

3 November 2022

Your Reference:  
 Our Reference: DA220040

Barry Mitchell  
 411 Farm Street  
 NORMAN GARDENS QLD 4701

Dear Sir/Madam

**CONCURRENCE AGENCY RESPONSE**  
 SHAMROCK STREET, BYRNESTOWN  
 (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 September 2022. 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: Barry James Mitchell  
 Applicant contact details: 411 Farm Street  
 NORMAN GARDENS QLD 4701  
 Email: angelamit7@bigpond.com  
 Phone:  
 Mobile: 0459 735 135

**Site details**

Street address: SHAMROCK STREET, BYRNESTOWN  
 Real property description: 1RP51670

**Application details**

Application No: DA220040  
 Date of Decision: 3 November 2022  
 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	Shed - Design and Siting

## 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 Attachment 1.

## Conditions

This approval is subject to the conditions in Attachment 1.

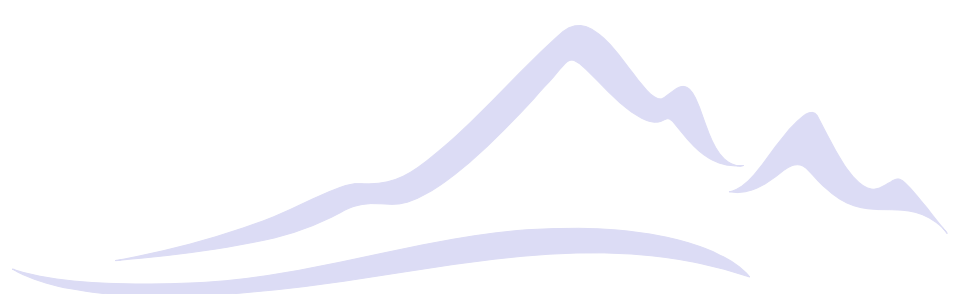
The North Burnett Regional Council advises the assessment manager that the conditions must be attached to any development approval for the application in accordance with section 56 of the *Planning Act 2016* and that under section 62(b) of the *Planning Act 2016*. The assessment manager must attach this 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 No./ Reference	Title (prepared by)	Date
22-74-1	Site Plan by TR & SL Roper Building Design and Drafting	
1 of 33 DTS01-258341	Elevation Multiview by Diamond tough Sheds	23.08.2022



