

Cloncurry Shire Council

38-46 Daintree Street
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Cloncurry QLD 4824
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Website: www.cloncurry.qld.gov.au

Our ref: 222571 - TP04/13

24 October 2017

BM Diggle Investments
Attention: Brad Diggle
PO Box 23
COOLUM QLD 4573

Email: oceanbreeze_services@bigpond.com

Dear Brad

**DECISION NOTICE—Approval (with conditions)
(Given under section 63 of the *Planning Act 2016*)**

The development application described below was properly made to the Cloncurry Shire Council on 17 October 2017.

1. Applicant details

Applicant name: BM Diggle Investments
Applicant contact details: Brad Diggle

2. Application details

Application number: TP04/13
Approval sought: Extension to an Existing Approval currency period
Nature of development proposed: Material change of use
Details of proposed development: Multiple Dwelling (4 dwelling units)
Category of assessment: Previously impact assessment now code assessment

3. Location details:

Street address: 87 Alice Street, CLONCURRY QLD 4824
Real property description: Lot 19 on C19617
Local government area: Cloncurry Shire Council

4. Decision

Date of decision: 24 October 2017
Decision details: Approved in full with conditions. These conditions are set out in Attachment 1.

5. Details of approval

Development permit: Extension to an Existing Approval currency period (Material Change of Use – Multiple Dwellings (4 dwelling units)) TP04/13

6. Conditions

This approval is subject to the conditions in Attachment 1

7. Properly made submission

There were no properly made submissions for this application.

8. Rights of appeal

The rights of applicants to appeal to the 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*).

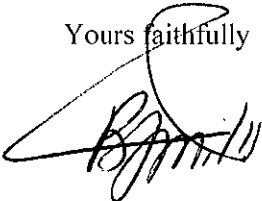
A copy of the relevant appeal provision is attached.

9. Currency period of the approval

This development approval will lapse at the end of the period set on in section 85 of the *Planning Act 2016*. This approval lapses if the change of use does not happen within 6 years.

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



Ben Milligan
Chief Executive Officer

Encl: Conditions of Approval
Stamped Approved Plans
Planning Act 2016 appeal rights

ATTACHMENT 1
DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – MULTIPLE DWELLING
(4 Dwelling units)
SCHEDULE OF CONDITIONS

1. Basis of Approval

- a) This approval is subject to the following conditions, the facts and circumstances set out in the application and all relevant Council provisions of the *Cloncurry Shire Planning Scheme 2003*.

2. Approved Plans

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

Plan/Drawing Number	Plan/Document Name	Date
13532- Sheet 1 of 14	Site Plan prepared by Caloundra Designs and Drafting	19/08/2013
13532 - Sheet 2 of 14	Landscape Plan	19/08/2013
13532- Sheet 3 of 14	Floor Plan (Residence 1 & 3) prepared by Caloundra Designs and Drafting	19/08/2013
13532- Sheet 4 of 14	Floor Plan (Residence 2 & 4) prepared by Caloundra Designs and Drafting	19/08/2013
13532- Sheet 5 of 14	Elevations (Residence 1 & 3) prepared by Caloundra Designs and Drafting	19/08/2013
13532- Sheet 6 of 14	Elevations (Residence 2 & 4) prepared by Caloundra Designs and Drafting	19/08/2013

- b) The proposed development must comply with all Planning Scheme requirements as applying at the date of this application, except as otherwise specified by any condition of this approval.
- c) One full set of the most up to date approved plans must be held on site, and available for inspection, for the duration of the construction phase.

3. Water Supply

- a) The proposed development must be serviced by Council's reticulated water supply network in accordance with the Water Reticulation Code of Australia WSA03.1999.
- b) Connection to Council's reticulated water system must be carried out at the developer's expense.
- c) The construction of the water supply infrastructure must be in accordance with the standards state in Schedule 2 of the Planning Scheme – Construction Standards for Infrastructure Works.

4. Sewerage

- a) The proposed development must be serviced by Council's reticulated waste water supply network in accordance with the Sewerage Code of Australia WSA02-1999.
- b) Each dwelling must be provided with a single property service, to be connected directly and separately to Council's system prior to commencement of use.

- c) Connection to Council's reticulated sewerage system must be carried out at the developer's expense.
- d) The construction of the sewerage infrastructure must be in accordance with the standards state in Schedule 2 of the Planning Scheme – Construction Standards for Infrastructure Works.

5. Infrastructure Contributions

- a) An infrastructure contribution of \$7,500.00 is required to offset the additional load on the infrastructure network. This infrastructure contribution is payable to Council prior to the commencement of use.

