Cloncurry Shire Council

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Our ref: WES:LT-TP05/20

27 July 2020

Ronald Bird PO Box 174 CLONCURRY QLD 4824 **Email:** rongbird@bigpond.com

DECISION NOTICE APPROVAL – MINOR CHANGE TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – FABRICATION AND CONSTRUCTION OF MACHINERY AND STORAGE OF HAY AND AGRICULTURAL MACHINERY, AT 1 MCMASTER ROAD, CLONCURRY (LOT 10 ON RP884323).

(Given under section 2 of the Development Assessment Rules)

Application reference number	TP05/20
Contact name	Ronald Bird
Contact number	0418 934 802
Notice date	21 July 2020
Applicant's name	Ronald Bird
Applicant's address	PO Box 174
	CLONCURRY QLD 4824

I acknowledge receipt of the above application on 22 June 2020 and confirm the following:

RE: Development application for Minor Change to Material Change of Use – Fabrication and construction of machinery and storage of hay and agricultural machinery.

1 McMaster Road, Cloncurry

Lot 10 on RP884323

Dear Ronald

I advise that, on 21 July 2020 the above development application was:

approved in full with conditions* (refer to the conditions contained in Attachment 1)

*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

This application is taken to have been approved under section 81(A) of the Planning Act 2016.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	N/A		

2. Conditions

This approval is subject to the conditions in Attachment 1.

3. Referral agencies for the application

Referral is not applicable to the development application.

4. Approved plans, specifications and drawings

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

Report/Plan/Drawing Number	Plan/Document Name	Date :
	Approved Site Plan	15/01/2006
	Workshop Shed Lay out	22/06/2020
160849-03	Proposed Streel Structure	22/01/2020
ROA01	Landscape Documentation Package	03/12/2009
ROA01 LCD2001 REV:A	Planting Plan	03/12/2009
ROA01 LCD101 REV:A	Landscaping Plan	03/12/2009
ROA01 LCD301 REV:A	Landscape Details	03/12/2009

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

This development approval will lapse unless substantially started 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*. For certain 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*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 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.

To stay informed about any appeal proceedings which may relate to this decision visit: https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database.

Should you have any questions or concerns in respect of this matter please contact Council's Planning and Development Officer, Larinda Turrell, at this office.

Yours faithfully

David Bezuidenhout Chief Executive Officer

Enc: Attachment 1—Conditions of the approval

Attachment 2—Extract on appeal rights
Attachment 3 – Statement of Reasons

Attachment 4 - Approved Plans

ATTACHMENT 1 - CONDITIONS OF APPROVAL

NATURE OF DECISION

A Cloncurry Shire Council issues a development permit for Development application - Reference TP05/20 Material Change of Use (Fabrication and Construction of Machinery and Storage of Hay and Agricultural Machinery) under the *Planning Act 2016*.

GENERAL

1. Site Layout

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

Title	Plan Number	Rev no	Date 1	Prepared by
Approved Site Plan	···		15/01/2006	Ronald Bird
Workshop Shed Lay out			22/06/2020	Ronald Bird
Proposed Steel Structure	160849-03		22/01/2020	Premier Steel Structures Pty Ltd
Landscape Documentation Package	ROA01	Α	03/12/2009	
Planting Plan	ROA01 LCD201	A	03/12/2009	
Landscaping Plan	ROA01 LCD101	Α	03/12/2009	
Landscape Details	ROA01 LCD301	A	03/12/2009	

2. Compliance with conditions

- (a) All conditions must be complied with prior to the commencement of the use, unless specified in an individual condition.
- (b) The conditions of this development approval are to be read in conjunction with the approved plans /drawings/ documents at all times. Where a conflict occurs between the conditions of this approval and the approved plans / documents, the conditions of this development approval shall prevail.

3. Building works

This Development Approval does not include an assessment of building work against the requirements of the *Building Act 1975* and does not permit building work to occur unless, prior to the commencement of any building work, a Development Permit to carry out assessable building work under the *Building Act 1975* has been issued.

4. Fencing

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

5. Landscaping

Landscaping is to be carried out as per the stamp approved plans. Any changes to the approved plans will require further approval from Council.

6. Storage Equipment

Equipment and machinery are stored in appropriate areas so as not to cause a nuisance to existing neighboring surrounds.

7. Waste Management

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

8. Stormwater Drainage

Prior to works commencing, (for any proposed filling or excavation) the applicant must submit to council a detailed stormwater drainage plan checked and certified by a RPEQ.

