# **Cloncurry Shire Council**

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



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Our ref: DI&E:LT – TP08/23

21 April 2023

Sarah Jones Milford Planning PO Box 5463 TOWNSVILLE QLD 4810 **Email:** info@milfordplanning.com.au

Dear Sarah

# REQUEST TO MAKE MINOR CHANGE (s.78 OF *PLANNING ACT 2016*) FOR A MATERIAL CHANGE OF USE FOR AN EDUCATION ESTABLISHMENT (EXTENSION TO ST JOSEPH'S CATHOLIC SCHOOL) TP06/14 & TP03/21, AT 18-20 SHEAFFE STREET AND 17-19 GEORGE STREET, CLONCURRY

The development application described below was properly made to the Cloncurry Shire Council on 23 March 2023.

# Applicant details

Applicant name:NApplicant contact details:SHH

Milford Planning Sarah Jones PO Box 5463 TOWNSVILLE QLD 4810

# **Application details**

Application number: Approval sought: Nature of development proposed: Details of proposed development:	TP08/23 Development Permit Minor Change Minor Change to the Development Approval – Material Change of
Details of proposed development.	Use – Extension to St Joseph's Catholic School
Category of assessment:	Code Assessment
Location details	
Street address:	18-20 Sheaffe Street and 17-19 George Street, Cloncurry
Real property description:	Lots 31, 32 and 42 on C1966 and Lot 10 on MPH21939
Local government area:	Cloncurry Shire Council
Decision	

Date of decision:

Decision details:

#### **RESOLUTION 84.2023**

Moved:Cr Sam DanielsSeconded:Cr Vicky Campbell

That a Minor Change for a Development Permit for a Material Change of Use for changes to the site layout of an Education Establishment (Extension to St Joseph's Catholic School), at 18-20 Sheaffe Street, Cloncurry be approved, subject to relevant and reasonable conditions, as set out in attached Conditions of Approval.

In Favour: Cr Greg Campbell, Cr Sam Daniels, Cr Vicky Campbell, Cr Nathan Keyes, Cr Janessa Bidgood Against: None Ineligible: None

Details of the approval

Development permit:

Minor Change to a Development Permit for a Material Change of Use - Education Establishment (extension to Saint Joseph's Catholic School) P06/14 & TP03/21

#### Conditions

This approval is subject to the conditions in Attachment 1.

#### **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*: This approval lapses if a plan for the Minor Change 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

Copies of the following plans are enclosed.

Plan/Dwg. No.	Rev.	Title	Date	Prepared by
<del>1923/SK-01</del>	-	Aerial Site Plan	Mar-14	Tony Madden Architects & Interiors
Cover Page	1	1578 A SK 000	<del>Mar 2021</del>	
			March 2023	i4 Architecture
<del>1923/SK-02</del>	-	Proposed Site Plan	Mar 14	Tony Madden Architects & Interiors
1920/012 02				

		1578 A SK 001		
Overall Site Plans –	1		<del>Mar 2021</del>	
Existing and Proposed		×	March 2023	i4 Architecture
1923/SK-03	-	Proposed Site Plan	Mar 14	Tony Madden Architects & Interiors
1)23/81( 03		Troposed Site Than	ivitur i i	
Existing First Floor Site Plan	1	1578 A SK 002	<del>Mar 2021</del>	
			March 2023	i4 Architecture
<del>1923/SK-04</del>	-	Proposed	Mar 14	Tony Madden Architects & Interiors
Demolition Site Plan	1	1578 A SK 003	<del>Mar 2021</del>	i4 Architecture
			March 2023	•
Proposed Part Site			Mar 2021	
Plan	1	1578 A SK 004	March 2023	i4 Architecture
Proposed Administration Floor Plan and Elevations	1	1578 A SK 200	<del>Mar 2021</del> March 2023	i4 Architecture
Proposed B Block Floor Plan and Elevations	1	1578 A SK 201	<del>Mar 2021</del> March 2023	i4 Architecture
Proposed C Block, Tuckshop and Elevations	1	1578 A SK 202 .	<del>Mar 2021</del> March 2023	i4 Architecture
Renderings	1	1578 A SK 1000	<del>Mar 2021</del> March 2023	i4 Architecture
1923/SK-05	-	Proposed First Floor Plan	Mar 14	Tony Madden Architects & Interiors
1923/SK-06	-	Elevations	Mar 14	Tony Madden Architects & Interiors
1923/SK-07	-	Roof Plan	Mar 14	Tony Madden Architects & Interiors
1923/SK-08	-	Landscape Concept Plan	Mar 14	Tony Madden Architects & Interiors
1862/SK-09	-	Proposed Toilet Block	Mar 14	Tony Madden Architects & Interiors
MT13-0270	A	Concept Site Based Stormwater Management Plan	June 14	Osborn Lane

For further information please contact Larinda Turrell, Council's Senior Town Planner, on 4742 4100 or via email <u>council@cloncurry.qld.gov.au</u> who will be pleased to assist.

