

Cloncurry Shire Council

38-46 Daintree Street
PO Box 3
Cloncurry QLD 4824
ABN: 76 581 540 914



Telephone: (07) 4742 4100
Facsimile: (07) 4742 1712
Email: council@cloncurry.qld.gov.au
Website: www.cloncurry.qld.gov.au

Our ref: OP:LT - TP04/21

23 April 2021

Jonathon Farrell
106 Gregory Street
CLONCURRY QLD 4824
Email: jonno86@yahoo.com.au

Dear Jonathon

REFERRAL AGENCY RESPONSE — SITING DISPENSATION – 106 GREGORY 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 11 March 2021

Applicant details

Applicant name: Jonathon Farrell
Applicant contact details: 106 Gregory Street
CLONCURRY QLD 4824

Application details

Application number: TP04/21
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 side boundary
Category of assessment: Code Assessment

Location details

Street address: 106 Gregory Street
Real property description: Lot 7 on RP728242
Local government area: Cloncurry Shire

Decision

Date of decision: 20 April 2021

12.1 Planning and Development – Concurrence Response TP04/21 – Siting Dispensation (Proposed Shed), Lot 7 on RP728242 – 106 Gregory Street, Cloncurry

Moved: Cr Keyes **Seconded: Cr Swalling**
That the Development application TP04/21 seeking approval for Siting Dispensation at 106 Gregory Street for the construction of a shed 1 metre from the western side boundary in lieu of the 1.5m required, be approved subject to the conditions set out in Attachment 2:
CARRIED: 08.210420

Details of the approval

Development permit Referral Agency for Building Work – Referral Response

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

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

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

Rights of appeal

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

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

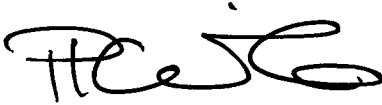
A copy of the following plans is enclosed.

Plan Name	Plan No.	Revision No.	Plan/Revision Date
Site Plan			11/03/2021
Engineering Schedule			06/02/2020
End Elevations	408027 Page 1 of 9		01/02/2020
Side Elevations	408027 Page 2 of 9		01/02/2020

Floor Plan Elevation	408027 Page 3 of 9	01/02/2020
End Frame Elevations	408027 Page 4 of 9	01/02/2020
Side Frame Elevations	408027 Page 5 of 9	01/02/2020
Cross Section	408027 Page 6 of 9	01/02/2020
Floor Plan	408027 Page 7 of 9	01/02/2020
Connection Details	408027 Page 8 of 9	01/02/2020
Connection Details 2	408027 Page 9 of 9	01/02/2020

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



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
Engineering Schedule			06/02/2020
End Elevations	408027 Page 1 of 9		01/02/2020
Side Elevations	408027 Page 2 of 9		01/02/2020
Floor Plan Elevation	408027 Page 3 of 9		01/02/2020
End Frame Elevations	408027 Page 4 of 9		01/02/2020
Side Frame Elevations	408027 Page 5 of 9		01/02/2020
Cross Section	408027 Page 6 of 9		01/02/2020
Floor Plan	408027 Page 7 of 9		01/02/2020
Connection Details	408027 Page 8 of 9		01/02/2020
Connection Details 2	408027 Page 9 of 9		01/02/2020

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 Shed (Class 10a) is approved as a non-habitable structure for private use only and must not be used for any other purposes.

ATTACHMENT 2 - STATEMENT OF REASONS – TP04/21

NOTICE ABOUT DECISION - STATEMENT OF REASONS

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

Development application TP04/21 was received from the owner of 106 Gregory Street, Cloncurry also known as Lot 7 on RP728242 for a permanent structure being a shed less than 1.5m from the western side boundary of the property.

The siting dispensation is for a proposed carport 17.5m long, 9m wide and 3.875m at its highest point, from the required 1.5m side boundary.

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

Reasons for the decision

The proposed shed is a single storey structure with a maximum height of 3.875 metres which will have minimal impact on the subject site and adjoining property. The extent of non-compliance with the minimum setback of 1.5 metres is 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 of the occupants.

Includes appropriate level of privacy for occupants of adjoining properties and provides safe vehicle access and parking for residential use.

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

1. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Queensland Development Code: P2 Buildings and structures – (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 shed is 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