9. Noise Management

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

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.

11. Works during construction

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

12. Existing Approval

All conditions set out in the Development Application Decision Notice signed and dated 3 June 2003 and not stated above must be adhered.

13. Amenities - General

The worksite is always to be kept in a clean and tidy state

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.

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

230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule
 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph
 (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive;
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The service period is-
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision;
 - (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

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

ATTACHMENT 3 – STATEMENT OF REASONS – TP05/20

NOTICE ABOUT DECISION - STATEMENT OF REASONS

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

Details of the Development

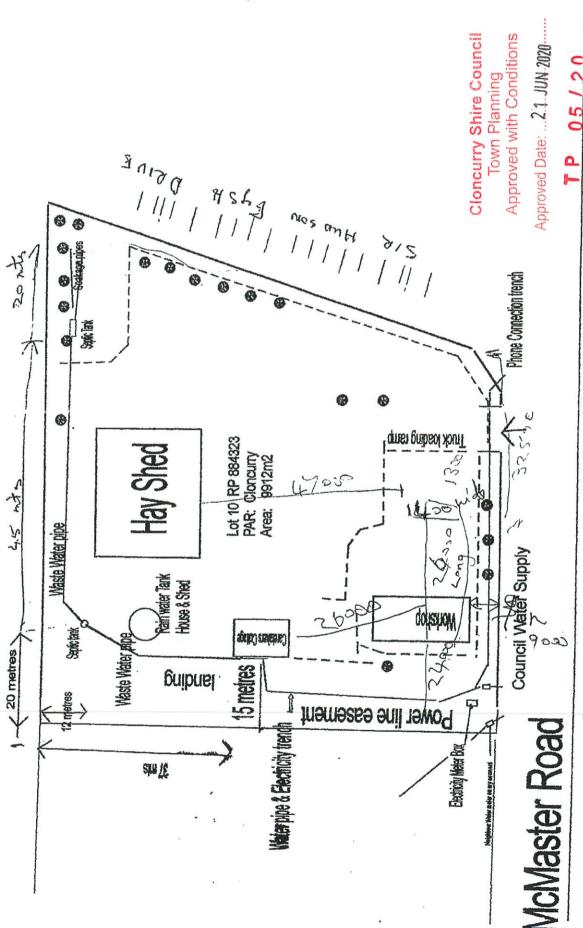
The proposed development application seeking a development permit for a Change to Existing approval for a Material Change of Use (Fabrication and Construction of Machinery and Storage of Hay and Agricultural Machinery) at 1 McMaster Road, Cloncurry (Lot 10 on RP884323).

On 21 July 2020, the above development application was approved in full, with conditions.

Reasons for the decision

The proposed development application seeking a development permit for a Change to Existing approval for a Material Change of Use (Fabrication and Construction of Machinery and Storage of Hay and Agricultural Machinery) at 1 McMaster Road, Cloncurry (Lot 10 on RP884323).

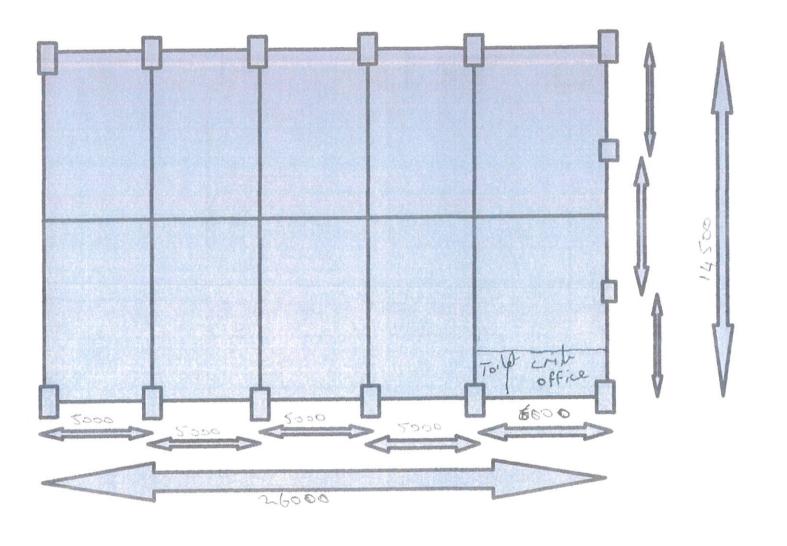
A detailed assessment of the application by Council assessing officers has been undertaken and it is concluded as documented in this Development Assessment Report that the applicant has satisfactorily demonstrated compliance with the applicable benchmarks of the relevant planning scheme codes to enable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



