

Cloncurry Shire Council

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



Telephone: (07) 4742 4100
Facsimile: (07) 4742 1712
Email: council@cloncurry.qld.gov.au
Website: www.cloncurry.qld.gov.au

Our ref: 226148 - TP03/18

15 May 2018

MasterPlan Town and Country Planners
Attention: Peter Stanley
104/139 Commercial Road
TENERIFFE QLD 4005
Email: peters@masterplan.com.au

Dear Peter

DECISION NOTICE— DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – NON-RESIDENT WORKFORCE ACCOMMODATION (48 UNITS) AT 2 MCILWRAITH STREET, CLONCURRY (DISCOVERY PARK) – DESCRIBED AS LOT 95 ON CROWN PLAN 865804 & LOT 100 ON RP 910522 - 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 15 March 2018.

Applicant details

Applicant name:	MasterPlan Town and Country Planners
Applicant contact details:	104/139 Commercial Road TENERIFFE QLD 4005

Application details

Application number:	TP03/18
Approval sought:	Development Permit
Nature of development proposed:	Material Change of Use
Details of proposed development:	Non-resident Workforce Accommodation (48 Units)
Category of assessment:	Code Assessment

Location details

Street address:	2 McIlwraith Street, Cloncurry
Real property description:	Lot 95 on CP865804 and Lot 100 on RP910522
Local government area:	Cloncurry Shire Council

Decision

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

Details of the approval

Development permit: Material Change of Use - Non-resident Workforce Accommodation (48 Units)

Conditions

This approval is subject to the conditions in Attachment 1.

Properly made submissions

There were no properly made submissions for this application.

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*, which is 6 years after this approval starts to take effect.

Approved plans and specifications

Copies of the following plan is enclosed.

Plan/Drawing Number	Plan/Document Name	Date
40041A – Proposed Site Plan	Non-Resident Workers Accommodation - MasterPlan	March 2018

Should you have any questions or concerns in respect of this matter please contact Council's Acting Senior Planner, Damian Pearson, at this office.

Yours faithfully



Joanne Morris
Acting 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 – SARA approval and conditions

ATTACHMENT 1 – CONDITIONS OF APPROVAL

1. Approved Plans

The development must generally comply with the submitted plans drawn as referenced in the table below, which forms part of the application, except otherwise specified by any conditions of this approval.

Plan/Drawing Number	Plan/Document Name	Date
40041A – Proposed Site Plan	Non-Resident Workers Accommodation-MasterPlan	March 2018

2. Vehicle Parking

- a) A minimum of 13 (thirteen) car parking spaces are to be provided for the non-resident workforce accommodation units. Car parking spaces for the accommodation units are to be relocated to the southern side of the accommodation units adjacent to the southern boundary of the site and are to be constructed of a durable hardstand surface.
- b) Additional parking space is to be available for truck parking at the western end of the accommodation units.
- c) A defined vehicle parking area is to be provided in Round Oak Road adjacent to the reception/office to accommodate cars and larger vehicles that cannot access the site during peak times such as shift changes. The area is to be provided with a durable hardstand surface and defined with fencing or bollards to confine vehicle parking to the defined area. The balance of the road reserve is to be landscaped or grassed to prevent a dust nuisance. A plan of this parking area is to be submitted to Council for approval within 2 months from the date of this approval and the works completed within 4 months from the date of this approval.
- d) No parking signage and pavement marking is to be provided adjacent to the laundry and dining facilities to maintain vehicle circulation throughout the site.
- e) Park management is to amend its site induction/code of conduct to ensure that non-resident workers park their vehicles in the area nominated for their unit.

3. Water Supply

The proposed development must be serviced by Council's reticulated water supply network in accordance with the Water Supply Code of Australia (WSA03.2011).

4. Sewerage

The proposed development must be serviced by Council's reticulated sewerage network in accordance with the Sewerage Code of Australia (WSA02-2002).

5. Stormwater Drainage

Stormwater discharging from the site is to be directed to a lawful point of discharge. Overland flow paths must be designed to have no worsening effect on the Flinders Highway and adjoining properties and not to directly or indirectly cause nuisance to downstream or adjoining properties.

6. Landscaping

Existing landscaping on site is to be retained and maintained.

