

4 April 2023

Your Reference:  
 Our Reference: DA230004

David Wright Properties  
 240 Bruce Highway Eastern Service Road  
 BURPENGARY EAST QLD 4505

Dear Sir/Madam

**CONCURRENCE AGENCY RESPONSE**  
 BURKE 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 21 March 2023. 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: David Wright Properties Pty Ltd  
 Applicant contact details: 240 Bruce Highway Eastern Service Road  
 BURPENGARY EAST QLD 4505  
 Email: sally@davidwrightproperties.com.au  
 Phone: 07 3888 2234  
 Mobile:

**Site details**

Street address: BURKE STREET, BYRNESTOWN  
 Real property description: 18B5812

**Application details**

Application No: DA230004  
 Date of Decision: 4 April 2023  
 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
Amenity and Aesthetics	Development Permit	Removal Dwelling (IN)

## 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

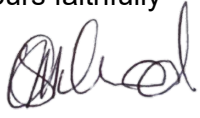
Document No./ Reference	Title (prepared by)	Date
WIL-001	Cover Sheet by David Wright House Removers and Demolition	28/05/2022
WIL-001 Sheet 1 of 8	Site plan by David Wright House Removers and Demolition	28/05/2022
WIL-001 Sheet 2 of 8	Existing Floor Plan by David Wright House Removers and Demolition	28/05/2022
WIL-001 Sheet 3 of 8	Proposed Floor Plan by David Wright House Removers and Demolition	28/05/2022
WIL-001 Sheet 4 of 8	Elevations (North & West) by David Wright House Removers and Demolition	28/05/2022
WIL-001 Sheet 5 of 8	Elevations (South & East) by David Wright House Removers and Demolition	28/05/2022
WIL-001 Sheet 6 of 8	Section A-A by David Wright House Removers and Demolition	28/05/2022

### **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.

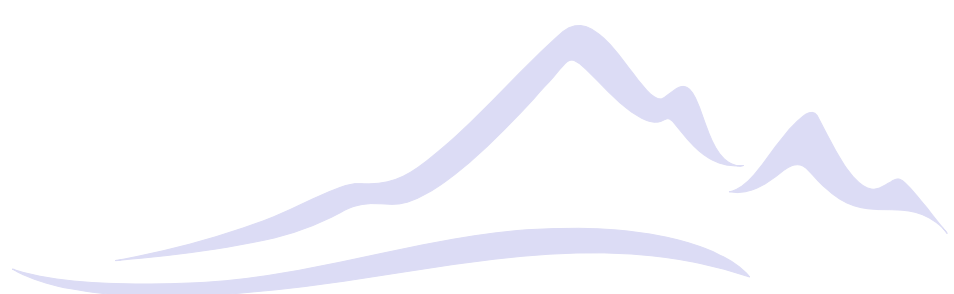
Yours faithfully

for 

David Rowland

**Interim Planning & Environment Manager**

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



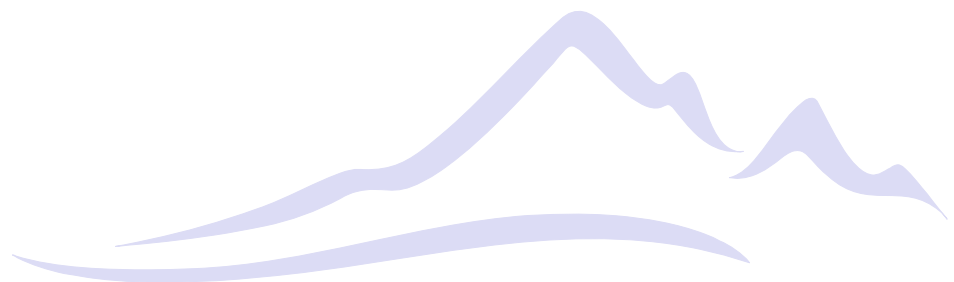
## Attachment 1 – Conditions to be imposed by Concurrence Agency

No.	Conditions
<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 Dwelling must be sited a minimum six (6) metres from the Burke Street property boundary, with all setbacks measured from the outermost projection of the structure.
3.	The overall height of the approved dwelling must not exceed five (5) metres measured from natural ground level.
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.
<b>Use</b>	
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
<b>Removal/Resiting of a Dwelling or Other Structure</b>	
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.
<b>Security</b>	
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.
<b>Works to be completed before Release of any Bond</b>	
9.	All conditions of the Amenity and Aesthetics approval are to be completed prior to issue of Form 21.
10.	Replace or make good all exterior wall cladding material so as to be free of any visible or performance related defects.
11.	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.
12.	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.
13.	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"> <li>a. Relocation and restumping of dwelling including all foundations; and</li> <li>b. Frame, bracing and tie down whether new, or required for upgrade; and</li> <li>c. Any new works whether renovations, additions, or other to bring the structure up to required NCC Classification compliance.</li> </ul>
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**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.	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.

