

# Cloncurry Shire Council

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Our ref: WES:LT - TP13/19

21 February 2020

Department of State Development, Manufacturing, Infrastructure and Planning  
c/- Jessica Whiteing  
AECOM Pty Ltd  
PO Box 1307  
FORTITUDE VALLEY QLD 4006  
Email: [jessica.whiteing@aecom.com](mailto:jessica.whiteing@aecom.com)

Dear Jessica

**NEGOTIATED DECISION NOTICE – DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – AIR SERVICES (UNMANNED AERIAL TEST FACILITY) – SIR HUDSON FYSH DRIVE, CLONCURRY – PART OF LOT 36 ON RP884323**

(Given under section 76(3) of the *Planning Act 2016*)

The Cloncurry Shire Council received your change representation under section 75 of the *Planning Act 2016* on 7 February 2020. This Negotiated Decision Notice replaces the Decision Notice dated 28 January 2020 and the Negotiated Decision Notice dated 20 February 2020.

On the 18 February 2020, Cloncurry Shire Council agreed to the following changes:

1. Remove original plans:

Title	Plan No	Rev	Date	Prepared By
Cloncurry Airport General Arrangement	60614450-CIV-DWG-002	C	14.11.2019	AECOM Australia Pty Ltd
Minimum Viable Capability (MVC) Cloncurry Airport Combined Services	60614450-SK-002	C	14.11.2019	AECOM Australia Pty Ltd

2. Replace with the following approved plans:

Title	Plan No	Rev	Date	Prepared By
Cloncurry Airport General Arrangement	60614450-CIV-DWG-002	D – New Road Alignment	06.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport Vehicle Tracking	60614450-CIV-DWG-004	A – New Road Alignment	06.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport Vehicle Tracking AV	60614450-CIV-DWG-005	A – New Road Alignment	10.02.2020	AECOM Australia Pty Ltd

Minimum Viable Capability (MVC) Cloncurry Airport Combined Services	60614450-SK-002	D	10.02.2020	AECOM Australia Pty Ltd
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3. Condition 9 (c) has been added: *Use of the access road to the development site by semi-trailer and prime mover vehicles (maximum length 19m) is limited to a maximum of five (5) movements per annum (i.e. calendar year).*

The development application described below was properly made to the Cloncurry Shire Council on 15 November 2019.

### **Applicant details**

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Applicant name: Department of State Development, Manufacturing, Infrastructure and Planning  
Applicant contact details: c/- AECOM Australia Pty Ltd  
PO Box 1307  
FORTITUDE VALLEY QLD 4006

### **Location details**

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Street address: Sir Hudson Fysh Drive, Cloncurry  
Real property description: Part of Lot 36 on RP884323  
Local government area: Cloncurry Shire Council

### **Application details**

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Application number: TP 13/19  
Approval sought: Development Permit  
Nature of development proposed: Material Change of Use (Air Services)  
Description of the development proposed: Unmanned Aerial Test Facility  
Category of assessment: Impact Assessment

### **Decision**

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Date of decision: 18 February 2020  
Negotiated Decision Notice details: Approved in full of conditions

### **Conditions**

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This approval is subject to the conditions in Attachment 1.

### **Properly made submissions**

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There was one properly made submission for this application:

Ronald G. Bird  
1 McMaster Road  
Cloncurry Qld 4824

### **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

#### Condition 5 Development approval currency period

- (a) In accordance with section 85 of the *Planning Act 2016*, this development permit for the approved use (Air Services – Unmanned Aerial Test Facility) is for a maximum time period of 4 years from the date of this development approval.
- (b) An extension to this period of approval in (a) is subject to the written consent of Council or its delegate.

### Approved plans and specifications

**Table 1 Supporting documentation/reports**

Title	Plan No	Rev	Date	Prepared By
Cloncurry Airport General Arrangement	60614450-CIV-DWG-002	D – New Road Alignment	06.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport General Vehicle Tracking	60614450-CIV-DWG-004	A – New Road Alignment	06.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport General Vehicle Tracking AV	60614450-CIV-DWG-005	A – New Road Alignment	10.02.2020	AECOM Australia Pty Ltd
Minimum Viable Capability (MVC) Cloncurry Airport Combined Services	60614450-SK-002	D	10.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport Typical Sections and Details	60614450-CIV-DWG-003	C	14.11.2019	AECOM Australia Pty Ltd
Portable tripod and guyed mast	Drawing no. SO3	Issue 1	March 2018	Modco Group
	Drawing no. SO4	Issue 1	March 2018	Modco Group
Technical and Engineering Assessment and Input for Viable Capability Project	-	D0	12.11.2019	AECOM Australia Pty Ltd

For further information please contact Andrew Humpherys, Council's Senior Town Planner, 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



David Bezuidenhout  
Chief Executive Officer

Encl: Attachment 1—Assessment manager conditions  
Attachment 2 – Statement of Reasons  
Attachment 3 - Appeal provisions  
Attachment 4 - Approved plans and specifications  
Attachment 5 – Referral Response

