

4 December 2023

Our reference: DA230061
Document ID: 1183242

Project BA
 4/59 Mary Street
 NOOSAVILLE
 Via email—info@projectba.com.au

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE
 33 WARTON STREET, GAYNDAH
 (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 30 November 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: Project BA
 Applicant contact details: 4/59 Mary Street
 NOOSAVILLE
 Email: info@projectba.com.au
 Phone: 54518784
 Mobile:

Site details

Street address: 33 WARTON STREET, GAYNDAH
 Real property description: 1SP234322

Application details

Application No: DA230061
 Date of Decision: 4 December 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 Secondary 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 7 Building work for removal or rebuilding Schedule 9 – Building work assessable against the <i>Building Act</i> Part 3 Division 2 Table 12 Flood Hazard Area
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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
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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
PRO 123 Sheet A-01 Rev B	Cover Sheet by Evoke Architects	24.07.2023
PRO 123 Sheet A-02 Rev B	Site Plan by Evoke Architects	24.07.2023
PRO 123 Sheet A-03 Rev B	Proposed Column Layout by Evoke Architects	24.07.2023
PRO 123 Sheet A-04 Rev B	Proposed Floor Plan by Evoke Architects	24.07.2023
PRO 123 Sheet A-05 Rev B	Proposed Roof Plan by Evoke Architects	24.07.2023
PRO 123 Sheet A-06 Rev B	Proposed Elevations 1 by Evoke Architects	24.07.2023
PRO 123 Sheet A-07 Rev B	Proposed Elevations 2 by Evoke Architects	24.07.2023
PRO 123 Sheet A-08 Rev B	3D by Evoke Architects	24.07.2023
PRO 123 Sheet A-20 Rev B	Existing Floor Plan by Evoke Architects	24.07.2023
PRO 123 Sheet A-21 Rev B	Existing Roof Plan by Evoke Architects	24.07.2023
PRO 123 Sheet A-22 Rev B	Existing Elevations by Evoke Architects	24.07.2023
PRO 123 Sheet A-23 Rev B	Existing Elevations by Evoke Architects	24.07.2023

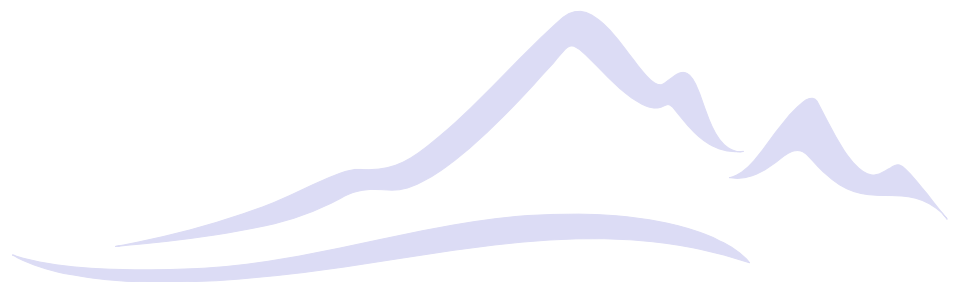
Attachment 1 – Conditions to be imposed by Concurrence Agency

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 six (6) metres from the Warton Street property boundary and two (2) metres from the northern property boundary, with all setbacks measured from the outermost projection of the structure.
3.	The floor area of the approved secondary dwelling must not exceed 60m ²
4.	Buildings with habitable rooms (Class 1, 2, 3 and 4 buildings under the BCA)— <ol style="list-style-type: none"> on premises below the defined flood level identified on Overlay maps OM-FH-009 to OM-FH-015 – have habitable rooms with finished floor levels at least 300 millimetres above the defined flood level; or below the flood level of a 1 per cent AEP flood event – have habitable rooms with finished floor levels at least 300 millimetres above the flood level of a 1 per cent AEP flood event
5.	The design and construction of services infrastructure within a site (including electricity, gas, water supply, sewerage and telecommunications)— <ol style="list-style-type: none"> floodwater intrusion and infiltration; and prevent resist hydrostatic and hydrodynamic forces resulting from a 1 per cent AEP flood event.
6.	Filling or excavation does not result a net increase in filling of more than 50m ³ — <ol style="list-style-type: none"> within 100 metres of a wetland or waterway; or within the Flooding and inundation area identified on Overlay maps OM-FH-001 to OM-FH-008; or within the Defined flood event identified on Overlay maps OM-FH-009 to OM-FH-015; or below the flood level of a 1 per cent AEP flood event.
7.	Works are to avoid changes to flood characteristics outside the site that may result— <ol style="list-style-type: none"> in loss of flood storage; alterations to flow paths; acceleration or retardation of flows; or reductions in flood warning times elsewhere in the flood plain
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.
Use	
9.	The approved secondary 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	
15.	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.

16.	All debris including any remaining stumps, foundations and plumbing fixtures must be removed from the site.
17.	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	
18.	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	
19.	All conditions of the Amenity and Aesthetics approval are to be completed prior to issue of Form 21.
20.	Replace or make good all exterior wall cladding material so as to be free of any visible or performance related defects.
21.	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.
22.	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.
23.	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.
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

The reason for this decision are:

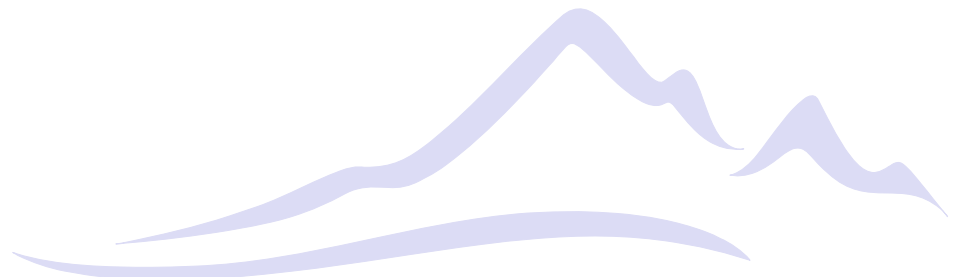
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure that the development is carried out in accordance with the performance criteria as stated in the Queensland Development Code MP1.2 and MP1.3.
- To ensure that the 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.



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>