6. Stormwater Drainage

- a) Stormwater discharging from the site is to be directed to a lawful point of discharge to the satisfaction of Council.
- b) Overland flow paths must be designed so as to have no worsening affect to downstream and adjoining properties and not to directly or indirectly cause nuisance to a downstream or adjoining property.

7. Electricity Supply

- a) The development must be provided with connection to the reticulated electricity supply network so as to achieve compliance with Schedule 2 of the Planning Scheme – Construction Standards for Infrastructure Works.
- b) A certification of compliance must be provided from the relevant authority prior to occupation.

8. Relocation and Provision of Utilities

- a) The developer must be responsible for any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development at no cost to Council.

9. Car Parking and Driveways

- a) One (1) car park must be provided for each dwelling. Each car park is to be provided adjacent to the dwelling in accordance with the approved plans.
- b) Two (2) visitor car parks must be provided in addition to car parking spaces provided under Condition 8(a) and in accordance with the approved plans. The car parks are to be marked with line work in accordance with AS2890.1.
- c) All car parks are to be constructed of a sealed, durable, hard stand surface material, such as concrete, in accordance with the dimensions and grades outlined in AS2890.1.
- d) Driveways are to be sealed and constructed of a durable, hard stand surface material. Driveways and manoeuvring areas are to be maintained at all times, to the satisfaction of Council.

10. Fencing

- a) An 1800mm high close-board fence along the rear and eastern side boundaries, and a 1200mm high close-board fence along the front boundary must be provided in accordance

with the approved plans. The details of required fencing are to be submitted with any building works application on site.

- b) An 1800mm high close-board fence between each dwelling unit, and between the southernmost dwelling and Alice Street must be provided in accordance with the approved plans. The details of required fencing are to be submitted with any building works application on site.

11. Construction Requirements

- a) A Construction Management Plan must be provided by Council for acceptance two (2) weeks prior to commencement of construction works on site. The Construction Management Plan must include but is not limited to; details on type and number of construction vehicles, access points to the construction site, soil erosion, sediment control and dust control measures and noise management measures.

12. Hours of Construction

- a) Unless otherwise determined in writing by the assessment manager, hours of construction must not exceed 6.30am to 6.30pm (Monday to Saturday).
- b) Work must not be conducted from or on the premises outside the above hours or on Sundays or public holidays.

13. Soil Erosion Minimisation, Sediment Control and Dust Control

- a) During the construction phase of this development the developer must be responsible for the installation and maintenance of adequate erosion and sediment control management.
- b) During the construction phase of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

ADVICE

1. Payment of Rates, Charges and Expenses

Prior to commencement of use, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.

2. Satisfaction of Approval Conditions

Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to commencement of use.

3. 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 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 application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. In so far as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnify and save the Council harmless in respect of any claim so arising.

ATTACHMENT 2
STAMPED APPROVED PLANS

NOTES:

ALL CONSTRUCTION TO COMPLY WITH THE AUSTRALIAN BUILDING CODE REQUIREMENTS & RELEVANT AUSTRALIAN STANDARDS.

CONTRACTOR TO CONFIRM ALL DIMENSIONS & LEVELS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.

BUILDER MUST CHECK ALL BOUNDARY LINES & PEGS BEFORE COMMENCEMENT OF ANY BUILDING WORK. SHOULD SITE CONDITIONS DIFFER FROM THOSE INDICATED SEEK INSTRUCTIONS FROM DESIGNER.

DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE OFF DRAWING.