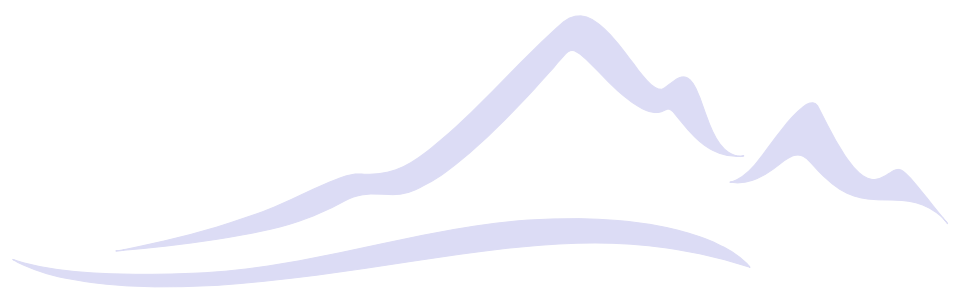


## **Attachment 2 – Reasons for decision to impose conditions**

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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.
- 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.

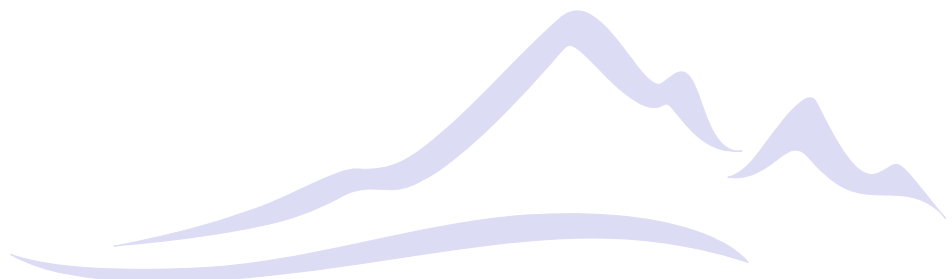


## **Attachment 3 – Approved Plans**

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



# COVER SHEET



David Wright House Removers and Demolition  
240 Bruce Hwy, Eastern Service Road  
Burpengary East  
QLD 4505

P | (07) 38882234  
F | (07) 3888 2231  
E | info@davidwright.com.au  
QBCC 1066702

PROPOSED DWELLING  
FOR A WILLIAMS AT  
LOT 18 BURKE STREET  
BYRNESTOWN

SHEET	REVISION	DRAWING TITLE
WIL - 1	1	SITE PLAN
WIL - 2	1	EXISTING FLOOR PLAN
WIL - 3	1	PROPOSED FLOOR PLAN
WIL - 4	1	ELEVATIONS
WIL - 5	1	ELEVATIONS
WIL - 6	1	SECTION A-A'
WIL - 7	1	BRACING AND TIE DOWN
WIL - 8	1	DETAILS





**NOTES:**

This dwelling is to comply with the Building Code of Australia NCC 2019.

**DWELLING**

- The proposed dwelling is an existing structure and is to be sited as shown.
- Location of building approximate only. Building must adhere to local council's minimum setbacks.
- All plumbing and drainage to local council requirements.
- Finished levels to be determined onsite.

**TIMBERWORK**

- This building is an existing timber framed building clad with Vinyl.

**CONCRETE**

- F<sub>c</sub> = 20MPa

**ADDITIONAL TIMBERWORK**

All timber to be stress grade F14 joint group J2 unless noted otherwise. Sizes and details not shown on the drawings shall comply with AS 1684.2-2010.

**TIMBER SCHEDULE**

- Refer to supplier's specifications.

**TERRAIN**

- The site is An Open Rural Block in a non cyclone area. N3 Wind Velocity 50m/s (ULT).

**STUMPS**

- Stump positions are indicative only. Actual stump positions should be determined when on site. All dimensions to be checked and verified on site. Figured dimensions take precedence over scaled.

**BRACING**

- Refer to sheet 7.

**TIE DOWN**

- Refer to sheet 7.