## ATTACHMENT 1 – CONDITIONS OF APPROVAL

NATURE OF DECISION				
A. The Cloncurry Shire Council development permit for Development application – Reference TP13/19 under the <i>Planning Act 2016</i> .				
GENERAL				
<b>1. Site Layout</b>				
The development must generally comply with the approved proposal plans and design drawings and details as referenced in the table below and included within the Engineering Plans, which forms part of this application, except as otherwise specified by any condition of this approval.				
Title	Plan No	Rev	Date	Prepared By
Cloncurry Airport General Arrangement	60614450-CIV-DWG-002	D – New Road Alignment	06.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport Vehicle Tracking	60614450-CIV-DWG-004	A – New Road Alignment	06.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport General Vehicle Tracking AV	60614450-CIV-DWG-005	A – New Road Alignment	10.02.2020	AECOM Australia Pty Ltd
Minimum Viable Capability (MVC) Cloncurry Airport Combined Services	60614450-SK-002	D	10.02.2020	AECOM Australia Pty Ltd
Cloncurry Airport Typical Sections and Details	60614450-CIV-DWG-003	C	14.11.2019	AECOM Australia Pty Ltd
Portable tripod and guyed mast	Drawing no. SO3	Issue 1	March 2018	Modco Group
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Technical and Engineering Assessment and Input for Viable Capability Project	-	D0	12.11.2019	AECOM Australia Pty Ltd
<b>2. Compliance with conditions</b>				
(a) All conditions must be complied with, prior to the commencement of the use on the subject site, 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.				
(c) A legible copy of the approved drawings and documents bearing "Council Approval" and the conditions of this Decision Notice are to be available on site at all times during construction.				
<b>3. General</b>				
(a) Any ground surfaces which are disturbed by construction activities are to be restored to a condition consistent with that existing before being disturbed by construction activities and must be completed prior to the commencement of the use.				
(b) The setback area between the operational area hardstand and the airport apron and terminal buildings is to be kept clear of the storage of machinery, equipment, containers and commodities (unless for refueling of the drone(s) or associated machinery or where directly associated with operation of the drone immediately prior to lift-off, and then removed from this area) and is to be kept in a clean and tidy condition at all times.				
<b>4. Airport/Aerodrome Operations</b>				
(a) The operation shall be conducted in accordance with all relevant aviation safety and operations standards for unmanned aircraft (drone) and requirements of the Airport Manager.				

- (b) Actions as set out in AECOM's letter of 9<sup>th</sup> December 2019 (Information request response - Item 3) are to be initiated by QinetiQ or other responsible party, prior to or at the time of commencement of the use (flying from the site).

These actions include:

- Prior to commencement of operations of UAS activity on the site, QinetiQ must engage with aviation users in the local area (including outlying areas) regarding proposed operations, test airspace and activation times. This consultation must include RPT operators, Royal Flying Doctors Service (RFDS) and the Cloncurry Mustering Company (CMC). This consultation and subsequent information is a requirement of the CASA approval process. *(To be complied with prior to the commencement of the use)*
- QinetiQ is investigating establishing an SMS service advising local aviation users regarding range flying operations. The outcome of this investigation must be presented to Council. *(To be complied with prior to the commencement of the use)*
- UAS flying operations must only be programmed outside RPT scheduled arrivals and departures, to further minimise interaction between aircraft. *(At all times)*
- Once operation of the facility has commenced, QinetiQ must provide briefings to the RPT operators, Royal Flying Doctor Service (RFDS) and the Cloncurry Mustering Company (CMC) regarding weekly and daily flying programs, supported by Notice to Airman (NOTAM) notifications issued through AirServices Australia. *(At the time of commencement of the use [flying from site])*

#### **5. Development approval currency period**

- (a) In accordance with section 85 of the *Planning Act 2016*, this development permit for the approved use (Air Services- Unmanned drone aerial testing facility) is for a maximum time period of 4 years from the date of this development approval.
- (b) An extension to this period of approval in (a) is subject to the written consent of Council or its delegate.

**Note:**

*Conditions of this development may require review at that time and will be subject to negotiation between the parties.*

#### **6. Construction Plans and Drawings**

Prior to the commencement of any construction works on the subject site, a full suite of construction plans and drawings certified by an RPEQ is to be submitted for approval and stamping by Council or its delegate. This includes construction plans and drawings for the following:

- (a) Bunded fuel storage
- (b) Civil works and stormwater drainage infrastructure
- (c) Access road works, carparking and vehicle loading and manoeuvring areas (including for rigid vehicles).

#### **7. Building Design and Construction Drawings**

Drawings with associated detail prepared for obtaining building works approvals for the:

- (a) MMCS Container
- (b) Hangar;
- (c) Range Control Centre;
- (d) Amenities Buildings; and
- (e) Radar installation;

are to be submitted to Council or its delegate for approval and stamping prior to lodging a building works development application with a building certifier and/or the commencement of any construction works on the subject site.

The preparation of the aforementioned drawings shall meet the following requirements:

- (a) Building height – The height of the hangar is a maximum overall building height of 9.0m noting however, that the antenna/s on top of the hanger building may exceed this height and must meet the OLS requirements;
- (b) Structure height – The Portable tripod and guyed mast has a maximum height of 8.0m noting however, that any obstacle light on top of the portable tripod and guyed mast may exceed this height and must meet the OLS requirements; and

- (c) Reflective material and colours – The building materials including use of colourbond orb shall avoid creating reflective nuisance impacts to both aircraft using and other occupants located at the Cloncurry Airport.