7. Advertising Devices

The design detail and specifications for any new advertising device is to be submitted to Council for approval and must comply with section 8.3.1 of the *Cloncurry Shire Planning Scheme 2016*. Any new advertising device proposed at the Flinders Highway road frontage will need to be referred to the State Assessment Referral Agency (SARA) for approval.

ATTACHMENT 2 – STATEMENT OF REASONS – TP 03-18

NOTICE ABOUT DECISION - STATEMENT OF REASONS

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

Details of the Development

The proposed development is for a Material Change of Use - Non-resident workforce accommodation (48 units) at 2 McIlwraith Street, Cloncurry (Discovery Park) described as Lot 95 on CP865804 and Lot 100 on RP910522

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

Reason for the decision

The development application seeking a development permit for a material change of use for Non-resident workforce accommodation is code assessable under the *Cloncurry Shire Planning Scheme 2016*. The application has been assessed against the relevant benchmarks of the applicable codes. The application is consistent with the overall purposes of the relevant codes. The proposal has also been assessed and found to be generally compliant with the applicable benchmarks contained in the relevant planning scheme zone code and development codes.

The application triggered referral to SARA as a concurrence agency, which subsequently issued a Decision Notice which grants approval subject to conditions.

A detailed assessment of the application 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. Conditions were included to ensure compliance with these codes which enabled Council to support the proposed development by granting its approval, subject to reasonable and relevant conditions being imposed.

The application accords with the North West regional plan and State planning policy as these documents have been integrated into Council's planning scheme. Matters prescribed by regulation- State road infrastructure have been considered by Council and the State Assessment Referral Agency (SARA) and a concurrence decision approving the application has been received.

Accordingly, the proposal for Material change of use is supported subject to reasonable and relevant conditions.

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.

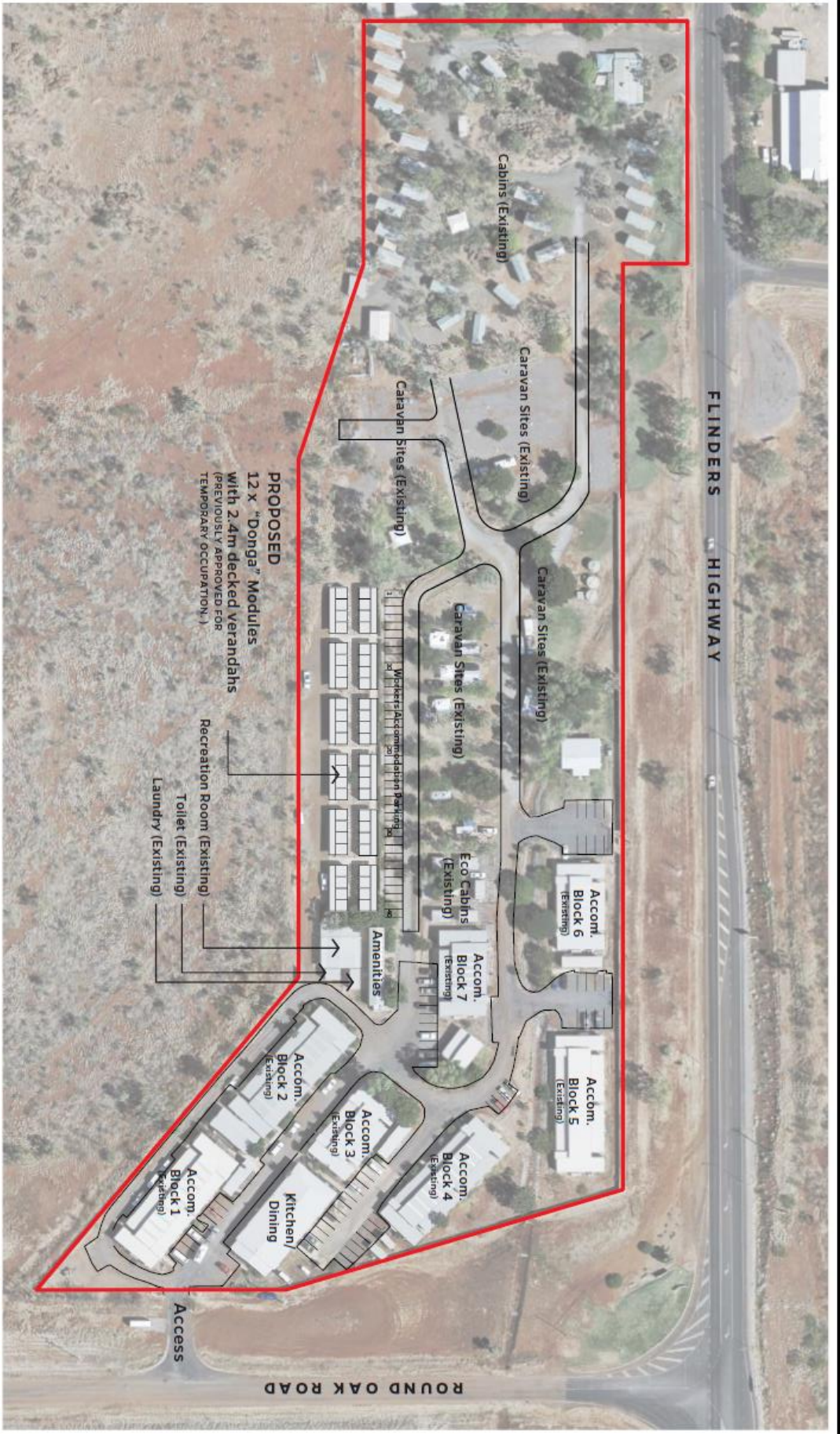
non-appealable, for a decision or matter, means the decision or matter—