Caretaker Cottage Lot 10 McMaster Rd. Cloncurry airport Sewrage lay out

Drawn by Ronald G. Bird PO Box 174 Cloncurry 4824 Feb 2006

Workshop shed lay out McMaster Road

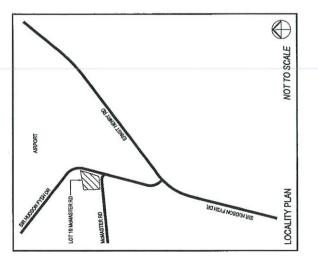


Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 21 JUN 2000.

WAS FULL WELS (CPS) WAS. PADE STEE ALCR IN ACCORDANCE WITH HE BOX DOSDED AS DIRD/TOR BOTH AN DICU HOOF LONGE: SHEETING A: PURLING LIVE LONG THE LINES TO ACADES (N. 12 - 40m/met (N. Cloncurry Shire Council proved with Condition oved Date 2.1. JUN 2020 10 own Planning SECTION A-A 1:100 H.D. BOLT DETAIL PRE-GALVANISED PURLINS 125x75x20x2,0 C.R. Fly Bracing 3 per rafter TOTINGS BY OTHERS FOR ELLISTIMUM PURFORES ONLY, REDIE TO FOLNOWING HOTE BELOW 10m PURIN (4) SIDE ELEVATION 1:100 ALDOR LEVEL (both sides) NOT PARK SPECIAL NOS 10m PARIN ROD BRACING DETAIL W 160 HIGH TENSILE (2) ELEVATION B-B 1:10 \oplus HOOF PLANE BRACING 166 HICK TDESILE RODS -ROOF PLANE BENCHG 14# HBCH TENBALE RODG # # ROOF PLAN 1:100 B | WORTON, BACAG BY 10m PURLIN

Premier Steel Structures (Pty) Ltd CASSOCIATES PTY LTD BOOTH ENGINEERS SHEET 1 OF 1 (N2) Proposed Steel Structure FOR: DRG. No: 160849-03 TYPE 15x20x6 5m Bays 15m SPAN x 20m LONG x 6m HIGH DO NOT SCALE THIS DRAWING TYPCAL FLY BRACE DETAIL 1:10 SECTION E-E 200x100x18kg/m 1:10 Rafter, Plote Detail 200x100x18kg/m STEELWORK & FOUNDATION LAYOUT AND DETAILS FOR STEEL STRUCTURE MOTE. Foolings shall be designed by a suitably qualified Engineer based on site specific soil conditions for each site. This office can be contacted to undertake this as required FOUNDATION PLAN 1:100 中国 ((3) ➂

LOT 10 McMASTER RD STORAGE SHED CLONCURRY



SCHEDULE OF DRAWINGS

LOCALITY PLAN & SPECIFICATION NOTES PLANTING PLAN LANDSCAPE DETAILS LANDSCAPE PLAN

ROA01 LCD001 ROA01 LCD101 ROA01 LCD201 30A01 LCD30

SPECIFICATION NOTES

- EXISTING ELEMENTS: To be verified on site prior to
- **EXISTING SERVICES:** Contact Dial Before You Dig on 1100 to locate and verify the existence of all services prior to starting work.
- Advise Client of any necessary changes to setout and CHECK DIMENSIONS: Prior to commencing work check dimensions and report any discrepancies. obtain approval prior to construction.
 - installation, to whatever extent these are more explicit MANUFACTURERS' RECOMMENDATIONS: Use or more stringent than requirements indicated in the manufactured items in the work in accordance with manufacturer relevant to such use. Comply with manufacturer's applicable recommendations for current published recommendations of the Confract Documents.
- necessary cultivate these by hand. During cultivation, if depth as specified to loosen the compacted ground. Do Cultivate manually within 300mm of paths or structures, clay soil encounted, thoroughly incorporate gypsum at Cultivate the subsoil to planting beds to 300mm below not disturb services, kerbing, paving; or tree roots. If CULTIVATION: Thoroughly cultivate by ripping to a the rate of 2kg per square metre into the subgrade. ncluding boundary fences / walls.

exceeding 50mm and any other deleterious material brought to the surface during cultivation, including Remove stones exceeding 25mm, clods of earth roots, sticks, weeds and the like. the existing ground profile.

rim and lightly cultivate after cultivation to form an even surface across the proposed garden bed. s.

