

# Cloncurry Shire Council

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*Our ref: OP:LT - TP05/21*

23 April 2021

Greg Clifford  
Cloncurry Shire Council  
PO Box 3  
CLONCURRY QLD 4824  
**Email: [Gregc@cloncurry.qld.gov.au](mailto:Gregc@cloncurry.qld.gov.au)**

Dear Greg

**REFERRAL AGENCY RESPONSE — SITING DISPENSATION – 6-14 STEELE STREET,  
CLONCURRY, APPROVAL (WITH CONDITIONS)**  
(Given under section 57 of the *Planning Act 2016*)

The development application described below was properly made to the Cloncurry Shire Council on 18 March 2021

## **Applicant details**

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Applicant name: Greg Clifford on behalf of Cloncurry Shire Council  
Applicant contact details: PO Box 3  
CLONCURRY QLD 4824

## **Application details**

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Application number: TP05/21  
Approval sought: Development Permit  
Nature of development proposed: Referral Agency for Building Work – Referral Response  
Details of proposed development: Required siting of a permanent structure, being a shed less than 1.5m from the rear boundary and 6m from the front road boundary  
Category of assessment: Code Assessment

## **Location details**

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Street address: 6-14 Steele Street  
Real property description: Lot 8 on BD807272  
Local government area: Cloncurry Shire

## Decision

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Date of decision: 20 April 2021

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12.2 Planning & Development – Concurrence Response TP05/21 – Siting Dispensation (Proposed 2 x Shelters), Lot 8 on BD807272 – 6-14 Steele Street, Cloncurry

<b>Moved: Cr Swalling</b>	<b>Seconded: Cr Daniels</b>
<b>That the Development application TP05/21 seeking approval for Siting Dispensation at 6-14 Steele Street for the construction of 2 x shelters, one shelter 1m from the front road boundary in lieu of the 6m required and the second shelter 0m from the rear boundary in lieu of the 1.5m, be approved subject to the conditions set out in Attachment 2:</b>	
<b>CARRIED: 09.210420</b>	

## Details of the approval

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Development permit Referral Agency for Building Work – Referral Response

## Conditions

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This approval is subject to the conditions in Attachment 1.

## Further development permits

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Building Approval

## Properly made submissions

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Not applicable—No part of the application required public notification.

## Rights of appeal

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions is attached.

## Currency period for the approval

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This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*, which is:

- If the development does not start within 2 years after the approval starts to take effect.

## Approved plans and specifications

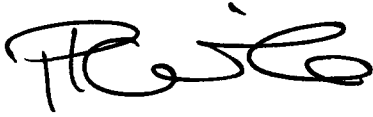
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A copy of the following plans is enclosed.

Plan Name	Plan No.	Revision No.	Plan/Revision Date
Site Plan			11/03/2021
Akora Shelter Product Drawing -View	ASK-SM-DEL-006-PD	1	

Should you have any questions or concerns in respect of this matter please contact Council's Acting Senior Town Planner, Larinda Turrell at this office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Keirle', written in a cursive style.

Philip Keirle  
Chief Executive Officer

Encl: Attachment 1—Conditions of Approval  
Attachment 2 – Statement of Reasons  
Attachment 3 - Appeal provisions  
Attachment 4 - Approved plans and specifications

## ATTACHMENT 1 - CONDITIONS OF APPROVAL

1. The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Plan/Revision Date
Site Plan			11/03/2021
Akora Shelter Product Drawing -View	ASK-SM-DEL-006-PD	1	

2. The conditions of the Development Permit must be complied with prior to the commencement of use, except where specified otherwise in these conditions of approval.
3. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to the lawful point of discharge, such that stormwater does not adversely affect surrounding properties to the requirements and satisfaction of Council's Operation and Maintenance Department
4. This Development Approval does not include an assessment of building work against the requirements of the *Building Act* and does not permit building work to occur unless, prior to the commencement of any building work, a Development Permit to carry out assessable building work under the *Building Act* has been issued.
5. The shelters (Class 10a) are approved as a non-habitable structure.