CLONCURRY SHIRE

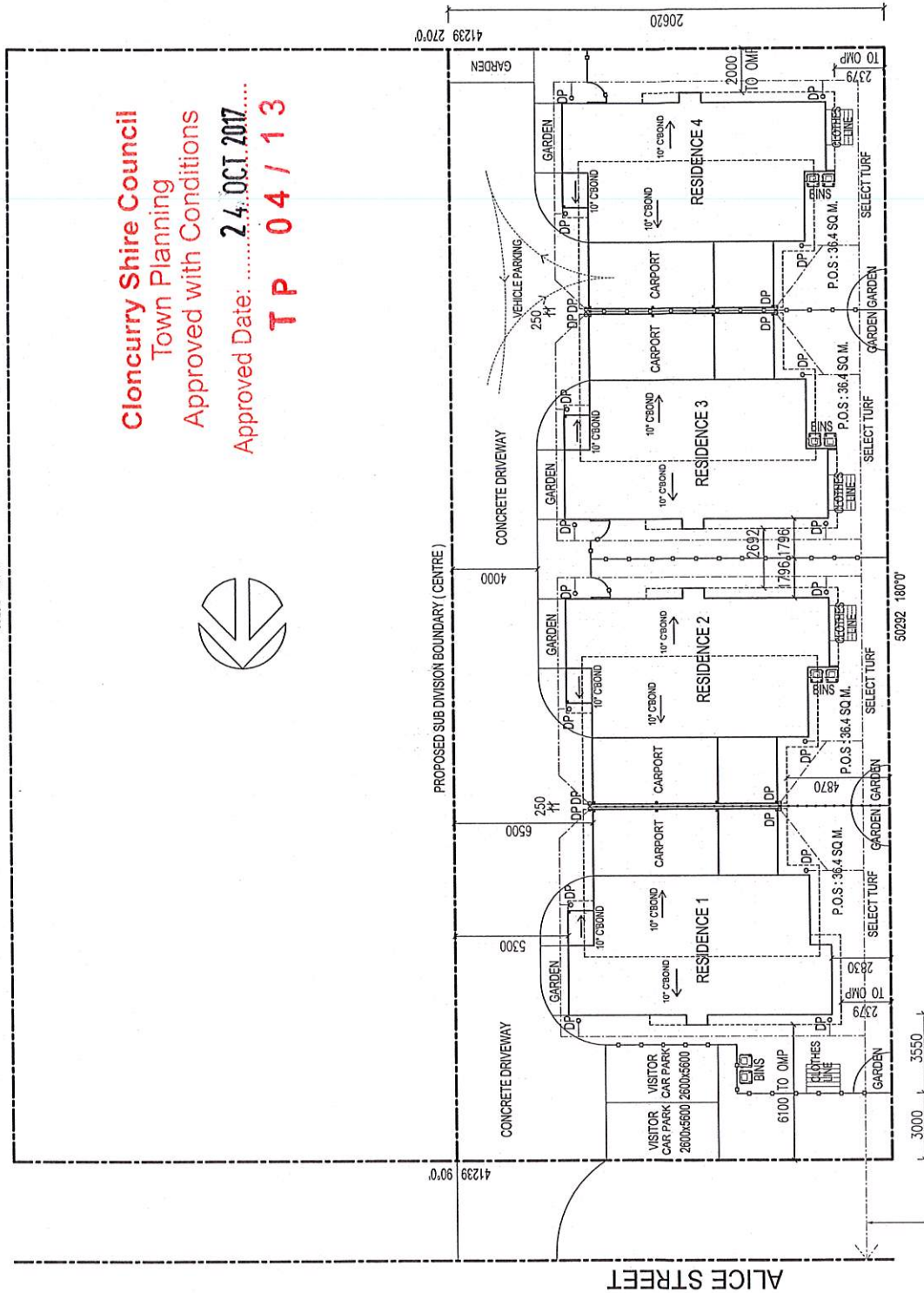
25 SEP 2013

RECORDS

Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 24 OCT 2017
TP 04 / 13



50292 180'0"



STORMWATER TAKEN TO KERB TO COUNCIL REQUIREMENTS

RP DETAILS

LOT NUMBER: 3
 REG. NUMBER: 91030
 PARISH: CLONCURRY
 COUNTY: BEACONSFIELD
 AREA: 2074 SQ. M.
 SITE COVERAGE (1037 SQ. M.): 401.08 SQ. M. (38.67%)
 LANDSCAPE AREA (GARDENS): 60 SQ. M.
 USABLE LANDSCAPE AREA (TURF): 200 SQ. M.

SITE PLAN

PROPOSED MULTI DWELLING DEVELOPMENT AT LOT 3 ALICE STREET
 CLONCURRY FOR B. DIGGLE.

AMMENDMENT	DATE:
DETAILS:	19.08.13
AMMENDMENT	SCALE:
DETAILS:	1:200 (A3)
	DRAWN:
	PNC
	DWG No.:
	13532

SHEET No. 1 of 14

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3903 Bullock St. Caloundra 4551 Lic. No. 640598
 PH: Fax: 07 54812330 Email: cad@caloundras.com.au

186315

NOTES:

ALL CONSTRUCTION TO COMPLY WITH THE AUSTRALIAN BUILDING CODE REQUIREMENTS & RELEVANT AUSTRALIAN STANDARDS. CONTRACTOR TO CONFIRM ALL DIMENSIONS & LEVELS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.

BUILDER MUST CHECK ALL BOUNDARY LINES & PEGS BEFORE COMMENCEMENT OF ANY BUILDING WORK. SHOULD SITE CONDITIONS DIFFER FROM THOSE INDICATED SEEK INSTRUCTIONS FROM DESIGNER. DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE OFF DRAWING.