**BUILDING COMPLIANCE**

- Stairs to comply with Part 3.9.1 - v2 of the BCA.
- Handrails / Balustrades to comply with Part 3.9.2 - v2 of the BCA.
- WC doors to comply with Part 3.8.3.3 - v2 of the BCA.
- All wet areas to comply with Part 3.8.1 - v2 of the BCA.
- Lighting to comply with Part 3.8.4 - v2 of the BCA.
- Ventilation to comply with Part 3.8.5 - v2 of the BCA.
- Smoke alarms to be provided in accordance with Part 3.7.2 - v2 of the BCA and AS 3786 of the Australian Standards.
- Termite protection to comply with Part 3.1.3 - v2 of the BCA.
- Masonry construction to comply with Part 3.3 - v2 of the BCA.
- Additional Electrical installations to comply with AS/NZS 3019:2007.
- Electrical Installation work to comply with AS/NZS 4836:2011 Safe working on or near low-voltage electrical installations and equipment.
- Laundry design to comply with Part 3.8.3.2 Required facilities BCA Vol2.
- New HWU's to be fitted with temp. limiting valves. Existing HWU's without TLV's are to have mixing valves at all new bathroom fixtures.
- All gutters to discharge to 90mm downpipes with reticulation to rainwater tank, downpipes to be located at 12m max. spacings.
- Tank overflow to reticulate to yard gully unless noted otherwise.
- Yard gully final location to be determined on site. Yard gullies should not be positioned closer than 1.0m to gas hot water system or gas bottle locations (if applicable). refer AS5601-2002.
- Provide rainwater tank with a minimum 45,000 litre capacity - Davies "RAINBANK" or similar.
- Rainwater tanks to comply with AS2070/AS4020
- Drain 50% of the roof area to tank or 100m<sup>2</sup> whichever is the lesser.
- Provide screened downpipe rainhead with min. aperture of 4-6m to stop leaf catchment and vermin / mosquito screen to tank inlet.
- Plumb rainwater tank to all WC cisterns and cold water cock to washing machine.

**SUSTAINABILITY**

As per Queensland Development Code Part MP4.1 & MP4.2:

- All shower roses to be AAA-rated unless otherwise noted.
- All WC cisterns to be 6/3 litre dual-flush.
- Provide energy efficient lighting to at least 80 per cent of the house.
- Water pressure to any fixture must not exceed 500kPa. Water pressure limiting devices to be installed in areas with high water pressure.
- Provide greenhouse efficient hot water systems such as solar, heat pump or gas hot water with minimum 14 renewable energy certificates. Provide temp. limiting devices to all bathroom fixtures.



PROPOSED DWELLING  
All drainage to Local Council Requirements

LOT 18  
B5812  
Area 1011m<sup>2</sup>

**APPROVED PLANS**  
These plans are associated to the decision notice for application number **DA230004**

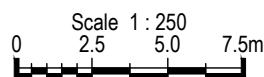
**David Wright**  
House Removers & Demolition

David Wright House Removers and Demolition P | (07) 38882234  
240 Bruce Hwy, Eastern Service Road F | (07) 3888 2231  
Burgpengary East E | info@davidwright.com.au  
QLD 4505 QBCC 1066702

Date 28/05/2022 Design: DW

© David Wright House Removers and Demolition

1. Plans to be read in conjunction with Engineer's and/or Manufacturer's Design & Specifications.
2. Levels, setbacks and building heights to be determined on site prior to works.
3. All construction to comply with the Building Code of Australia and applicable Australian Standards.
4. Do not scale off the drawings.
5. Site Plan boundary distances taken from Digital Cadastral Database.