## ATTACHMENT 2 - STATEMENT OF REASONS – TP05/21

### **NOTICE ABOUT DECISION - STATEMENT OF REASONS**

The following information is provided in accordance with section 63(5) of the *Planning Act 2016*

Development application TP05/21 was received from the owner of 6-14 Steele Street, Cloncurry also known as Lot 8 on BD807272 for permanent structures being a shed less than 6m from the front road boundary and 1.5m from the rear boundary of the property.

The siting dispensation is for proposed shelters 4m long, 4m wide and 2.563m at its highest point, from the required 6m from the front road boundary and 1.5m rear boundary.

On the 20 April 2021, the above development application was approved in full, with conditions.

#### **Reasons for the decision**

The proposed shelters are single storey structures with a maximum height of 2.563 metres which will have minimal impact on the subject site and adjoining property. The extent of non-compliance with the minimum setbacks are assessed as being unlikely to impact on the adjoining property in terms of amenity and privacy.

The proposal includes design and siting which provides a pleasant visual outlook and service functions.

Includes appropriate level of privacy for occupants of adjoining properties.

There is no objection to the proposal from a planning viewpoint.

#### **1. Assessment benchmarks**

The following are the benchmarks applying for this development:

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
<b>Queensland Development Code:</b> <b>P2 Buildings and structures –</b> (a) provide adequate daylight and ventilation to <i>habitable</i> rooms; and (b) allow adequate light and ventilation to <i>habitable</i> rooms of <i>buildings</i> on adjoining <i>lots</i> . (c) do not adversely impact on the amenity and privacy of residents on adjoining <i>lots</i> .	The proposed shelters are not considered to impact on access to natural light, sunlight and does not create overbearing development for the adjoining dwelling houses nor their open space and does not impact on the amenity and privacy.

## Chapter 6 Dispute resolution

### 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.

## 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

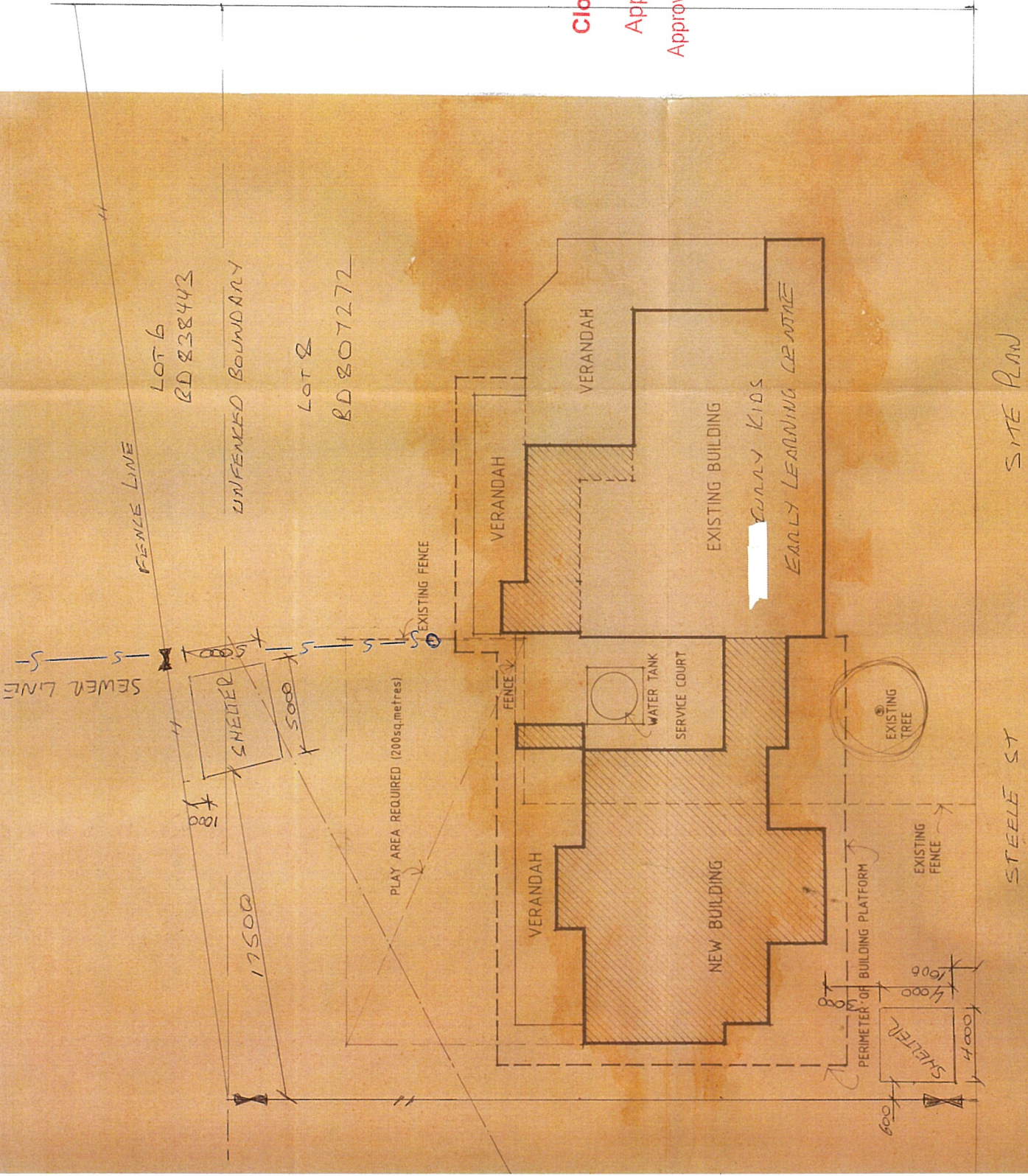
*non-appealable*, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.





