

# Cloncurry Shire Council

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Our ref: 223309 - TP14/17

12 December 2017

Brendan Pearce  
Director, Works and Environmental Services  
Cloncurry Shire Council  
PO Box 3  
CLONCURRY QLD 4824

Dear Brendan

## **DECISION NOTICE—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 29 November 2017.

### **Applicant details**

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Applicant name:	Cloncurry Shire Council
Applicant contact details:	Brendan Pearce

### **Application details**

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Application number:	TP 14/17
Approval sought:	Development Permit
Nature of development proposed:	Reconfiguring a Lot
Details of proposed development:	Boundary Realignment (3 Lots into 3 Lots)
Category of assessment	Code Assessment

### **Location details**

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Street address:	72-74 Daintree Street, Cloncurry
Real property description:	Lots 1 & 2 on SP219317 and Lot 214 on C1961
Local government area	Cloncurry Shire Council

**Decision**

Date of decision: 12 December 2017

Decision details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

**Details of the approval**

Development permit Reconfiguring a Lot (Boundary Realignment - 3 lots into 3 lots)

**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 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 from the date of this approval.

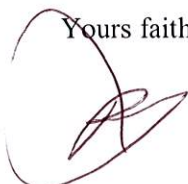
**Approved plans and specifications**

Copies of the following plans are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Reconfiguration of a Lot</b>				
Survey Plan	Brazier Motti	20/3/2017	SP 288778	1

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



Ben Milligan  
Chief Executive Officer

Encl: Attachment 1—Assessment manager conditions  
Attachment 2 – Appeal provisions  
Attachment 3 - Approved survey plan

**ATTACHMENT 1 - CONDITIONS OF APPROVAL**

**NATURE OF DECISION: Development Permit for a Reconfiguration of a Lot (Boundary Realignment – 3 lots into 3 lots) at 72-74 Daintree Street, Cloncurry**

**GENERAL**

**1. Site Layout**

The development must generally comply with the Approved Survey Plan SP 288778 dated 20 March 2017. The Survey Plan is to be submitted for approval by Council prior to lodgement with the Registrar of Titles at the Department of Natural Resources and Mines.

<b>Drawing/Report title</b>	<b>Prepared by</b>	<b>Date</b>	<b>Reference no.</b>	<b>Version</b>
Survey Plan	Brazier Motti	20.03.2017	SP288778	1



## ATTACHMENT 2 - 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 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.

(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 cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

#### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under 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 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, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

