

Cloncurry Shire Council

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Our ref: 227052 - TP06/18

4 July 2018

Cloncurry Shire Council
C/- Sarah Wrigglesworth
Curry PM
39 Ramsay Street
CLONCURRY QLD 4824
Email: sarahw@curryPM.org

Dear Sarah

DECISION NOTICE— DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - EXTENSION TO A UTILITY INSTALLATION (SEWAGE TREATMENT PLANT) - SMITH STREET, CLONCURRY – LOT 99 ON BD 168 & LOT 160 ON SP 169675 – APPROVAL (WITH CONDITIONS)

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

Application number:	TP06/18
Contact name:	Sarah Wrigglesworth
Applicant contact details:	C/- Curry PM 39 Ramsay Street CLONCURRY QLD 4824
Notice date:	3 July 2018
Applicant' name:	Cloncurry Shire Council
Applicant's address:	PO Box 3 CLONCURRY QLD 4824

I acknowledge receipt of the above application on (insert date application received) and confirm the following:

Development application for:	Material Change of Use - Extension to a Utility Installation (Sewage Treatment Plant)
Street address:	Smith Street, Cloncurry
Real property description:	Lot 99 On BD 168 & Lot 160 on SP 169675

I advise that on 3 July 2018 the above development application was:

Decision details:	Approved in full with conditions* (refer to the conditions contained in Attachment 1).
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**Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.*

1. Details of the approval

Development permit: Material Change of Use - Extension to a Utility Installation (Sewage Treatment Plant)

2. Conditions

This approval is subject to the conditions in **Attachment 1**.

3. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Vegetation clearing - Schedule 10, Part 3, Division 4, Table 3, Item 1	Department of Natural Resources Mines, and Energy	SARA North-West Regional Office Department of State Development, Manufacturing, Infrastructure and Planning	PO BOX 5666 TOWNSVILLE QLD 4810
State rail corridor -- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1	Department of Transport and Main Roads	SARA North-West Regional Office Department of State Development, Manufacturing, Infrastructure and Planning	PO BOX 5666 TOWNSVILLE QLD 4810

4. Approved plans, specifications and drawings

Copies of the following approved plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no:	Version/issue
Aspect of development: Material Change of Use				
Locality Plan and Drawing List	GHD	04.04.2018	42-20363-C001	B
Specification- Sheet 1 of 2	GHD	04.04.2018	42-20363-C002	B
Specification- Sheet 2 of 2	GHD	04.04.2018	42-20363-C003	B
General Arrangement and Set out Points	GHD	04.04.2018	42-20363-C004	B
Embankment Sections and Details	GHD	04.04.2018	42-20363-C005	B
Spillway Lagoon Inlet Sections and Details Sheet 1 of 2	GHD	04.04.2018	42-20363-C006	B
Spillway Lagoon Inlet Sections and Details Sheet 2 of 2	GHD	04.04.2018	42-20363-C007	A
Spillway Lagoon Outlet Sections and Details Sheet 1 of 2	GHD	04.04.2018	42-20363-C008	B
Spillway Lagoon Outlet Sections and Details Sheet 2 of 2	GHD	04.04.2018	42-20363-C009	B

5. Currency period for the approval (s.85 of the Planning Act)

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*, which is 6 years after this approval starts to take effect.


6. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. 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*).

Attachment 2 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

Should you have any questions or concerns in respect of this matter please contact Council's Senior Town Planner, Andrew Humpherys, at this office.

Yours faithfully



Joanne Morris
Acting Chief Executive Officer

Encl: Attachment 1—Conditions of the approval
Part 1—Conditions imposed by the assessment manager
Part 2—Conditions required by the referral agency response
Attachment 2— Statement of Reasons
Attachment 3—Extract on appeal rights
Attachment 4—Approved plans