 - (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.

ATTACHMENT 4 - APPROVED PLANS AND SPECIFICATIONS



PROPOSED
 12 x "Donga" Modules
 with 2.4m decked verandahs
 (PREVIOUSLY APPROVED FOR
 TEMPORARY OCCUPATION.)

Proposed site Plan
NON RESIDENT WORKERS ACCOMMODATION

CLOONCURRY TOURIST PARK, MC ILWRAITH STREET
 CLOONCURRY
 FOR DISCOVERY PARKS



MASTERPLAN.COM.AU
 SA INT HOLD
 @ MAR 2018 40043.A



Our reference: 1803-4506 SRA
Your reference: 225067-TP03-18

24 April 2018

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

Attention: Larinda Turrell

Dear Ms Turrell,

Referral agency response—with conditions

Development Permit for Material Change of Use for Non-resident Workforce Accommodation at Mcilwraith Street and 2 Mcilwraith Street, Cloncurry – more properly described as Lot 100/RP910522 and Lot 95/CP865804
(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 22 March 2018.

Applicant details

Applicant name:	Ms Linda Henning
Applicant contact details:	104/139 Commercial Road Teneriffe QLD 4005 LindaH@masterplan.com.au

Location details

Street address:	Mcilwraith Street, Cloncurry; 2 Mcilwraith Street, Cloncurry
Real property description:	Lot 100/RP910522; Lot 95/CP865804
Local government area:	Cloncurry Shire Council

Application details

Development Permit	Material Change of Use for Non-resident Workforce Accommodation
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Referral triggers

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

- 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.

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.	Issue
Aspect of development: Material change of use				
Site Plan (as amended in red)	Western Design Pty Ltd	22 Nov 2012	Sheet 1 of 12	WD1C

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

For further information please contact Jeff Krafft, Senior Planning Officer, on 4758 3424 or via email NQSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Ms Linda Henning, LindaH@masterplan.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

Attachment 1—Conditions to be imposed

Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor – 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 conditions:		
No.	Conditions	Condition timing
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> - Site Plan, prepared by Western Design Pty Ltd, dated 22 Nov 2012, drawing issue WD1C, sheet 1 of 12 (as amended in red) 	Prior to the commencement of the use and to be maintained at all times
2.	The road access location is to be located generally in accordance with: <ul style="list-style-type: none"> - Site Plan, prepared by Western Design Pty Ltd, dated 22 Nov 2012, drawing issue WD1C, sheet 1 of 12 (as amended in red) 	At all times

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

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 5 - SARA DECISION NOTICE



Our ref TMR 18-024200
Your ref
Enquiries Helena Xu

Department of
Transport and Main Roads

16 April 2018

Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number 225067-TP03-18, lodged with Cloncurry Shire Council involves constructing or changing a vehicular access between Lot 100RP910522, 95CP865804, the land the subject of the application, and Flinders Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address MasterPlan Town and Country Planners
104/139 Commercial Road
Teneriffe QLD 4005

