4627
 (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 27 May 2019. 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: Trudi Roth
 Applicant contact details: 32 Alma Vale Road
 EIDSVOLD Q 4627
 Email: riverblue1@bigpond.com
 Phone:
 Mobile: 0427651446

Site details

Street address: 36 Lochaber Road, Eidsvold
 Real property description: Lot 8 on SP209641

Application details

Application No: 101/19
 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	Development Permit	To construct a Class 1a building

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 7 Building work for removal or rebuilding
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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 No./ Reference	Title (prepared by)	Date
2019003 Dwg 1 of 10	Site plan by Finline Residential Design	18.04.2019
2019003 Dwg 2 of 10	Floor Plan by Finline Residential Design	18.04.2019
2019003 Dwg 3 of 10	Elevations A by Finline Residential Design	18.04.2019
2019003 Dwg 4 of 10	Elevations B by Finline Residential Design	18.04.2019

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

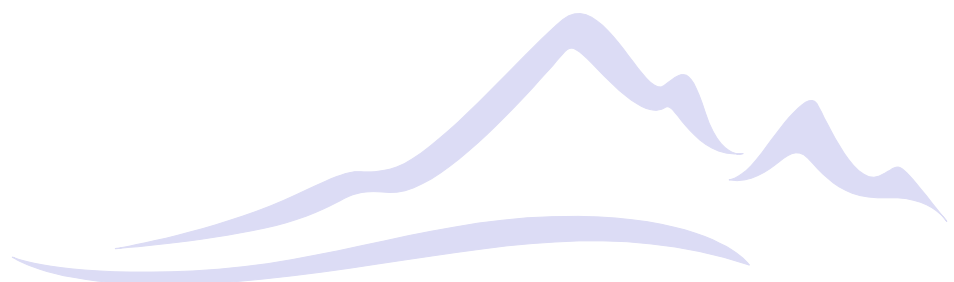
Jeff Miles

Environmental Services Manager

On behalf of Gary Rinehart

Chief Executive Officer

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



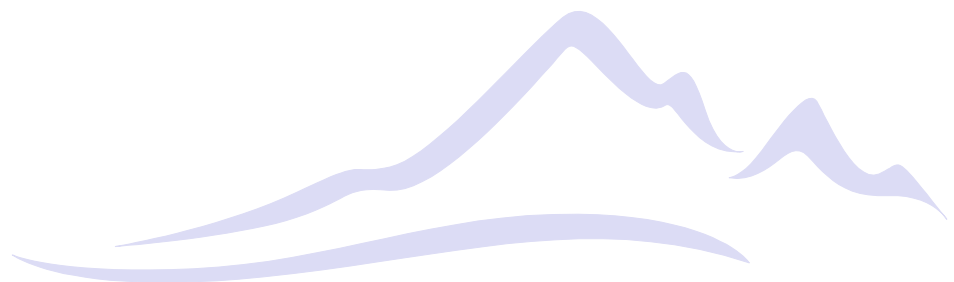
Attachment 1 – Conditions to be imposed by Concurrence Agency

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 dwelling must be sited in accordance with the approved plans, with all setbacks measured from the outermost projection of the structure.
3.	The overall height of the approved dwelling must not exceed 8.5 metres measured from natural ground level. 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.
Use	
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. 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
Removal/Resiting of a Dwelling or Other Structure	
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.	All debris including any remaining stumps, foundations and plumbing fixtures must be removed from the site.
8.	The ground surface must be returned to a level state and must not contain trip hazards or excavations likely to be a safety risk.
Security	
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.
Works to be completed before Release of any Bond	
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.	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: <ul style="list-style-type: none"> a. Relocation and restumping of dwelling including all foundations; and b. Frame, bracing and tie down whether new, or required for upgrade; and c. Any new works whether renovations, additions, or other to bring the structure up to required NCC Classification compliance.