**ATTACHMENT 1– CONDITIONS OF APPROVAL
PART 1 - CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

NATURE OF DECISION																																																						
<p>The Cloncurry Shire Council issues a development permit for Development application - Reference TP06-18 Material Change of Use - Extension to a Utility Installation (Sewage Treatment Plant) under the <i>Planning Act 2016</i>.</p>																																																						
GENERAL																																																						
<p>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.</p>																																																						
<table border="1"> <thead> <tr> <th>Title</th> <th>Plan No</th> <th>Rev</th> <th>Date</th> <th>Prepared By</th> </tr> </thead> <tbody> <tr> <td>Locality Plan and Drawing List</td> <td>42-20363-C001</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>Specification- Sheet 1 of 2</td> <td>42-20363-C002</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>Specification- Sheet 2 of 2</td> <td>42-20363-C003</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>General Arrangement and Setout Points</td> <td>42-20363-C004</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>Embankment Sections and Details</td> <td>42-20363-C005</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>Spillway Lagoon Inlet Sections and Details - Sheet 1 of 2</td> <td>42-20363-C006</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>Spillway Lagoon Inlet Sections and Details - Sheet 2 of 2</td> <td>42-20363-C007</td> <td>A</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>Spillway Lagoon Outlet Sections and Details - Sheet 1 of 2</td> <td>42-20363-C008</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> <tr> <td>Spillway Lagoon Outlet Sections and Details - Sheet 2 of 2</td> <td>42-20363-C009</td> <td>B</td> <td>04.04.2018</td> <td>GHD</td> </tr> </tbody> </table>					Title	Plan No	Rev	Date	Prepared By	Locality Plan and Drawing List	42-20363-C001	B	04.04.2018	GHD	Specification- Sheet 1 of 2	42-20363-C002	B	04.04.2018	GHD	Specification- Sheet 2 of 2	42-20363-C003	B	04.04.2018	GHD	General Arrangement and Setout Points	42-20363-C004	B	04.04.2018	GHD	Embankment Sections and Details	42-20363-C005	B	04.04.2018	GHD	Spillway Lagoon Inlet Sections and Details - Sheet 1 of 2	42-20363-C006	B	04.04.2018	GHD	Spillway Lagoon Inlet Sections and Details - Sheet 2 of 2	42-20363-C007	A	04.04.2018	GHD	Spillway Lagoon Outlet Sections and Details - Sheet 1 of 2	42-20363-C008	B	04.04.2018	GHD	Spillway Lagoon Outlet Sections and Details - Sheet 2 of 2	42-20363-C009	B	04.04.2018	GHD
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<p>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.</p>																																																						
<p>3. Erosion and Sediment Control An erosion and sediment control plan is to be prepared and submitted to Council for approval by Council's delegated officer, prior to the commencement of construction. Erosion and sediment control devices are to be established and maintained at all times during construction. Erosion and sediment control devices are to remain in place until disturbed areas are rehabilitated and natural drainage paths reinstated. Spoil material from excavation activities is to be removed from the site or used to rehabilitate and stabilise the final landform. The design and implementation of erosion and sediment control plan must ensure that no movement of sediment-laden stormwater from the construction site.</p>																																																						
<p>4. Essential Infrastructure All components of infrastructure that are likely to fail to function when inundated by flood water are to be designed, located and constructed to avoid flood water intrusion or infiltration.</p>																																																						
<p>5. Fencing Security fencing, suitable to prevent unauthorised persons entering the site, is to be installed and maintained around the perimeter of the existing sewage treatment plant and the proposed effluent storage lagoon.</p>																																																						
<p>6. Storage of Chemicals and Hazardous materials Any chemicals or hazardous substances must be stored at least 300 mm above the 1% Annual Exceedance Probability flood level and in accordance with relevant regulations.</p>																																																						
<p>7. Waste Management Waste storage areas 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.</p>																																																						

8. Stormwater Drainage

- (a) Stormwater discharging from the site is to be directed to the lawful point of discharge in One Mile Creek.
- (b) 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 or that creates an increase in flood damage on the Queensland Rail corridor or other nearby properties.
- (c) Stormwater from disturbed areas is to be retained and treated within the construction site in accordance with the erosion and sediment control plan before discharge to the lawful point of discharge.

9. 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 nearby sensitive receiving land uses.

10. 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.

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 200*” (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.

**ATTACHMENT 1– CONDITIONS OF APPROVAL
PART 2—CONDITIONS REQUIRED BY THE REFERRAL AGENCY RESPONSE**



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: 1805-5348 SRA
Your reference: TP 06-18

19 June 2018

Cloncurry Shire Council
PO Box 31
Cloncurry Qld 4824
council@cloncurry.qld.gov.au

Dear Mr Damian Pearson

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 23 May 2018.

Applicant details

Applicant name: Cloncurry Shire Council
Applicant contact details: C/- Curry PM
39 Ramsey Street
Cloncurry QLD 4824
sarahw@currypm.org

Location details

Street address: Smith Street, Cloncurry
Real property description: Lot 160 on SP169675 and Lot 99 on BD168
Local government area: Cloncurry Shire Council

Application details

Development permit: Material change of use for Extension to a Utility Installation (Sewerage Treatment Plant)

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.3.4.3.1 Clearing native vegetation
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Currency period

The currency period for any development approval is to be in accordance with section 56(1)(b)(iv) of the Act.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Technical Agency Response (Vegetation) Plan Plan of Area A and Area B in Lot 160 on SP169675 and Lot 99 on BD168	Queensland Government	11 June 2018	TSV18097-VEG Sheet 1 of 1	-

A copy of this response has been sent to the applicant for their information.

For further information please contact Catherine Hobbs, Principal Planning Officer, on 4758 3412 or via email NQSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



John Irving
A/Planning Manager

cc Cloncurry Shire Council, sarahw@currypm.org

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Material Change of Use – Extension to a Utility Installation (Sewerage Treatment Plant)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1– material change of use, if all or part of the premises are within 25m of a State transport corridor (rail)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) Any excavation, filling/backfilling/compaction, retaining structures, embankment walls, bund walls, retaining structures and other works involving ground disturbance must not encroach or de-stabilise the railway including all transport infrastructure or the land supporting this infrastructure or cause similar adverse impacts.</p> <p>(b) RPEQ certification with supporting documentation (including detailed engineering design drawings and a geotechnical assessment) must be provided to Program Delivery and Operations Unit, Department of Transport and Main Roads, North Queensland Region (North.Queensland.IDAS@tmr.qld.gov.au), within the Department of Transport and Main Roads', confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p>
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the railway corridor; ii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; iii. surcharge any existing culvert or drain on the railway corridor; iv. reduce the quality of stormwater discharge onto the railway corridor. 	<p>(a) At all times.</p> <p>(b) At all times</p>
3.	<p>(a) A Construction Management Plan must be prepared by an RPEQ and given to the Program Delivery and Operations Unit, North Queensland Region (North.Queensland.IDAS@tmr.qld.gov.au) of the Department of Transport and Main Roads.</p> <p>(b) The Construction Management Plan must demonstrate that there will be no disruption to the safety and operational integrity of railway level crossings on the Cloncurry Yard Line, including but not limited to the Ernest Henry Road level crossing (ID: 24384),</p>	<p>(a) and (b)</p> <p>Prior to obtaining development approval for building work or operational work, whichever occurs first</p>