Yours faithfully

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Philip Keirle Chief Executive Officer

Encl: Attachment 1 - Conditions of the approval Attachment 2 - Extract on appeal rights Attachment 3 - Statement of Reasons Attachment 4 - Approved Plans

## **ATTACHMENT 1 – CONDITIONS OF APPROVAL**

# NATURE OF DECISION

A Cloncurry Shire Council issues a development permit for Development application - Reference TP03/21(TP08/23) Material Change of Use (Extension to St Joseph's Catholic School), under the *Planning Act 2016*.

# GENERAL

# 1. Site Layout

The development must generally comply with the approved proposal plans and design drawings as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

Plan/Dwg. No.	Rev.	Title	Date	Prepared by
<del>1923/SK-01</del>	-	Aerial Site Plan	Mar 14	Tony Madden Architects &
				Interiors
Cover Page	1	1578 A SK 000	Mar-2021	
		-	March 2023	i4 Architecture
<del>1923/SK 02</del>	-	Proposed Site Plan	Mar-14	Tony Madden Architects &
		·	<del>Mar 2021</del>	Interiors
Overall Site Plans –	1	1578 A SK 001	March 2023	i4 Architecture
Existing and Proposed	-			
<del>1923/SK 03</del>	_	Proposed Site Plan	Mar-14	Tony Madden Architects &
				Interiors
Existing First Floor Site	1	1578 A SK 002	Mar 2021	
Plan	-		March 2023	i4 Architecture
<del>1923/SK 0</del> 4	-	Proposed	Mar-14	Tony Madden Architects &
				Interiors
<b>Demolition Site Plan</b>	1	1578 A SK 003	Mar 2021	
	_		March 2023	i4 Architecture
<b>Proposed Part Site Plan</b>	1	1578 A SK 004	Mar 2021	i4 Architecture
			March 2023	
Proposed Administration	1	1578 A SK 200	Mar 2021	i4 Architecture
Floor Plan and Elevations	-		March 2023	
Proposed B Block Floor	1	1578 A SK 201	Mar 2021	i4 Architecture
Plan and Elevations	-		March 2023	
Proposed C Block,	1	1578 A SK 202	Mar 2021	i4 Architecture
<b>Tuckshop and Elevations</b>	-		March 2023	
Renderings	1	1578 A SK 1000	Mar 2021	i4 Architecture
	L	1070 A DIX 1000	March 2023	
1923/SK-05	_	Proposed First Floor Plan	Mar 14	Tony Madden Architects &
				Interiors
1923/SK-06	-	Elevations	Mar 14	Tony Madden Architects &
				Interiors
1923/SK-07	-	Roof Plan	Mar 14	Tony Madden Architects &
				Interiors
1923/SK-08	_	Landscape Concept Plan	Mar 14	Tony Madden Architects &
				Interiors
1862/SK-09	-	Proposed Toilet Block	Mar 14	Tony Madden Architects &
	-			Interiors
MT13-0270	Α	Concept Site Based	June 14	Osborn Lane
· .		Stormwater Management		· · ·
		Plan		

# 2. Compliance with conditions

(a) All conditions must be complied with prior to the commencement of the use, unless specified in an individual condition.

(b) The conditions of this development approval are to be read in conjunction with the approved plans /drawings/ documents at all times. Where a conflict occurs between the conditions of this approval and the approved plans / documents, the conditions of this development approval shall prevail.

# 3. Building works

This Development Approval does not include an assessment of building work against the requirements of the *Building Act 1975* 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 1975* has been issued.

# 4. Fencing

Security fencing, suitable to prevent unauthorised persons entering the site, is to be installed and maintained around the perimeter of the proposed work area.

#### 5. Landscaping

A landscaping plan is to be submitted providing details of all proposed landscaping on the site. Such landscaping plan is to be approved by Council's delegated officer prior to the commencement of the use

# 6. Storage Equipment

During the construction stage all equipment and machinery are stored in appropriate areas so as not to cause a nuisance to existing neighboring surrounds.