COPSOIL: Imported topsoil shall be stockpiled on site sticks, rubbish, material toxic to plant growth, and the Topsoil shall contain organic matter, be free draining, support plant life, be free from unwanted matter such as stones over 25mm, clay lumps, weeds, tree roots, like. Topsoil to meet the requirements as defined by AS 4419 - Soils For Landscaping and Garden Use: for purposes of individually backfilling each plant.

tamp, water and needle vibrate to eliminate air pockets.

to within 300mm of the finished surface level. Lightly

as specified. Ensure that topsoil is not placed over the

Backfill top 300mm only with imported topsoil mixture

top of the root ball, so that the plant stem remains the

same height above ground as it was in the container.

Provide staking as detailed to all tree planting.

Remove all plant containers from the site immediately

after planting and thoroughly clean all areas at the

- recommendations for applicable quantities by volume Terracottem is to be incorporated into the topsoil mix prior to backfilling. Refer manufacturers Planting areas: Soil Blend of backfill for each plant.
- ORGANIC MULCH shall be Forest Mulch. Mulch shall

- an automatic controller with associated power point and approved by the Client. Irrigation system to be capable for all necessary permits, install all necessary backflow automatic irrigation system to all planting areas. Apply earth leakage in a lockable cabinet at a location to be prevention devices, valves and valve boxes. Provide IRRIGATION SYSTEM: Design and construct an of applying 32mm of water per week. be free of deleterious and extraneous matter including forced, free from disease and insect pests, with large healthy root systems and no evidence of having been PLANTS shall be vigorous, well established, of good
 - WATERING: Thoroughly water the plants before thereafter to maintain growth rates free of stress. planting begins, immediately after planting and
- equipment, and services to ensure that performance is Before application is made for a Certificate of Practical COMPLETION DOCUMENTS AND PROCEDURES Completion thoroughly check out all installations, correct and in order.

PLANTING IN MASS PLANTING AREAS: Excavate a

specified for a time period to achieve sufficient roots to

hold container soil together after removal from will be allowed unless approved in writing.

shall have been grown in containers of the size

acclimatised, hardened off for the local climate, and

restricted or damaged. Plant material shall be fully

form consistent with species or variety, not soft or

soil, rocks, weeds, twigs and the like.

containers, without being root bound. No substitutions

Obtain from all Authorities written and signed approval Comply with all local authority approval conditions for all installations under their control stating their testing and approval of same.

> Ozmocote 9 month formulation fertiliser suitable for the nominated plants at the manufactureres recommended

TREES: Thoroughly water the plants before planting

PLANTING PROCEDURE - CONTAINER STOCK

begins, immediately after planting, and thereafter as

root system of the plants for 140mm pots and above.

Incorporate evenly around the base of each plant,

than 100mm of imported topsoil backfill all round the

hole for each plant large enough to provide not less

required by the contract, the following documents and Submit to the Client, prior to Practical Completion, as including reinstatement of damage to any local authority infrastructure.

- Certificates of approval for all water supply. Maintenance Manuals.
- Instruction Manuals.
- Warranties and guarantees.
- at time indicated, consisting of cleaning each surface of FINAL CLEANING: Provide final cleaning of the work unit of work to normal 'clean' condition expected for a first class cleaning and maintenance programme. Examples of required cleaning are:

plants at the time of planting, at the rate recommended

For individual planting's, place fertiliser around the

final position, in the centre of the hole and plumb. before, remove the plant from the container with required to maintain growth rates free of stress.

by the manufacturer. Agriform slow release fertilizer

used if approved. Obtain approval of fertiliser type and

Around container stock trees backfill in 150mm layers with clean free draining soil with a low organic content

application rate prior to planting.

tablets are acceptable fertilisers. Alternatives may be

minimum disturbance to the root ball, and place it in its

When the hole appears to be of correct size, and not

 Clean project site, of litter and foreign substances associated with the landscape works.;

Approved with Conditions Cloncurry Shire Council Town Planning

Approved Date: 21. JUN. 2020......

TP 05/20

DOCUMENTATION PACKAGE LANDSCAPE

R. BIRD

03 DECEMBER 2009 ROA01 LCD001 ROA01

ROJECT NUMBER:

