



Decision Notice
Ref: 20245898

3 December 2024

Stockman Sheds Australia Pty Ltd
27 Reushle Road
Cabarlah 4352



PLANNING ACT 2016 s63 DECISION NOTICE

Approval For: Storage Shed
Classification: 10a
Location: 330 Preston Boundary Road Preston
Property Description: 1119/A342430
Local Government Area: Toowoomba Regional Council
Approval Number: 20245898

Decision

On 3 December 2024, the above development application was **approved in full with conditions**. The conditions relevant to this approval are provided in the attached schedules. Schedules 1 – 4 attached form part of this decision.

Development Approval for:

Development Permit - Carrying out building work (assessable under the Building Act 1975)

Date of Approval: Tuesday, 3 December 2024

Approval Documents:

Those plans and specifications stamped "Approved" and bearing the abovementioned "Approval Number" of Project BA.

Assessment Manager: Project BA.

Building Certifier: Cian Corcoran
QBCC Licence A15464265

Mandatory Stages, Inspections and Documentation:	Schedule 1
Conditions:	Schedule 2
Reasons for Decisions:	Schedule 3
Advice Notes:	Schedule 4

Further Development Approvals Required:

The following Further Development Approvals are or may be required:

1. Development Approval or permits for driveways
2. Development Permit for Plumbing Works
3. Development Approval for Operational Works
4. Local Law Permits or Operational Works Approvals Vegetation Clearing
5. Electrical Safety Advice from relevant electricity authority
6. Service connection permits from the relevant service providers
7. Other permits, approvals, etc prescribed by a regulation

Currency Period for the approval:

The currency period for each part/component of the application is prescribed by Building Act 1975 Chapter 4 Part 7, which prevails to the extent of any conflict with information on this decision notice.

Building works currency period is referred to as the 'condition time' and is two (2) years from the date of this decision notice. An extension to the 'condition time' can be made under Planning Act 2016 s86. These aspects of the development will lapse in accordance with Building Act s95 if the building certifier issues a lapsing notice, which will include information about extensions of time available under Building Act 1975 s96.

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*).

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

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Thank you for choosing to work with Project BA!

Regards

Luke Neller
Director
Project BA

SCHEDULE 1 – Mandatory Stages, Inspections and Documentation

Mandatory stages are prescribed by the Building Regulation 2021 Part 8 including inspection guidelines made by the chief executive. The following is a summary of mandatory stages and the required inspections and further documents for each relevant stage, provided for the convenience and quick reference of persons carrying out building works under this Development Approval. Where there is a conflict between this schedule and the Building Regulation 2021, the regulation prevails. The building certifier also reserves their rights to request any further documentation that they decide is convenient for them in undertaking their building certification functions.

The 'Aspects' required to be signed off for each stage have been provided in the table below. These are extracted from the Chief Executive's inspection guidelines, which provides further informative notes about each aspect. This schedule and the Chief Executive's inspection guidelines are required to be read together.

Mandatory Stages for assessable class 10a sheds and carports

Stage		Aspects (refer to inspection guidelines for class 1 and 10 buildings for further description of each aspect)	Certificate issuer
Final Inspection Stage	Description of stage	Completion of building works and all decision notice conditions have been complied with	
	Form 43	Site works, boundary setbacks and drainage	QBCC Licensee
	Form 43	Cut and fill batters	QBCC Licensee
	Form 43	Structural Elements	QBCC Licensee
	Form 15	Design of Glazing	'Competent Person (Design Specification)'
	Final Inspection	Inspection Certificate (Form 16) from building certifier followed by a form 21 final inspection certificate.	

Owners Request for additional certification functions

Additional certification functions such as building certifier inspections, may be required where the homeowner has requested additional certification functions in accordance with Building Act 1975 s143B.

Builder Obligation to give notice for inspection to the Building Certifier

It is the builder's obligation to give notice for inspection to the building certifier or Assessment manager as prescribed by Building Regulation s48.