	during the course of construction.	
	(c) The construction of the development must be undertaken in accordance with the Construction Management Plan.	
Development Permit for Material Change of Use – Extension to a Utility Installation (Sewerage Treatment Plant)		
Schedule 10, Part 3, Division 4, Table 3, Item 1—material change of use, relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
4.	The clearing of vegetation under this development approval is limited to the area identified as Area A as shown on attached Technical Agency Response Plan (TARP) 1805-5348 SRA dated 11 June 2018.	At all times
5.	No built structure, other than for activities eg. fences, roads, underground services, is to be established, constructed or located within area identified as Area B as shown on attached Technical Agency Response Plan (TARP) 1805-5348 SRA dated 11 June 2018.	At all times
6.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- To ensure the development does not compromise the safe and efficient operation and integrity of state transport infrastructure during construction.
- Where relevant to ensure compliance with a Performance Outcome/s.
- To ensure compliance with development approval.

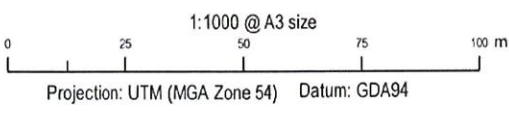
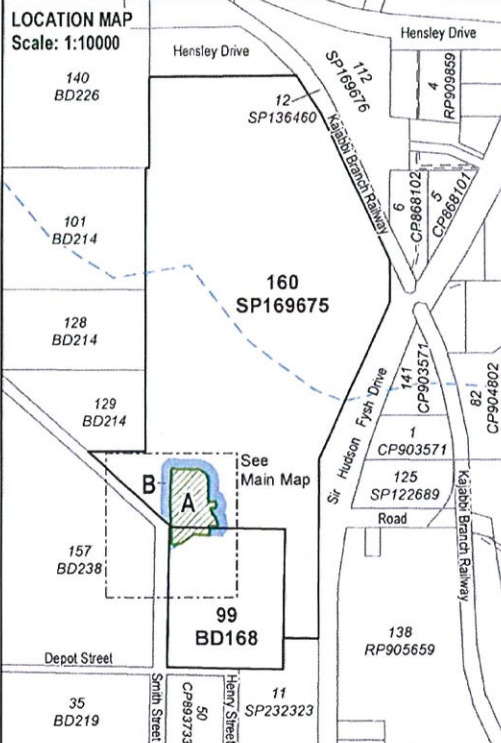
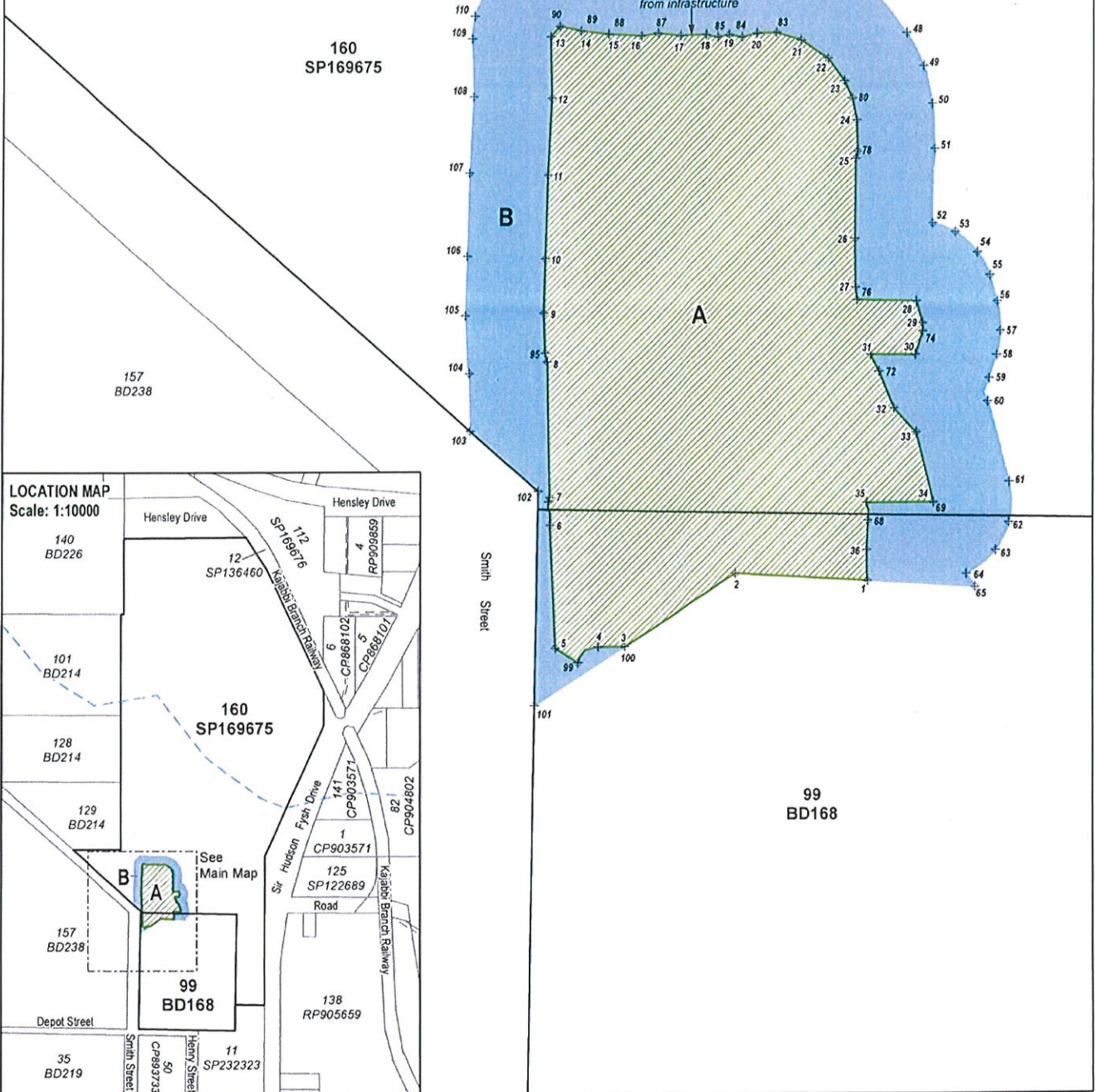
Evidence or other material on which the findings were based