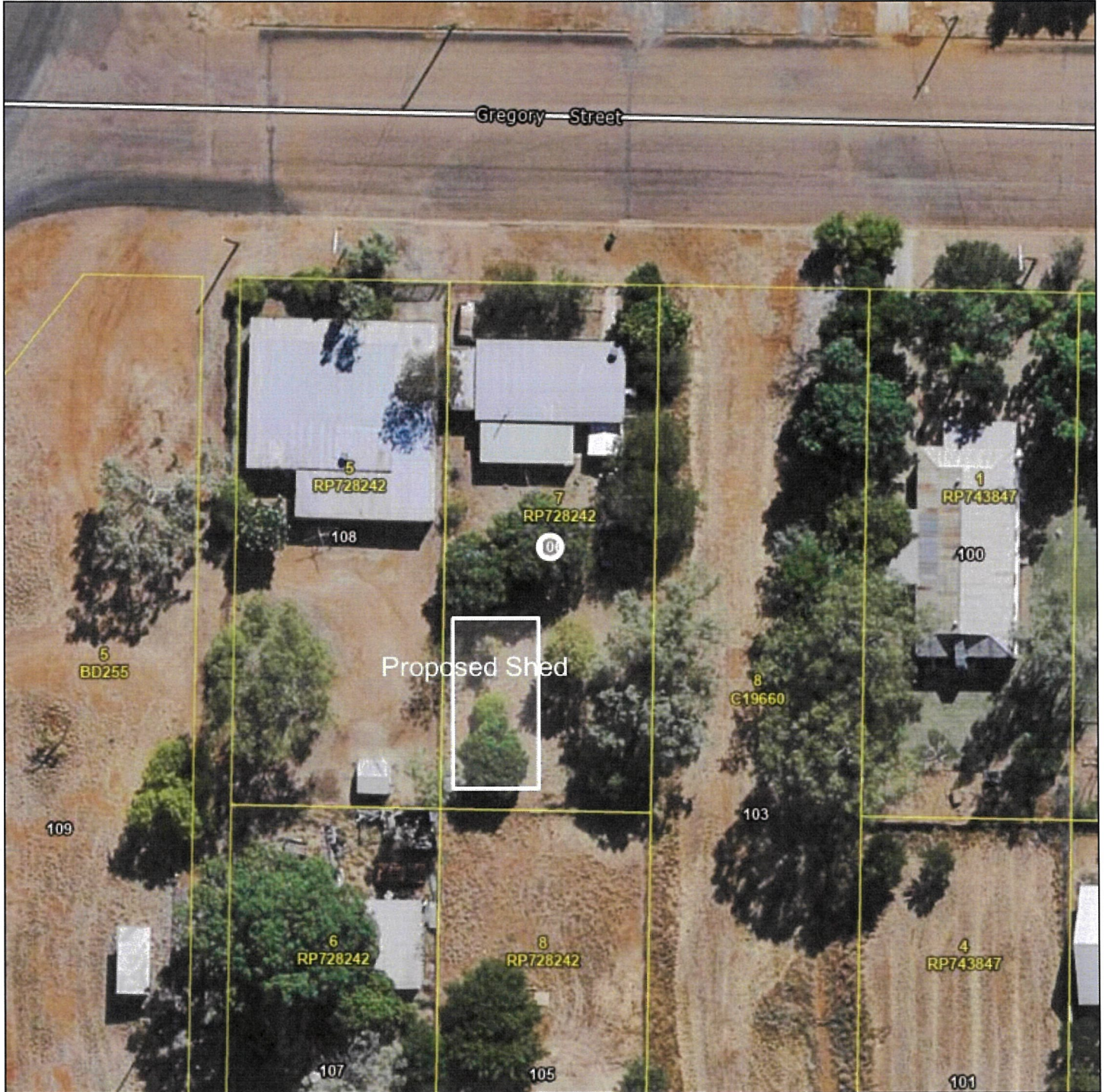
- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

106 Gregory Street, Cloncurry

Proposed Shed

20°42'11"S 140°29'55"E

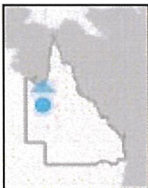
20°42'11"S 140°29'58"E



20°42'14"S 140°29'55"E

20°42'14"S 140°29'58"E

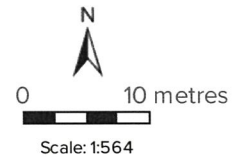
A product of
Queensland Globe



Legend located on next page

Cloncurry Shire Council
Town Planning
Approved with Conditions

Approved Date:



Printed at: A4

Print date: 12/3/2021

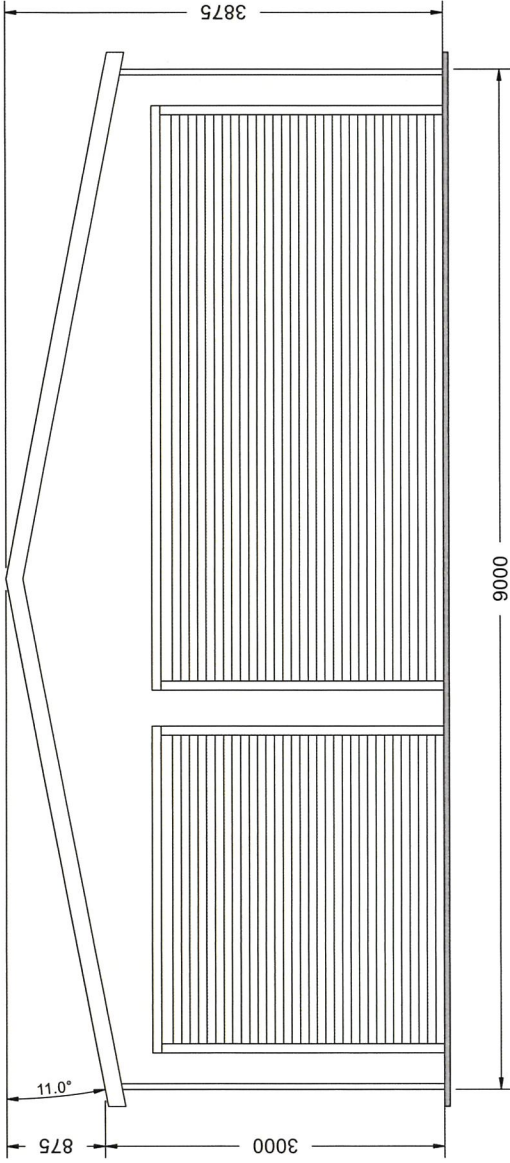
Datum: Geocentric Datum of Australia 1994
Projection: Web Mercator EPSG 102100