Requests for inspection must be given to Project BA in writing. Where verbal inspections are requested, the inspection request must be followed up with a written request prior to the inspection taking place or the inspection request will be void.

The building works must not proceed until the building certifier has given the builder the appropriate inspection documentation in accordance with Building Regulation 2021 s49.

Inspection times are to be provided in accordance with the notice of engagement and at a time convenient to the building certifier.

Who can give a certificate?

The building certifier can only accept a **Form 12 or Form 16** certificate from a person they have appointed as a Competent Person for either Inspection Help as prescribed by Building Act 1975 s10 and Building Regulation 2021 Part 6.

It is important that the client request the building certifier appoint any persons they intend to rely on to provide a form 12 or form 16 to their competent persons register prior to the works being undertaken.

A **Form 43** can only be provided by a QBCC Licensee if they:

- Hold an appropriate class of licence issued under the QBCC Regulation 2018
- Have carried out the aspect of work.

Further Documentation

Where applicable, the following documents shall be provided to the building certifier at each relevant stage:

- Engineering drawings to be provided in accordance with s70 and approved by the building certifier prior to commencing work on that element of the building work.
- Evidence of suitability documentation
- The required aspect and inspection help certificates required for each stage of building works as described in the tables above or otherwise requested by the building certifier.
- Any further documents requested by the building certifier.

SCHEDULE 2: Conditions

ASSESSMENT MANAGER CONDITIONS

Conditions taken to be imposed – All Building Works

The following conditions are imposed by Building Act 1975 Chapter 4 Part 5 Division 1. Where there is a conflict with the below conditions and the Building Act, the Building Act prevails, as the below is a summarised version of the conditions.

1. Operation of imposed conditions is prescribed by Building Act 1975 s69.
2. Building works for each stage must not commence until engineering drawings have been approved by the building certifier as prescribed by Building Act 1975 s70.
3. Any demolition, removal and rebuilding must start and be completed in accordance with the timeframes prescribed by Building Act 1975 s71.
4. Building work in an erosion prone area must be carried out in accordance with Building Act 1975 s72
5. The applicant for a building development approval must ensure one (1) eligible set of the current drawings for the building is, while the building work is being carried out, available for inspection by anyone who, under an Act, is entitled to inspect the relevant building site.
6. Inspection and testing of special fire service installation must be carried out, including notice to QFES by the person installing the service, as prescribed by Building Act 1975 s74.
7. Site works required for the development, form part of this building development approval and must comply with the building assessment provisions and the conditions of this approval.
8. For earthworks and retaining walls, suitable methods must be used to prevent soil movement and drainage of land, buildings or structures must be provided as prescribed by Building Act 1975 s75.

Where the earthworks and/or retaining walls are not assessable development, they may be constructed without changes to the approval or further Building Development Approvals, they may still trigger other development approvals. Generally, this includes retaining walls less than 1m tall and more than 1.5m from buildings and structures.

Where the earthworks and/or retaining walls are assessable development, they are to be constructed in accordance with the approved plans or a change application made for the proposed earthworks to be approved prior to construction.

9. Drainage must be carried out in a way that protects land, buildings and structures in the neighbourhood of the building or land as prescribed by Building Act 1975 s76.

In general, drainage and stormwater should be discharged to kerb, or inter-allotment drainage, or natural water course, but some sites may have special constraints or restrictions that need to be considered such as conditions of earlier development approvals or local laws or policies which prevail if there is any conflict with this condition.

In general, ensure drainage is equivalent to pre-development conditions and the development does not result in drainage or stormwater being concentrated or redirected.

Assessment Manager Conditions Imposed:

These conditions are imposed by the Assessment Manager under the jurisdiction of Planning Act 2016 s65 and/or Building Act Chapter 4 Part 5 Division 2.

General Conditions

10. Building works is to be carried out in accordance with the conditions of this development approval, the requirements of the Building Act 1975 and generally in accordance with the approved documents.

Where there is a conflict between a condition and an approved document, the condition prevails.

