



Street Address 50 Brolga Street, Quilpie Qld 4480
Phone (07) 4656 0500 **Facsimile** (07) 4656 1441
Email admin@quilpie.qld.gov.au **Web** www.quilpie.qld.gov.au
ABN 53 680 434 639
All correspondence to be addressed to:
Chief Executive Officer, PO Box 57, Quilpie QLD 4480

Our Reference: 247381 : Dominique Wells
Your Reference: DA05 23-24

28 February 2024

Jake Bonsey Transport
PO Box 83
QUILPIE QLD 4480

Jake.transport@outlook.com

Dear Jake

Decision notice - change application
(Given under section 83 of the *Planning Act 2016*)

The Quilpie Shire Council received your change application made under section 78 of the Planning Act 2016 on 29 January 2024 for the development approval reference DA12/99.

Application details

Approval Sought:	Minor Change to existing Development Permit
Application Proposal:	"New Industrial Shed"
Category of Assessment:	Code Assessment
Planning Scheme:	Quilpie Shire Planning Scheme

Location details

Street Address:	35 Sommerfield Road, Quilpie
Real Property Description:	Lot 53 on NK95



Decision

In relation to the request to make a minor change, Council decided the following:

(Note: Changes made to the conditions are shown in bold.)

Date of Decision: 20 February 2024

Decision Details: New Conditions to added:

Stage 2

12. All works and operations associated with Stage 2 are to be carried out generally in accordance with the approved plans listed in the following table. Where the approved plans conflict with the Assessment Manager's conditions, the Assessment Manager's conditions shall take precedence.

Plan Number	Plan/Document Name	Date
-	Jake Bonsey Transport Pty Ltd	n.d.
AP36727	Front & Rear Elevation	05/12/2023
AP36727	Left & Right Elevation	05/12/2023
AP36727	Floor Plan	05/12/2023

building setback of three (3) metres from the northern boundary must be observed.

14. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed. The developer shall ensure that in all cases, discharge of stormwater runoff from the development drains freely to the legal point/s of discharge for the development.
15. No nuisance is to be caused to adjoining properties and occupiers by the way of noise smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.

16. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
17. A minimum of 10% of the site shall be landscaped with a majority of the landscaping to be maintained the along the Sommerfield Road frontage.
18. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadways.

Details of the approval

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

Conditions

This approval is subject to 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:

- Development Permit – Building Approval

Referral agencies for the application

There were no referral agencies for this application.

Approved plans, specifications and drawings

Copies of the following approved plans, specifications and/or drawings are enclosed.

Plan/Document Number	Plan/Document Name	Date
-	Jake Bonsey Transport Pty Ltd	n.d.
AP36727	Front & Rear Elevation	05/12/2023
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Currency period for the approval (s.85 of the *Planning Act 2016*)

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

Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain 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*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Attachment 2 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights.

To stay informed about any appeal proceedings which may relate to this decision visit: <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>

Please do not hesitate to contact Dominique Wells on (07) 4656 0500 should you wish to discuss this matter further.

Yours faithfully



Justin Hancock
CHIEF EXECUTIVE OFFICER

Enc: Attachment 1 - Assessment Manager Conditions of Approval (Quilpie Shire Council)
Attachment 2 - Appeal Provisions
Attachment 3 - Statement of Reasons
Attachment 4 - Approved Plans and Specifications

ATTACHMENT 1 –ASSESSMENT MANAGER CONDITIONS OF APPROVAL (QUILPIE SHIRE COUNCIL)

1. This approval will be void if the construction authorised by this approval is not substantially commenced within twelve (12) months of the date of issue and completed within eighteen (18) months.
2. The building/structure being built in conformity with the attached approved plans, including compliance with any amendments shown in red and endorsed on the approved plans.
3. Inspections required by Quilpie Shire Council:
 - A) Prior to the placing of any concrete or covering or filling any excavation.
 - B) Upon completion of the frame prior to fixing of any cladding
 - C) Brick and brick veneer wall tie inspection
 - D) When the building is completed prior to being occupied.

Notice must be given to the council not more than 48 hours prior to the completion of the above work or stage of construction so that an inspection of those works or stage of construction may be arranged.

4. A copy of this approval must be retained on site and produced on request to the building surveyor at any time during the course of construction
5. No building is to be occupied until a 'Certificate of Classification' is issued. Class 1a and 10a buildings excepted.
6. SURFACE DRAINAGE
 - A) the floor slab being a minimum of 225mm above the height of the finished ground level with the ground adjacent to the building being graded away from the building at a minimum slope of 1:20 for a minimum distance of 900mm.
 - B) provision of a system of drainage approved by council to shed stormwater drainage away from the building or a particular area of the site.
7. NEW BUILDING: temporary closet accommodation is to be provided by the employer in accordance with the provisions of the sanitary convenience and night soil disposal regulations 1976 and the requirements of the code of practice workplace amenities.
8. The area beside the footway in Sommerfield Road is to be kept clear of all goods, items, materials or waste products at all times.

9. The building meeting the requirements for wind loading in Terrain Category 3, W41, Australian Standard 1170, Pt. 2, the appropriate "Tradac" manual and the BCA.
10. A building setback of six (6) metres being observed from Sommerfield Road.
11. This approval is for a partly enclosed building. A separate development application will be required to fully enclose the building.

STAGE 2

12. **All works and operations associated with Stage 2 are to be carried out generally in accordance with the approved plans listed in the following table. Where the approved plans conflict with the Assessment Manager's conditions, the Assessment Manager's conditions shall take precedence.**

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- 17. A minimum of 10% of the site shall be landscaped with a majority of the landscaping to be maintained the along the Sommerfield Road frontage.**
- 18. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadways.**

ATTACHMENT 2 – PLANNING ACT EXTRACT APPEAL RIGHTS

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
 - (d) schedule 1, table 1, item 1—each principal submitter for
 - (e) the development application; and
 - (f) for an appeal about a change application under
 - (g) schedule 1, table 1, item 2—each principal submitter for
 - (h) the change application; and
 - (i) each person who may elect to become a co-respondent
 - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (k) for an appeal to the P&E Court—the chief executive; and
 - (l) 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.

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—

decision includes—

- (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, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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.

ATTACHMENT 3 – STATEMENT OF REASONS

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

Description of Development	Minor Change to existing Development Permit for “New Industrial Shed”
Assessment benchmarks	<p>The proposed development was assessed against the following Assessment benchmarks:</p> <ul style="list-style-type: none"> • Schedule 2 of the Planning Act 2016 • Schedule 1 of the Development Assessment Rules • <i>The Quilpie Shire Planning Scheme</i> <ul style="list-style-type: none"> ○ Part 6.2.4 Township Zone Code ○ Part 7.3.1 General Development Code
Relevant matters	There are no relevant matters considered applicable for the assessment of the application.
Matters raised in submissions	No properly made submissions were received in relation to the development application.
Reasons for decision	<p>It is considered that the proposal presents no significant inconsistency with the applicable assessment benchmarks. The proposed minor change is not considered to create additional conflicts with the assessment benchmarks.</p> <p>Development conditions have been imposed to ensure compliance to the greatest extent possible. Any inconsistency has been resolved, taking into account the following:</p> <ul style="list-style-type: none"> • the development is a minor change to an existing use that does not constitute substantially different development; • the change remains generally consistent with the relevant outcomes of the current Quilpie Shire Planning Scheme 2018; • the development supports the ongoing operation of an existing industrial business in the Quilpie Shire; • there is an absence of any significant impacts that result from the development.

ATTACHMENT 4 – APPROVED PLANS AND SPECIFICATIONS