For more information, visit
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

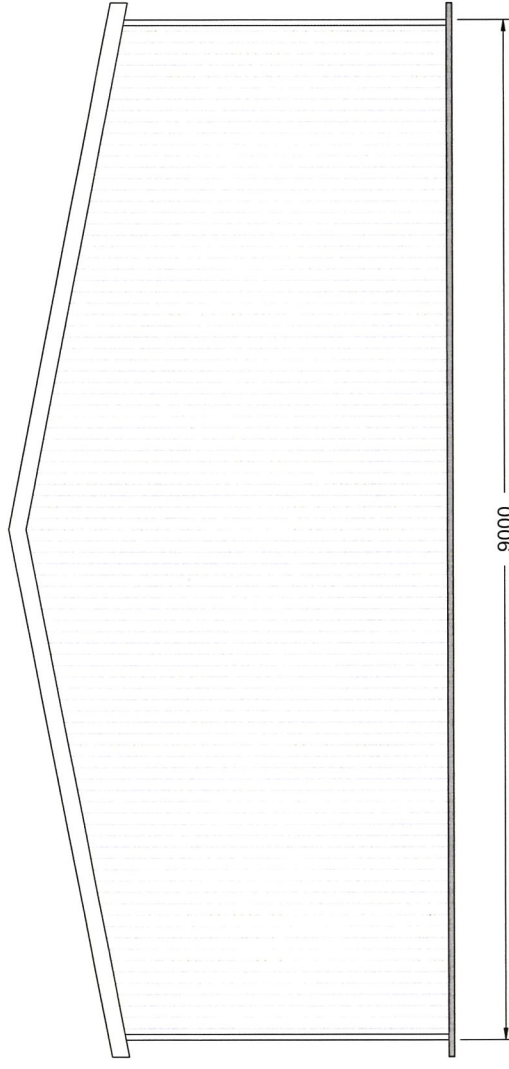
Includes material © State of Queensland 2021. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland makes no representation or warranties in relation to the map contents and disclaims all liability.

If imagery is displayed, imagery includes material © CNES reproduced under license from Airbus DS, all rights reserved © 21AT © Earth-i, all rights reserved, 2019





FRONT ELEVATION



REAR ELEVATION

Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: 20 APR 2021
 TP 04 / 21



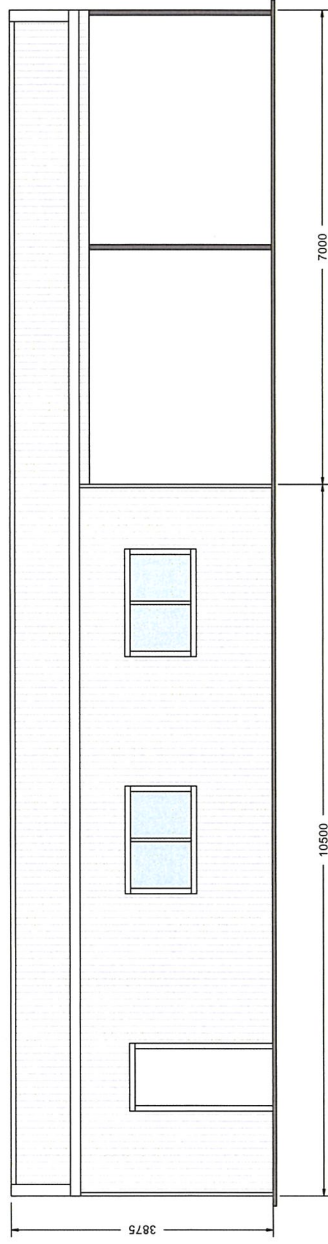
151 Smeaton Grange Road,
 Smeaton Grange, NSW, 2567
 Phone: 02 4648 7777
 Fax: 02 4648 7700
 Email: sales@bestsheds.com.au



