



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
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

28 May 2021

Your Reference:
Our Reference: DA210014

G & J Chapman
PO Box 14
BIGGENDEN QLD 4621

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE
19A GEORGE STREET, BIGGENDEN
(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 May 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:	Glen and Julie Chapman
Applicant contact details:	PO Box 14 BIGGENDEN QLD 4621
Email:	bigeng@bigpond.com
Phone:	07 4127 1128
Mobile:	0407 139 371

Location details

Street address:	19A GEORGE STREET, BIGGENDEN
Real property description:	Lot 2 on RP135174
Local government area:	North Burnett Regional Council

Application details

Application number:	DA210014
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	Design and Siting Variation for Dwelling

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 3 Design and Siting – QDC non-compliance and/or QDC alternate provision assessment

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
21L002GE Prelim issue 3 Sheet 1 of 5	Site and Drainage Plan by Stroud Homes	05/05/2021
21L002GE Prelim Issue 3 Sheet 2 of 5	Floor Plan by Stroud Homes	05/05/2021
21L002GE Prelim issue 3 Sheet 3 of 5	Elevations 1 to 4 by Stroud Homes	05/05/2021

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
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 a minimum 5.5 metres from the George street property boundary, with all setbacks measured from the outermost projection of the structure.
Use	
9.	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.

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.



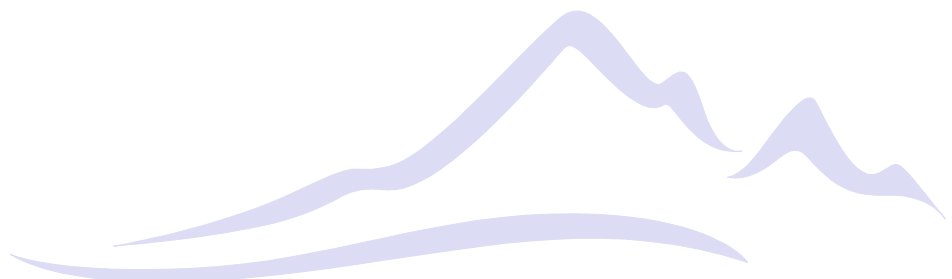


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Attachment 2 – Reasons for decision to impose conditions

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.
- To ensure that the development is carried out in accordance with the performance criteria as stated in the Queensland Development Code MP1.2 and the North Burnett Regional Council Planning Scheme.



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	<ol style="list-style-type: none"> 1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<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)
<ol style="list-style-type: none"> 1. The applicant 2. If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice 	The responsible entity	If an affected entity starts the appeal—the applicant	<ol style="list-style-type: none"> 1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5. Any eligible submitter for the change application
<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)
<ol style="list-style-type: none"> 1 The applicant 2. For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application 	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

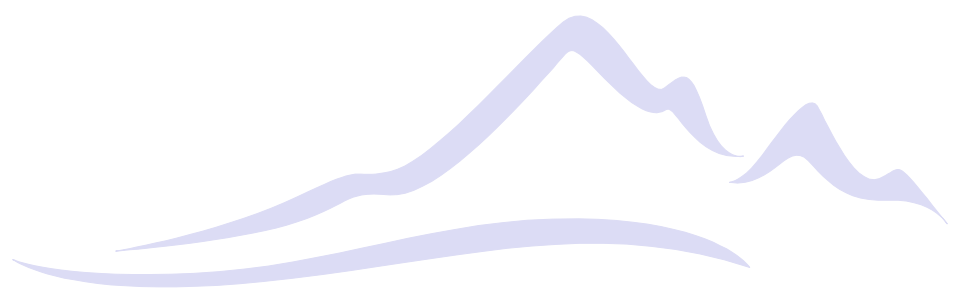
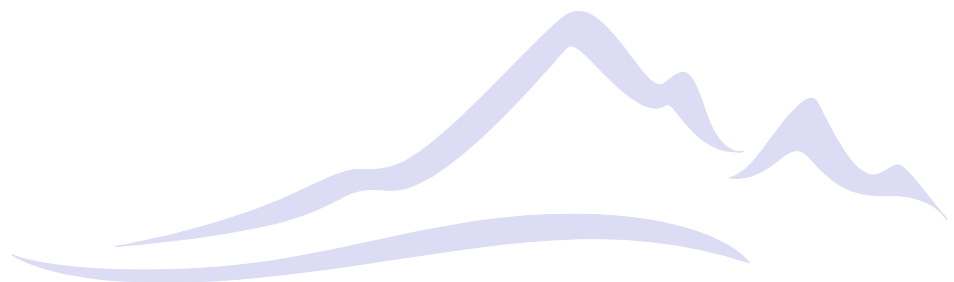


Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 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	—	—

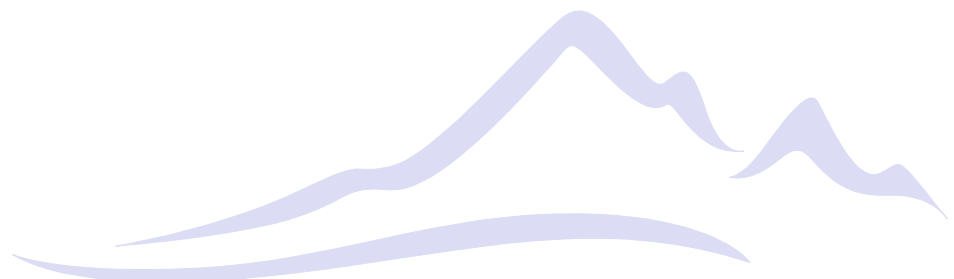




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Attachment 4 – Approved Plans

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Please refer to the next page for approved plans



SITE NOTES

1. Written dimensions take precedence over scale.
2. Builder to verify all boundary clearances and site set-out dimensions prior to commencement of construction.
3. Levels & contours are based on assumed datum. Prior to construction the relevant authority should be contacted for possible minimum floor level requirements and flood information.
4. This site plan is based on a disclosure plan. Therefore the floor level is subject to change. Additional site survey must be taken to confirm the required bench level.
5. Retaining walls greater than 1m high (cut or fill) are required to be engineer designed & certified prior to building approval. Retaining walls are closer than 1500mm from boundary require a building relaxation. (fill side only).
6. Batters to comply with appropriate soil classification described in table 3.1.1.1 BCA Vol 2.
7. Engineer to provide design to address footings if built in close proximity to sewer, stormwater or easements.
8. Vehicular cross-over to be constructed as per local council requirements and/or approval.

