

# Cloncurry Shire Council

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Our ref: 226149 - TP 05-18

15 May 2018

Aurizon Property P/L  
GPO Box 456  
BRISBANE QLD 4001  
Email: Andrew.Batts@aurizon.com.au

Dear Andrew

## **DECISION NOTICE – DEVELOPMENT APPLICATION - RECONFIGURING A LOT (1 LOT INTO 2 LOTS) AT 58-64 STEELE STREET, CLONCURRY DESCRIBED AS LOT 17 ON SP 147784 APPROVAL (WITH CONDITIONS)**

(Given under section 63 of the *Planning Act 2016*)

The development application described below was properly made to the Cloncurry Shire Council on 9 April 2018.

### **Applicant details**

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Applicant name:	Aurizon Property P/L
Applicant contact details:	Andrew Batts GPO Box 456 BRISBANE QLD 4001

### **Application details**

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Application number:	TP 05-18
Approval sought:	Development Permit
Nature of development proposed:	Reconfiguring a Lot
Details of proposed development:	1 lot into 2 lots subdivision
Category of assessment:	Code Assessment

### **Location details**

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Street address:	58-64 Steele Street, Cloncurry
Real property description:	Lot 17 on SP147784
Local government area:	Cloncurry Shire Council

### **Decision**

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Date of decision:	15 May 2018
Decision details:	Approved in full with conditions. These conditions are set out in Attachment 1.

## **Details of the approval**

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Development permit: Reconfiguring a Lot (1 Lot into 2 Lots)

## **Conditions**

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This approval is subject to the conditions in Attachment 1.

## **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*: This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to a local government for approval is not given within 4 years of the date this approval takes effect.

## **Approved plans and specifications**

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Copies of the following plans are enclosed.

<b>Drawing/report title</b>	<b>Prepared by</b>	<b>Date</b>	<b>Reference no.</b>	<b>Version/issue</b>
<b>Aspect of development: Reconfiguring a lot</b>				
Plan of Subdivision Sheet1	Veris	3 April 2018	32405-PP02	C
Plan of Subdivision Sheet2	Veris	3 April 2018	32405-PP02	C

For further information please contact Larinda Turrell, Council's Planning and Development Officer, on 4742 4100 or via email [council@cloncurry.qld.gov.au](mailto:council@cloncurry.qld.gov.au) who will be pleased to assist.

Yours faithfully



Joanne Morris  
Acting Chief Executive Officer

enc Attachment 1—Assessment manager conditions  
Attachment 2 – Statement of Reasons  
Attachment 3 - Appeal provisions  
Attachment 4 - Approved plans and specifications

## ATTACHMENT 1 – CONDITIONS OF APPROVAL

### 1. Basis of approval

This approval is subject to the following conditions, the facts set out in the application and all relevant Council provisions of the *Cloncurry Shire Planning Scheme 2016* and *Schedule 12* of the *Planning Regulation 2017*.

### 2. Approved Plans

The development must generally comply with the submitted plans drawn as referenced in the table below, which form part of the application submitted.

Plan/Drawing Number	Plan/Document Name	Date
32405-PP02 – C Sheet 1 of 2	Plan of Subdivision Proposed Lots 170 & 171	03 Apr. 2018
32405-PP02 – C Sheet 2 of 2	Plan of Subdivision Proposed Lots 170 & 171	03 Apr. 2018

### 3. Demolition or Relocation Buildings

Prior to the approval and sealing of the survey plan the applicant is to obtain and submit to Council building approvals for the demolition or removal of 2 dwelling houses. The dwellings are to be demolished or removed within 6 months of the registration of the Survey plan in the Titles Office.

### 4. Redundant Water and Sewerage Infrastructure

Council must be notified of the disconnection of water and sewerage reticulation services. The house sewer and water connections are to be capped and inspected by Council's Water and Sewerage Supervisor. "As constructed" details of the location of the capped infrastructure is to be provided to Council. Redundant water meters are to be returned to Council. All costs associated with this condition are to be borne by the applicant.

### 5. Redundant driveways and reinstatement of kerb and channel

Redundant concrete driveways and crossovers for the houses to be demolished or removed are to be removed and the kerb and channel and footpath reinstated prior to the approval and sealing of the Survey Plan.

### 6. Redundant Stormwater Pipework and Drainage Outlets

Remove any redundant stormwater drainage pipework and cap the outlets at the kerb and channel and reinstate the footpath prior to the approval and sealing of the Survey plan.