RP DETAILS

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 REGISTERED PLAN NUMBER: 91030
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 LANDSCAPE AREA (GARDENS): 60 SQ. M.
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LANDSCAPE PLAN

PROPOSED MULTI DWELLING DEVELOPMENT AT LOT 3 ALICE STREET
 CLONCURRY FOR B. DIGGLE.

50292 180°0'

Cloncurry Shire Council
 Town Planning
 Approved with Conditions

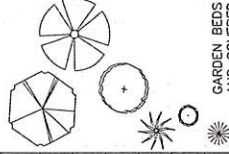
Approved Date: **24 OCT. 2017**

TP 04 / 13

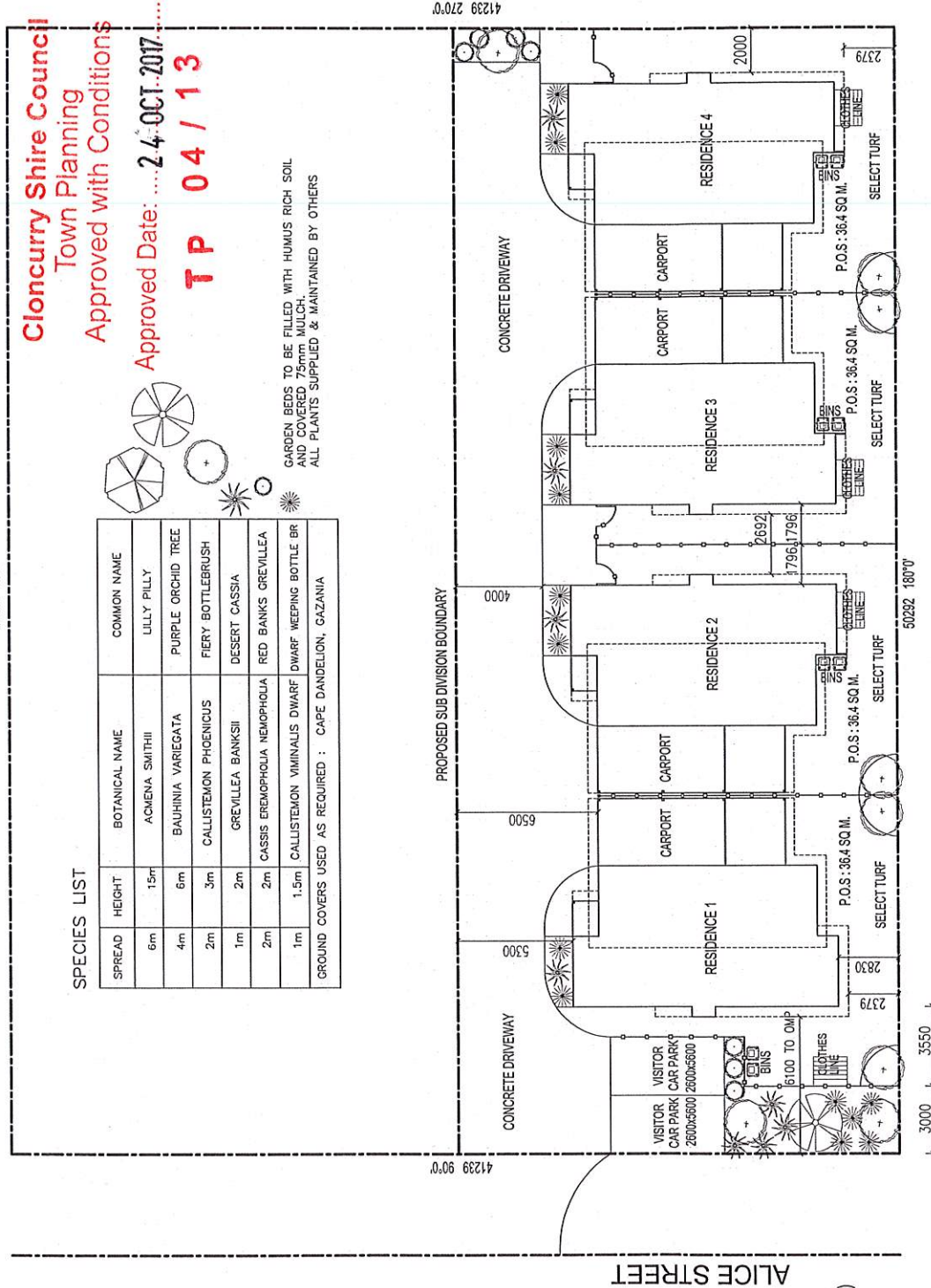
SPECIES LIST

SPREAD	HEIGHT	BOTANICAL NAME	COMMON NAME
6m	15m	ACHENA SMITHII	LILLY PILLY
4m	6m	BAUHINIA VARIEGATA	PURPLE ORCHID TREE
2m	3m	CALLISTEMON PHOENICUS	FIERY BOTTLEBRUSH
1m	2m	GREVILLEA BANKSII	DESERT CASSIA
2m	2m	CASSIS EREMOPHOLIA NEMOPHOLIA	RED BANKS GREVILLEA
1m	1.5m	CALLISTEMON VIMINALIS DWARF	DWARF WEEPING BOTTLE BR