#### **8. Stormwater drainage**

- (a) Prior to the commencement of any works, a Site Based Stormwater Management Plan including construction drawings for stormwater drainage works certified by an RPEQ will be submitted for Council or its delegate for approval and stamping.
- (b) Stormwater discharging from the site is to be directed to a lawful point of discharge.
- (c) Stormwater drainage is to be managed, controlled and treated (incorporating collection, quality and quantity measures) in accordance with the Site Based Stormwater Management Plan.
- (d) Stormwater collection, quality and quantity measures for the development is to be implemented in accordance with PSP3 Operational Works and Services.
- (e) Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties/infrastructure/buildings or that creates an increase in flood damage on other properties/infrastructure/buildings and should have a 'no worsening' effect.
- (f) Should connection to the reticulation network not be available, stormwater and any on-site wastewater treatment systems proposed shall not result in the contamination of groundwater flows.

**Note:**

*A Site Based Stormwater Management Plan is to address:*

- *The provision of on-site detention / retention necessary to limit discharge to pre-development generated peak levels up to and including the Q100 ARI return interval (or 1 % AEP).*
- *The provision of stormwater quality improvement devices.*
- *Demonstration that the development will not result in actionable nuisance on upstream or downstream properties.*

#### **9. Access Road to site**

- (a) The access road will be a minimum of 5 metres wide and spray sealed in accordance with Department of Transport and Main Roads Queensland standards - Technical Specification MRTS11 Sprayed Bituminous Treatments (excluding Emulsion).
- (b) The design and construction drawings for the new access road and entry point to the new access from Sir Hudson Fysh Drive must demonstrate the turning sweep path of the largest design vehicle that will access the site during operations.
- (c) Use of the access road to the development site by semi-trailer and prime mover vehicles (maximum length 19m) is limited to a maximum of five (5) movements per annum (i.e. calendar year).

#### **10. Internal Access and Car Parking**

- (a) Any internal access roads and hardstand areas, beyond the planned extent of the sealed pavement to the Sir Hudson Fysh Drive frontage access; is to be of a sealed hardstand construction as designed and certified by an RPEQ and is to be maintained to a good engineering standard /condition.  
*To be complied with prior to the commencement of the use and maintained thereafter.*
- (b) All driveways, parking and manoeuvring areas are to be appropriately maintained to the satisfaction of Council or its delegate to ensure there is no nuisance to adjoining land uses or damage to public roads or infrastructure. A program of regular inspection and maintenance is to be undertaken by the applicant/site operator.
- (c) A car parking plan and drawings are to be certified by an RPEQ and submitted to Council or its delegate, detailing the movement and accessibility plans for employees of the facility. Access and internal manoeuvring is provided for in accordance with AS1428 Design for access and mobility and AS1742.1 Manual of Uniform Traffic Control Devices.  
The carparking plan and drawings shall provide:
- a dedicated turn around bay to allow cars to turn around at the end and drive out forwards in accordance with Clause 2.4.2c of AS2890.1:2004;
  - a dedicated accessible parking space and shared area in accordance with the Building Code of Australia and Figure 2.1 of AS2890.6:2009

*To be complied with prior to the commencement of the use.*

- (d) The car parking areas are to be constructed of a durable, suitable material, such as compacted hardstand gravel (minimum depth of 150mm), in accordance with Council's Standard Drawing and spray sealed in accordance with Department of Transport and Main Roads Queensland standards - Technical Specification MRTS11 Sprayed Bituminous Treatments (excluding Emulsion).
- (e) On site access will be restricted to the highest design vehicle with such vehicles being capable of entering and exiting the site in forward gear at all times.
- (f) The proposed development will ensure that there is no conflict on site between the movement of the design vehicle with the largest turning circle and other vehicles utilised by customers/staff to the site.

#### **11. Sir Hudson Fysh Drive**

No private or heavy vehicles are permitted to park, undertake reversing or like manoeuvres or loading/unloading activities within the Sir Hudson Fysh Drive road reserve.

*To be complied with at all times.*

#### **12. Water Supply**

- (a) The development must be provided with potable water supply by:
  - connecting to the existing water supply; or
  - providing suitably sized water tanks on site that are regularly filled to meet the reasonable demands of the operation of the use.

*(To be complied with prior to the commencement of the use).*
- (b) In the event that water tanks are provided, a review after 18 months of operation of the use, the applicant must advise Council if the operation is to extend past 2 years.
- (c) If the operation is extended past 2 years, the subject site must be connected to the existing water supply network provided to the Cloncurry Airport.
- (d) A non-potable water storage with adequate capacity to meet emergency firefighting requirements is to be provided prior to the commencement of the use.

**Note:**

*Connection to Council's water infrastructure is subject to further approvals. For further information about these requirements, contact Council's Department of Works and Environmental Services on 07 47 424 100.*

#### **13. Sewerage Services**

- (a) The development must be:
  - connected to the existing reticulated sewerage system; or
  - serviced by a portable collection system that is sized and regularly serviced to meet the reasonable demands of the operation of the use.
- (b) In the event that a portable collection system is provided, at 18 months of operation of the use, the applicant must advise Council if the operation is to extend past 2 years of use since its commencement.
- (c) If the operation is extended past 2 years, the subject site, must connect to the existing reticulated sewerage system.
- (d) The applicant must undertake all necessary localised upgrades of Council sewerage infrastructure to ensure other users within the Cloncurry Airport/aerodrome precinct are not adversely affected by the increased demand of the development.
- (e) Private internal sewer reticulation works within the site must be maintained in accordance with the requirements of the *Plumbing and Drainage Act 2002*, Water Services Australia Code.

**Note:**

*Connection to sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Department of Works and Environmental Services on 07 47 424 100. No plumbing and drainage works are to commence prior to the issuing of the Plumbing and Drainage Approval by the Council.*

#### **14. Electricity Supply**

The development must provide connection to the reticulated electricity networks so as to achieve compliance with the relevant regulatory authority and compliance with SC6.4.4 of the Planning Scheme.