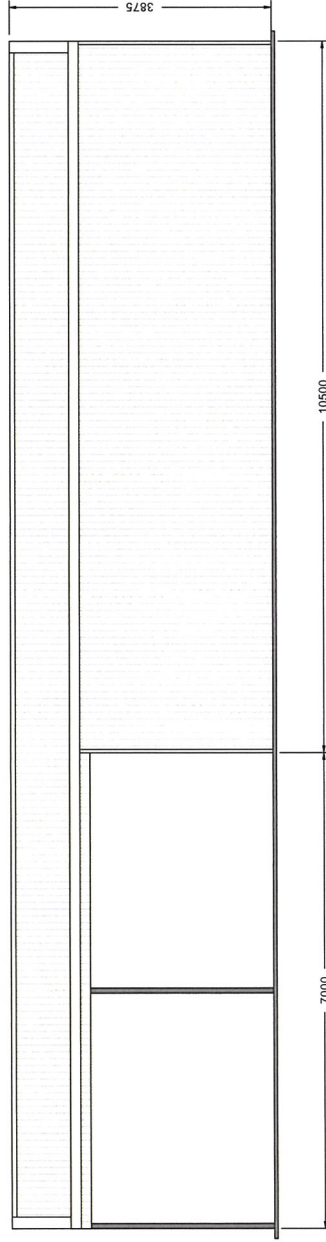
CIVIL & STRUCTURAL ENGINEERS
 COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILO PINEDA MORENO
 Being a Member of the
 NPCC (NSW) Engineers (NSW)
 Signature:  Date: 06/02/20

Customer Name: Jonathan Farrel
 Site Address: 106 Gregory St
 CLONCURRY,
 QLD, 4824

Drawing Title: End Elevations
 Scale: 1:63.818
 Date: 01-02-2020
 Job Number: 408027
 Page: 1 of 9



LEFT ELEVATION



RIGHT ELEVATION

Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: 20 APR 2021
TP 04 / 21



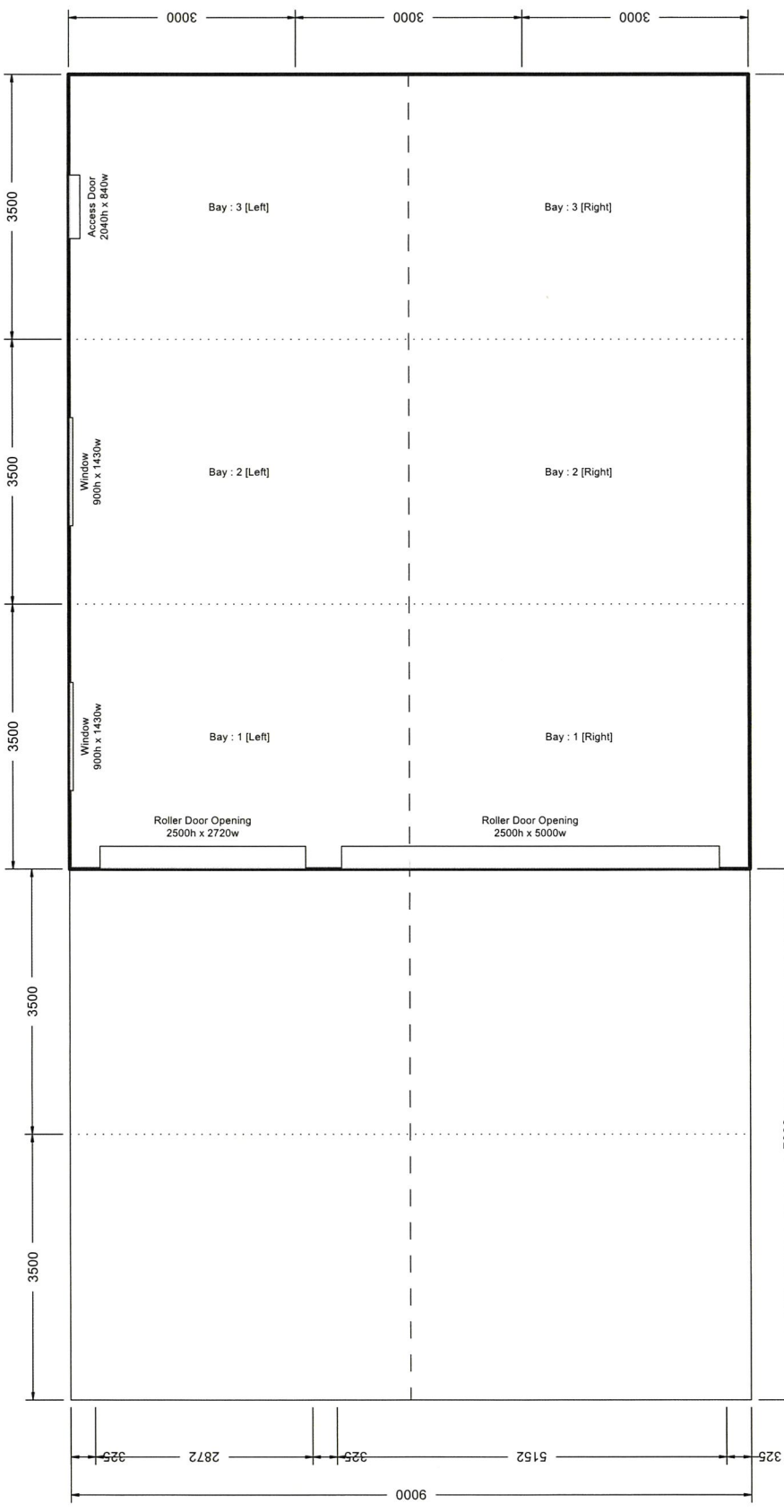
151 Smeaton Grange Road,
 Smeaton Grange, NSW, 2567
 Phone: 02 4648 7777
 Fax: 02 4648 7700
 Email: sales@bestsheds.com.au