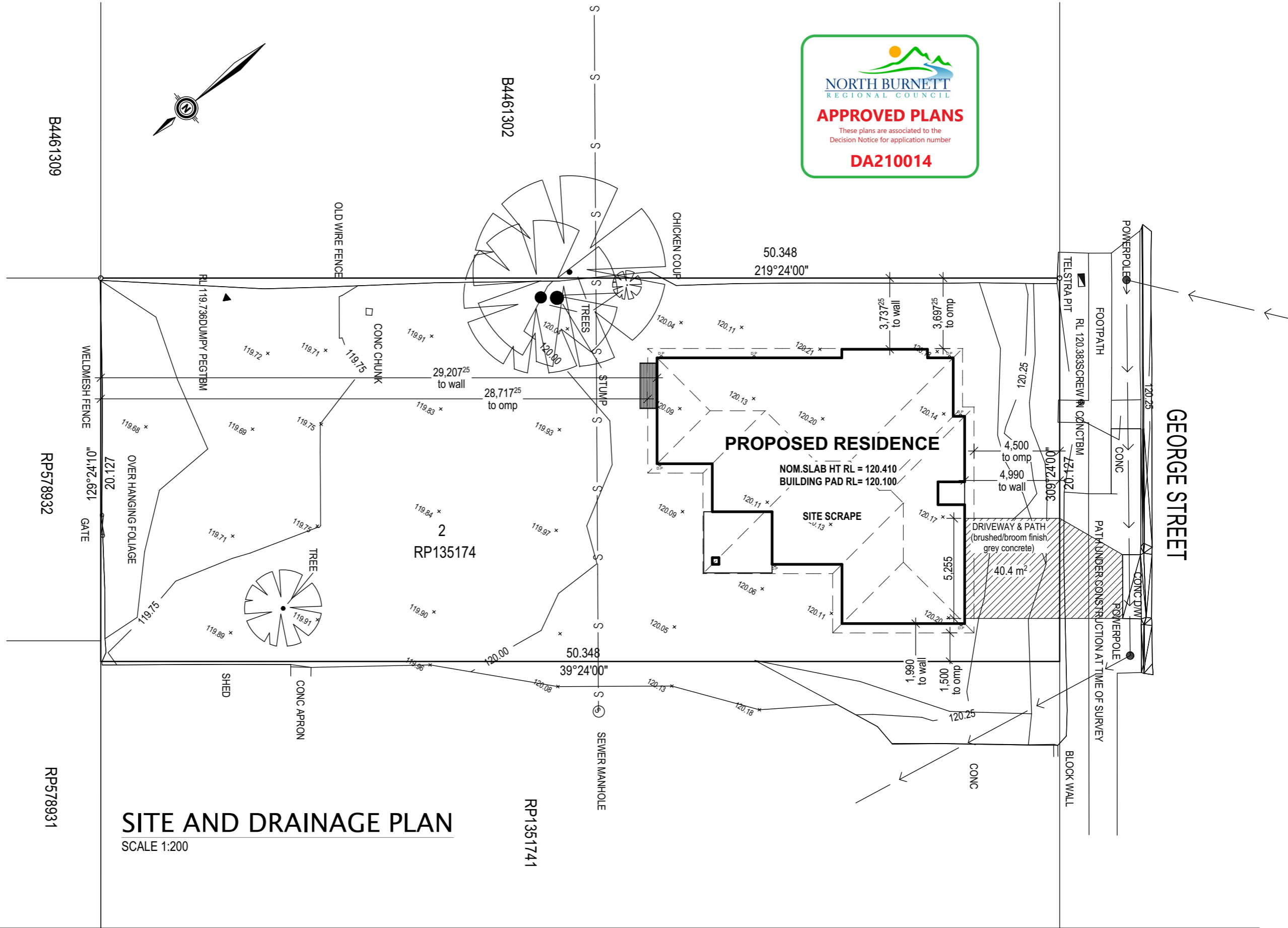
SERVICES

1. Services have been plotted from records of relevant authorities where available. Prior to any excavation or construction on site, the relevant authority should be contacted for possible location of further underground services.
2. All household sewerage and waste to be discharged to sewer system.
3. Stormwater & roof water to be connected to legal point of discharge in accordance with Pt 3 BCA Vol 2 and local authorities requirements. Approval to be obtained from local authority prior to work commencing.
4. Grade soil away from perimeter of building to prevent ponding. 1:20 minimum fall. Surface water to be channelled to legal point of discharge. ie. yard gully grate or similar.
5. Provide 1:20 ground surface fall towards gully pits. Final location of pits subject to change to suit site conditions. Contractor to check with site supervisor before commencing work.

GENERAL NOTES

1. Scrape away vegetation & cut & fill to provide a level building platform.
2. Floor slab to be in accordance with engineers drawings & details.
3. Termite protection is a visual barrier system with approved collars at penetrations in accordance with AS 3600.1 - 2000.
4. This site plan is transcription of the original contour survey & the builder is to verify all information contained hereon prior to site start.
5. The driveway & path shown on the plan is the suggested layout - areas shown on plan.

SITE DESCRIPTION/DATA	
LOT :	2 on RP135174
PARISH :	N/A
COUNTY :	N/A
AUTHORITY :	N.B.R.C
AREA =	APPROX 1013m ²
SITE COVERAGE	APPROX 17.80%