- development application
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017

Attachment 3—Advice to the assessment manager

General advice	
1.	<p>Overdimensional Road Loads (Queensland Rail) Under the <i>Transport Infrastructure (Rail) Regulation 2006</i> permission from the Railway Manager (Queensland Rail) is required to take over-dimensional road loads across Queensland Rail infrastructure (e.g. rail level crossings and rail bridges). Further information can be obtained from Queensland Rail's website at: http://www.queenslandrail.com.au/forbusiness/overdimensionalloads</p>
2.	<p>Construction Management Plan In relation to compliance with the concurrence agency condition concerning construction management, the applicant should consult with the railway manager (Queensland Rail) prior to the preparation of the Construction Management Plan.</p> <p>The applicant should contact the Queensland Rail property team on telephone number (07) 3072 1229 or at developmentenquiries@qr.com.au in relation to the management measures that will be implemented during construction to ensure the safety and operational integrity of the railway corridor.</p>

Derived Reference Points
 Projection: UTM (MGA Zone 54)
 Datum: GDA(94)
 All GPS points continue sequentially
 when labels are missing



Derived Reference Points are provided to assist in the location of Technical Agency Response area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with Technical Agency Response 1805-5348 SRA

LEGEND	
	Derived Reference Points
	Subject Lot(s)
	Area A
	Area B
	Watercourse and Drainage Features

Note: This is a colour plan and should only be reproduced in colour.

Technical Agency Response (Vegetation) Plan	
Plan of Area A and Area B in Lot 160 on SP169675 and Lot 99 on BD168	
eLVAS No. 2018/003645	
LOCALITY OF CLONCURRY LOCAL GOVT: CLONCURRY SHIRE	OFFICE: TOWNSVILLE REGION: NORTH
Map Reference: 6956.7056	Compiled from: DCDB, PVMP & VMO Notes
File Reference: TSV18097-VEG	Prepared by: EMR Date: 11 June 2018

TARP
1805-5348 SRA
 Sheet 1 of 1



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1805-5348 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Cloncurry Shire Council
 Applicant contact details: C/- Curry PM
 39 Ramsey Street
 Cloncurry QLD 4824
 sarahw@currypm.org

Location details

Street address: Smith Street, Cloncurry
 Real property description: Lot 160 on SP169675 and Lot 99 on BD168
 Local government area: Cloncurry Shire Council

Development details

Development permit: Material Change of Use – Extension to a Utility Installation (Sewerage Treatment Plant)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Development Permit for Material Change of Use – Extension to a Utility Installation (Sewerage Treatment Plant)	State code 2: Development in a railway environment State code 16: Native Vegetation Clearing

Response

Nature of approval	Response details	Date of response
Development approval	Conditions	19 June 2018

Relevant Material

- development application
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017

ATTACHMENT 2 – STATEMENT OF REASONS

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 Material change of use –Extension to Utility Installation (Sewage Treatment Plant) at Smith Street, Cloncurry described as Lot 99 on BD 168 and Part of Lot 160 on SP169675.

On 19 June 2018, the above development application was approved in full with conditions.

Reasons for the decision

The development application seeking a development permit for a material change of use for an extension to a utility installation (sewage treatment plant) is code assessable under the planning scheme.

Two matters, vegetation clearing and proximity to a State rail corridor, triggered referral to SARA as a concurrence agency, which subsequently issued a decision notice which grants approval, with conditions.