### 7. Stormwater

There is to be no stormwater discharge onto adjoining properties.

### 8. Sealing Final Plan of Survey

The Survey plan is to be submitted for approval and sealing by Council prior to lodgement with the Registrar of Titles at the Department of Natural Resources, Mines and Energy. The Survey plan will not be sealed until all relevant conditions of the development permit have been satisfied.

## **ATTACHMENT 2 – STATEMENT OF REASONS – TP 05 -18**

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

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

#### **Details of the Development**

The proposed development is for a Reconfiguring a Lot (1 lot into 2 lots) at 58-64 Steele Street, Cloncurry described as Lot 17 on SP 147784.

On 15 May 2018, the above development application was approved in full with conditions.

#### **Reason for the decision**

The development application has demonstrated compliance with all of the relevant benchmarks of *Schedule 12 of the Planning Regulation 2017* and the purpose of the General Residential zone of the *Cloncurry Shire Planning Scheme 2016* as prescribed by the *Planning Regulation 2017*.

## ATTACHMENT 3 - APPEAL PROVISIONS

# 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.
    - (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—  
*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.

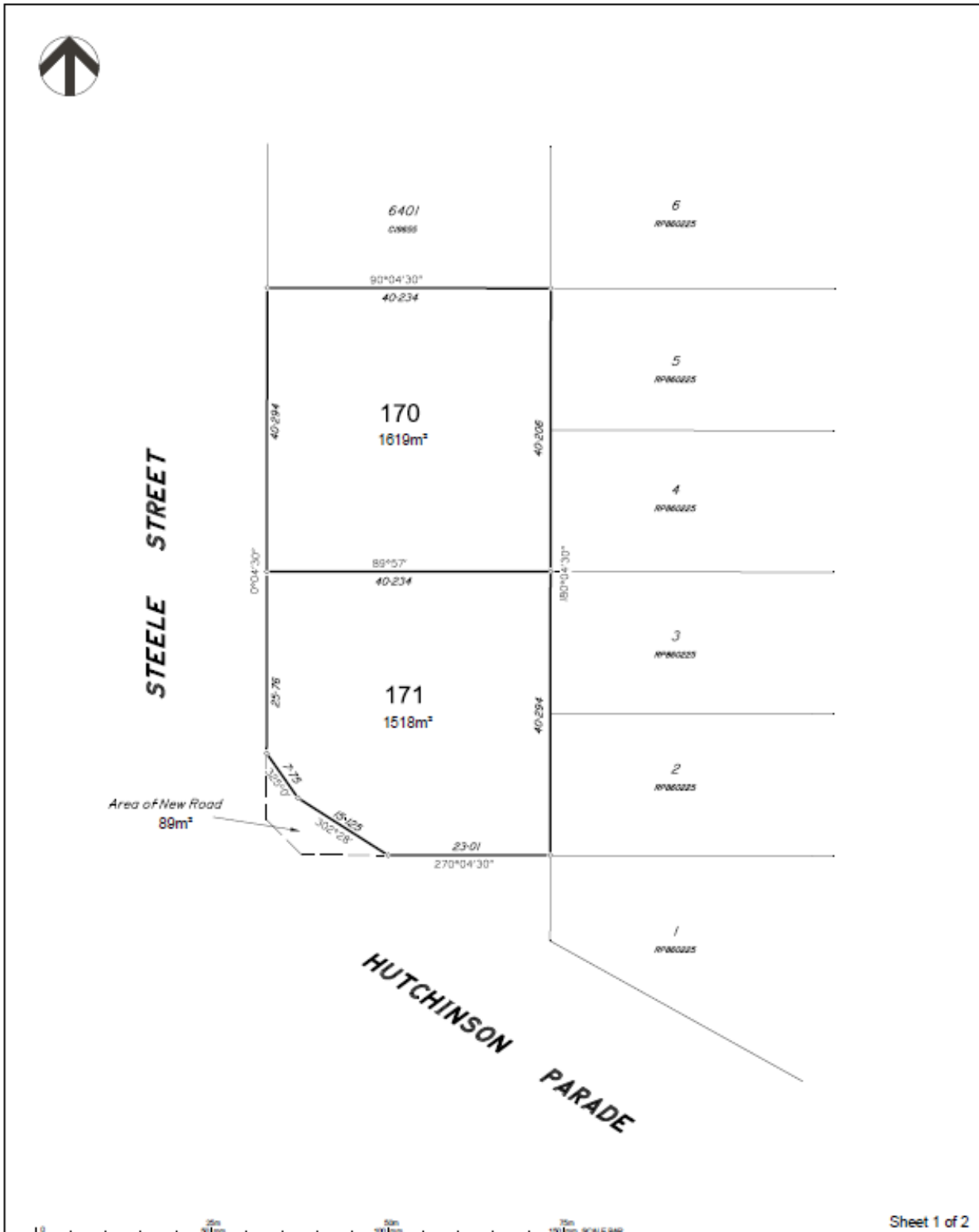
*non-appealable*, for a decision or matter, means the decision or matter—

- (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, 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.