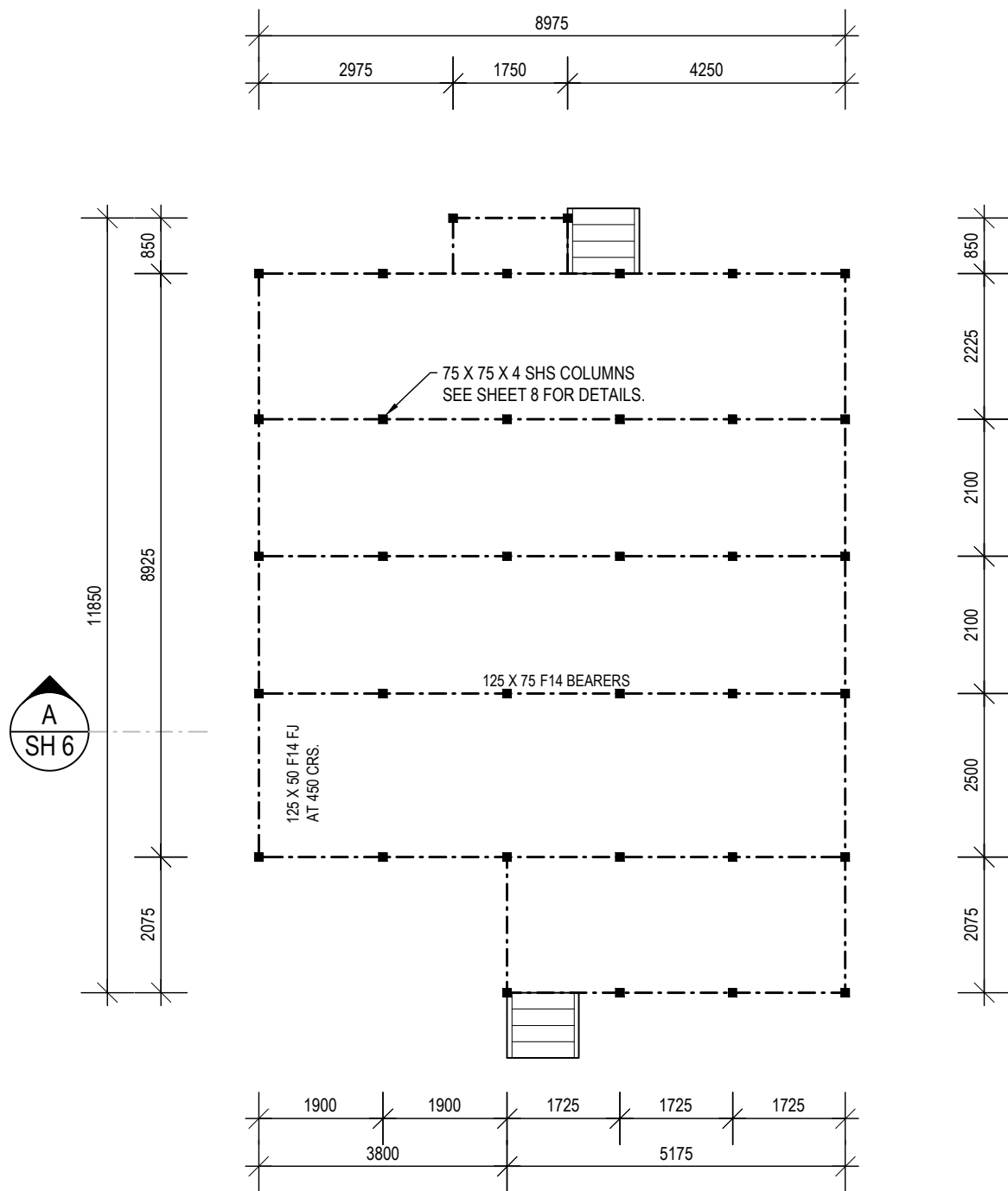
PROPOSED DWELLING FOR A WILLIAMS AT LOT 18 BURKE STREET BYRNESTOWN

Project:

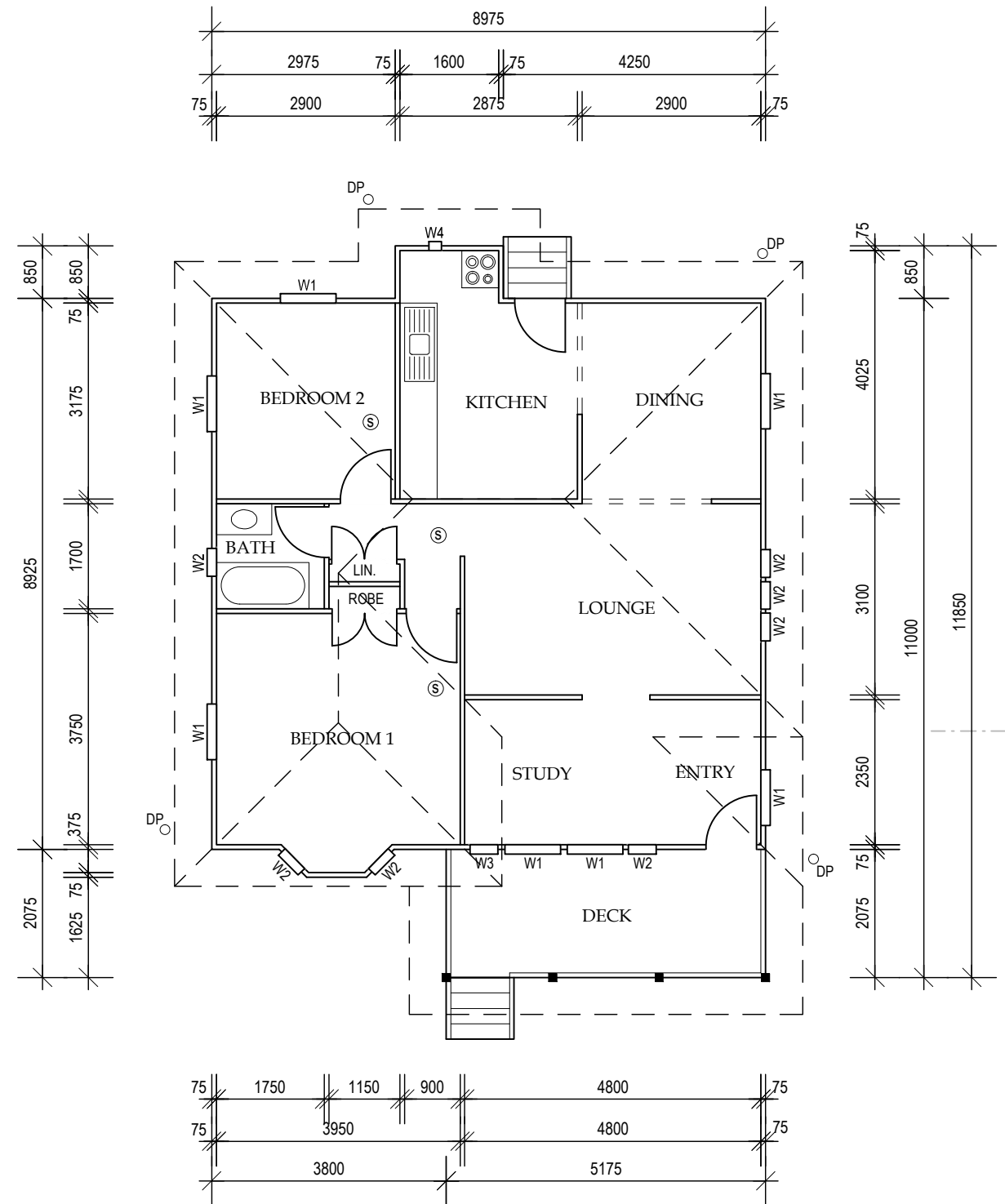
**SITE PLAN**

SHEET 1 OF 8

Title: WIL-001



SUB-FLOOR

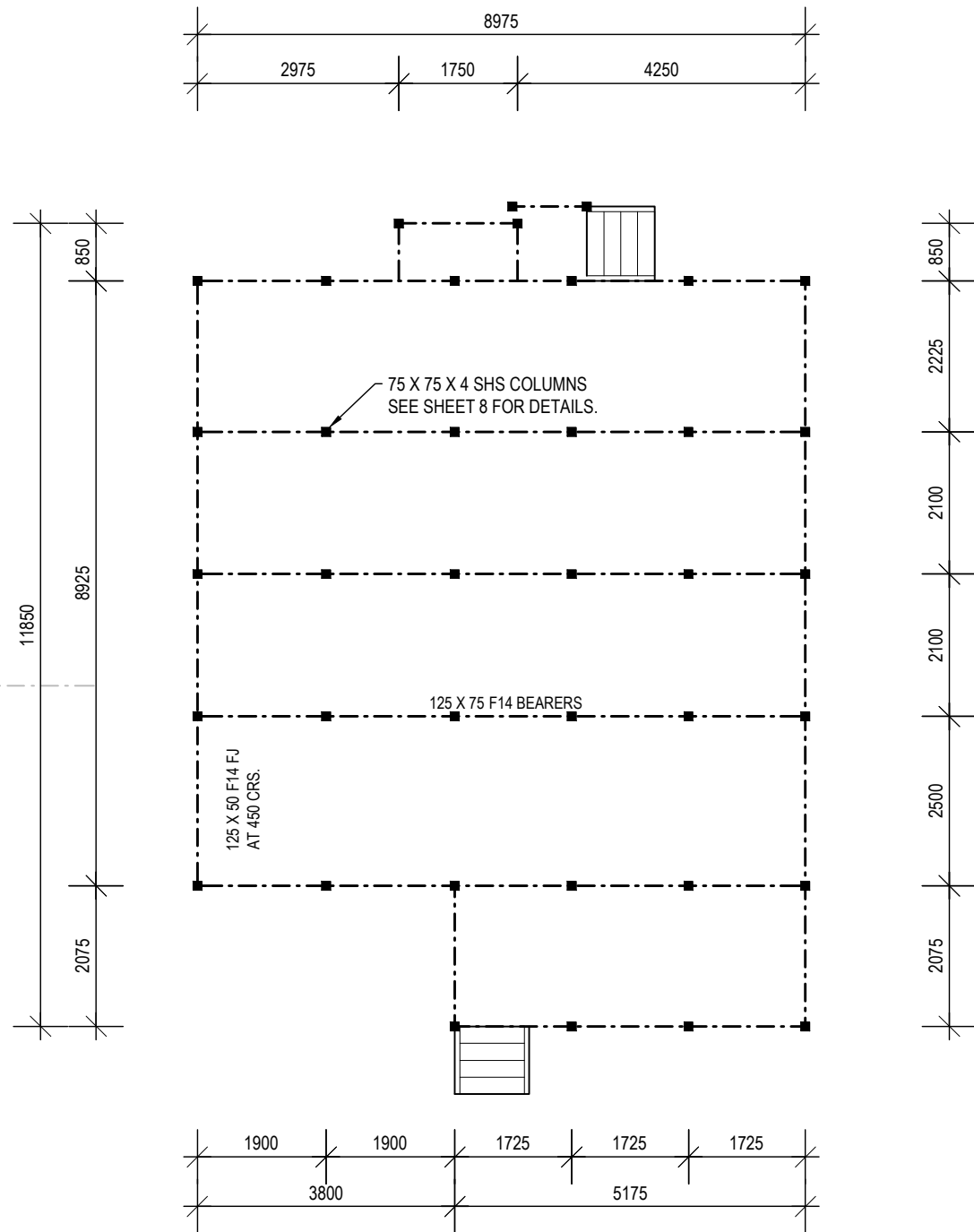


FLOOR

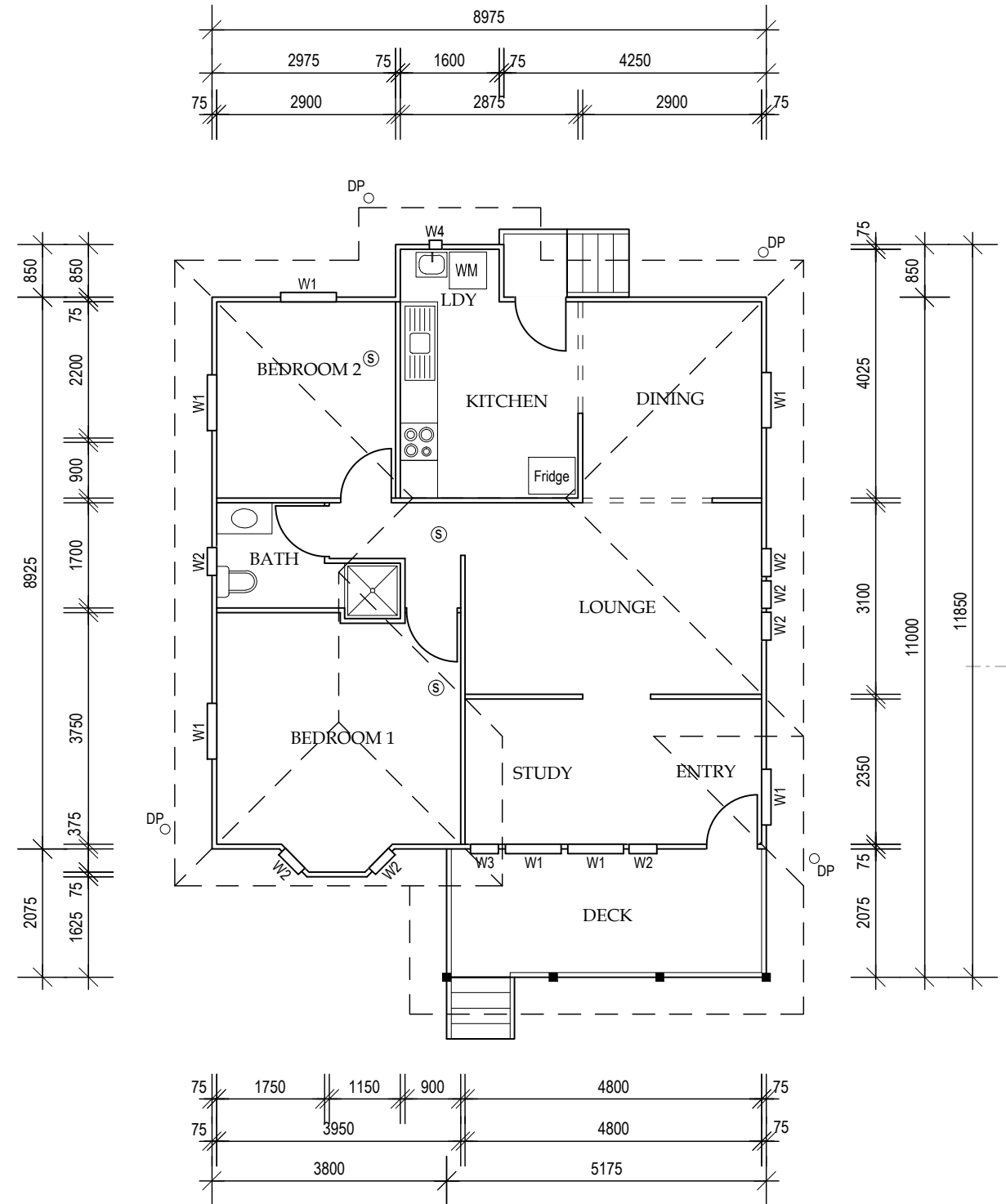