The proposed development complies with the majority of the applicable benchmarks of the relevant planning scheme codes. The most significant area of non-compliance is with respect to the marginal increase in net filling in the Cloncurry river floodplain. The loss of flood storage of 1750 cubic metres is minimal when the impact is considered in terms of the extent of the floodplain and negligible increase in flood level. The benefits to the community and environment resulting from the improved performance of the plant and significant reduction in uncontrolled discharges during wet weather events are significant and outweigh the minimal loss of floodplain storage.

Relevant conditions have been included to ensure that commitments given by the applicant to meet code requirements are implemented.

A detailed assessment of the application by Council assessing officers has been undertaken and it is concluded as documented in the 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.

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.
- (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

- (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.



CLONCURRY SHIRE COUNCIL

CLONCURRY STP EFFLUENT STORAGE LAGOON

42-20363



DRAWING LIST

DRAWING No.	TITLE LINE 1	TITLE LINE 2
42-20363-001	LOCALITY PLAN AND DRAWING LIST	
42-20363-002	SPECIFICATION	SHEET 1 OF 2
42-20363-003	SPECIFICATION	SHEET 2 OF 2
42-20363-004	EFFLUENT STORAGE LAGOON	GENERAL ARRANGEMENT AND DETAIL POINTS
42-20363-005	EMBANKMENT	SECTIONS AND DETAILS
42-20363-006	SPILLWAY LAGOON INLET	SECTIONS AND DETAILS SHEET 1 OF 2
42-20363-007	SPILLWAY LAGOON INLET	SECTIONS AND DETAILS SHEET 2 OF 2
42-20363-008	SPILLWAY LAGOON OUTLET	SECTIONS AND DETAILS SHEET 1 OF 2
42-20363-009	SPILLWAY LAGOON OUTLET	SECTIONS AND DETAILS SHEET 2 OF 2

Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 3 JUL 2018
TP 06 / 18

LOCALITY PLAN
NOT TO SCALE

Rev	Description	Date
B	ISSUED FOR TENDER	24.04.18
A	10% DESIGN - ISSUED FOR CLIENT COMMENT	23.03.18

DO NOT SCALE

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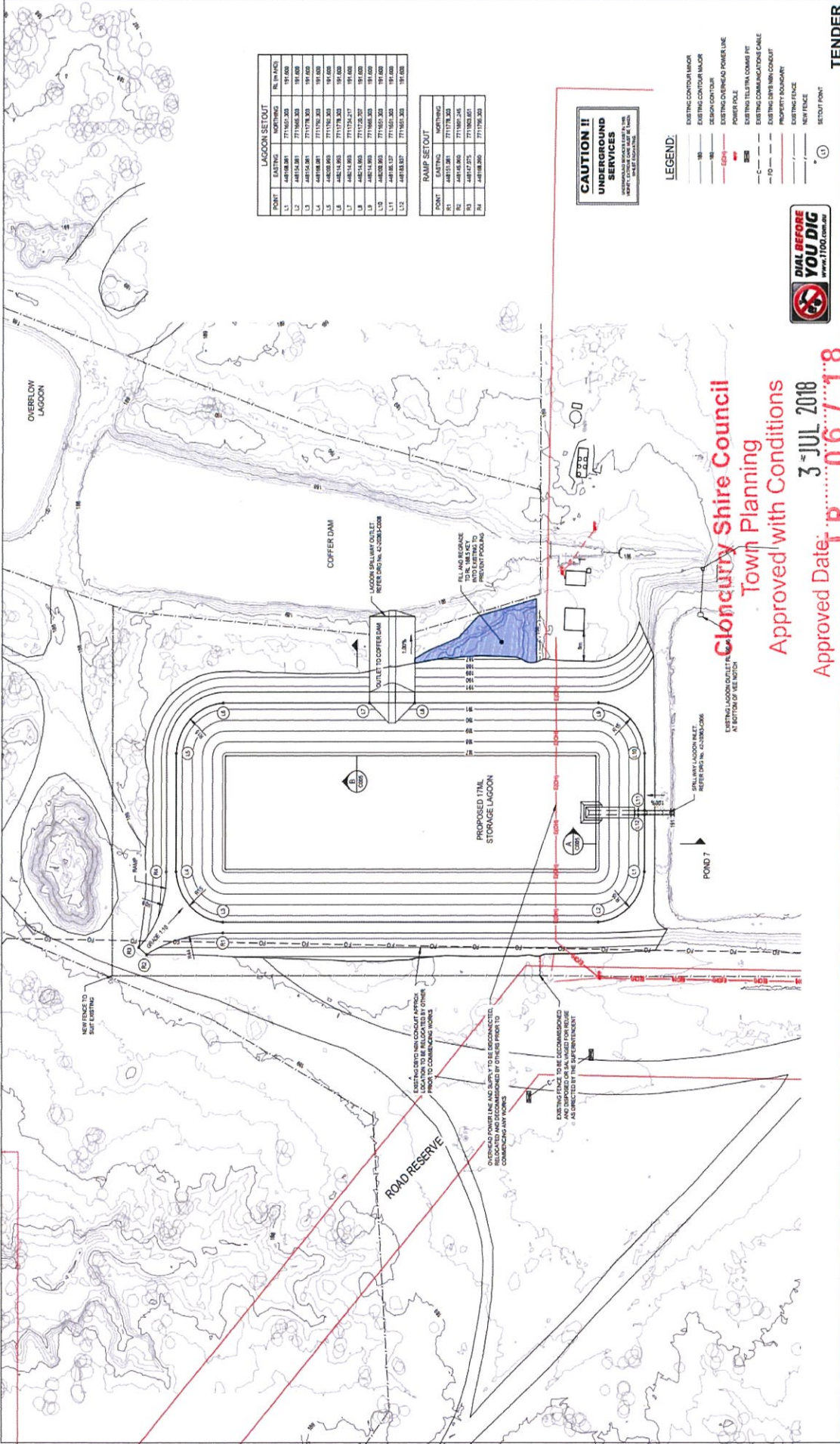
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Client	Designer	Design Check	Drawing Check	Scale	NOT TO SCALE
Cloncurry Shire Council	J. PETHER				