*To be complied with prior to the commencement of the use.*

#### **15. Noise Management**

Noise mitigation measures shall be put in place to contain and manage noise levels so as not to give rise to unacceptable effects on sensitive receiving land uses.

**16. Dust Management**

During construction 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 beyond the boundaries of the site.

**17. Earthworks**

Earthworks will be undertaken in accordance with the Soil Erosion and Sediment Control Guidelines for Queensland; the Queensland Urban Drainage Manual (QUDM) and the requirements of PSP 3 of the Cloncurry Shire Planning Scheme 2016.

**18. Site Based Management Plan and Associated Matters**

- (a) The development is to be carried out in accordance with a Site Based Management Plan (SBMP) to be prepared to address (not meant to be all inclusive), dust suppression, an erosion and sediment control plan, noise/vibration management, the prevention of risk of any accidental fuel spillage(s), bunded containment to mitigate potential environment harm and emergency management responses. The SBMP is to be submitted to Council or its delegate for approval prior to the commencement of the use.
- (b) During the construction phase, implementation of appropriate SBMP controls /actions for dust suppression, erosion and sediment control and noise/vibration management, is to ensure that any short-term adverse effects on local amenity are minimised.  
*To be submitted and approved prior to the commencement of the use and implemented at all times thereafter.*

**19. Lighting**

Any lighting is to be designed, installed and maintained principally in accordance with the requirement of "Civil Aviation Safety Authority Guideline Chapter 12 – Aerodrome Lighting : 1.2 Lighting in the vicinity of an aerodrome" and if as necessary, AS 4282 1997 "Control of the Obtrusive Effects of Outdoor Lighting" and AS 1158 2010 "Lighting for roads and public spaces".

**20. Landscaping**

- (a) A landscaping plan is to be submitted providing details of all proposed landscaping on the site, including adjacent to the vehicular entry and carparking areas. Such landscaping plan is to be approved by Council's delegated officer prior to the commencement of the use.
- (b) The landscaping should be of low-height (equal to or less than an overall manageable/maintainable 2 metres) shrubs of a native species suitable to local climatic conditions.  
*To be provided prior to the commencement of the use and maintained at all times.*

**Note:**

*Landscape works that comply with the applicable requirements and approved plan do not require the submission of an operational work development application.*

**21. Waste management**

The applicant is to provide arrangement for a waste collection service (including collection frequency) as agreed to with Council or its delegated officers and make provision for a waste collection area that:

- (a) is sufficient to accommodate all refuse containers required for the scale of the development;
- (b) is screened from the Sir Hudson Fysh Drive frontage and adjoining airport operations;
- (c) have an impervious surface area and designed so as to prevent the release of contaminants to the environment;
- (d) is located within the vicinity of a hose cock (with backflow prevention) for cleaning purposes and a wash down provision is to be drained to a suitable interceptor or trash trap prior to discharge to an approved stormwater system; and
- (e) must be maintained in a clean and sanitary manner at all times.

**22. Advertising Devices**

- (a) The design detail and specification for the erection of any new sign is to be submitted to Council's Delegated Officer for approval.

**Note:**



*Advertising devices must comply with section 9.4.1 - Advertising device code.*

**23. Bushfire Management**

The applicant is to conform and comply with the procedures of the Aerodrome Emergency Plan including emergency responses for fires including bushfires. An Emergency Response and Evacuation Plan prepared by a suitably qualified professional is to be submitted to Council's delegate demonstrating specific mitigation actions including evacuation routes; details of water source and storage tank location; and capacity for fire-fighting purposes.

**24. Fuel Storage**

Storage of fuel shall be in self-bunded storage cabinets, with treatments, response actions to avoid and/or address spillages through the UAS FTR Emergency Response Plan being prepared as a component of the Site Based Management Plan.

**25. Fencing**

- (a) Security fencing is to be erected around the perimeter of the site and will be a maximum height of 2.4m and constructed of wire mesh.
- (b) A plan is to be submitted providing details of the fence including footing design.  
*To be provided prior to the commencement of the use and maintained at all times*

**26. Ergon Energy Easement**

- 1. The development is to be carried out in accordance with the plans identified on the below referenced plans. Any alterations to these plans should be resubmitted to Ergon for comment:

APPROVED PLANS			
Title	Plan Number	Issue	Date
Cloncurry Airport General Arrangement	60614450-CIV-DWG-002	C	14 November 2019
Cloncurry Airport Combined Services	60614450-SK- 002	C	14 November 2019

- 2. The conditions of any easements in favour of Ergon must be maintained at all times.

The Applicant is further advised that there is a number of overhead electricity assets present on site. All operations associated with the unmanned aerial test facility must maintain safe operating distances from these assets, as regulated by the Civil Aviation Safety Authority and/or other legislation.

**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') Please also refer to item D. below;
  - (c) Securing tenure/permission from the relevant owner to use private or public land not owned by the Applicant (including for access required by conditions of approval); and
  - (d) 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.

- D.** The Applicant and /or Operator will /or have entered into a formal commercial tenancy agreement and be provided with a lease from the Cloncurry Shire Council as the registered landowner of the Cloncurry Airport to operate the Unmanned aerial (drone) test facility. Commercial and other operational matters that go beyond issues addressed in the development approval must be cognisant of the terms and conditions of the development permit.