**Cloncurry Shire Council**  
 Town Planning  
 Approved with Conditions  
 20 APR 2021  
 Approved Date: .....  
**TP 05 / 21**

SITE PLAN

1:200

STEELE ST

NOTE: SITE INFORMATION TAKEN FROM DRAWING No. 23808A/1

ANNEX

# 6-14 STEELE STREET - CURRY KIDS

20°42'26"S 140°30'48"E

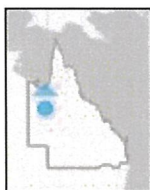
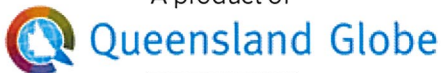
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20°42'31"S 140°30'48"E

20°42'31"S 140°30'52"E

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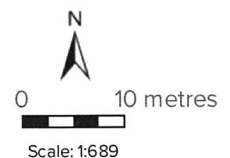


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**Cloncurry Shire Council**  
**Town Planning**  
**Approved with Conditions**

Approved Date: ..... **20 APR 2021** .....

**TP 05 / 21**



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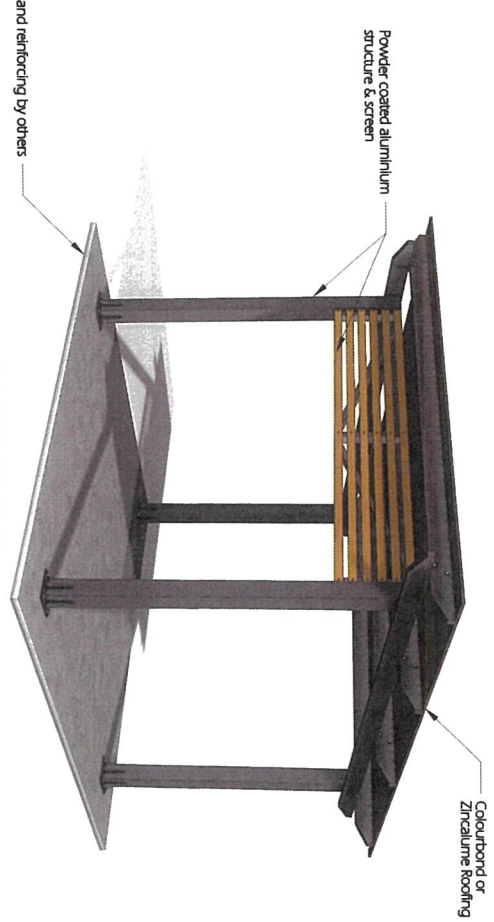
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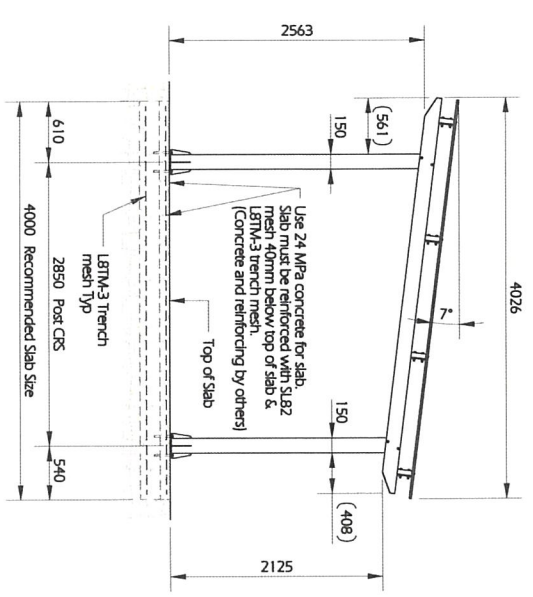
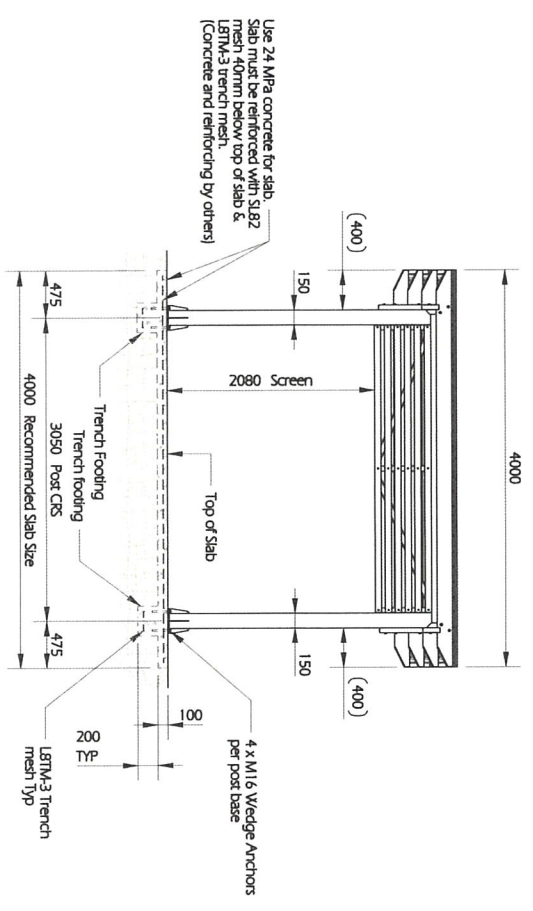
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 Town Planning  
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 Approved Date: 20 APR 2021  
↑ P 05 21



PICTORIAL VIEW



grillex  
together outdoors  
from the unisite group  
T: 1300 552 102  
gmecc@unisite.com.au

PROJECT: AKORA SHELTER  
PRODUCT DRAWING  
DESCRIPTION: 4x4 SHELTER ASSEMBLY WITH SCREEN - SURFACE MOUNT DELUXE FINISH

ALL DIMENSIONS IN MM  
LINEAR TOLERANCE: X ±1.0 XX ±0.2  
ANGULAR TOLERANCE: ALL ±1.0°  
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