Project CLONCURRY SHIRE COUNCIL
Title CLONCURRY STP EFFLUENT STORAGE LAGOON LOCALITY PLAN AND DRAWING LIST

Rev: B

Drawing No: 42-20363-C001



LAGOON SETOUT

POINT	EASTING	NORTHING	RL (M AFD)
L1	448108.381	7711603.203	191.000
L2	448154.381	7711603.203	191.000
L3	448154.381	7711778.203	191.000
L4	448200.381	7711778.203	191.000
L5	448200.381	771178.203	191.000
L6	448246.381	771178.203	191.000
L7	448246.381	7711734.217	191.000
L8	448246.381	7711734.217	191.000
L9	448292.381	7711734.217	191.000
L10	448292.381	7711603.203	191.000
L11	448338.381	7711603.203	191.000
L12	448338.381	7711603.203	191.000

RAMP SETOUT

POINT	EASTING	NORTHING	RL (M AFD)
R1	448154.381	7711734.203	191.000
R2	448154.381	7711603.203	191.000
R3	448154.381	7711603.203	191.000
R4	448154.381	7711603.203	191.000

LEGEND:

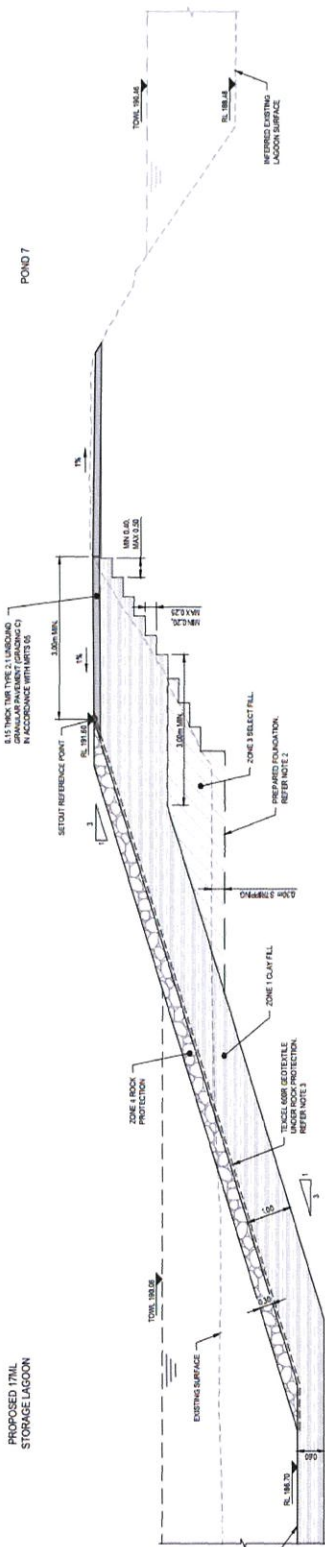
- EXISTING CONTOUR MAJOR
- EXISTING CONTOUR MAJOR
- EXISTING CONTOUR
- EXISTING OVERHEAD POWER LINE
- POWER POLE
- EXISTING TELEPHONE CABLES
- EXISTING COMMUNICATIONS CABLE
- EXISTING JAWS WIRE COULDT
- PROPERTY BOUNDARY
- EXISTING FENCE
- NEW FENCE
- SETOUT POINT

CAUTION!!
UNDERGROUND SERVICES
DEVELOPER SHALL VERIFY ALL SERVICES PRIOR TO ANY CONSTRUCTION WORKS

**Cloncurry Shire Council
Town Planning
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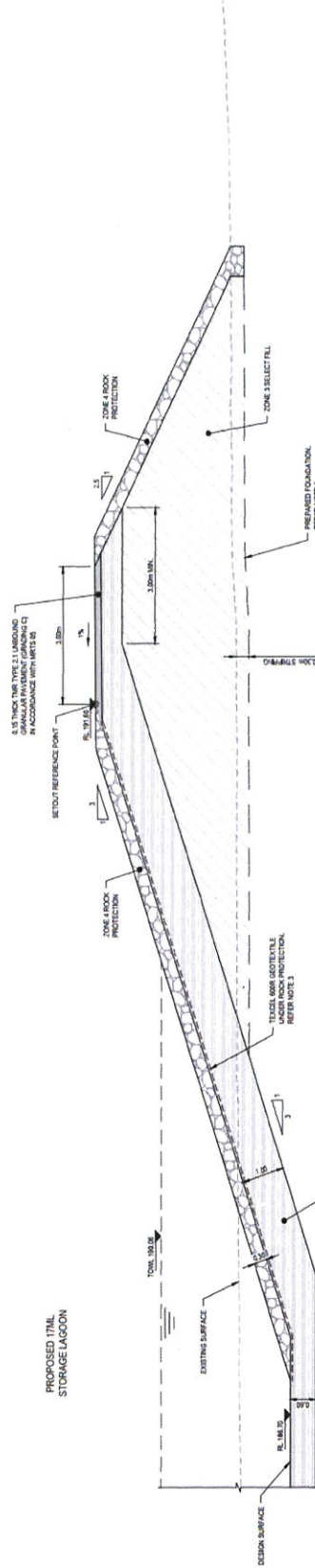
3 JUL 2018
Approved Date: **06/1/18**