- E.** The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their ‘general environmental duty’ to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

## **ATTACHMENT 2 – STATEMENT OF REASONS – TP 13/19**

### ***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 change representation under s.75 of the *Planning Act 2016* is seeking a Negotiated Decision Notice for a development application for a Material Change of Use (MCU) for Air Services (Unmanned Aerial Test Facility), on land owned by Cloncurry Shire Council at Sir Hudson Fysh Drive, Cloncurry (Part of Lot 36 on RP884323). On 18 February 2020, the Negotiated Decision Notice for the change representation was approved in full, with conditions.

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

The proposed development was impact assessable and involves a Material Change of Use for an Unmanned Aerial Test Facility, with associated hanger, workspaces and amenities block. The change representation was made to alter the configuration of the access road alignment to the development site. The access road re-alignment will allow compliance with Condition 9 of the development permit.

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 *Cloncurry Shire Planning Scheme 2016* and 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.

## ATTACHMENT 3 – PLANNING ACT 2016 EXTRACT ON APPEAL RIGHTS

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

##### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* 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 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (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 t cost of trunk infrastructure identified in LGIP; or
    - ii. The cost of infrastructure decided using the method included I the local government charges resolution

## 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the register 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 register 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 © 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 has 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, with 10 business days after the notice of appeal is given to the person.

## 231 Other appeals

- (1) Subject to the chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under the 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.
- (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 failure to make a decision; and
  - d. A purported decision; and
  - e. A deemed refusal.

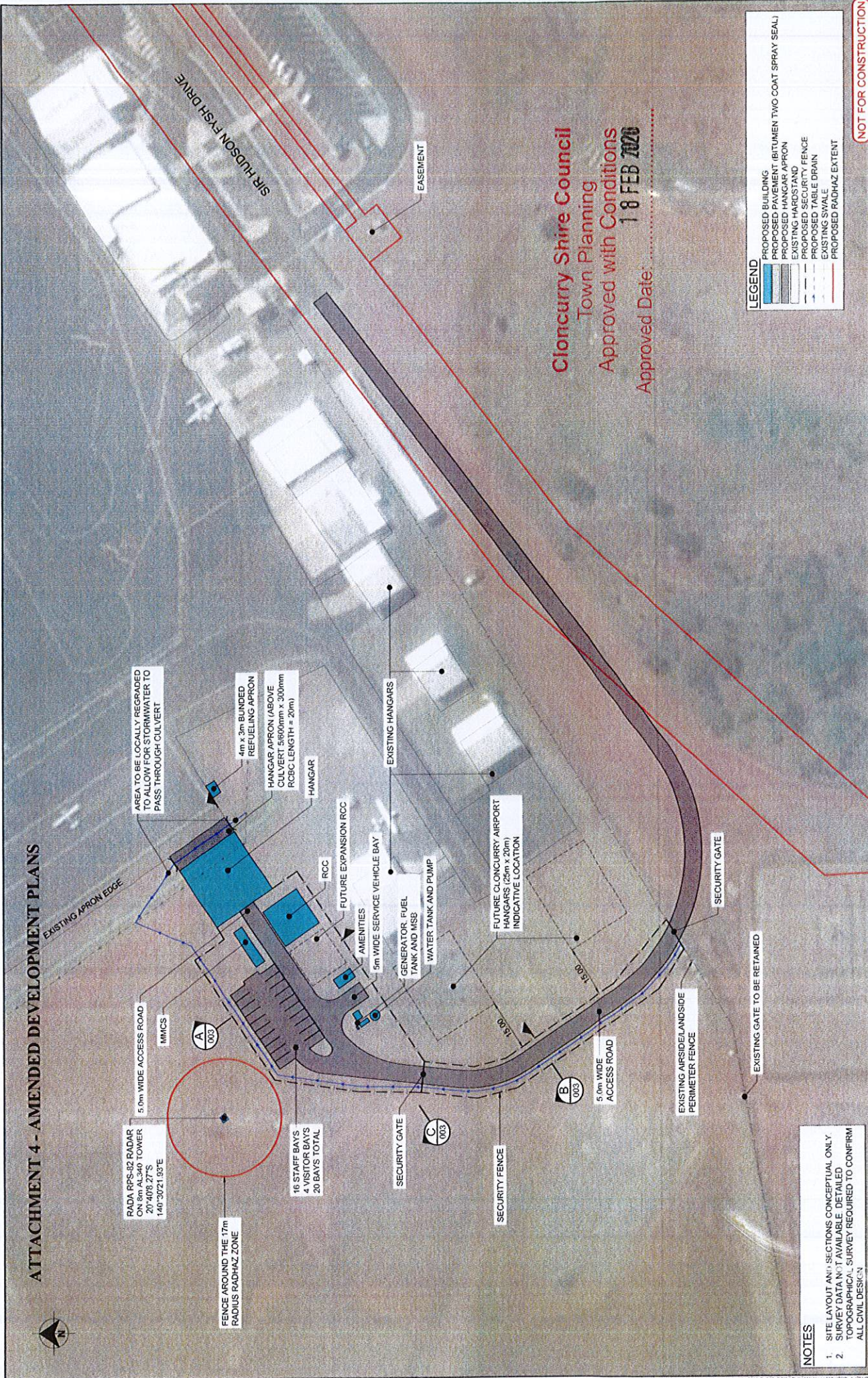
Non-appealable, for a decision or matter, means the decision or matter –

  - 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, other 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 the rules of the P&E Court