SITE AND DRAINAGE PLAN

SCALE 1:200

STROUDHOMES
Feels like home

Stroud Homes Pty Ltd
ABN: 23 611 683 535 QBCC Lic No: 15021458

7b Bourbong St, Mobile
BUNDABERG 4670
0429 820 707

Email:
aletha.walters@stroudhomes.com.au

- NOTES**
1. Written dimensions take precedence over scale.
 2. Builder to verify all dimensions and levels prior to commencement of construction.
 3. All internal dimensions stated are frame size - excluding linings.
 4. This building has been designed in accordance with AS 1684.2 - 2006 (Residential timber framed construction).
 5. Supplier may substitute lintels for those of equal strength to span ratio.
 6. All structural sizes to be read in-conjunction with structural engineers drawings & details.
 7. Articulation joints to comply with 3.3.1.8 BCA Vol 2.
 8. Mechanical Ventilation to comply with 3.8.5 Bca Vol 2.
 9. Smoke alarms to comply with 3.7.2 BCA Vol 2 (wired-in)

- PLAN LEGEND**
- all = above floor level
 - hd = head at 2100 afl.
 - fw = floor waste
 - ☉ = smoke detector
 - vb = vanity basin
 - obs = obscure glazing
 - mb = meter box
 - dp = downpipe
 - ohc = overhead cupboard
 - ref = refrigerator prov.
 - mw = microwave prov.
 - dw = dishwasher prov.
 - ply = pantry
 - wm = washing machine prov.
 - ghw = gas hot water unit
 - tr = towel rail
 - trh = toilet roll holder
 - HC = garden tap
10. Protection against subterranean termites shall be in accordance with AS 3660-Pt 1 2001. Provided treatment: Visual Barrier System to perimeter with approved collars/barriers at slab penetrations.
 11. HWS unit (constant flow) with 5 star energy efficiency rating to comply with "Sustainable Buildings" QDC pt 29, AS/NZs 6400:2005.
 12. Rainwater tanks, lighting and plumbing fixtures & fittings to comply with QDC PART 29 & 25, "Sustainable Buildings" QDC pt 29 & 25 AS/Nzs 300.1.2003 AS/NZS 6400:2005.
 13. Lift off hinges to all WC doors to comply with Australian Standards.
 14. Stair construction to comply with Pt 3.9.1 and balustrades to comply with pt 3.9.2 BCA Vol 2.
 15. DCP & flashings to comply with Pt 3.3.4 BCA Vol 2
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PLEASE READ CAREFULLY

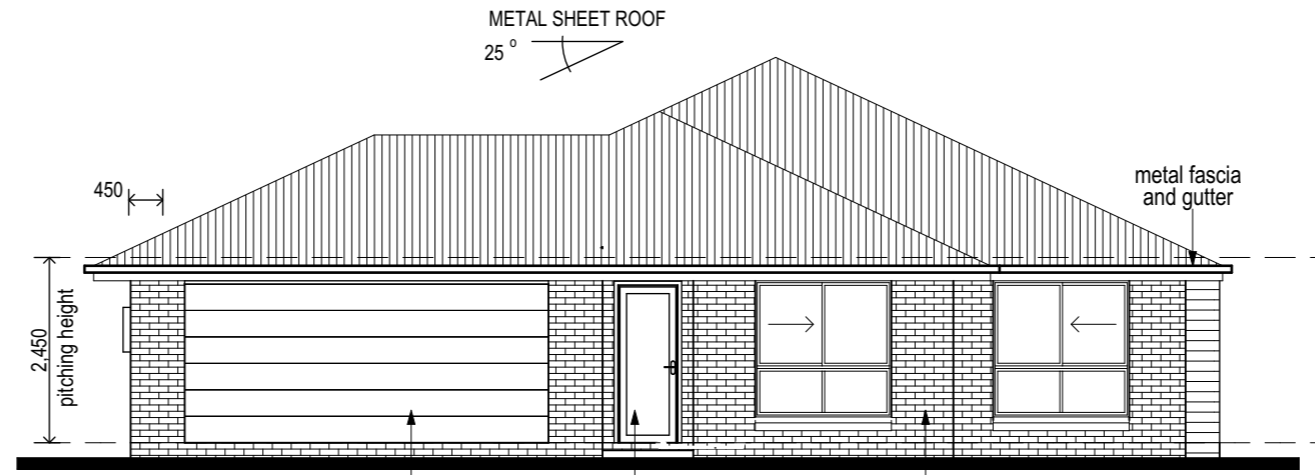
THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN THE CONTRACT & SPECIFICATIONS AND I UNDERSTAND CHANGES HEREAFTER MAY NOT BE POSSIBLE. THESE PLANS SUPERCEDE ALL OTHER PREVIOUS PLANS OR SKETCHES.