WINDOW SCHEDULE	
1.	1200 x 900
2.	1200 x 450
3.	900 x 400
4.	300 x 200

LEGEND	
Ⓢ	Smoke Alarm
♿	Disabled Access
Ⓛ	Skylight
DP	Downpipe



SUB-FLOOR



FLOOR

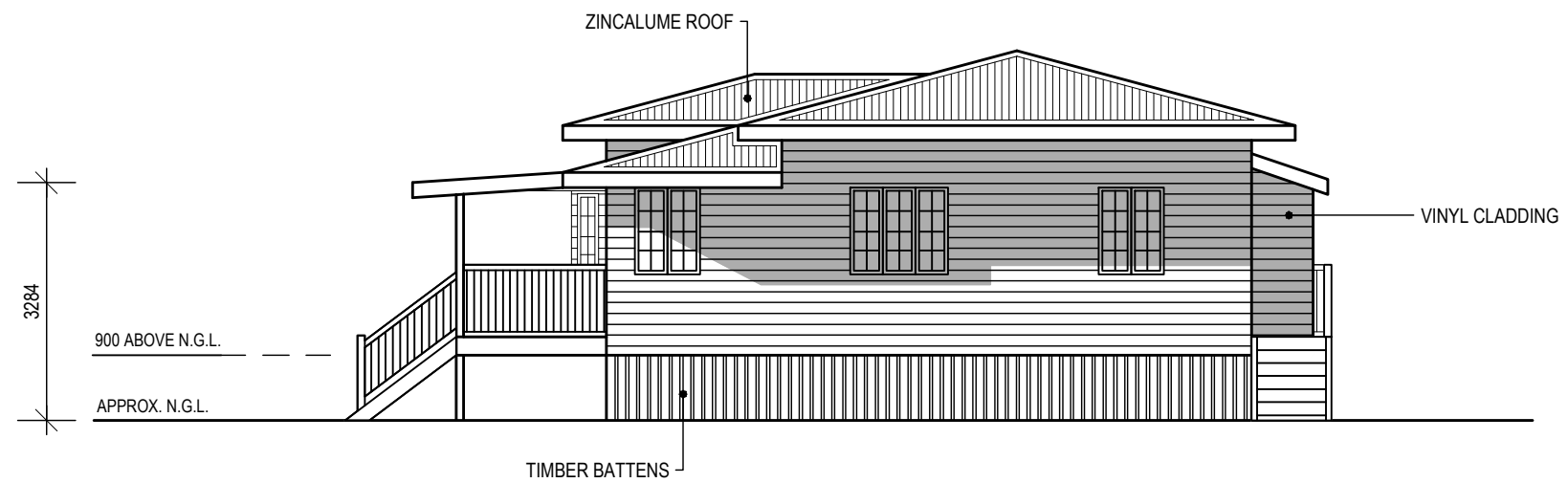