CIVIL & STRUCTURAL ENGINEERS
 COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILO PINEDA MORENO
 Reg. Professional Eng.
 No. 1400 (NSW) (2015) (VIC)
 Signature:  Date: 09/02/20

Customer Name: Jonathan Farrel
 Site Address: 106 Gregory St
 CLONCURRY,
 QLD, 4824

Drawing Title: Side Elevations
 Scale: 1:106.706
 Date: 01-02-2020
 Job Number: 408027
 Page: 2 of 9



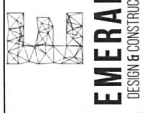
Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: **20 APR 2021**
TP 04 / 21

FLOOR PLAN

Drawing Title: Floor Plan Elevation
 Scale: 1:85.613
 Date :01-02-2020
 Job Number: 408027
 Page: 3 of 9

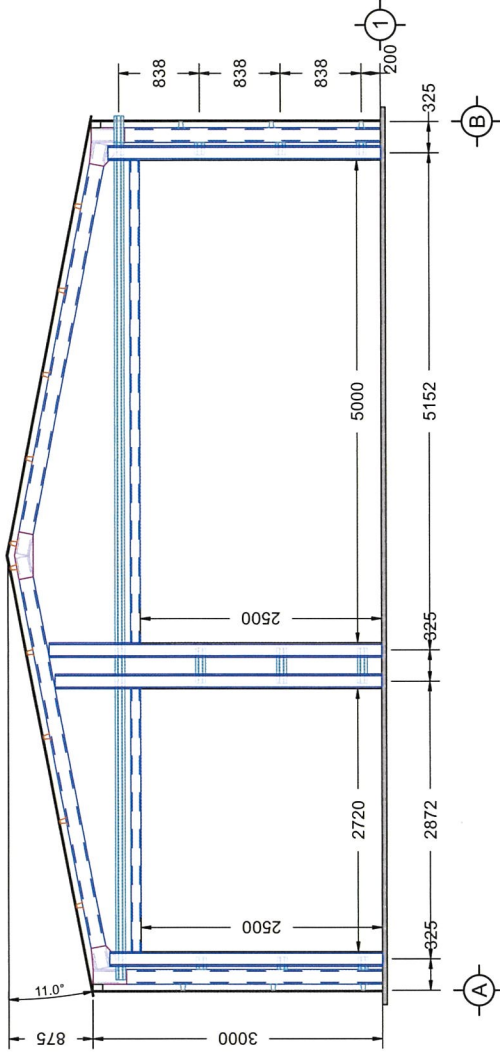
Customer Name: Jonathan Farrel
 Site Address: 106 Gregory St
 CLONCURRY,
 QLD, 4824

CIVIL & STRUCTURAL ENGINEERS
 COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILO PINEDA MORENO
 Reg. No. 12419 (Qld) (S187) (Vic)
 Signature:  Date: 06/02/20

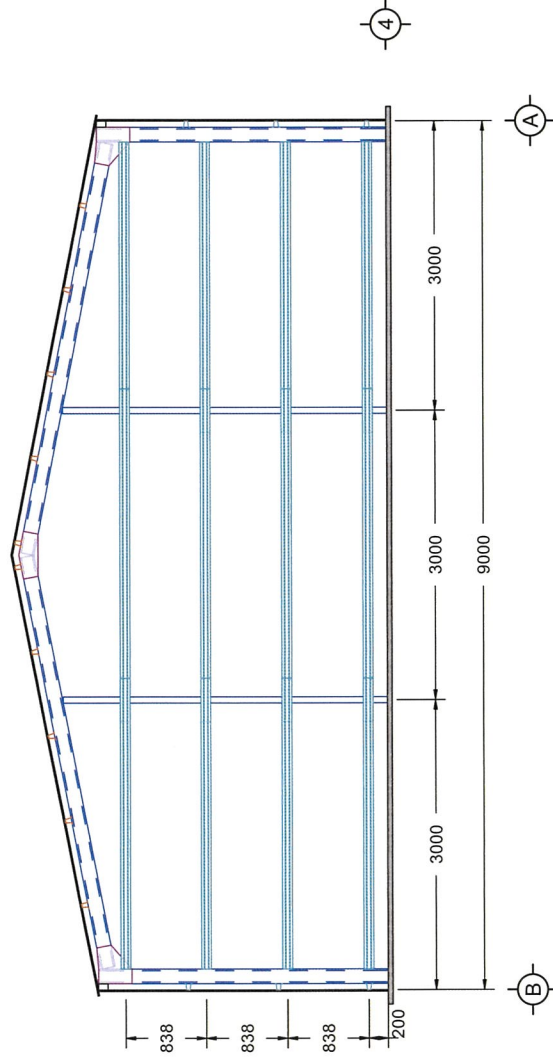


best sheds
Value & Quality. Direct to You

151 Smeaton Grange Road,
 Smeaton Grange, NSW, 2567
 Phone: 02 4648 7777
 Fax: 02 4648 7700
 Email: sales@bestsheds.com.au