**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.

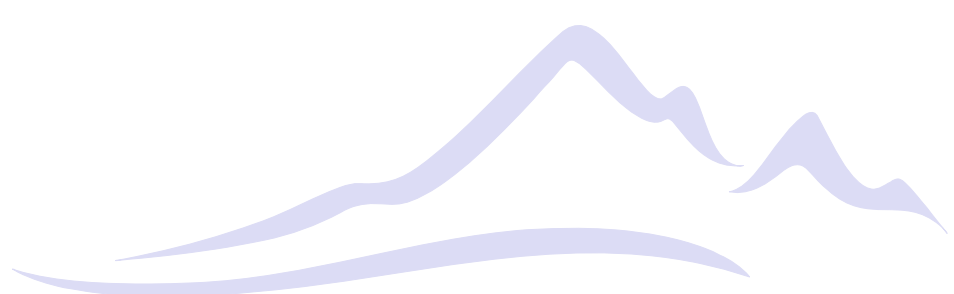
Yours faithfully

for 

Skye Price

**Interim General Manager Corporate & Community**

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

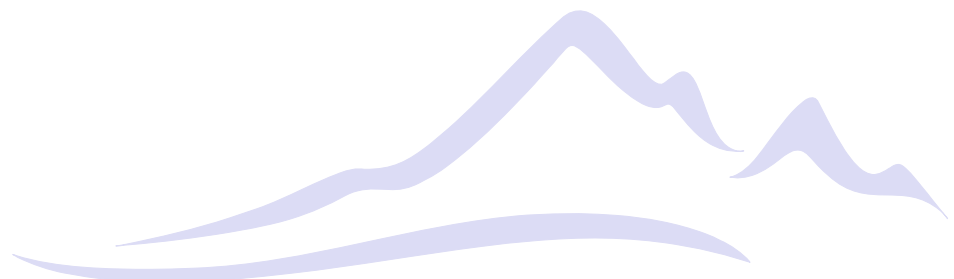


## Attachment 1 – Conditions to be imposed by Concurrence Agency

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 shed and carport must be sited a minimum 1.5 metres from McSween Street property boundary, with all setbacks measured from the outermost projection of the structure.
3.	The floor area of the approved shed must not exceed 110 m <sup>2</sup>
4.	The carport is maintained as an 'open' structure and is not to be infilled with walling or roller doors.
6.	The overall height of the approved shed must not exceed 4 metres measured from natural ground level.
8.	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>	
9.	The approved shed and 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 shed and 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.

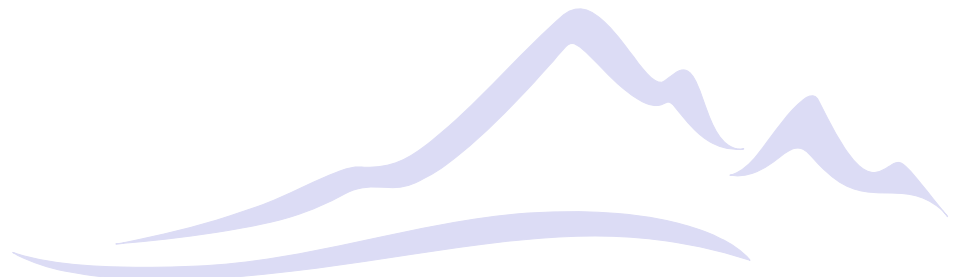


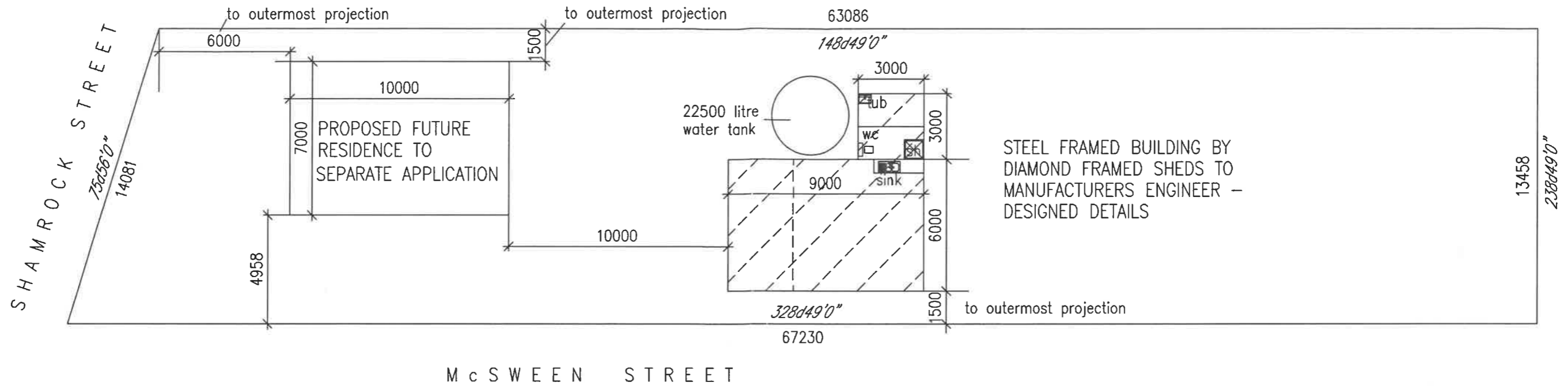
## **Attachment 3 – Approved Plans**

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**Please refer to the following pages for approved plans.**