Attachment 1B – Advice Notes

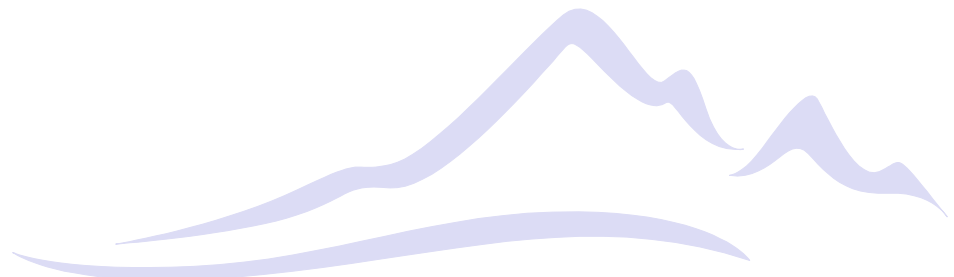
A.	This Concurrence Agency Response does not represent a development approval for Building Works under the <i>Building Act 1975</i> .
B.	All building works the subject of this notice can only proceed once a development permit for building works is issued by a Building Certifier.
D.	Prior to any alteration 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 – Planning Act 2016 Extract Appeal Rights

CHAPTER 6, 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 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.

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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (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 (section 229)

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
 - (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; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) 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.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>1. Development applications For a development application other than an excluded application, an appeal may be made against—</p> <p>(a) the refusal of all or part of the development application; or</p> <p>(b) the deemed refusal of the development application; or</p> <p>(c) a provision of the development approval; or</p> <p>(d) if a development permit was applied for—the decision to give a preliminary approval.</p>			
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	<p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p>2. Change applications For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1. The applicant</p> <p>2. If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	The responsible entity	If an affected entity starts the appeal—the applicant	<p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5. Any eligible submitter for the change application</p>
<p>3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) the assessment manager's decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2. For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

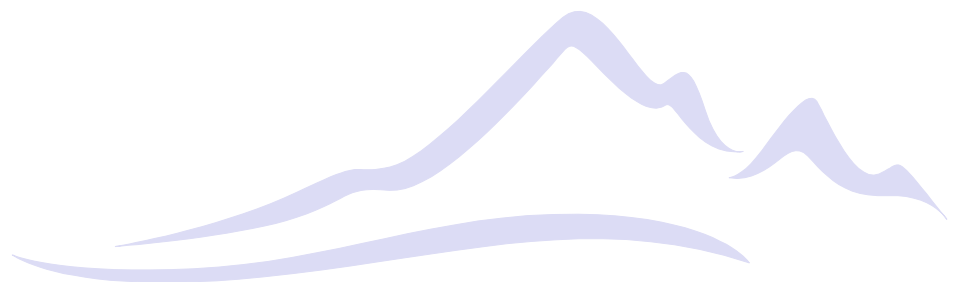
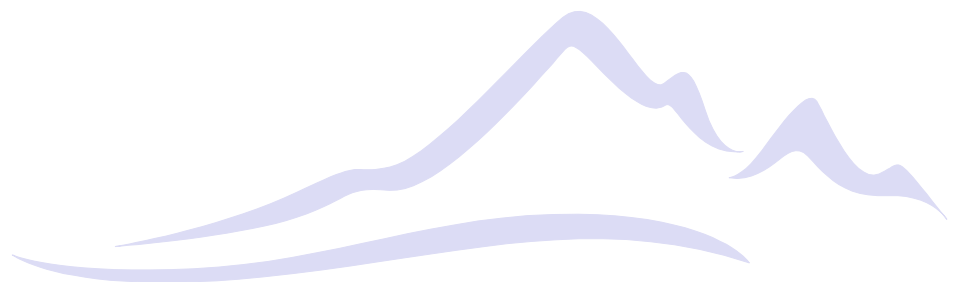


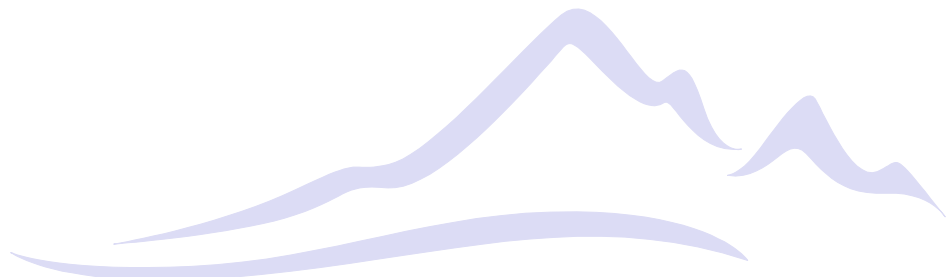
Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1. A concurrence agency for the development application related to the approval. 2. A private certifier for the development application related to the approval
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision.	—	—
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against— (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision.	The person who made the decision	—	—
4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—



Attachment 4 – Approved Plans

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Please refer to the following pages for the approved plans



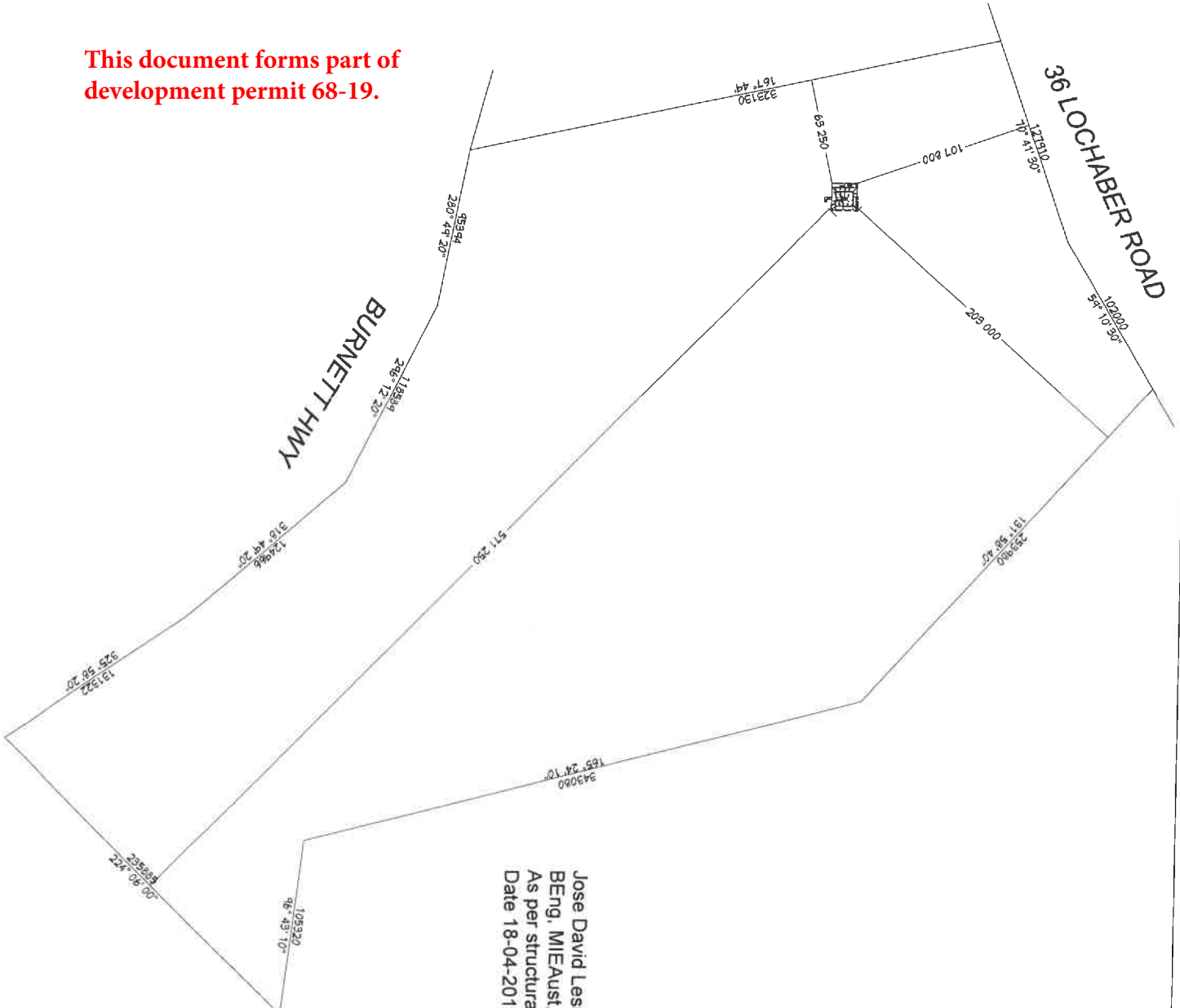
ALLOTMENT AREA - 183447 Sq m
 PROPOSED BUILDING FOOTPRINT - 241 Sq m
 SITE COVERAGE - <1%

SITE ADDRESS
 36 LOCHABER ROAD
 EIDSVOLD, OLD 4627
 REGISTERED PLAN: LOT 8 on SP209841
 LOCAL AUTHORITY: NORTH BURNETT REGIONAL COUNCIL
 COUNTY: YARROO
 PARISH: HOLLYWELL

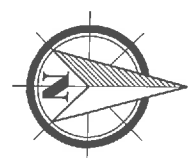
NOTES
 SULLAGE AND WASTE WATER TO DISPOSAL
 SYSTEM AS DIRECTED BY LOCAL AUTHORITY.
 STORMWATER TO HOLDING TANKS/STREET
 TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS.

SITE NOTES
SEDIMENT CONTROL
 Provide erosion & sediment control structures to perimeter of work area and maintain in a functional condition as required by the Local Authority.
STORMWATER
 All stormwater downpipes to be 50mm dia. upvc sealed system in accordance with A.S.3500.3 and to disperse 125mm max roof area.
UNDERGROUND SERVICES
 Prior to any demolition, excavation or construction on this site, the relevant authority should be contacted for detailed location of all underground services.
ASBESTOS
 Should any asbestos products need removing from the property they should be removed in an appropriate manner which meets local and government requirements.
PROPERTY BOUNDARIES
 Location of existing house on this site has been determined by measurements to existing survey features (i.e. pegs, fences, etc). Every effort has been made by Frialite Residential Design to accurately determine this location. It is the owners responsibility to engage, or to have engaged, a licensed surveyor to precisely locate existing structures and to verify sites the location of any new work.

This document forms part of development permit 68-19.



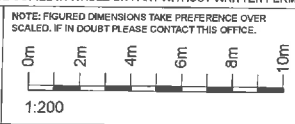
Jose David Lesmes Tirado
 BEng, MIEAust, RPEQ 7180
 As per structural Certificate
 Date 18-04-2019



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frd
 Fineline Residential Design
 8624 New England Hwy, Hampton, 4352
 Phone 0418 113 133
 rodjocumsen@gmail.com
 Rod Jocumsen QBSA Lic No 529325

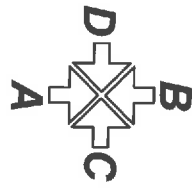
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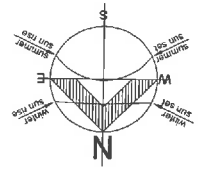
CLIENT DETAILS
 NATHAN AND TRUDIE ROTH
 36 LOCHABER ROAD
 EIDSVOLD, 4627