GROUND COVERS USED AS REQUIRED : CAPE DANDELION, CAZANIA



GARDEN BEDS TO BE FILLED WITH HUMUS RICH SOIL AND COVERED 75mm MULCH. ALL PLANTS SUPPLIED & MAINTAINED BY OTHERS



Caloundra Design & Drafting
 3933 Bullock St. Caloundra 4651
 Lic. No. 840588
 Ph/Fax: 07 54919393 Email: cddp@bigpond.net.au

DATE: 19.08.13
 SCALE: 1:200 (A3)
 DRAWN: PNC
 DWG No.: 13532

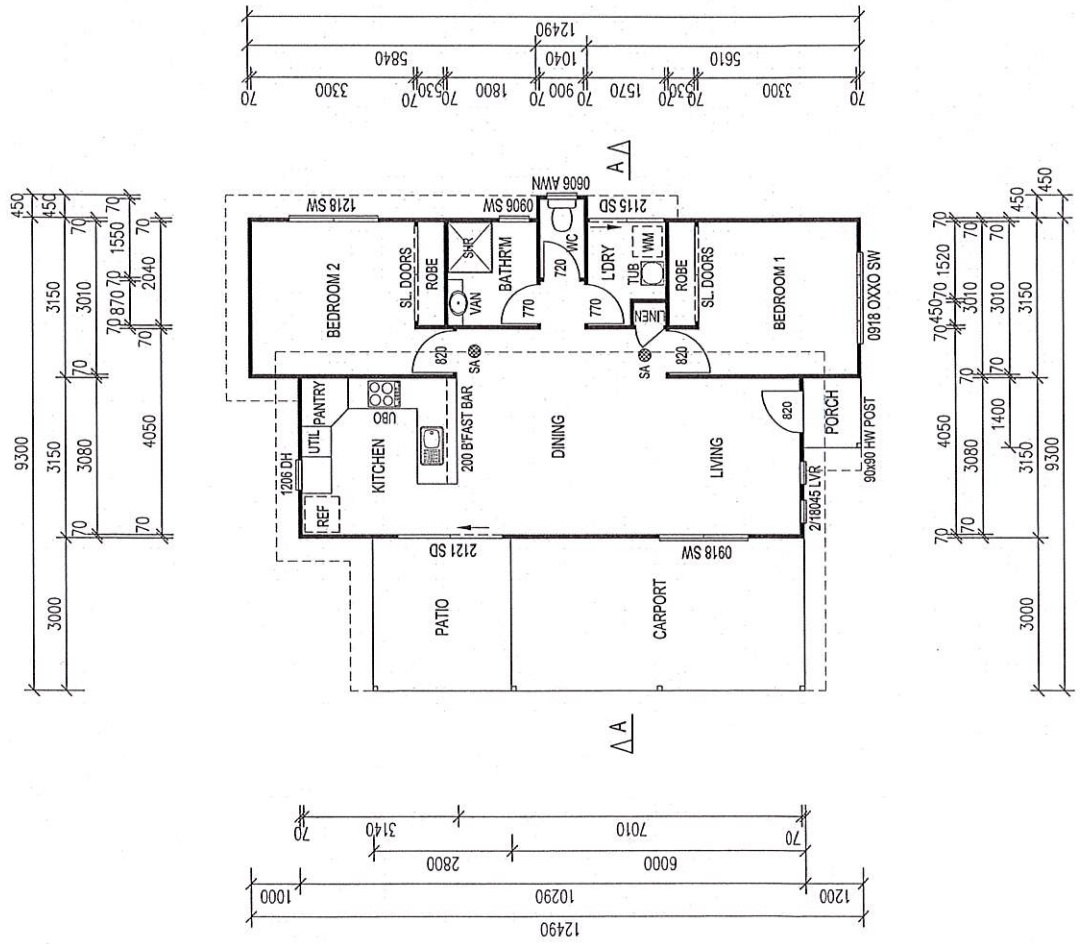
SHEET No. 2 of 14

AMMENDMENT DETAILS:
 AMMENDMENT DETAILS:

Cloncurry Shire Council
Town Planning
Approved with Conditions

Approved Date: **24 OCT 2017**

TP 04 / 13



AREA OF LIVING : 72.22 SQ. M.
 AREA OF PORCH : 1.65 SQ. M.
 AREA OF CARPORT : 18 SQ. M.
 AREA OF PATIO : 3.4 SQ. M.
 TOTAL AREA : 100.27 SQ. M.