DO NOT SCALE	Drawn: J. EDWARDS	Designer: J. PETHER	TENDER
<p style="font-size: small;">Comments of the Council may be used by the Council for the purposes of which it was prepared and for no other purpose.</p>			<p>CLONCURRY SHIRE COUNCIL</p> <p>CLONCURRY STP EFFLUENT STORAGE LAGOON</p> <p>EFFLUENT STORAGE LAGOON</p> <p>GENERAL ARRANGEMENT AND SETOUT POINTS</p>
<p style="font-size: x-small;">GHD Level 1, 55 Mac Street Brisbane QLD 4000 Australia PO Box 920 Brisbane QLD 4002 Australia E brisbane@ghd.com W www.ghd.com</p>		<p>Scale: 1:500</p> <p>This Drawing shall not be used for construction purposes without the written approval of the Designer.</p>	
<p>0 5 10 15 20 25m SCALE 1:500 AT ORIGINAL SIZE</p>		<p>Cloncurry Shire Council</p> <p style="text-align: right;">Rev: B</p>	
<p>DATE: 4 April 2018 1:58 PM</p> <p>Prepared By: James Edwards</p>		<p>DATE: 4 April 2018 1:58 PM</p> <p>Prepared By: James Edwards</p>	



TYPICAL EMBANKMENT SECTION
(POND 7 CONNECTION)

A SECTION
SCALE 1:50



TYPICAL EMBANKMENT SECTION

B SECTION
SCALE 1:50

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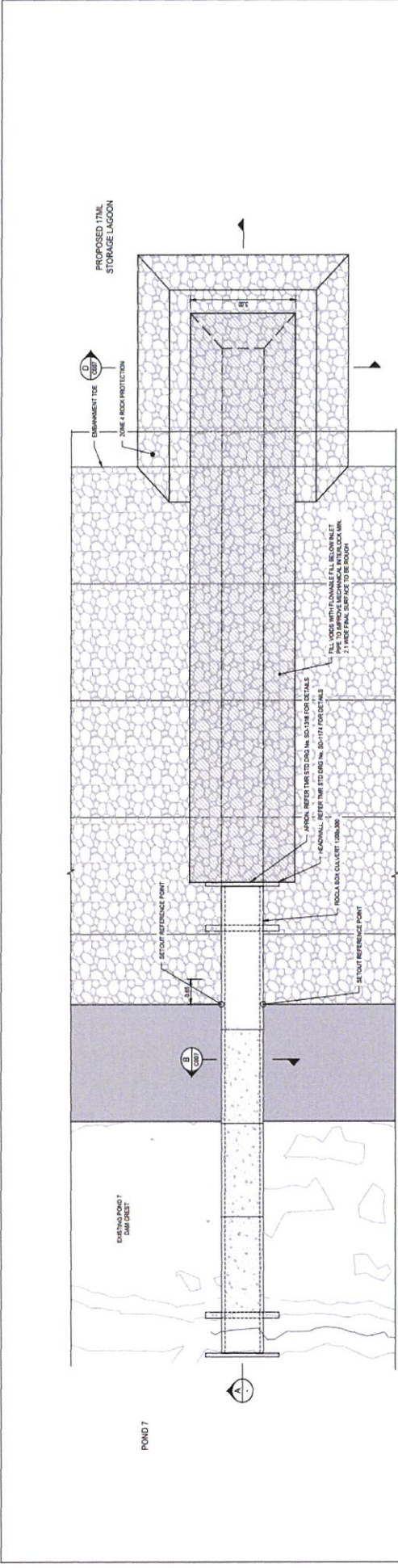
Approved Date: **TP 06/19**

NOTES:

1. POND TO BE EMPTIED AND ALL FLOW TO BE DIVERTED FROM POND 7 BY COUNCIL PRIOR TO COMMENCING CONSTRUCTION. LEAKING AND DIVERSION WORKS ARE TO BE COMPLETED PRIOR TO COMMENCING CONSTRUCTION OF THE EMBANKMENT.
2. FOUNDATION TO BE INSPECTED AND APPROVED BY A SUITABLY QUALIFIED DAMS ENGINEER PRIOR TO THEIR REPRESENTATIVE PRIOR TO PLACEMENT OF EMBANKMENT.
3. PAVEMENT TO BE NORMALLY 200MM INTO EMBANKMENT AT 100M CENTRE. GEOGRAPIC SHALL BE EXPLORED DOWN THE SLOPE WITH OVERLAPS IN THE SLOPE DIRECTION TO BE 100MM. ALL PAVEMENT TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.