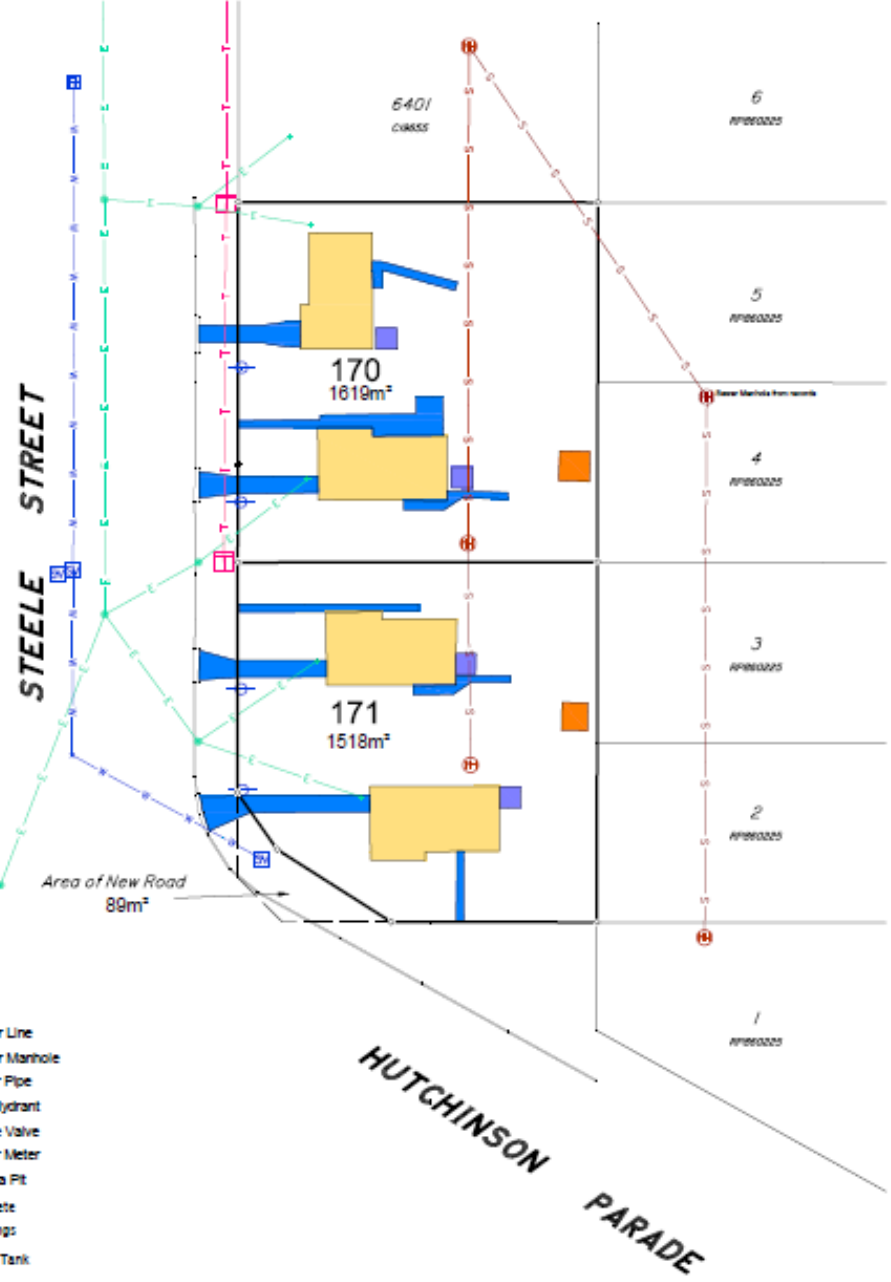
**ATTACHMENT 4 - APPROVED PLANS AND SPECIFICATIONS**