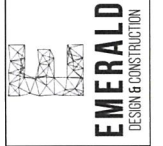
FRONT ELEVATION



REAR ELEVATION

Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: 20 APR 2021
TP 04 / 21

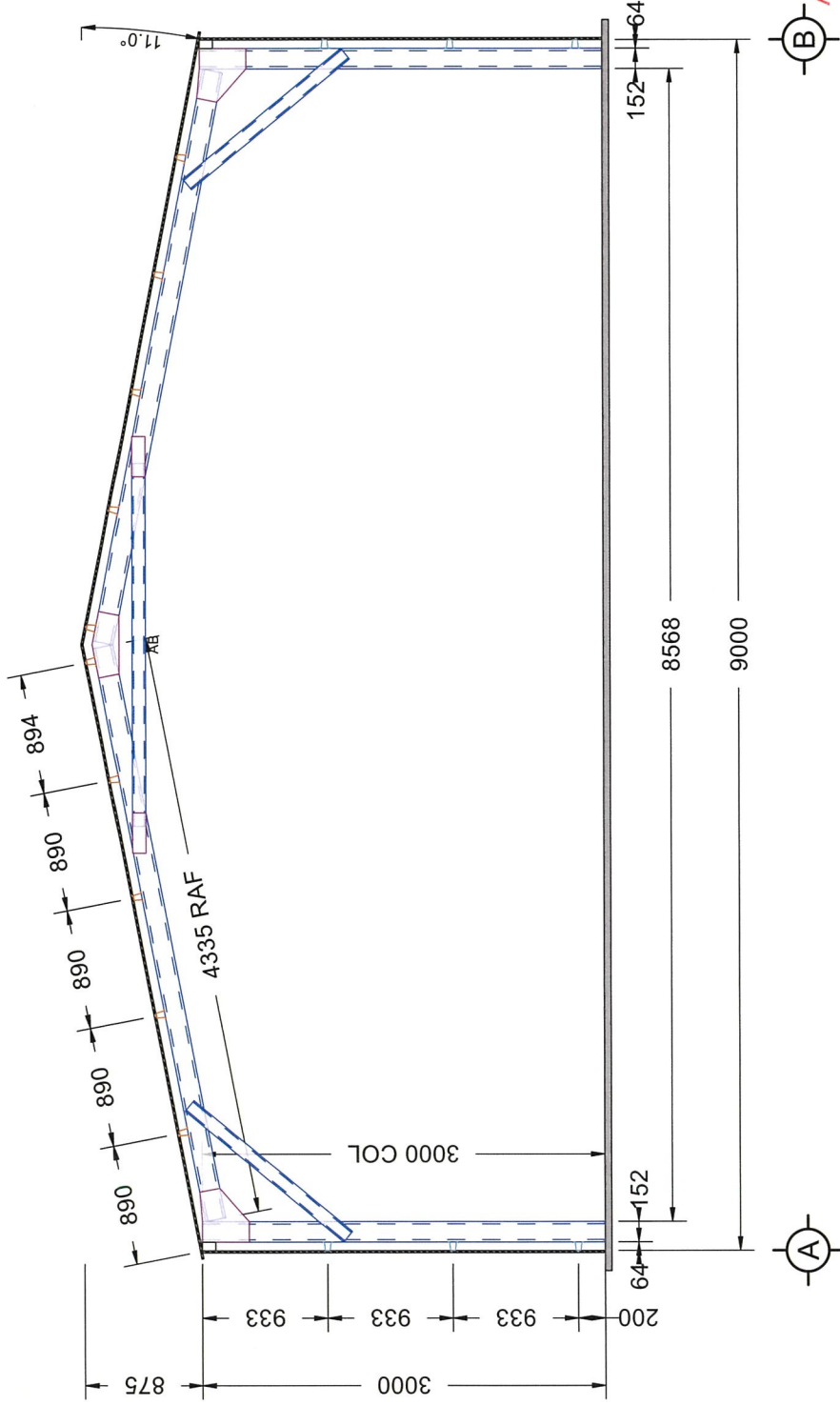
151 Smeaton Grange Road,
 Smeaton Grange, NSW, 2567
 Phone: 02 4648 7777
 Fax: 02 4648 7700
 Email: sales@bestsheds.com.au



CIVIL & STRUCTURAL ENGINEERS
 COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILO PINEDA MORENO
 Reg. No. 14847 (NSW)
 Reg. No. 14847 (VIC)
 Signature: Date: 06/02/20