Where a change or variation is required, an application must be made to the assessment manager in the approved form in accordance with the requirements of the Planning Act 2016.

11. Notations made on the Approval Documents in red by the building certifier form conditions of this decision notice, unless noted as an advice note.
12. All building works must be carried out in accordance with the DTS provisions of BCA Volume 2 applicable to the proposed building works, unless varied by the QDC or other regulation, or a performance solution has been formally approved by the building certifier.
13. Building Works must be carried out within the currency period for the development approval.
14. Where any person carrying out building works or providing inspection help becomes aware of anything that conflicts with this decision notice, the building assessment provisions, or the use of a non-conforming product, they must notify the building certifier in writing and not proceed with any interfering building works until the building certifier has made a decision about the matter. If in doubt, seek advice from the building certifier. As referenced in the Code of Conduct for building certifiers, issued by the QBCC, building certifiers are not supervisors and require matters to be brought to our attention.
15. The occupation of the building works is not permitted until final inspection certificate has been issued.
16. Any person carrying out building work must ensure that they do not compromise other building works.

Inspections, Stages Documentation and Competent Persons (All Building Works) Conditions

17. Any persons carrying out competent person functions must be approved as a competent person for a particular function, prior to carrying out the relevant design specification or inspection help functions.
18. Any person providing inspection help must ensure that the building works complies with the conditions of this approval. Any variation must be approved in writing by the building certifier prior to the competent person providing the inspection documents. Inspection documents are to be provided to the building certifier in the approved form as prescribed by the Building Regulation 2016 s53, including any documentation they relied upon in the inspection procedure.

Note: It is an offence under the Building Act 1975 s40 for a competent person to give false or misleading documents.

19. Any person providing a QBCC licensee aspect certificate (Form 43) must ensure that the building works are carried out in accordance with the conditions of this approval. Any variation must be in writing by the building certifier prior to the QBCC Licensee providing the aspect certificate. Aspect certificates are to be provided to the building certifier in the approved form as prescribed by the Building Regulation.

Note: It is an offence under the Building Act 1975 s40 for a competent person to give false or misleading documents.

20. Where a noncompliance notice is given, it is the builders obligation to ensure the stage complies with the development approval. Once the works are performed, as stated in the noncompliance notice, the builder must provide the building certifier with a new notice for inspection. The builder must not proceed past the relevant stage until provided with a stage certificate.

Building Elements

21. Assessable building works solutions including materials, products, forms of construction and designs must have appropriate evidence of suitability to satisfy the Performance Requirement or a DTS provision as prescribed by BCA Part A5.

Any person carrying out building work under this development approval is required to ensure that all solutions satisfy the evidence of suitability and should contact the building certifier if unsure or if advice is required. It is the responsibility of anyone carrying out or supervising building works to ensure that building works solutions proposed to be used satisfy the requirements of evidence of suitability and are appropriate.

Evidence of suitability of assessable building works elements should be provided to the building certifier prior to final inspection and referenced on the relevant QBCC Licensee Aspect Certificate or Aspect Inspection Certificate.

22. Non-conforming building products are not permitted to be used in the proposed building works.

Plumbing Works

23. Where anyone carrying out building works identifies that building works is not setback from effluent disposal areas as required by the Queensland Plumbing and Wastewater Code or it is identified that alterations are assessable plumbing work and a permit has not been obtained, then works on that part of the building work must stop until a plumbing permit is obtained.
24. Any person carrying out building works over or adjacent to existing sanitary drainage must ensure the building works complies with the Plumbing and Drainage Act 2018. Consult an appropriately experienced QBCC licenced plumber for further advice on complying with this condition.

Design and Siting

25. The maximum height of the structure is not to exceed the height limits prescribed by the Local Planning Instrument.
26. The proposed structure is to be sited in accordance with the QDC or Local Planning Instrument where it provides an alternative provision to the QDC under Building Act 1975 s33.
27. Building works must not encroach into a registered easement or statutory covenant unless specifically approved by the building certifier and satisfying the requirements of Building Act 1975 s65.
28. Building works must not encroach outside the boundaries of the registered allotment.
29. At any stage of the building works, the building certifier may request survey documents.
30. All services that may be affected by this construction shall be accurately located for alignment and/or depth prior to commencement of works. Should difficulty arise in locating any services or relevant infrastructure please contact the relevant service provider.