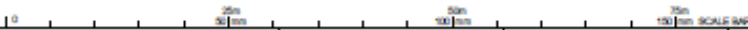
Sheet 1 of 2

<p><b>IMPORTANT NOTES:</b>                  (These notes are an integral part of this plan)                  This plan has been prepared for Aurizon Operations Ltd for the purposes of Subdivision of a Lot. It is not to be used for any other purpose or reproduction for any other purpose and is subject to the following conditions: The Contours, boundaries, area and level, Road lines, building positions have all been ascertained and should not have any reliance based on them as they are only intended as a general guide. The verification of all matters shown on this plan is subject to local authority and relevant State Government Authority approvals, detailed design, field survey and registration of survey plans. Any corrections contained on this plan should be referred to the relevant authorities. The dimensions, areas and total number of dimensions shown are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.</p> <p>Copyright © Queensland Surveying Pty Ltd a Veris Company. 2002/2018</p>		<p>Date Received: 03/04/18                  Calculated: 03/04/18                  DPM</p>	<p>Locality: Cloncurry Shire                  Local Authority: MGA                  Projection: MGA Zone 55                  Horizontal Meridian: AGC                  Vertical Level Datum: MGA                  Level Origin: AUSDA 1984                  Scale: 1:500 @ A3                  Surveyed: MRM 23/03/18                  Designed: SSC 03/04/18                  Checked: SSC 03/04/18                  Plot Date: 03 Apr, 2018                  Computer File Ref: 32405-PP02 001 1 Rev C.dwg</p>	<p>Proposed Subdivision of Lot 17                  on SP147784                  Steele Street, Cloncurry                  For                  Aurizon Operations Ltd</p>	<p>BRISBANE 191 BRISBANE                  MACKAY 201 MACKAY                  WINDSOR 201 WINDSOR                  CARROLL 201 CARROLL                  WEAVER 201 WEAVER                  AUCKLAND 201 AUCKLAND                  ACHERON 201 ACHERON                  Queensland Surveying Pty Ltd a Veris Company</p>
<p>1. Name: Steele Street                  2. Date: 03/04/18                  3. Original: 03/04/18                  4. Revision: 03/04/18</p>		<p>Plan of Subdivision                  Proposed Lots                  170 &amp; 171</p>			<p>Drawing No: 32405-PP02                  Issue: C</p>





- LEGEND**
- Kerb
  - Sewer Line
  - Sewer Manhole
  - Water Pipe
  - Fire Hydrant
  - Sluice Valve
  - Water Meter
  - Telstra Pit
  - Concrete
  - Buildings
  - Water Tank
  - Garden shed



Sheet 2 of 2

<p><b>IMPORTANT NOTICE</b></p> <p>This plan has been prepared for Aurizon Operations LTD for the purpose of Subdivision of Lot 170 &amp; 171 and is not valid for any other purpose or in relation to any other jurisdiction or subject to the following limitations: The Contours, boundaries, area, the Facilities, Building locations have all been created and checked and have any related to them as they are not intended as a general guide. The configuration of boundaries shown on this plan is subject to local authority verification (Local Government Authority approval, boundary lines, that survey and registration of survey data, any necessary reduction in the plan should be referred to the relevant authority. The dimensions, areas and the number of lots shown herein are subject to local authority and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.</p> <p>Copyright © Queensland Surveying Pty Ltd, a Veris Company. 2005/02/18</p>		<p>Local Authority: Cloncurry Shire Council</p> <p>Projection: MGA Zone 55</p> <p>Horizontal Method: AHD</p> <p>Vertical Level Datum: AUS DM 1984 B.M. 1041</p> <p>Level Origin: MSL 2353118</p> <p>Scale: 1:500 @ A3</p> <p>Surveyed: 85C 03/04/18</p> <p>Designed: 85C 03/04/18</p> <p>Checked: 85C 03/04/18</p> <p>Plot Date: 03 Apr, 2018</p> <p>Computer File Ref: 32405-PP02-012 Rev 02/03</p>	<p>Proposed Subdivision of Lot 17 on OP147784 Steele Street, Cloncurry For Aurizon Operations Ltd</p> <p>Plan of Subdivision Proposed Lots 170 &amp; 171</p>	<p><b>veris</b></p> <p>BROOKMAN WHITELANDS 301 BUNN ST MACKAY QLD 4740 07 4921 9100</p> <p>veris.com.au ACN 604 871 370 Queensland Surveying Pty Ltd, a Veris Company</p> <p>Drawing No: 32405-PP02 Issue: C</p>
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