Customer Name: Jonathan Farrel
 Site Address: 106 Gregory St
 CLONCURRY,
 QLD, 4824

Drawing Title: End Frame Elevations
 Scale: 1:74.934
 Date :01-02-2020
 Job Number: 408027
 Page: 4 of 9



Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 20 APR 2021

TP 04 / 21

INTERMEDIATE ELEVATION

Drawing Title: Cross Section
Scale: 1:51,234
Date :01-02-2020
Job Number: 408027
Page: 6 of 9

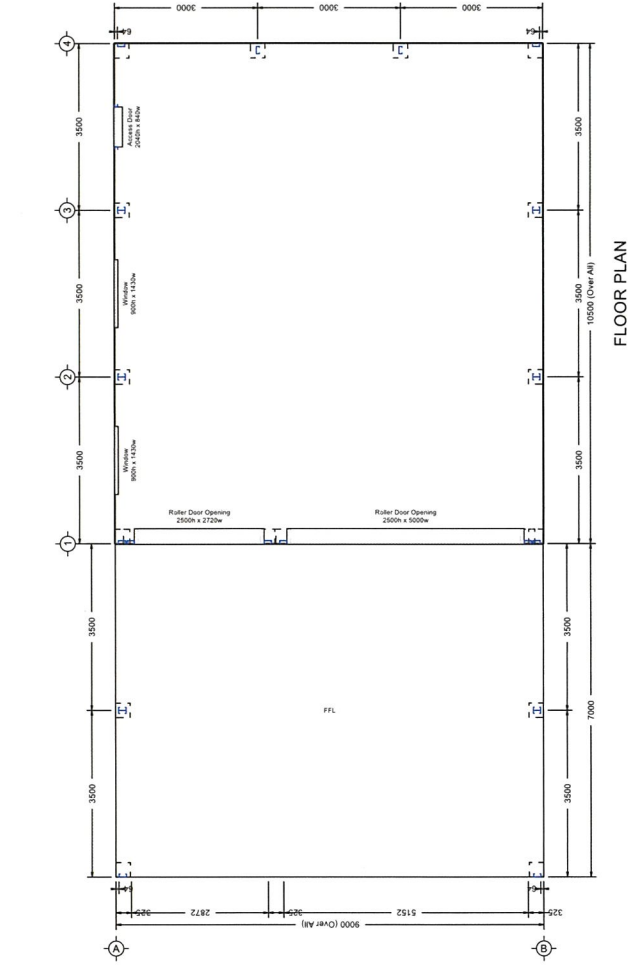
Customer Name: Jonathan Farrel
Site Address: 106 Gregory St
CLONCURRENCY,
QLD, 4824

CIVIL & STRUCTURAL ENGINEERS
COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILO PINEDA MORENO
Being M.A. Aust. P.Eng.
MPEC 15882 (TP, ECA/ST/MS)
Signature:  Date: 06/02/20

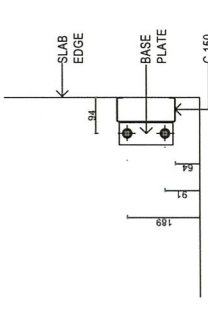
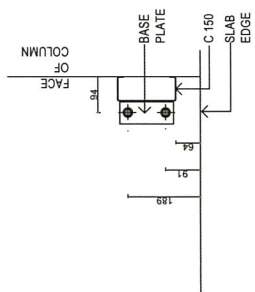
EMERALD
DESIGN & CONSTRUCTION

151 Smeaton Grange Road,
Smeaton Grange, NSW, 2567
Phone: 02 4648 7777
Fax: 02 4648 7700
Email: sales@bestsheds.com.au

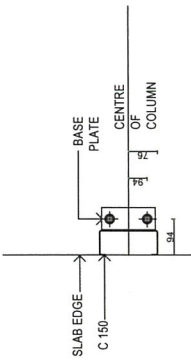
best sheds
Value & Quality Direct to You



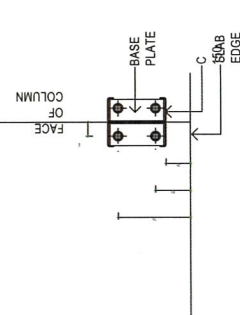
FLOOR PLAN



End Wall Mullion



End Wall Roller Door Post



Back to Back Column

Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: 20 APR 2021
TP 04 / 21



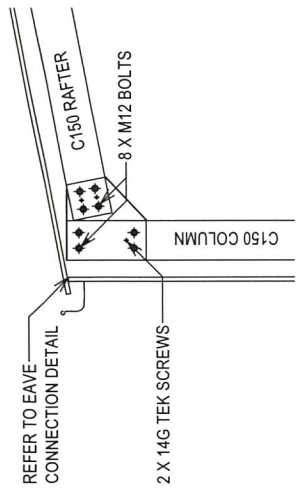
151 Smeaton Grange Road,
 Smeaton Grange, NSW, 2567
 Phone: 02 4648 7777
 Fax: 02 4648 7700
 Email: sales@bestsheds.com.au