SA SMOKE ALARM TO COMPLY WITH
 BCA 1996 PART 3.7.2

SEE ENGINEERS DRAWINGS FOR SOIL TEST
 SLAB AND FOOTING DESIGN FOR DETAILS.

FLOOR PLAN (RESIDENCE 1&3)

PROPOSED MULTI DWELLING DEVELOPMENT AT LOT 3 ALICE STREET
 CLONCURRY FOR B. DIGGLE.

AMMENDMENT	DATE
DETAILS :	
AMMENDMENT	DATE :
DETAILS :	

SHEET No. **3 of 14**

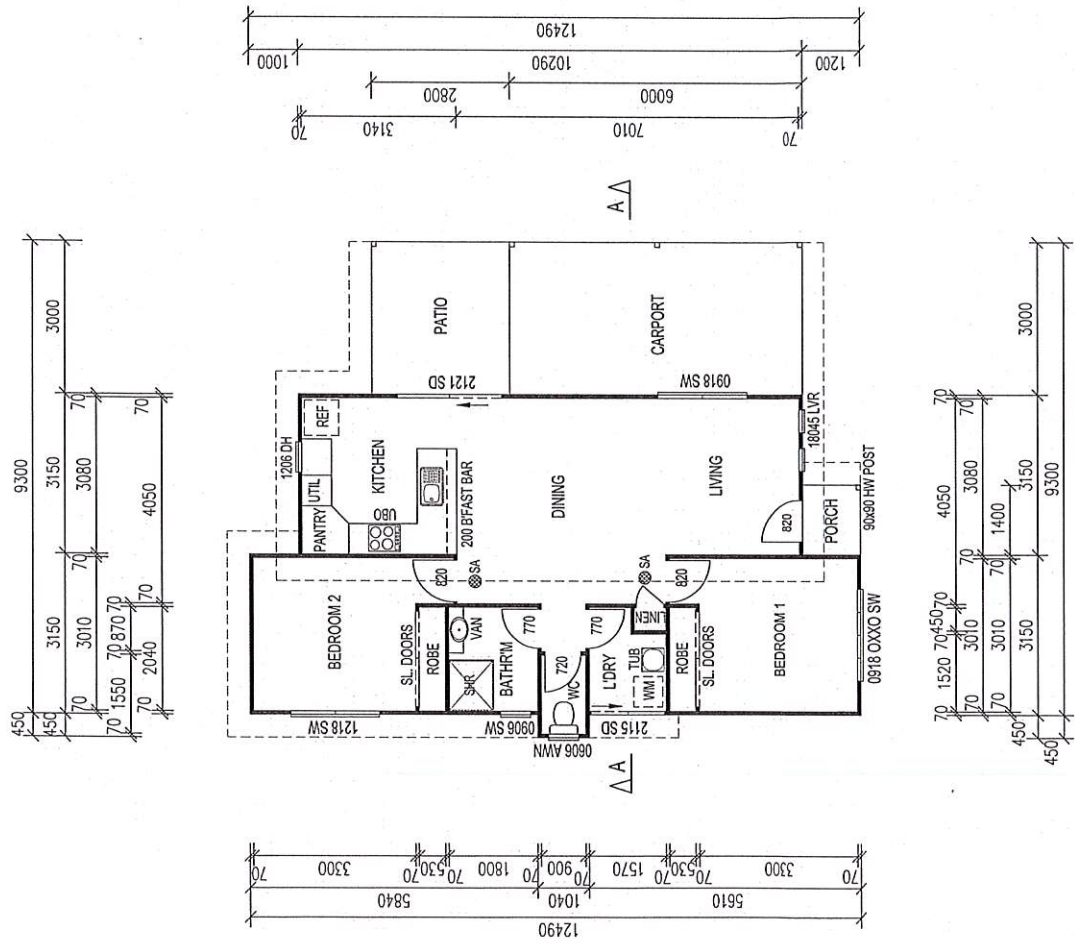
DATE :	19.08.13
SCALE :	1:100 (A3)
DRAWN :	PNC
DWG No. :	13532

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393 Burwood St. Caloundra 4651. Lic. No. 640998
 Ph/Fax: 07 54972359 Email: cad@cdpnc.com.au

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Approved Date: 24.OCT.2017
TP 04 / 13



AREA OF LIVING : 72.22 SQ. M.
 AREA OF PORCH : 1.65 SQ. M.
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SA SMOKE ALARM TO COMPLY WITH
 BCA 1996 PART 3.7.2
 SEE ENGINEERS DRAWINGS FOR SOIL TEST
 SLAB AND FOOTING DESIGN FOR DETAILS.