Application Details

Address of Property Mcilwraith Street, Cloncurry QLD 4824
Real Property Description 100RP910522, 95CP865804
Aspect/s of Development Development Permit for Material Change of Use for Non-resident workforce accommodation (48) units

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is approximately 333m west of Round Oak Road, generally in accordance with: 1. Site Plan prepared by Western Design dated 22 Nov 2012, reference WD1C, Sheet 1 of 12, as amended in red.	At all times.
2	Direct access is prohibited between Flinders Highway (Mcilwraith Street) and Lot 100 on RP910522 at any other location other than the permitted road access location.	At all times.

Reasons for the decision

¹ Please refer to the further approvals required under the heading 'Further approvals'

The reasons for this decision are as follows:

- (a) The Discovery Park has an existing main access from Flinders Highway a) (state controlled road) through Lot 100 on RP910522 and another access from Round Oak Road (local road) through Lot 95 on CP865804.
- b) The proposed development will legalise the existing land use and will not change the existing access arrangement.
- c) The proposed development is not expected to result in an adverse impact on the state-controlled road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Ms Helena Xu, Town Planner should be contacted by email at North.Queensland.IDAS@tmr.qld.gov.au or on (07) 4421 8838.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Hobbs', written in a cursive style.

Andrew Hobbs
Manager, Project Planning and Corridor Management

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The proposed development is for a Non-resident workforce accommodation - (48 units) over Lot 95 on CP865804 and Lot 100 on RP910522.
- The subject site is currently being used for Discovery Parks which had a MCU approval for Commercial Use – Temporary Accommodation from 23 July 2013. This approval has since lapsed and Council issued a Compliance Notice on 31 January 2018.
- The applicant therefore lodged a new MCU application to facilitate compliance with the Decision Notice, albeit through a new application to give permanency to the existing structures.
- No new structures or works are proposed in this application.
- The Discovery Park has an existing main access from Flinders Highway (state-controlled road) through Lot 100 on RP910522 and another access from Round Oak Road (local road) through Lot 95 on CP865804.
- The proposed development does not change the existing arrangement of both accesses.
- Considering the proposed development application is only for legalise the development on paperwork, no upgrade is required by the department.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Planning Report	MasterPlan SA Pty Ltd	March 2018	--	--
Site Plan	Western Design	22 Nov 2012	WD1C	Page 1 of 12

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-(a) controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the (a) original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is (a) given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment D



Approved access to Flinders Highway

- REV C: 22-11-12 Revise laundry and Toilet block locations Grid L-M / 7
- REV B: 21-11-12 Add Laundry and Toilet block Grid L-M / 6
- REV A: 20-11-12 Add caravan site setout plans

Site Plan

Scale 1: 1000

Client/Project Name	Cloncurry Tourist Park	Drawing No.	11000
Client/Project Address	Flinders Hwy, Cloncurry	Sheet No.	1 of 12
Drawn By	MCA	Project No.	1208.07
Checked By	JR	Drawn/Issue	W01C
Sheet/Total	A3	Date of Issue	22/Nov/12

Proposed Temporary Accom.

western design pty ltd
 tourist park, design consultants
 10/104 Stirling St, QLD 4870
 ph: 08 45 81 88 88
 email: info@westerndesign.com.au



Approx North

discovery
HOLIDAY PARKS

Cloncurry Tourist Park, QLD

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1803-4506-SRA

Date: 24 April 2018



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

Department of State Development, Manufacturing, Infrastructure and Planning
Statement of reasons for application 1803-4506 SRA
 (Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Ms Linda Henning
 Applicant contact details: 104/139 Commercial Road
 Teneriffe QLD 4005
 LindaH@masterplan.com.au

Location details

Street address: Mcilwraith Street, Cloncurry; 2 Mcilwraith Street, Cloncurry
 Real property description: Lot 100/RP910522; Lot 95/CP865804
 Local government area: Cloncurry Shire Council

Development details

Development Permit: Material Change of Use for Non-resident Workforce Accommodation

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State code 1: Development in a state-controlled road environment

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

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

North and North West regional office
 Level 4, 445 Flinders Street, Townsville
 PO Box 5666, Townsville QLD 4810