STEEL FRAMED BUILDING BY  
DIAMOND FRAMED SHEDS TO  
MANUFACTURERS ENGINEER -  
DESIGNED DETAILS

SITE PLAN scale 1 : 200



REAL PROPERTY DESCRIPTION

Lot 1 on Registered Plan 51670  
Parish of Gooroolballin  
County of MacKenzie  
Site area 876 sq m



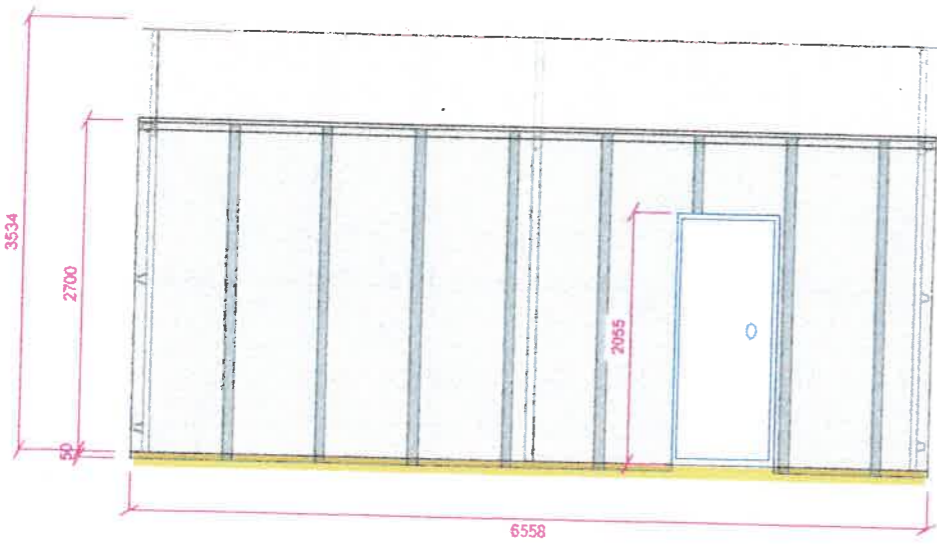
**PROPOSED SHED AT LOT 1, CORNER SHAMROCK STREET AND McSWEEN STREET  
BYRNESTOWN FOR JA ELLIOTT and BJ MITCHELL**



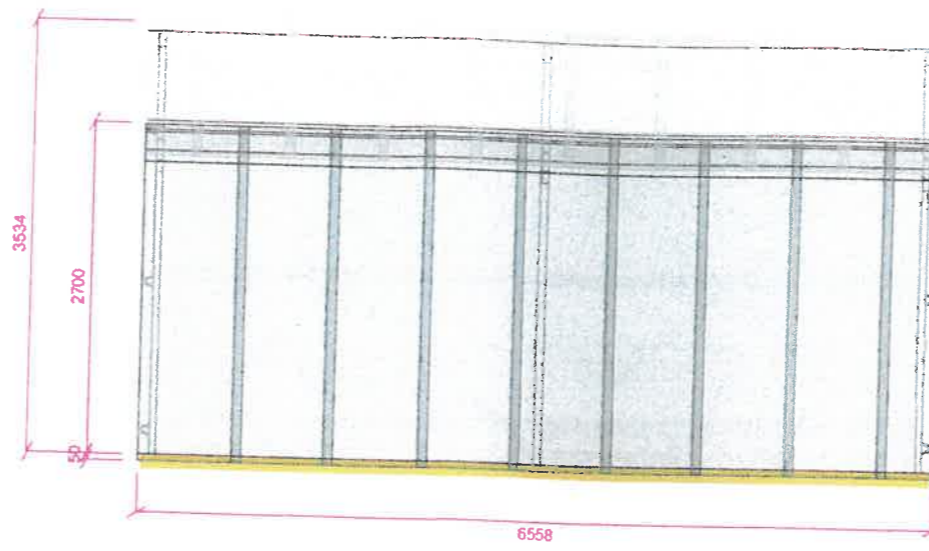
Trevor Roper QBCC licence no 3996  
PO BOX 852 CHILDERS QLD 4660  
T: 07 41263110 M: 0412 786 330

