

12 August 2020

Mailing Address: PO Box 390, Gayndah Qld 4625 Street Address: 34-36 Capper Street, Gayndah Qld 4625

Telephone: 1300 696 272 Facsimile: (07) 4161 1425

Email: admin@northburnett.qld.gov.au www.northburnett.qld.gov.au

ABN: 23 439 388 197

Your Reference

Our Reference: DA200158

Paul Holley 202A Kennedy Drive TWEED HEADS NSW 2485

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE

AUGUSTUS STREET, MOUNT PERRY (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 28 July 2020. The North Burnett Regional Council has assessed the referral against the relevant matters of its jurisdiction and has made a decision as follows:

Paul Holley
202A Kennedy Drive TWEED HEADS NSW 2485
AUGUSTUS STREET, MOUNT PERRY
LOT 1 TSH BOWEN PSH MT PERRY SP212188
DA200158

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal
Amenity and Aesthetics	Development Permit	Transportable Dwelling and Shipping Container

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 <u>Attachment 1</u>.

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 <u>Attachment 2</u>.

Approved Plans and Specifications

Document No./		
Reference	Title (prepared by)	Date
	Site plan / aerial image by North Burnett Regional	
	Council	12.08.2020
	Site Plan by Graeme Moulston & Associates	
20-0365 – Dwg 02	Engineering Pty Ltd	05.05.2020
	Floor Plan by Graeme Moulston & Associates	
20-0365 – Dwg 03	Engineering Pty Ltd	05.05.2020
	Elevations and Section by Graeme Moulston &	
20-0365 – Dwg 04	Associates Engineering Pty Ltd	05.05.2020

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



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ABN:

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www.northburnett.qld.gov.au 23 439 388 197

Attachment 1 – Conditions to be imposed by Concurrency 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	
2.	A roofed verandah or carport is be constructed and attached to the full length of at least one of the 12 metres length sides of the structure. The roof is to be pitched from the transportable dwelling side with a minimum angle of 10°.
3.	The approved transportable dwelling must be sited generally in accordance with the approved plans. A minimum of 17 metres from Augustus Street; 12 metres from south-eastern property boundary, and a minimum 6 metre setback from the William Street boundary with all setbacks measured from the outermost projection of the structure.
4.	The approved shipping container must be sited generally in accordance with the approved plans. A minimum 6 metres setback is required from the William Street boundary and the Augustus Street Boundary.
5.	Utilise colours in the development that are sympathetic to the surrounding environment and avoid excessive brightness, contrast, colour intensity, and reflectivity for example muted tones that are similar to the surrounding vegetation 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	
6.	The approved transportable dwelling is to be used for private/domestic purposes only and must not be used for any industrial/business use unless valid development approvals are granted for such uses.
7.	The approved shipping container must not be used for habitable purposes as a separate domicile/dwelling or used for any industrial/business use unless valid development approvals are granted for such uses
8.	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.
Landscaping	
9.	Provide landscaping to a standard adequate to screen the buildings from adjoining road way and allotments.
10.	Maintain the landscaping on the site for the life of the structures.
	siting of a Dwelling or Other Structure
11.	All conditions of the Amenity and Aesthetics approval are to be completed prior to issue of Form 21.
12.	Replace or make good all exterior wall and roof material so as to be free of any visible or performance related defects.
13.	Complete all external wall and roof 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.

14.	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.

Attachment 1B - Advice Notes

A.	This Concurrence Agency Response does not represent a development approval
	for Building Works under the Building Act 1975.
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.



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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.
- 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.
- The proposed transportable / donga dwelling does not complement the existing houses in the locality and surrounding pattern of development in terms of form and scale. Therefore by conditioning a roofed verandah or carport along one of the longer 12m lengths enables the dwelling to project a building form that is more consistent with the surrounding pattern of development.