# ATTACHMENT 4 - AMENDED DEVELOPMENT PLANS



AREA TO BE LOCALLY REGRADED TO ALLOW FOR STORMWATER TO PASS THROUGH CULVERT

4m x 3m BLUNDED REFUELING APRON

HANGAR APRON (ABOVE CULVERT 5600mm x 300mm RCBC LENGTH = 20m)

HANGAR

EXISTING HANGARS

FUTURE CLONCURRY AIRPORT HANGAR (TOP X-TEN) INDICATIVE LOCATION

EXISTING APRON EDGE

5.0m WIDE ACCESS ROAD

MMCS

16 STAFF BAYS  
4 VISITOR BAYS  
20 BAYS TOTAL

FENCE AROUND THE 17m RADIUS RADHAZ ZONE

RADA RPS-82 RADAR ON 8m AL340 TOWER 20°40'8.27"S 140°30'21.83"E

SECURITY GATE

SECURITY FENCE

SECURITY GATE

EXISTING AIRSIDELANDSIDE PERIMETER FENCE

EXISTING GATE TO BE RETAINED

5.0m WIDE ACCESS ROAD

5m WIDE SERVICE VEHICLE BAY

AMENITIES

GENERATOR FUEL TANK AND MSB

WATER TANK AND PUMP

FUTURE EXPANSION RCC

RCC

EXISTING APRON

EASEMENT

SIR HUDSON FISH DRIVE

**Cloncurry Shire Council**  
Town Planning  
Approved with Conditions  
18 FEB 2020  
Approved Date: .....

**LEGEND**

[Blue Box]	PROPOSED BUILDING
[Light Blue Box]	PROPOSED PAVEMENT (BITUMEN TWO COAT SPRAY SEAL)
[Dark Blue Box]	PROPOSED HANGAR APRON
[Grey Box]	EXISTING HARDBOUND
[Red Dashed Line]	PROPOSED SECURITY FENCE
[Blue Dashed Line]	PROPOSED SEWER DRAIN
[Green Dashed Line]	EXISTING SWALE
[Red Solid Line]	PROPOSED RADHAZ EXTENT

**NOT FOR CONSTRUCTION**

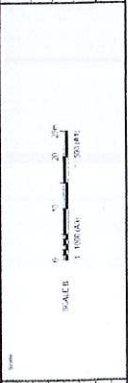
MINIMUM VIABLE CAPABILITY (MVC)	
CLONCURRY AIRPORT GENERAL ARRANGEMENT	
Project No:	60614450-CIV-DW-G-002
Revision:	CONCEPT
Date:	D

**AECOM**

RPSO No. 60614450-CIV-DW-G-002  
AECOM Australia Pty Ltd, A B N, 20 W93 846 925

THE SIGNATURE OF THIS BLOCK CONFIRMS THE DESIGN AND DRAWING OF THIS PROJECT HAVE BEEN PREPARED AND CHECKED IN ACCORDANCE WITH THE AECOM PROJECT MANAGEMENT SYSTEMS AND STANDARDS.

DESIGNED BY:	CM	CHECKED BY:	JC
DRAWN BY:	CM	CHECKED BY:	JC
APPROVED BY:	MM	DATE:	



- NOTES**
- SITE LAYOUT AND SECTIONS CONCEPTUAL ONLY. SURVEY DATA NOT AVAILABLE. DETAILED TOPOGRAPHICAL SURVEY REQUIRED TO CONFIRM ALL CIVIL DESIGN.

This drawing is confidential and shall only be used for the purposes of this project.

REV.	DATE	ISSUED FOR	DESCRIPTION
A	18 FEB 2020	ISSUED FOR CONCEPT	
B		ISSUED FOR CONCEPT	
C		ISSUED FOR CONCEPT	
D		ISSUED FOR CONCEPT	
E		ISSUED FOR CONCEPT	