FLOOR PLAN (RESIDENCE 2&4)

PROPOSED MULTI DWELLING DEVELOPMENT AT LOT 3 ALICE STREET
 CLONCURRY FOR B. DIGGLE.

AMMENDMENT DETAILS :
 AMMENDMENT :
 DETAILS :

DATE :
 DATE :

AMMENDMENT :
 DETAILS :

DATE :
 DATE :

SHEET No. **4 of 14**

DATE : 19.06.13
 SCALE : 1:100 (A3)
 DRAWN : PNC
 DWG No. : 13532

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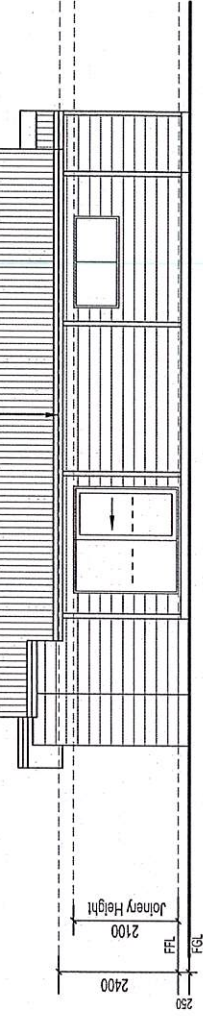


COLORBOND CUSTOMORB ROOF SHEETING AT 10° PITCH FIXED TO MANUFACTURERS SPECIFICATION.

COLORBOND FASCIA AND GUTTER

SCYON MATRIX OR SIMILAR FEATURE CLADDING

450 EAVE (TYPICAL)



SOUTH ELEVATION

Cloncurry Shire Council
Town Planning
Approved with Conditions

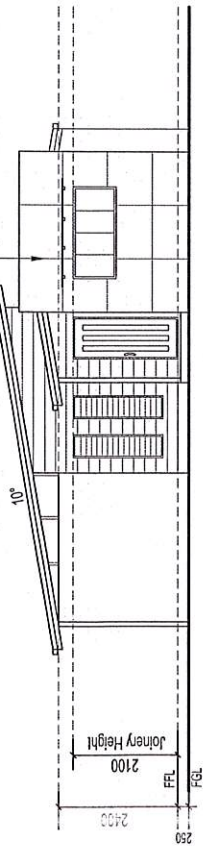
Approved Date: **24 OCT 2017**
TP 04 / 13

CSR SCARBOROUGH OR SIMILAR WEATHERBOARD EXTERNAL WALL CLADDING.

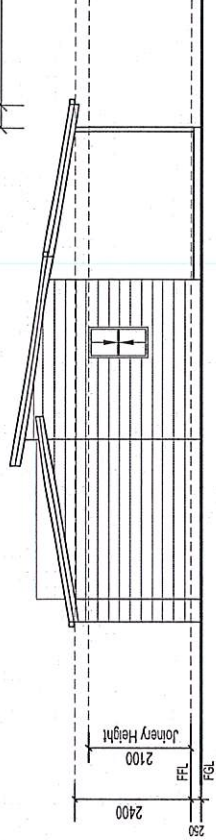
POWDERCOTE ALUMINIUM FRAMED SOLAR GLASS WINDOWS AND DOORS TO COMPLY WITH A.S. 1288.

450 EAVE (TYPICAL)

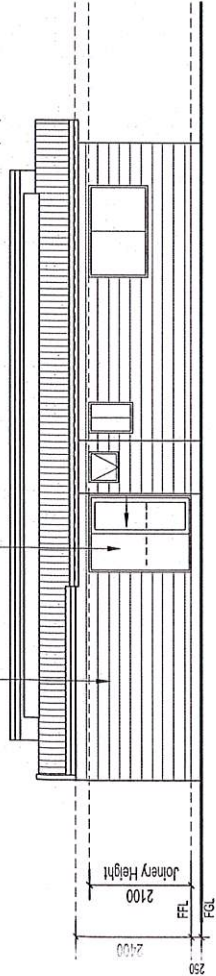
450 EAVE (TYPICAL)



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

ELEVATIONS (RESIDENCE 1&3)

PROPOSED MULTI DWELLING DEVELOPMENT AT LOT 3 ALICE STREET
CLONCURRY FOR B. DIGGLE.