WINDOW SCHEDULE	
1.	1200 x 900
2.	1200 x 450
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LEGEND	
Ⓢ	Smoke Alarm
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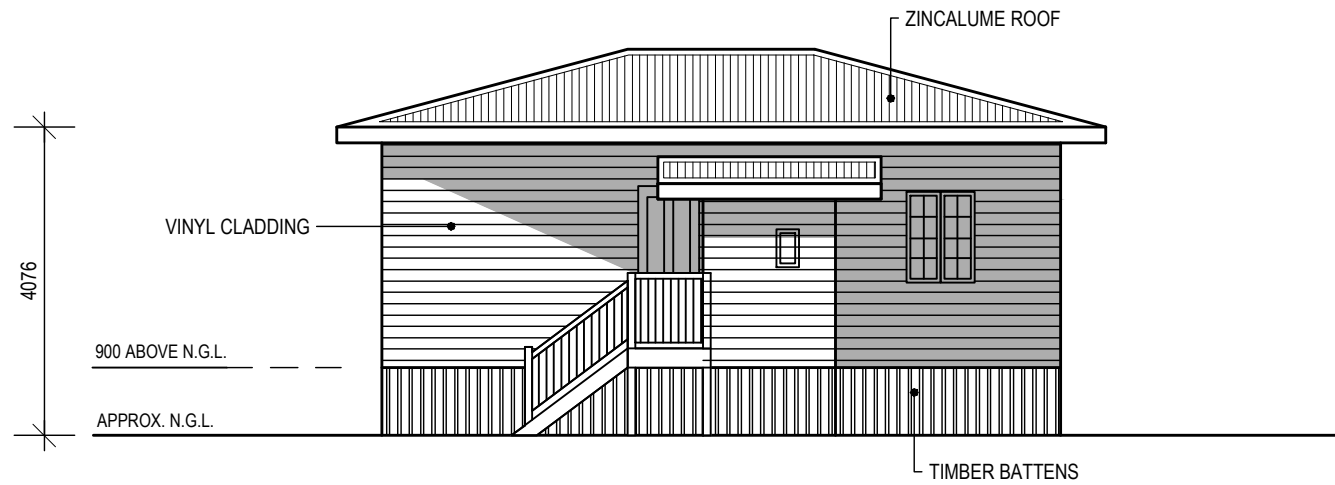