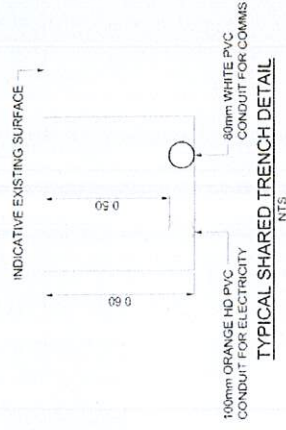
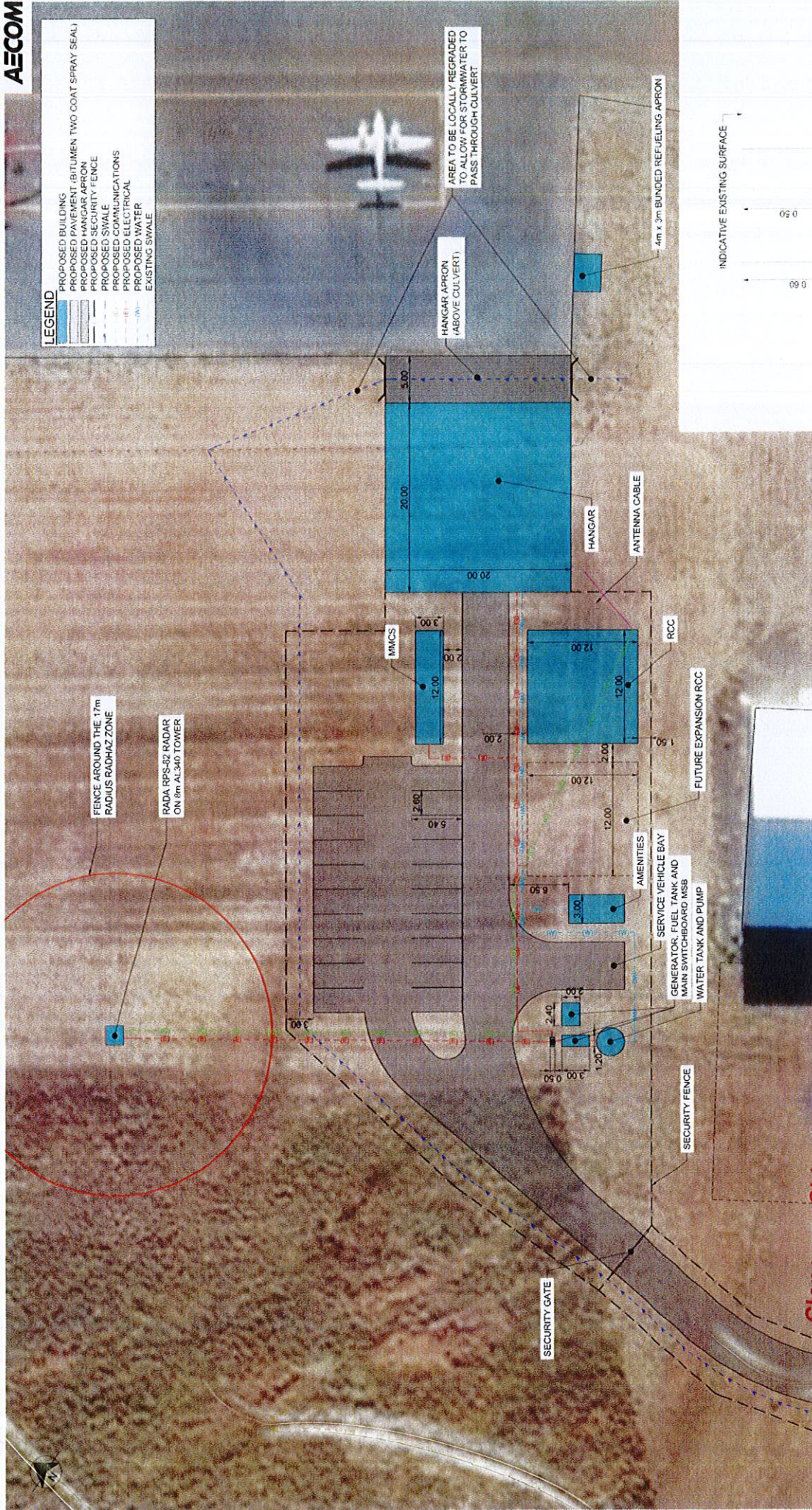






**LEGEND**

[Blue Box]	PROPOSED BUILDING
[Blue Line]	PROPOSED PAVEMENT (BITUMEN TWO COAT SPRAY SEAL)
[Blue Dashed Line]	PROPOSED HANGAR APRON
[Blue Dotted Line]	PROPOSED SECURITY FENCE
[Blue Dash-Dot Line]	PROPOSED SOLE COMMUNICATIONS
[Blue Dotted Line]	PROPOSED ELECTRICAL
[Blue Dotted Line]	PROPOSED WATER
[Blue Dotted Line]	EXISTING SWALE



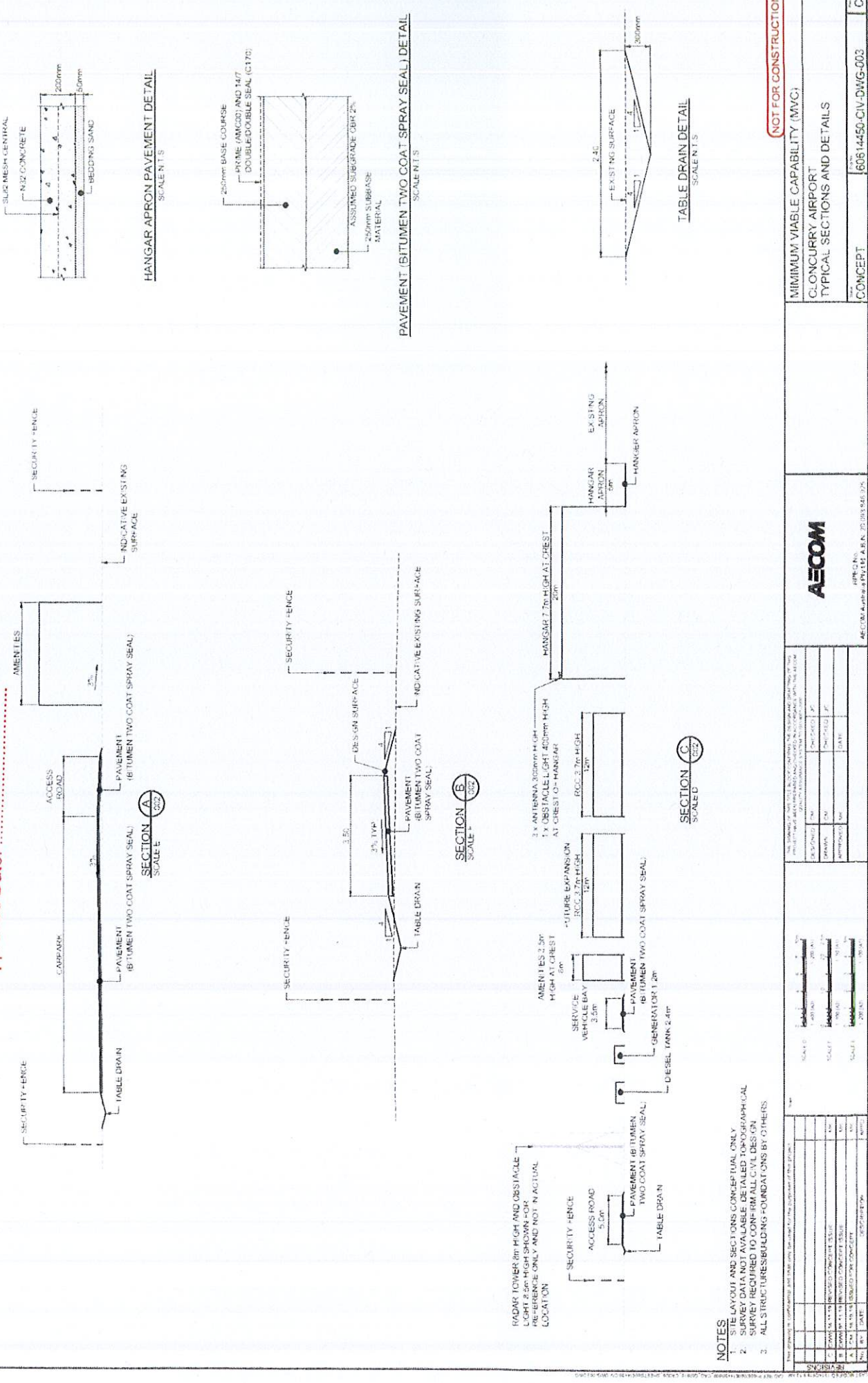
**Cloncurry Shire Council**  
Town Planning  
Approved with Conditions  
**18 FEB 2020**  
Approved Date: .....