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DATE :	19.08.13
SCALE :	1:100 (A3)
DRAWN :	PNC
DIWG No. :	13532

SHEET No.
5 of 14

AMMENDMENT	DATE :
DETAILS :	
AMMENDMENT	DATE :
DETAILS :	



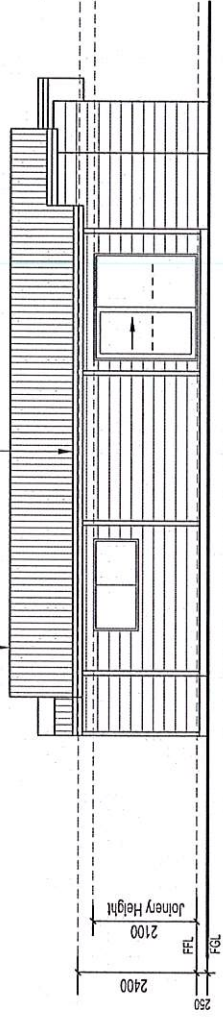
5/85 New South Street
CLONCURRY QLD 4860
Ph/Fax: 07 54812383 Email: cdd@caloudra.com.au

COLORBOND CUSTOMORB ROOF SHEETING AT 10° PITCH FIXED TO MANUFACTURERS SPECIFICATION.

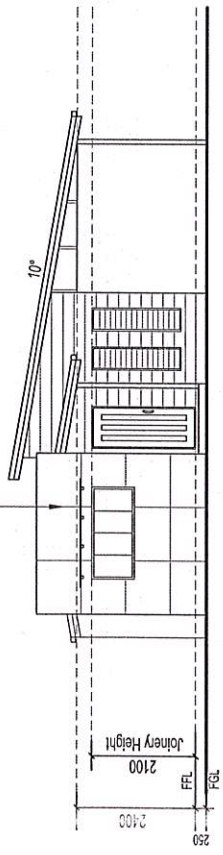
COLORBOND FASCIA AND GUTTER

450 EAVE (TYPICAL)

SCYON MATRIX OR SIMILAR FEATURE CLADDING



NORTH ELEVATION



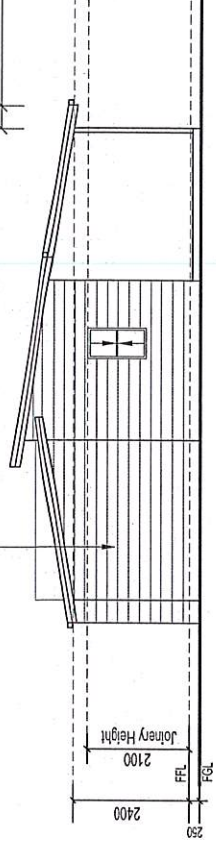
EAST ELEVATION

CSR SCARBOROUGH OR SIMILAR WEATHERBOARD EXTERNAL WALL CLADDING.

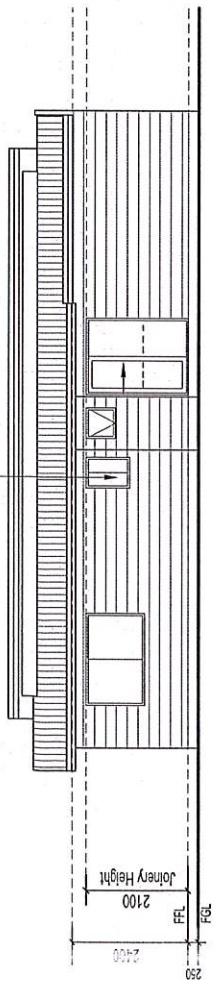
POWDERCOTE ALUMINIUM FRAMED SOLAR GLASS WINDOWS AND DOORS TO COMPLY WITH A.S. 1288.

450 EAVE (TYPICAL)

450 EAVE (TYPICAL)



WEST ELEVATION



SOUTH ELEVATION

TP 04 / 13
Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 24 OCT 2017

ELEVATIONS (RESIDENCE 2&4)

Approved Date:
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AMMENDMENT		DATE :	19.08.13
DETAILS :		SCALE :	1:100 (A3)
AMMENDMENT		DRAWN :	PNC
DETAILS :		DWG No. :	13532
PROPOSED MULTI DWELLING DEVELOPMENT AT LOT 3 ALICE STREET CLONCURRY FOR B. DIGGLE.		SHEET No.	6 of 14



39/31 Bay Street, Cloncurry QLD 4890
 Ph/Fax: 07 54972209 Email: cdd@caloudradesign.com.au

TP 04 / 13

ATTACHMENT 3

APPEAL RIGHTS

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to *Schedule 1 of the Planning Act 2016*)

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

231 Other appeals

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

decision includes-

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.

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

 - (a) is final and conclusive; and

- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

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