Ensure any building works within 3m of relevant infrastructure is completed in accordance with the acceptable solutions of QDC MP1.4.

The building certifier may request evidence from a service locator for the location and depth of the relevant infrastructure and QBCC aspect certificates for compliance with QDC MP1.4.

Class 10 buildings and structures

31. Applicable for Class 10 buildings and structures only. After excavation and prior to construction of footings, foundations or slabs, the person carrying out the building work must ensure that the soil type found onsite is within the scope of the structural design specifications for the proposed building work. If the soil classification is unable to be determined or is different from the scope of the structural design specifications, the person carrying out the building works must ensure the engineer is consulted and changes are approved by the building certifier prior to proceeding with building works.

Building Certifiers Special Conditions:

32. The building work is to be wholly or partly constructed within a Designated Bushfire Prone Area, prescribed by Local Government. Building work is to be constructed in accordance with BCA H7D4.

SCHEDULE 3 - Reasons for Decision

33. The Assessment Manager has decided that the application was properly made.
34. The Assessment Manager has used the Purposive Approach as the relevant test to consider the best description and classification for the proposed building works. (AAD Design Pty Ltd v Brisbane City Council [2012] QCA 44)
35. The Private Building Certifier is satisfied they:
 - a. are appropriately licensed and have adequate experience to carry out these building assessment functions; and
 - b. do not have a conflict of interest; and
 - c. Can carry out building certifying functions in the public interest; and
36. The Private Building Certifier has carried out any necessary Building Certification Functions to assess and decide the elements of the building works that are assessable development (code) against the Assessment Benchmarks prescribed by Planning Regulation 2017.
37. The Private Building Certifier may rely on compliance certificates and other documents. An example of this is relying on a Form 15 from an appropriately qualified RPEQ for deciding that structural design drawings meet the required acceptable construction manuals.
38. The building is not a Budget Accommodation Building, Residential Care Building, Special Structure, or Temporary Building.
39. For repairs, alterations or extensions, the Private Building Certifier is satisfied the existing building works is safe or has conditioned that the existing building works is to be made safe.
40. The Assessment Manager is satisfied that no Performance Solutions were required, or where they are required, they have been correctly documented in accordance with ABCB guidelines and requirements of Building Act 1975, including a statement of reasons for approving the performance solution as prescribed by Building Act 1975 s68A.
41. The Assessment Manager has decided that the proposed buildings work complies or could be conditioned to comply with the relevant assessment benchmarks.
42. The Assessment Manager is satisfied that there are no applicable 'general restrictions on granting building development approval', as prescribed by Building Act 1975 s83.
43. The Assessment Manager is satisfied that the proposed development is generally in accordance and/or not inconsistent with relevant earlier approvals or accepted development, as prescribed by Building Act 1975 s84.
44. The Assessment Manager is satisfied that the building works is not proposed to be constructed within an easement and conditioned the building approval that building works is not permitted within an easement or consent has been provided by the easement holder.

45. The Assessment Manager is satisfied that the proposed works do not or have been conditioned not to require installing or altering an on-site sewage facility, or a plumbing permit has been received from local government for the proposed works.
46. The Assessment Manager is satisfied that statutory QBCC Home Warranty Policy and/or QLEAVE Portable Long Service Leave has been paid and receipts have been viewed.
47. The Assessment Manager has included advice in Schedule 4 of this document, that there are further obligations on persons carrying out building work, to ensuring that the proposed works remains categorised as accepted development.
48. The Assessment Manager is satisfied that where the application was required to be referred under Planning Act 2017 Schedule 9, the application has been referred and the referral agency has advised to approval with any relevant conditions or the referral is a deemed approval. Any relevant conditions have been included in the decision notice conditions in schedule 2 of this document.
49. The Assessment Manager does not have grounds to refuse the application and is therefore the assessment manager must approve the application in accordance with Building Act 1975 s34A.