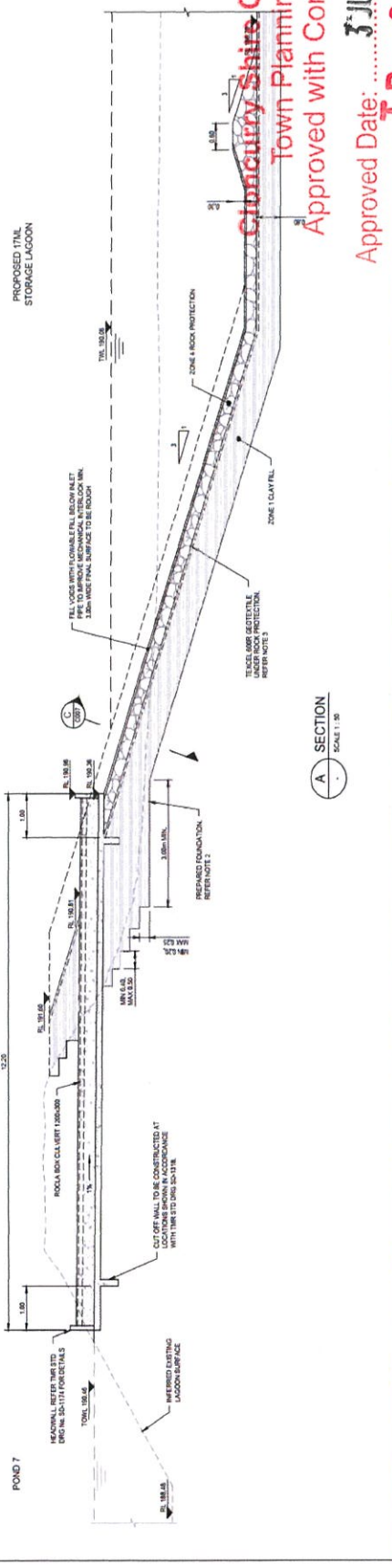
TENDER

<p>DO NOT SCALE</p> <p>Client: J. EDWARDS Developer: J. PETER Design: [Blank] Check: [Blank]</p> <p>Conditions of Use: This document may only be used by the person named in the title block. It is not to be used for any other purpose and must not be used for any other project or for any other section.</p>		<p>Project: CLONCURRY SHIRE COUNCIL CLONCURRY STP EFFLUENT STORAGE LAAGOON</p> <p>Title: EMBANKMENT SECTIONS AND DETAILS</p> <p>Scale: 1:50</p>		<p>Drawn by: [Blank]</p> <p>Checked by: [Blank]</p> <p>Approved by: [Blank]</p> <p>Date: [Blank]</p>	<p>Issue No: 01</p> <p>Issue Date: [Blank]</p> <p>Issue Description: [Blank]</p>
<p>ISSUED FOR TENDER</p> <p>DATE: 24.04.18</p>		<p>PROJECT NO: 42-20363-C005</p> <p>PROJECT NAME: CLONCURRY STP EFFLUENT STORAGE LAAGOON</p>		<p>DATE: 24.04.18</p> <p>SCALE: 1:50</p>	
<p>50% DESIGN - ISSUED FOR CLIENT COMMENT</p> <p>DATE: 20.03.18</p>		<p>PROJECT NO: 42-20363-C005</p> <p>PROJECT NAME: CLONCURRY STP EFFLUENT STORAGE LAAGOON</p>		<p>DATE: 20.03.18</p> <p>SCALE: 1:50</p>	
<p>DATE: 20.03.18</p> <p>SCALE: 1:50</p>		<p>PROJECT NO: 42-20363-C005</p> <p>PROJECT NAME: CLONCURRY STP EFFLUENT STORAGE LAAGOON</p>		<p>DATE: 20.03.18</p> <p>SCALE: 1:50</p>	



SPILLWAY LAGOON INLET
SCALE 1:50

- NOTES:
1. POND 7 TO BE EMPTIED AND ALL FLOW TO BE DIVERTED FROM POND 7 BY CONCRETE WALL TO COMMENCE CONSTRUCTION OF SPILLWAY LAGOON INLET. THE RESPONSIBILITY OF CONSTRUCTION OF THIS WALL IS THE RESPONSIBILITY OF THE CLIENT THROUGHOUT CONSTRUCTION.
 2. THE SPILLWAY LAGOON INLET SHALL BE CONSTRUCTED WITH A 2% SLOPE TO THE RIGHT HAND SIDE OF THE SPILLWAY LAGOON INLET.
 3. THE SPILLWAY LAGOON INLET SHALL BE CONSTRUCTED WITH A 2% SLOPE TO THE LEFT HAND SIDE OF THE SPILLWAY LAGOON INLET.
 4. THE SPILLWAY LAGOON INLET SHALL BE CONSTRUCTED WITH A 2% SLOPE TO THE RIGHT HAND SIDE OF THE SPILLWAY LAGOON INLET.
 5. THE SPILLWAY LAGOON INLET SHALL BE CONSTRUCTED WITH A 2% SLOPE TO THE LEFT HAND SIDE OF THE SPILLWAY LAGOON INLET.



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Approved Date: 3 JUL 2018

TENDER

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Scale: 1:50		Project Director: []	Client: []	Section: A1
Date: []		Scale: 1:50	Client: []	Section: A1
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