# 7. Waste Management

A screened waste storage area in the vicinity of a hose cock for cleaning proposes for general waste and regulated waste are to be provided within the site at accessible locations to allow for collection and removal to approved facilities.

# 8. Noise Management

During the construction stage appropriate noise mitigation measures shall be put in place to contain and manage noise levels so as not to give rise to unacceptable effects on nearby sensitive receiving land uses.

# 9. Dust Management

During construction and operation of the approved use, the operator is to put in place appropriate mitigation measures for the suppression of dust, so as not to cause a nuisance.

#### 10. Works during construction

- a) Unless otherwise approved in writing by the assessment manager, hours of construction must not exceed 8.00 am to 6.00pm (Monday to Saturday).
- b) Unless otherwise approved in writing by an authorised council officer, work must not be conducted from or on the premises outside the above hours or on Sundays or public holidays.

#### 11. Existing Approval

All conditions set out in the Development Application Decision Notice signed and dated 19 September 2014 and not stated above must be adhered to.

# **ADVICE** – *Please note that these are not conditions*

- A. The Applicant is responsible for securing all necessary approvals, permits and tenure, providing statutory notifications and complying with all relevant laws. Nothing in this development approval alleviates the need for the Applicant to comply with all relevant Local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the Applicant is involved. Without limiting this obligation, the Applicant is responsible for:
  - (a) Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called (this may include further development approvals under the "*Planning Act*"

2016" and the planning scheme) required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;

- (b) Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the "*Environmental Protection Act 1994*" of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity'); and
- (c) Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the Applicant to ensure compliance with this decision notice and applicable codes.

# B. Indigenous Cultural Heritage Legislation and Duty of Care Requirement

The "Aboriginal Cultural Heritage Act 2003" (ACHA) establishes a duty of care to take **all** reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- (a) Is not negated by the issuing of this development approval;
- (b) Applies on all land and water, including freehold land;
- (c) Lies with the person or entity conducting an activity; and
- (d) If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The Applicant should contact NRW's Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the ACHA.

# C. Limitation of Approval

The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.

The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.

# 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

- 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

- 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.

#### ATTACHMENT 3 – STATEMENT OF REASONS – TP08/23

#### 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 application seeking a development permit for a Change to Existing approval (TP08/23) for a Material Change of Use for an Education Establishment (Extension to St Joseph's Catholic School), At 18-20 Sheaffe Street and 17-19 George Street, Lots 31, 32 and 42 on C1966 and Lot 10 on MPH21939 Cloncurry.

On 18 April 2023, the above development application was approved subject to reasonable and relevant conditions being imposed.

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

A detailed assessment of the application by Council assessing officers has been undertaken and it is concluded as documented in this Development Assessment Report that the applicant has satisfactorily demonstrated compliance with the applicable benchmarks of the relevant planning scheme codes to enable Council to support the proposed development in granting its approval, subject to reasonable and relevant conditions being imposed.

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STAGE 1

2. PROPOSED NEW BOOK HIRE AND UNIFORM SHOP 1. PROPOSED NEW ADMINISTRATION BUILDING 4. PROPOSED 4 x NEW CLASSROOMS 3. PROPOSED LEARNING SUPPORT 5. PROPOSED TUCKSHOP MINOR CHANGE APPLICATION ASSOCAITED WITH TP06/14 AND TP03/21

18-20 SHEAFFE STREET AND 17-19 GEORGE STREET **CLONCURRY** ADDRESS

	Sheet List	
Sheet		Current
Number	Sheet Name	Revision
000	COVER PAGE	-
00-1	OVERALL SITE PLANS - EXISTING & PROPOSED	-
002	EXISTING FIRST FLOOR SITE PLAN	1
003	DEMOLITION SITE PLAN	-
004	PROPOSED PART SITE PLAN	+
200	PROPOSED ADMIN BLOCK FLOOR PLAN & ELEVATIONS	+
201	PROPOSED BLOCK B FLOOR PLAN & ELEVATIONS	-
202	PROPOSED C BLOCK, TUCKSHOP AND ELEVATIONS	1
1000	RENDERINGS	-



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

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SHEAFFE ST. CLONCURRY, QLD 4824 PROPOSED BGA APPLICATION 2022 TCEO - ST JOSEPHS, CLONCURRY LOCATION PROJECT CLIENT

SENERAL NOTES

NOT FOR CONSTRUCTION COVER PAGE DESIGNED JL DRAWN TN DATE MA SCALE A1 1

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