**NOT FOR CONSTRUCTION**

MINIMUM VIABLE CAPABILITY (MVC)  
CLONCURRY AIRPORT  
COMBINED SERVICES  
60614450-SK-002



**Cloncurry Shire Council**  
**Town Planning**  
**Approved with Conditions**  
**18 FEB 2020**  
**Approved Date:** .....



- NOTES**
1. SITE LAYOUT AND SECTIONS CONCEPTUAL ONLY.
  2. SURVEY DATA NOT AVAILABLE. DETAILED TOPOGRAPHICAL SURVEY REQUIRED TO CONFIRM ALL CIVIL DESIGN.
  3. ALL STRUCTURES BUILDING FOUNDATIONS BY OTHERS.

NOT FOR CONSTRUCTION		MINIMUM VIABLE CAPABILITY (MVC) CLONCURRY AIRPORT TYPICAL SECTIONS AND DETAILS	
PROJECT NO. 160814450-CIV-DWG-003		SHEET NO. C	
AECOM Australia Pty Ltd A.B.N. 72 081546 274		AECOM	
DATE: 18 FEB 2020	DRAWN BY: [Name]	CHECKED BY: [Name]	APPROVED BY: [Name]
SCALE: 1:100	SCALE: 1:100	SCALE: 1:100	SCALE: 1:100





Attachment 5 - Referral Agency Response



420 Flinders Street, Townsville QLD 4810  
PO Box 1090, Townsville QLD 4810  
[ergon.com.au](http://ergon.com.au)

17 January 2020

Cloncurry Shire Council  
PO Box 3  
Cloncurry QLD 4824

Attention: Andrew Humphreys  
Via email: [council@cloncurry.qld.gov.au](mailto:council@cloncurry.qld.gov.au)

Cc Department of State Development, Mining, Infrastructure and  
Planning  
c/- AECOM  
PO Box 1307  
Fortitude Valley QLD 4006  
Attention: Jessica Whiteing  
Via email: [jessica.whiteing@aecom.com](mailto:jessica.whiteing@aecom.com)

Dear Andrew,

**Referral Agency Response – Development Permit for a Material Change of Use (Air Services) at Cloncurry Airport, Sir Hudson Fysh Drive, Cloncurry (Lot 36 on RP884323)**

**Applicant Ref: N/A  
Council Ref: TP13-19  
Our Ref: HBD 6844648**

We refer to the abovementioned Development Application, which has been referred to Ergon Energy pursuant to section 54(1) of the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. This notice is provided in accordance with section 56 of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use, as an Advice Agency for the application, Ergon advises the following in relation to the development:

1. The development is to be carried out in accordance with the plans identified on the following page. Any changes to these plans should be resubmitted to Ergon for further review and comment:

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

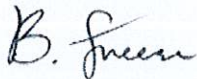
Approved Plans			
Title	Plan Number	Issue	Date
Cloncurry Airport General Arrangement	60614450-CIV- DWG-002	C	14 November 2019
Cloncurry Airport Combined Services	60614450-SK- 002	0	14 November 2019

2. The conditions of any easements in favour of Ergon must be maintained at all times.

The Applicant is further advised that there is a number of overhead electricity assets present on site. All operations associated with the unmanned aerial test facility must maintain safe operating distances from these assets, as regulated by the Civil Aviation Safety Authority and/or other legislation.

Should you require further information regarding this matter, feel free to contact the undersigned on (07) 3664 5097 or email [benjamin.freese@energyq.com.au](mailto:benjamin.freese@energyq.com.au).

Yours faithfully,



Benjamin Freese  
Town Planner

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)