Statement of reasons for approving performance solution

NA – The proposed building works is required to satisfy the DTS provisions.

SCHEDULE 4 – ADVICE NOTES

Assessment Benchmarks

The Assessment Manager has provided a limited assessment of the assessable development elements of the building works, against the prescribed assessment benchmarks. Further assessment, review, or advice in relation to the proposed building works has not been carried out and is the responsibility of anyone carrying out building works or occupying building works to satisfy themselves of any further requirements, maintenance, care, etc.

The Building Act 1975 s31 and Planning Regulation 2017 Schedule 9, prescribe the building assessment provisions as the relevant assessment benchmarks used for this decision. The building assessment provisions are prescribed by Building Act 1975 s30 include:

- Building Act 1975 Chapter 3 and Chapter 4;
- The fire safety standard;
- The fire safety standard (RCB);
- Any provisions of a regulation made under Building Act 1975, relating to building assessment work or accepted building work;
- Any local law, local planning instrument or resolution made under Building Act 1975 s32 or any relevant provision under s33;
- Building Code of Australia 2022 or transitional provisions where written advice is given by the building certifier that earlier building assessment provisions can be used.
- Subject to Building Act 1975 s33, the **QDC** (as defined by the Building Act 1975)

Building Work categorised other than ‘assessable’.

This decision notice is for assessable building works only. Other building works do not form part of this decision or subsequent inspection.

Site Works

Site works required for the building works are included in this building development approval, and conditioned to comply, as prescribed by the Building Act 1975 s29.

Other site works do not form part of this building development approval or the inspections of the building works. For example, earthworks beyond the building that is not required for the stability of the building but instead is only landscaping.

Any persons carrying out site works should satisfy themselves if the works requires further development approvals, is subject to conditions, or where accepted development, has requirements that need to be met in order to remain accepted development.

Requirement to remain categorised as accepted development

Where the proposed building works is categorised by a local planning instrument **accepted development with requirements**, anyone carrying out the proposed building works must ensure they comply with the prescribed Assessment Benchmarks found in the tables of assessment in the relevant local planning instrument. Please note, there may be different tables of assessment to refer to

depending on the format of the local planning instrument, for example you may have to refer to different tables for the relevant zone, use, and any relevant overlays, etc.

For further assistance or advice for building works categorised as 'accepted development – with requirements' including understanding or identifying those requirements, please contact our office.

Deemed to Satisfy Provisions of the BCA

The DTS provisions of the BCA can be achieved by compliance with the Acceptable Construction Practice (ACP) and/or compliance with the Acceptable Construction Manuals as each Part of the BCA prescribes.

Building Assessment Provisions and Other Documents

For assessable building works, Planning Regulation 2021 s26 prescribes that assessable development works must be carried out in accordance with the assessment benchmarks.

Planning Regulation 2021 s27 prescribes that assessable development need only have regard to 'common material' including manufacturers recommendations. It is important to note however that this may conflict with the conditions of manufacturers warranties. The manufacturer should be contacted if further information is required any product warranty matters, as it falls outside the jurisdiction of the building certifier.

It is important to note that any evidence of suitability documentation relied upon is an assessment benchmark as it is prescribed by the BCA and must be complied with. It is not 'common material'.

Building Codes and Good Building Practices

Prior to the adoption of building codes, the building industry relied on reputable builders and good building practices. Since the adoption of the Building Act 1975, codes and standards have been developed and evolved to create a benchmark for acceptable construction practices, however they do not replace good building practices. It is the responsibility of persons carrying out building works to not only comply with the relevant building codes, but also to ensure that good building practices are adopted.

Definitions

The terms used in this document rely on the definitions provided by:

- The Building Act 1975
- The Building Regulation 2021
- The Planning Act 2016
- The Planning Regulation 2017
- The Building Code of Australia 2022