Thursday, 18 April 2019
 TITLE PROPOSED RELOCATION
SITE PLAN

JOB#	2019003
DWG NO	1 of 10

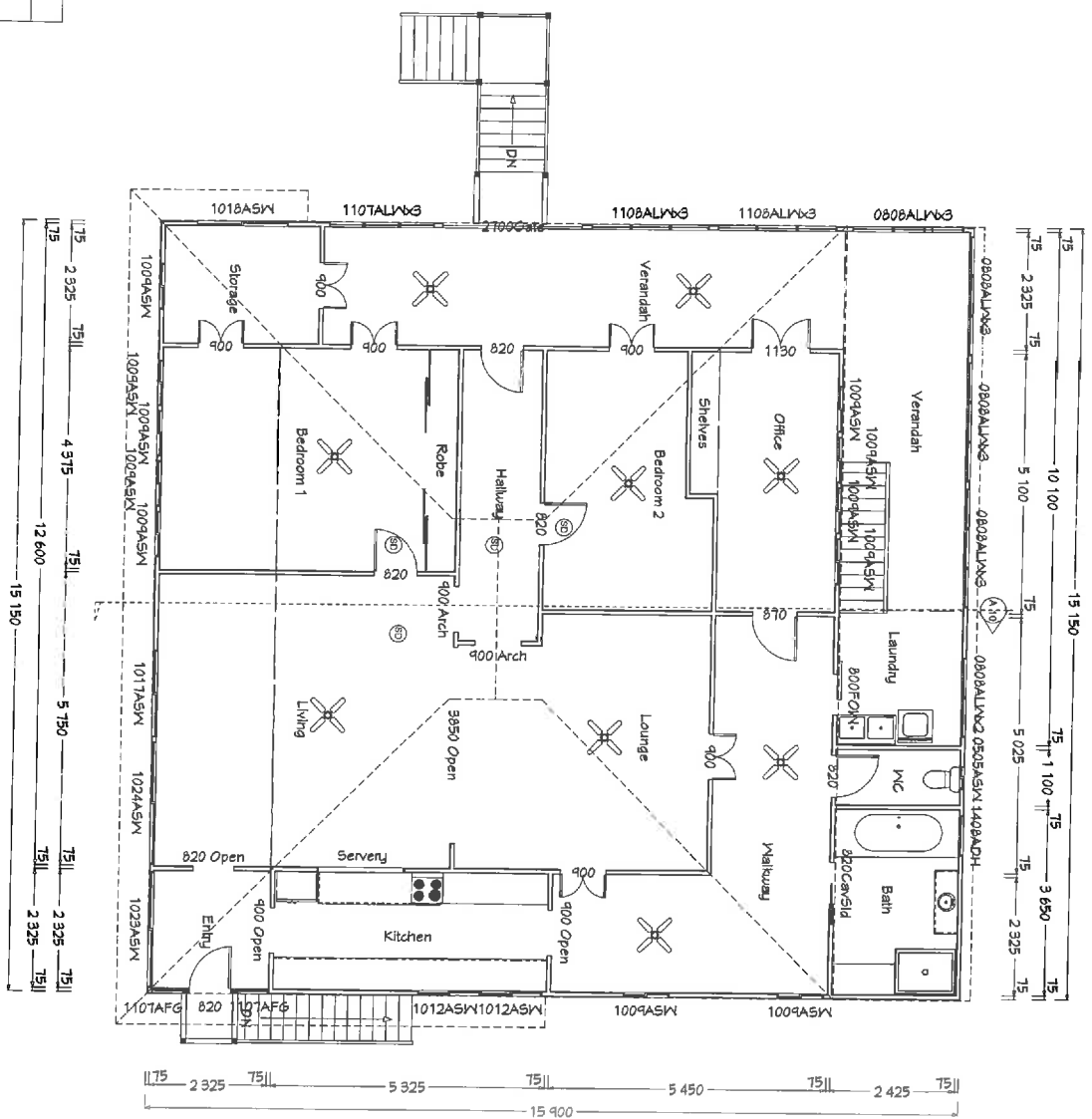
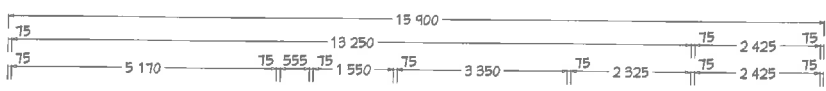


Elevation Key



This document forms part of development permit 68-19.

- Window and Door Legend
- AW - Awning Window
 - CS - Casement Window
 - CV - Casement Window
 - DH - Double Hung Window
 - FD - French Doors
 - FO - Face of Wall Slider
 - GB - Glass Block
 - SW - Sliding Window
 - RD - Roller Door
 - SD - Sliding Door
 - LW - Louver Window
 - XO - X is opening panel, O is fixed panel as viewed from outside
- Prefix A - Aluminium, T - Timber



Dimensions are to be confirmed on site. Dimensions are as accurate as possible given the interference of bushes, pipes and other obstacles at the time of measuring.

Jose David Lesmes Tirado
 Bengi MIEAust, RPEQ 7180
 As per structural Certificate
 Date 18-04-2019

NOTE
 All water objects to have lift off hinges.
 Provide 1,200 fall to floor yearies in wet areas.
 All wet areas to comply with BCA 3.6.1
 Smoke Alarms are to be installed in accordance with BCA Clause 3.7.2. Alarms to comply with AS 3785.

FLOOR AREA	240.88 Sq M
EXISTING	
FOOTPRINT	240.88 Sq M

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frd Fineline Residential Design
 8524 New England Hwy, Hampton, 4352
 Phone 0418 113 133
 rodjocumsen@gmail.com
 Rod Jocumsen QBSA Lic No 529325

A3

NOTE: FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALED. IF IN DOUBT PLEASE CONTACT THIS OFFICE.