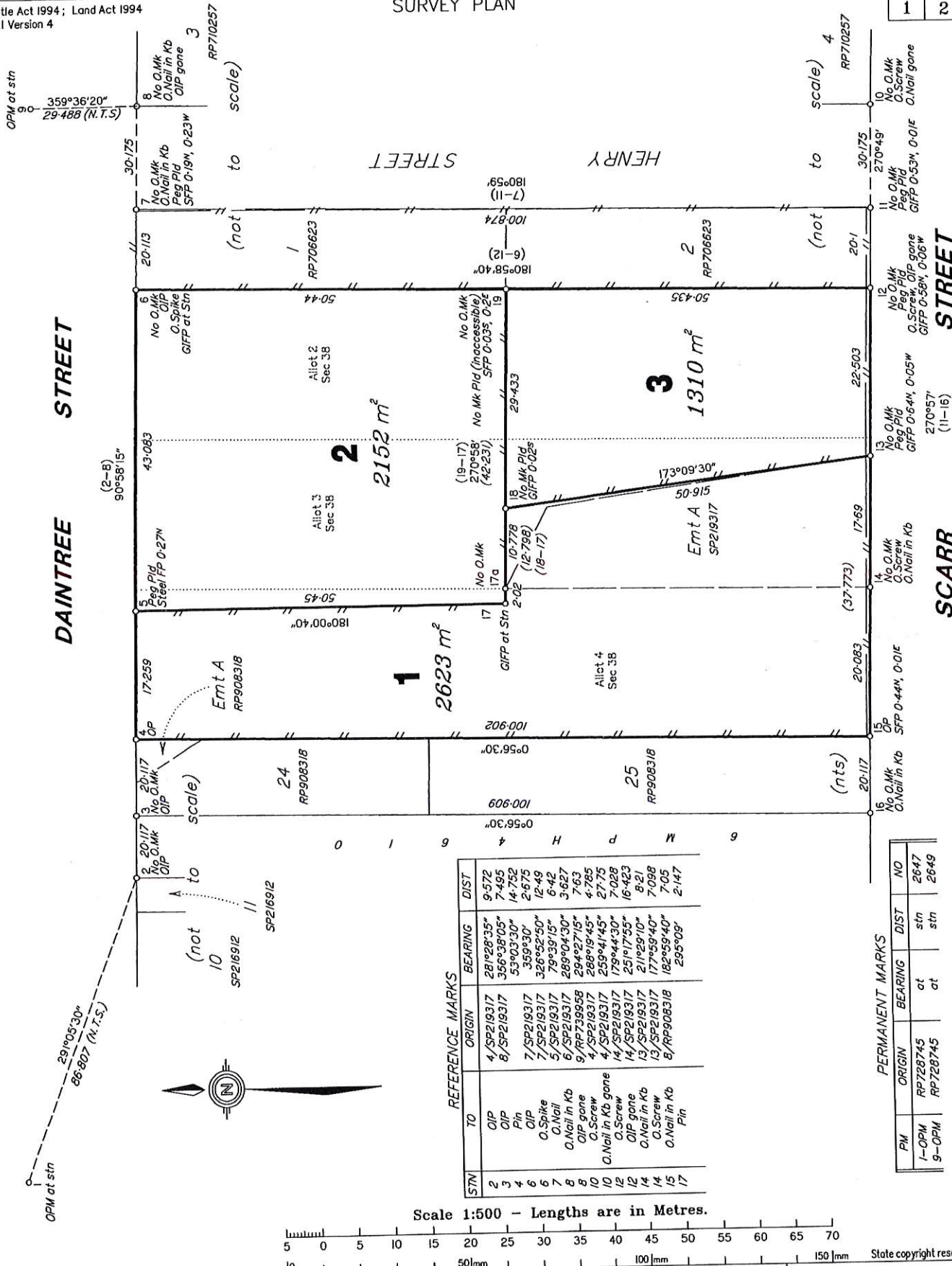
- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
  - decision* includes-
    - (a) conduct engaged in for the purpose of making a decision; and
    - (b) other conduct that relates to the making of a decision; and
    - (c) the making of a decision or failure to make a decision; and
    - (d) a purported decision; and
    - (e) a deemed refusal.
  - non-appealable*, for a decision or matter, means the decision or matter-
    - (a) is final and conclusive; and
    - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
    - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.



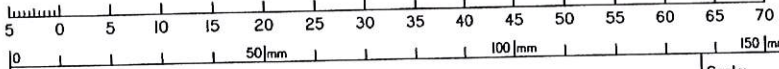
SURVEY PLAN



STN	TO	ORIGIN	BEARING	DIST
2	O.P.	4/SP219317	281°28'35"	9.572
3	O.P.	8/SP219317	356°38'05"	7.495
4	O.P.	7/SP219317	53°03'30"	14.752
5	O.P.	7/SP219317	350°30'	2.675
6	O.Spike	7/SP219317	326°52'50"	12.49
7	O.Nail	5/SP219317	79°39'15"	6.42
8	O.Nail in Kb	6/SP219317	289°04'30"	3.627
9	O.P. gone	9/PP739958	294°27'15"	4.785
10	O.Screw	4/SP219317	288°19'45"	7.75
11	O.Nail in Kb gone	4/SP219317	259°41'45"	27.75
12	O.Screw	14/SP219317	179°44'30"	7.028
13	O.P. gone	14/SP219317	21°17'55"	16.423
14	O.Nail in Kb	13/SP219317	21°29'10"	8.21
15	O.Screw	13/SP219317	177°59'40"	7.098
16	O.Nail in Kb	8/PP908318	182°59'40"	7.005
17	O.Pin	8/PP908318	295°09'	2.147

PERMANENT MARKS		DIST	
ORIGIN	BEARING	at	NO
RP728745	at	stn	2647
RP728745	at	stn	2649

Scale 1:500 - Lengths are in Metres.



I, Julian Richard GRAHAM hereby certify that the land comprised in this plan was surveyed by Jeremy Peter SAUNDERS, surveying associate, for whose work I accept responsibility and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 3/3/2017.

*J.R.G.*  
Cadastral Surveyor

20/3/2017  
Date

Plan of Lots 1, 2 & 3

Cancelling Lots 1 & 2 on SP219317 and Lot 214 on C1961

LOCAL GOVERNMENT: CLONCURRY SHIRE LOCALITY: CLONCURRY  
Meridian: MGA z54 vide GNSS

Scale: 1:500  
Format: STANDARD



SP288778

Survey Records: No