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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
- 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 corespondent 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 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 if a development permit was applied for—the decision to give a preliminary approval. (d) Column 1 Column 2 Column 3 Column 4 **Appellant** Respondent Co-respondent (if Co-respondent by election (if any) any) The applicant The assessment If the appeal is A concurrence agency that is not a manager about a concurrence co-respondent agency's referral 2 If a chosen assessment manager is response—the the respondent—the prescribed concurrence agency assessment manager Any eligible advice agency for the application Any eligible submitter for the application 2. Change applications For a change application other than an excluded application, an appeal may be made against the responsible entity's decision on the change application; or a deemed refusal of the change application. Column 1 Column 2 Column 3 Column 4 Appellant Respondent Co-respondent (if Co-respondent by election (if any) any) 1. The applicant A concurrence agency for the The responsible entity If an affected entity 2. If the responsible entity starts the appealdevelopment application is the assessment the applicant If a chosen assessment manager is manager-an affected the respondent—the prescribed entity that gave a preassessment manager request notice or 3 A private certifier for the response notice development application Any eligible advice agency for the change application 5. Any eligible submitter for the change application 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 Column 2 Column 3 Column 4 Appellant Co-respondent by election (if any) Respondent Co-respondent (if any) The applicant The assessment If a concurrence If a chosen assessment manager is the 2. For a matter other than manager agency starts the respondent—the prescribed a deemed refusal of an appeal-the assessment manager applicant extension application—a concurrence agency, other than the chief executive, for the

application

	Annada	Table 3	
Building advisory ago An appeal may be m work required code a	ency appeals	to a tribunal only pment approval for bui	liding work to the extent the building sions.
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	 A concurrence agency for the development application related to the approval. A private certifier for the development application related to the approval
2. Inspection of building	work	-l	
An appeal may be may building work that is t	ade against a decision of a he subject of a building dev	building certifier or referelopment approval und	erral agency about the inspection of der 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.	_	
Construction Co under that Act; o (b) a decision under	r the Building Act, other tha mmission, if an information or the Plumbing and Drainag	notice about the decision e Act, part 4 or 5, if an	he Queensland Building and ion was given or required to be given information notice about the decision
was given or rec	uired to be given under tha Column 2	t Act. Column 3	Column 4
Appellant	Respondent	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	_	_
An appeal may be ma within the period requi	ure to decide application un de against a local governm red under that Act.	der the Building Act ent's failure to decide a	an application under the Building 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	_	_



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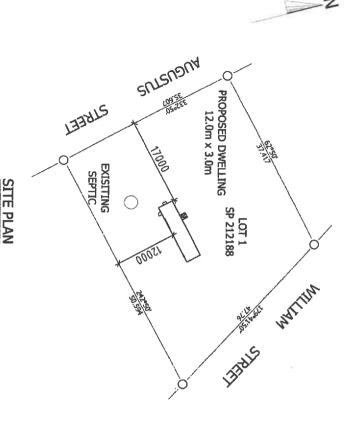
ABN:

Attachment 4 - Approved Plans

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Refer to the next page for approved plans





ULTIMATE LIMIT STATE WIND PRESSURE SITE CLASSIFICATION WATER PENETRATION SERVICEABILITY DESIGN SHIELDING MIND PRESSURE TOPOGRAPHIC CLASSIFICATION TERRAIN CATEGORY 1000Pa N



158/20

These plans are associated to the Decision Notice for application number

NORTH BURNET **APPROVED PLANS**

BRACING TO COMPLY

WITH AS: 4055 WIND LOADS

BUILDING TO COMPLY WITH QDC PART MP 4.1

Graeme Moulston & Associates

Consulting Engineers Australia Engineering Pty Ltd

WATER SAVING SHOWER ROSES

(A) AAA OR HIGHER RATING (B) 3 STAR OR HIGHER RATING MAINS WATER REESSIRE LEVELS NOT TO EXCEED LEVELS SET OUT IN

Office: 62 Plantarbon Crescent, Maudsland, QLD, 4209
OBM: 213 Mudgemaba, QLD, 4213
Inft@goma.com.up
ph: 61 7 5530 6214. fax: 61 7 5525 3774.

MIE Aust CPEng 5590 QLD-RPEQ 4431

Nt Practitioner 24748ES
Vic Civil Engineer EC30894

ABN: 36151969783

LIGHT SOURCE USED IN ROOMS THAT ACCOUNT FOR AT LEAST 40% OF THE TOTAL FLOOR AREA.