NORTH ELEVATION  
(FRONT)

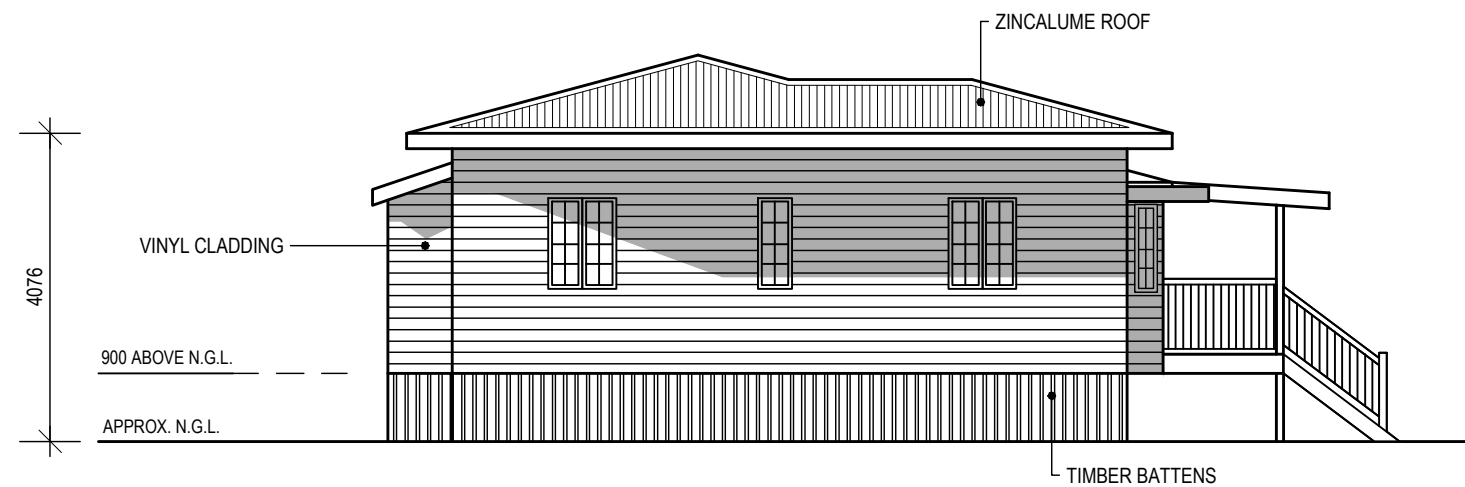


WEST ELEVATION





SOUTH ELEVATION



EAST ELEVATION



## **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>