E: roper.drafting@bigpond.com

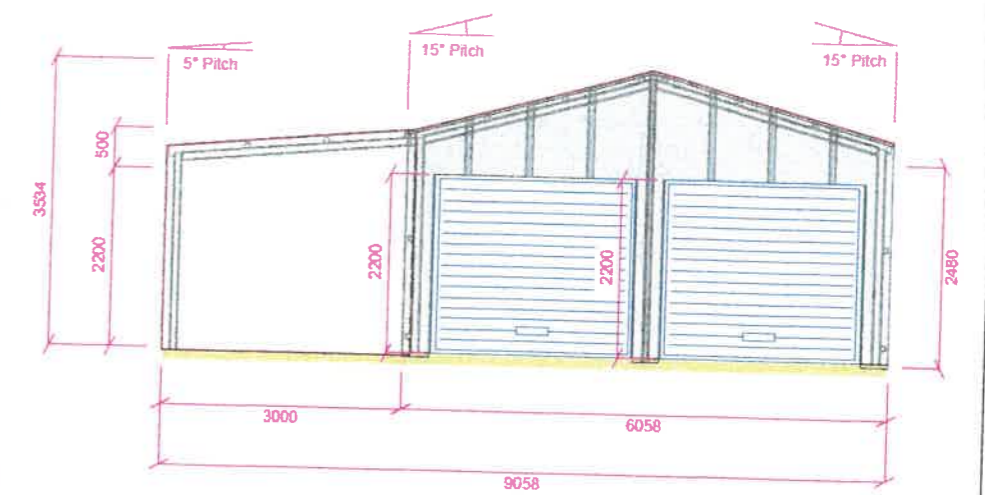
DRAWING REF 22-74-1



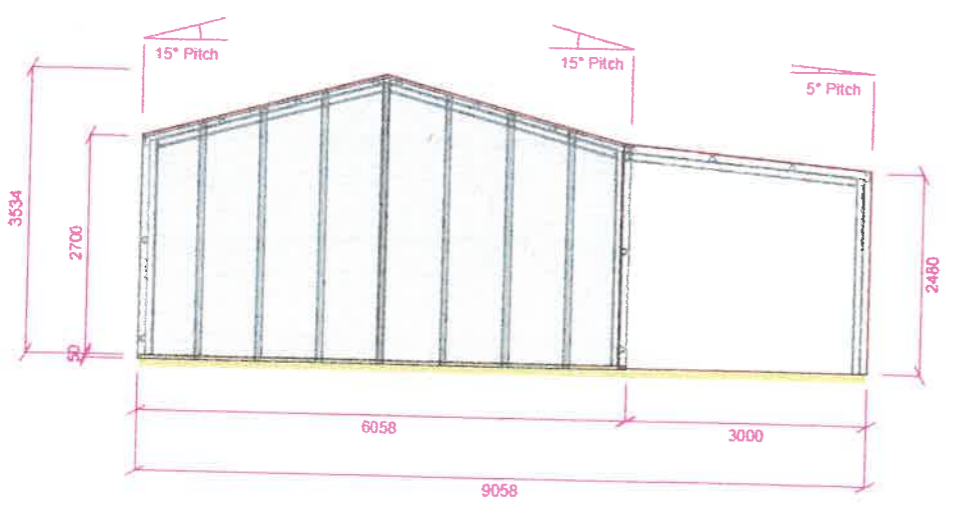
FRONT VIEW



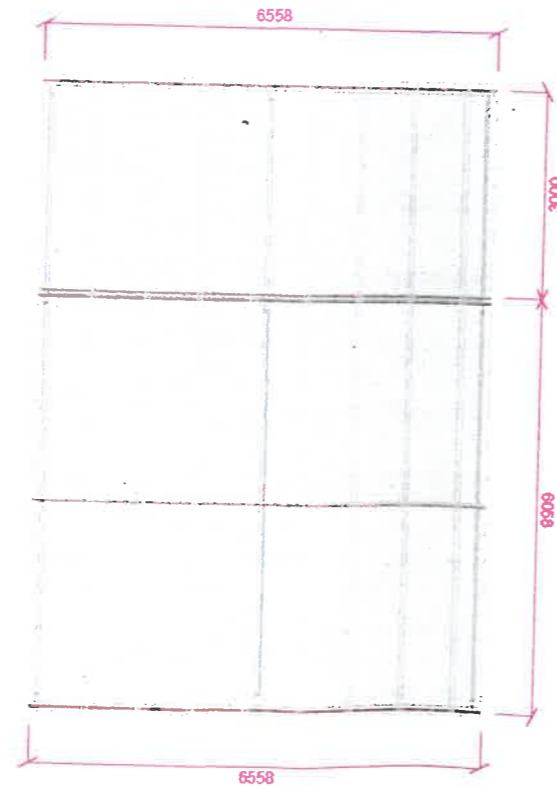
BACK VIEW



LEFT VIEW

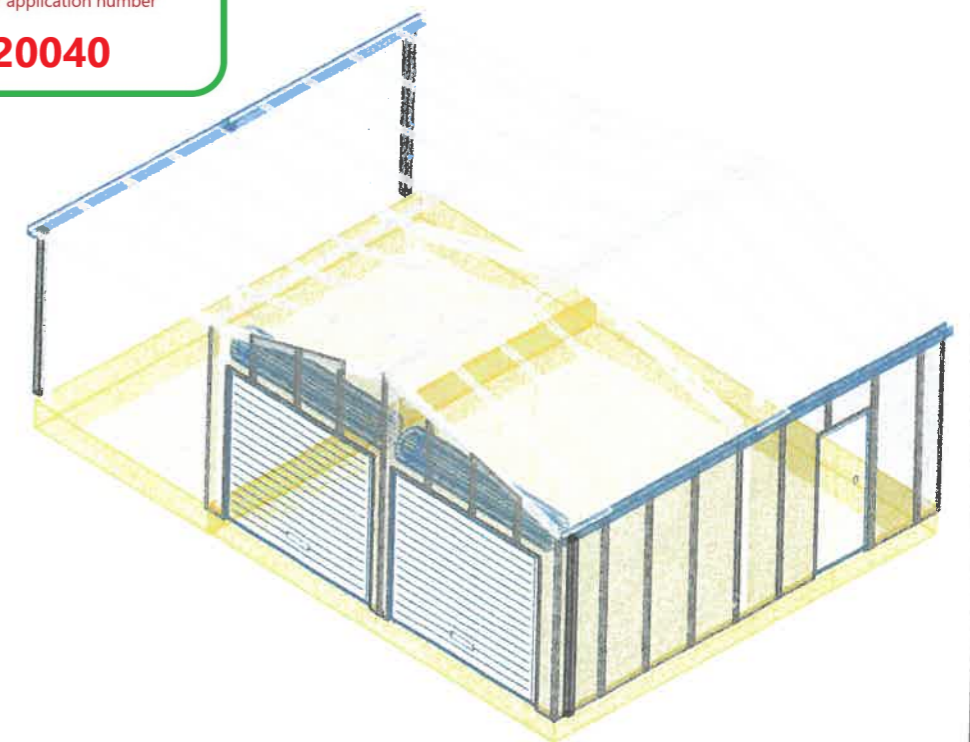


RIGHT VIEW



PLAN VIEW

  
**NORTH BURNETT**  
 REGIONAL COUNCIL  
**APPROVED PLANS**  
 These plans are associated to the  
 Decision Notice for application number  
**DA220040**



ISO FRONT LEFT VIEW

**Elevation Multiview**



  
 Signed:   
 HAN SU MIEAUST CPENG NER (3911862)  
 PN281.23-08-2022

Drawing Number: 1 of 33
Project No: DTS01_258341
Revision: 7 - 23 Aug 2022
Shamrock and McSween St
Byrnestown, QLD 4625
Scale: N/A



## **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>