1:100

CLIENT DETAILS
 NATHAN AND TRUDIE ROTH
 36 LOCHABER ROAD
 EIDSVOLD, 4627

Thursday, 18 April 2019

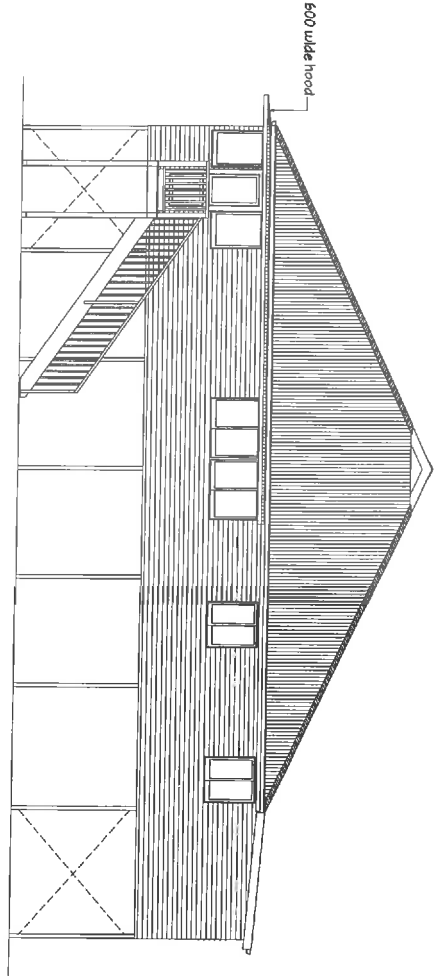
TITLE **PROPOSED RELOCATION**

FLOOR PLAN

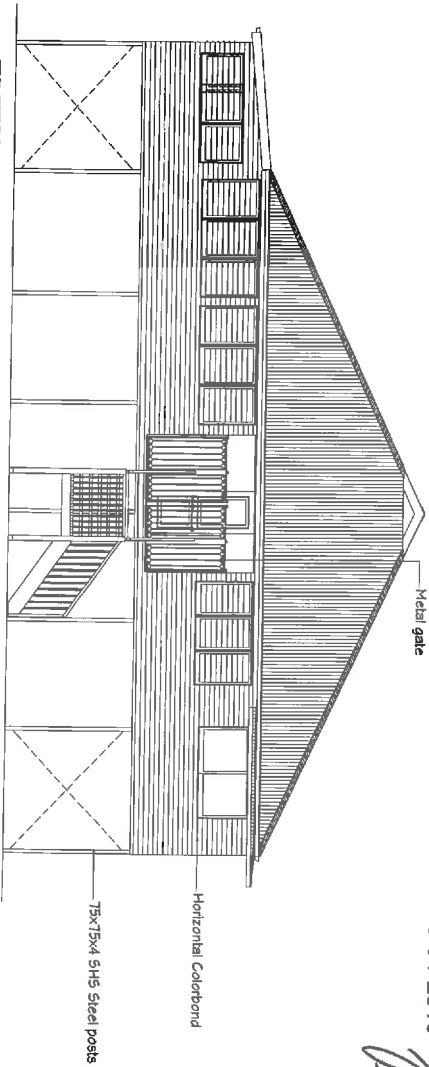
JOB# 2019002
 DWG NO 2 of 10

This document forms part of
development permit 68-19.

ELEVATION C
(North Elevation)



ELEVATION D
(South Elevation)



Jose David Lesmes Tirado
BEng, MIEAust, RPEQ 7180
As per structural Certificate
Date 18-04-2019

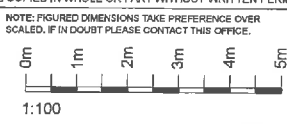
Note
Elevations are a pictorial
representation only and are not
to be used as structural detail.

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N3
MINOR CATEGORY

frd
Fineline Residential Design
8624 New England Hwy, Hampton, 4352
Phone 0418 113 133
rodjocumsen@gmail.com
Rod Jocumsen QBSA Lic No 529325

A3



CLIENT DETAILS
NATHAN AND TRUDIE ROTH
36 LOCHABER ROAD
EIDSVOLD, 4627

Thursday, 18 April 2019
TITLE **PROPOSED RELOCATION**
ELEVATIONS B
JOB# 2019003
DWG NO 4 of 10