OWNER/S DATE

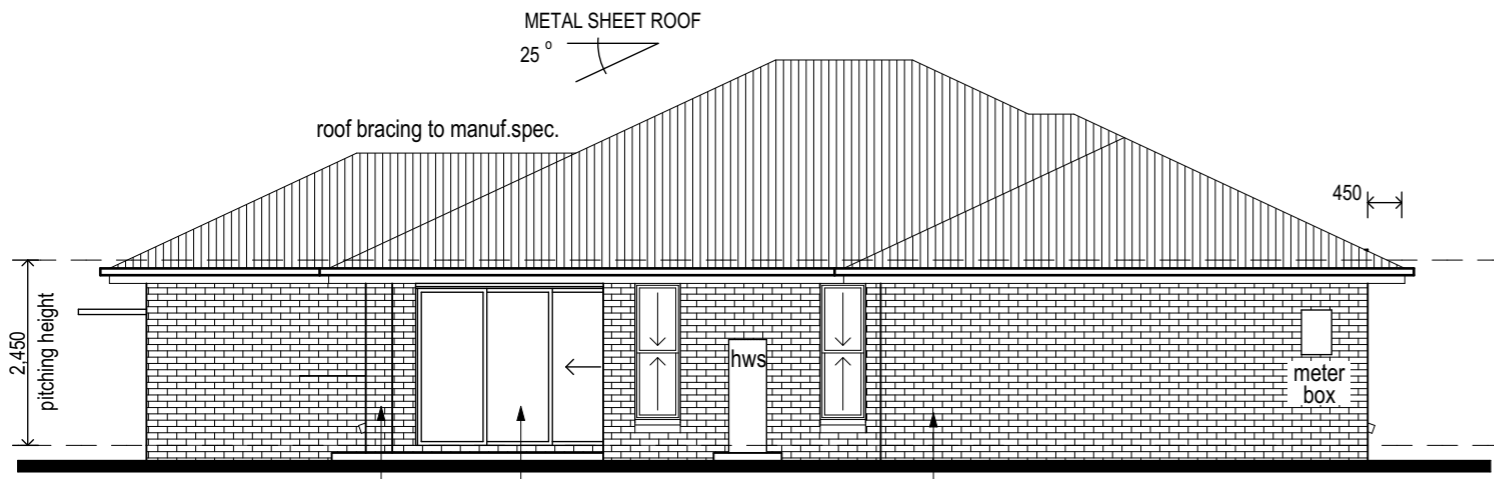
WITNESS.....

CLIENT: G. & J. CHAPMAN	
Lot 2, 19a George Street BIGGENDEN	
MODEL: Special Design	JOB No. 21L002GE
ISSUE/DATE: PRELIM ISSUE 3 : 5/05/2021	SHEET No. 1 OF 05