HOT WATER IS SUPPLIED BY

(A) A HEAT PUMP OR A SOLAR HOT WATER SYSTEM THAT IS ELIGIBLE TO

QLD 4671

ADDRESS

7 AUGUSTUS ST. MOUNT PERRY

PAUL HOLLEY CLIENT

(I) IN A BUILDING WITH 3 OR MORE BEDROOMS, AT LEAST 22 RENEWABLE ENERGY CERTIFICATES: OR (ii) OTHERWISE, AT LEAST 14 RENEWABLE ENERGY CERTIFICATES: OR (iii) A GAS HOT WATER SYSTEM WITH A 5 STAR ENERGY RATING.

MOUNT PERRY 7 AUGUSTUS STREET

QLD 4671

GENERAL MOTES
WORK IS TO BE PERFORMED IN ACCORDANCE WITH
THE WORKPLACE, HEALTH & SAFETY ACT, &
THE CONDITIONS & BY-LAWS OF THE LOCAL AUTHORITY. BUILDING CODE OF AUSTRALIA - BCA2DD5 Volume 2

- BHP Building & Industrial Products - Trechnical Data"

- A.S.1684.2-1999 RESIDENTIAL TIMBER-FRAMED CONSTRUCTION
MATERIALS & WORKMANSHIP SHALL BE RIEW & IN GOOD ORDER
& COMPLY WITH RELEVANT STATE & COUNCIL BUILDING REGULATIONS.
ELECTRIC LIGHTING & POWER INSTALLATION SHALL BE CARRIED OUT
BY A QUALIFIED LICENSED ELECTRICAL CONTRACTOR. Part 3.12 Energy Efficiency Queensland
- BUILDING CODE OF AUSTRALIA - BCA2010 Volume 2 -PLUMBING CONNECTION & INSTALLATION SHALL BE CARRIED OUT NAFI TIMBER MANUAL (PARTS 1 & 2) AUSTRALIAN DOMESTIC CONSTRUCTION MANUAL -SAA HBS2-1994 "THE BATHROOM BOOK" -

SCALE 1:500

BY A QUALIFIED LICENSED PLUMBER & DRAINER

DOCUMENTATION
PRIOR TO COMMENCEMENT OF THE WORKS, OBTAIN
ALL RELEVANT STATUTORY AUTHORITY APPROVALS. SITE DURING CONSTRUCTION.
ARRANGE ALL AUTHORITY INSPECTIONS REQUIRED SPECIFIED BY OWNER. OBTAIN BUILDING APPROVALS AND TENDER PRICES FOR INTERIM AND FINAL APPROVAL. A COPY OF ALL APPROVED DOCUMENTS KEPT ON (EQUIRED FOR FIXTURES AND FIT OUT AS ILLOW FOR AND PREPARE SHOP DRAWINGS AS THESE DOCUMENTS ARE PREPARED PRINCIPALLY TO

ALL BOUNDARY CLEARANCES ARE TO BE VERIFIED BY BUILDER AT SET OUT, PRIOR TO ANY CONSTRUCTION. ANY VARIATION TO SET OUT MUST REMAIN WITHIN YOU MAY INCOME TO SET OUT MUST REMAIN WITHIN YOU MAY! BENJIESENSTREET.



(A) DUAL FLUSH 6/3 LITRES
(B) COMPATIBLE WITH SIZE OF THE TOILET BOWL
TO ALLOW PROPER FUNCTION OF TOILET.
PLUCRESCENT LIGHT OR COMPACT FLUCRESCENT
LIGHTS (CH3) MUST BE THE ONLY FIXED ARTHFICIAL
LIGHTS (CH3) MUST BE THE ONLY FIXED ARTHFICIAL AS/NZS 3500.1:2003 TOILET CISTERNS

SP: 5 County: BOWEN 212188

PROPERTY DETAILS

Parish: MT PERRY

Area: Council: NORTH BURNETT R.C. 1570 m²

NOTES

PRIOR TO COMMENCEMENT OF ANY WORK ILL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE

WITH THE MANUFACTURERS SPECIFICATION. ALL ROOFING TO BE FIXED IN ACCORDANCE

ALL BUILDING WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE RELEVANT ACTS TERMITE PROTECTION TO BE IN ACCORDANCE A.S.3660.1.2 83 AND THE B.C.A.

BY-LAWS, REGULATIONS AND CODES.

ALL TIMBER FRAMING TO COMPLY WITH AS.1684 (B.C.A.) AND A.S.1684 TO BE DESIGNED AND BUILT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA

SITE PLAN

20-0365

SCALE. As Shown @

05.05.2020 CHECKED 9

3