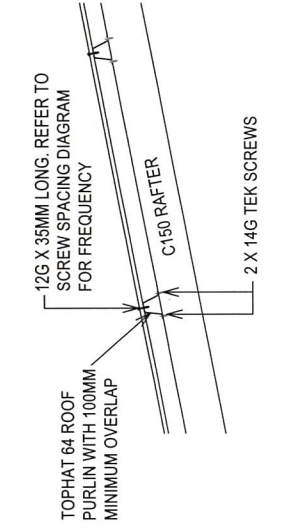
CIVIL & STRUCTURAL ENGINEERS
 COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILO PINEDA MORENO
 BRISBANE
 REG. NO. 12667 (NSW) / 12667 (VIC)
 Signature: [Signature]
 Date: 06/02/20

Customer Name: Jonathan Farrel
 Site Address: 106 Gregory St
 CLONCURRY,
 QLD, 4824

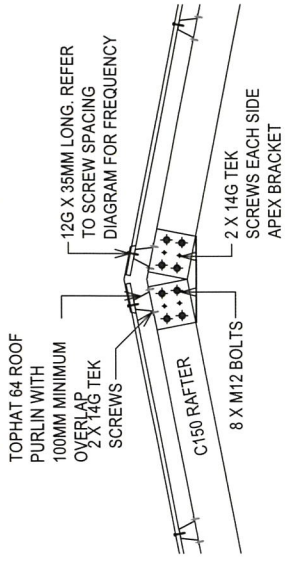
Drawing Title: Floor Plan
 Scale: 1:151.772
 Date :01-02-2020
 Job Number: 408027
 Page: 7 of 9



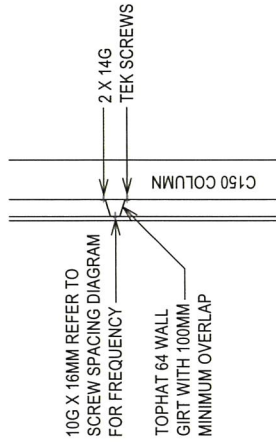
3 COLUMN AND EAVE DETAIL



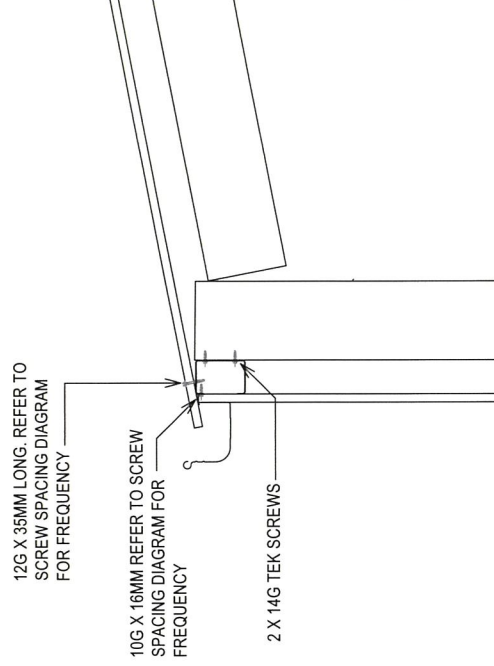
4 ROOF PURLIN DETAIL



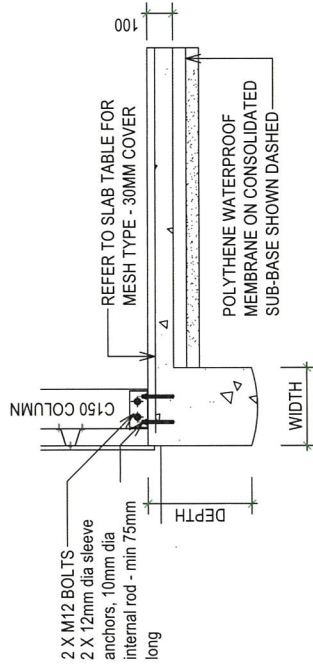
5 APEX DETAIL



2 WALL GIRTS DETAIL



10 EAVE CONNECTION DETAIL

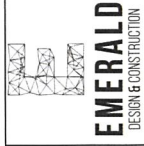


1 CONCRETE SLAB AND FOOTING DETAIL

Cloncurry Shire Council
Town Planning
Approved with Conditions
 Approved Date: ...2.0 APR. 2021
TP 04 / 21



151 Smeaton Grange Road,
 Smeaton Grange, NSW, 2567
 Phone: 02 4648 7777
 Fax: 02 4648 7700
 Email: sales@bestsheds.com.au



CIVIL & STRUCTURAL ENGINEERS
 COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILO PINEDA MORENO
 Being Measured
 (REG. 14621, 14641, 14647, 14651, 14652)
 Signature: _____ Date: 06/02/20

Customer Name: Jonathan Farrel
 Site Address: 106 Gregory St
 CLONCURRY,
 QLD, 4824

Drawing Title: Connection Details
 Scale: 1:27,883
 Date :01-02-2020
 Job Number: 408027
 Page: 8 of 9