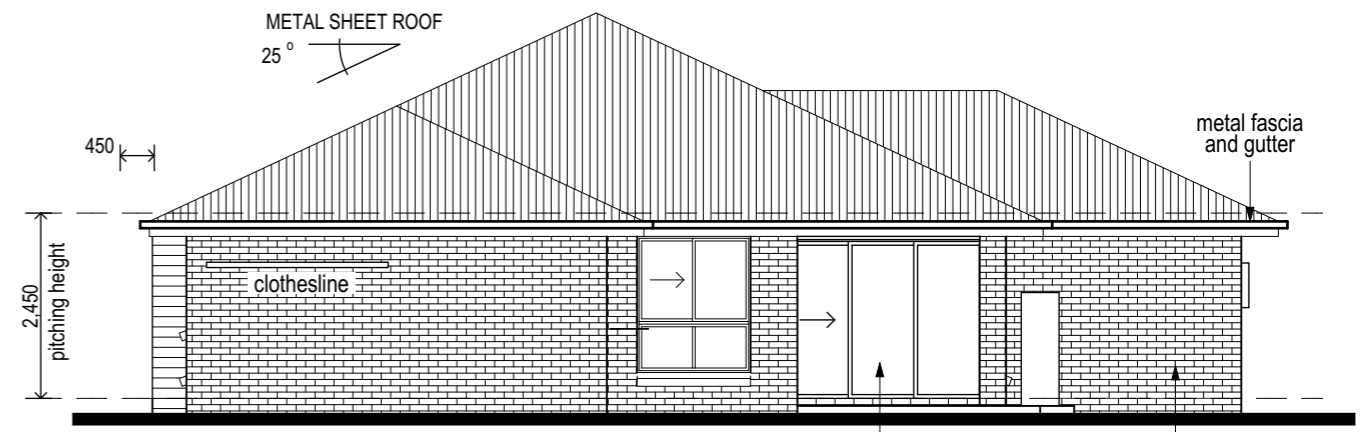
NOTE :
450mm EAVE UNO.



ELEVATION 1
SCALE 1:100



ELEVATION 2
SCALE 1:100



ELEVATION 3
SCALE 1:100



ELEVATION 4
SCALE 1:100



Stroud Homes Pty Ltd
ABN: 23 611 683 535 QBCC Lic No: 15021458

7b Bourbong St, Mobile
BUNDABERG 0429 820 707
Queensland 4670
Email: aletha.walters@stroudhomes.com.au

NOTES

- Written dimensions take precedence over scale.
- Builder to verify all dimensions and levels prior to commencement of construction.
- All internal dimensions stated are frame size - excluding linings.
- This building has been designed in accordance with AS 1684.2 - 2006 (Residential timber framed construction).
- Supplier may substitute lintels for those of equal strength to span ratio.
- All structural sizes to be read in-conjunction with structural engineers drawings & details.
- Articulation joints to comply with 3.3.1.8 BCA Vol 2.
- Mechanical Ventilation to comply with 3.8.5 Bca Vol 2.
- Smoke alarms to comply with 3.7.2 BCA Vol 2 (wired-in)

- Protection against subterranean termites shall be in accordance with AS 3660-Pt 1 2001. Provided treatment: Visual Barrier System to perimeter with approved collars/barriers at slab penetrations.
- HWS unit (constant flow) with 5 star energy efficiency rating to comply with "Sustainable Buildings" QDC pt 29, AS/NZs 6400:2005.
- Rainwater tanks, lighting and plumbing fixtures & fittings to comply with QDC PART 29 & 25, "Sustainable Buildings" QDC pt 29 & 25 AS/Nzs 300.1.2003 AS/NZS 6400:2005.
- Lift off hinges to all WC doors to comply with Australian Standards.
- Stair construction to comply with Pt 3.9.1 and balustrades to comply with Pt 3.9.2 BCA Vol 2.
- DCP & flashings to comply with Pt 3.3.4 BCA Vol 2

PLAN LEGEND

- all = above floor level
- hd = head at 2100 afl.
- fw = floor waste
- ☉ = smoke detector
- vb = vanity basin
- obs = obscure glazing
- mb = meter box
- dp = downpipe
- ohc = overhead cupboard
- ref = refrigerator prov.
- mw = microwave prov.
- dw = dishwasher prov.
- ply = pantry
- wm = washing machine prov.
- ghw = gas hot water unit
- tr = towel rail
- tth = toilet roll holder
- HC = garden tap

PLEASE READ CAREFULLY

THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN THE CONTRACT & SPECIFICATIONS AND I UNDERSTAND CHANGES HEREAFter MAY NOT BE POSSIBLE. THESE PLANS SUPERCEDE ALL OTHER PREVIOUS PLANS OR SKETCHES.

OWNER/S

WITNESS..... DATE

CLIENT: G. & J. CHAPMAN	
Lot 2, 19a George Street BIGGENDEN	
MODEL: Special Design	JOB No. 21L002GE
ISSUE/DATE: PRELIM ISSUE 3 : 5/05/2021	SHEET No. 3 OF 05