

Cloncurry Shire Council

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Cloncurry QLD 4824
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Our ref: DI&E:LT – TP10/22

21 November 2022

Megan Mazlin
C/- Mitakoodi Community & Housing Aboriginal Corporation
PO Box 114
CLONCURRY QLD 4824
Email: mitakoodistaff@gmail.com

Dear Megan

**DECISION NOTICE – DEVELOPMENT APPLICATION – DEVELOPMENT PERMIT
FOR OPERATIONAL WORKS (ADVERTISING DEVICE) AT 55 KING STREET,
CLONCURRY DESCRIBED AS LOT 2 ON RP713233.**

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

The development application described below was properly made to the Cloncurry Shire Council on 15 November 2022.

Applicant details

Applicant name: Megan Mazlin on behalf of Mitakoodi Community & Housing Aboriginal Corporation
Applicant contact details: PO Box 114
CLONCURRY QLD 4824

Application details

Application number: TP10/22
Approval sought: Development Permit
Nature of development proposed: Operational works
Description of the development proposed: Advertising Device
Category of assessment: Code Assessment

Location details

Street address: 55 King Street, Cloncurry
Real property description: Lot 2 on RP713233
Local government area: Cloncurry Shire Council

Decision

Date of decision: 15 November 2022

Decision details:

RESOLUTION 40.221115

Moved: Cr Dane Swalling
Seconded: Cr Greg Campbell

That Development Application TP10/22 for Operational works - Advertising device (Parapet Sign) at 55 King Street, Cloncurry described as Lot 2 on RP713233 be approved, subject to relevant and reasonable conditions set out in Attachment 2.

In Favour: Crs Greg Campbell, Dane Swalling, Vicky Campbell and Nathan Keyes

Against: Nil

Ineligible: Cr Janessa Bidgood

CARRIED

Details of the approval

Development permit: Operation works – Advertising device (Parapet Sign)

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 provision is attached.

Currency period for the approval

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 4 years after this approval starts to take effect.

Approved plans and specifications

Table 1 Supporting documentation/reports

| Title | Plan Number | Rev no | Date | Prepared by |
|------------------|-------------|--------|----------|-----------------|
| Quote for sign | QU-0240 | | 12/10/22 | Mount Isa Signs |
| Logo | | | | |
| Location of sign | | | | |
| Photo 1 of 2 | | | | |
| Photos 2 of 2 | | | | |

Should you have any questions or concerns in respect of this matter please contact Councils,
Senior Town Planner, Larinda Turrell, at this office.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Keirle', with a stylized flourish at the end.

Philip Keirle
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 | | | | |
|--|-------------|--------|------|-------------|
| <p>A Cloncurry Shire Council issues a development permit for Development application - Reference TP10/22 Development Permit for Operation works, advertising device at 55 King Street, Cloncurry described as Lot 2 on RP713233. under the <i>Planning Act 2016</i>.</p> | | | | |
| GENERAL | | | | |
| <p>1. Site Layout</p> <p>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> | | | | |
| Title | Plan Number | Rev no | Date | Prepared by |
| Proposal | | | | |
| Proposed Location of sign | | | | |
| <p>2. Exhibition of Advertisements</p> <p>a) The advertising devices must not have any impact on vehicular sight distances.</p> <p>b) No part of the advertising devices may protrude beyond the property boundary and into the road reserve.</p> | | | | |
| <p>3. Approval Parameters</p> <p>This development approval is for operational works for an Advertising Device and does not authorise any other building works/land uses on the site or shown on the approved plan.</p> | | | | |
| <p>4. Advertising maintenance</p> <p>Maintain all advertising in a clean and tidy state. Any damaged signs must be replaced or repaired to the same state as when originally installed within 20 business days of the damage having occurred.</p> | | | | |
| <p>5. Rectification and Replacement</p> <p>a) Be responsible for the full cost of any alteration or relocation necessary to any service, public utility, installation, plant, equipment, easements or other item belonging to or under the control of the Council or other public utility provider resulting from works required with the development.</p> <p>b) Replace existing Council infrastructure (including but not limited to street trees, water, sewer, stormwater and footpaths) that is damaged as part of construction works to Councils standards.</p> | | | | |
| <p>6. Building works</p> <p>(a) The Class 10a building requires a development permit for building works.</p> <p>(b) The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier.</p> | | | | |
| FURTHER ADVICE TO THE APPLICANT | | | | |
| <p>In relation to the application, the applicant is further advised:</p> | | | | |
| <p>1. The currency period for this approval is in accordance with Section 85 of the <i>Planning Act 2016</i>.</p> <p>2. Authorised persons of the Council may enter the premises the subject of this approval at any reasonable time to ascertain whether the above conditions have been complied with (and/or whether the above requirements have been carried out).</p> <p>3. All site works, and earthworks must be carried out in accordance with the Standard Drawings and policies in the assessable Planning Scheme.</p> <p>4. If any part of Council's existing sewer, water, channel and kerbing, or road infrastructure is damaged as a result of constitution activities occurring on the site, including but not limited to, mobilisation of heavy machinery and equipment, the owner/applicant must notify Council immediately of the affected infrastructure and have it repaired or replace by Council at the owner/applicants cost.</p> <p>5. If development approval is given, and the applicant intends to make change representations to Council about the development approval, it is recommended that the applicant suspend their appeal period at the same time they make change representations. Suspending the appeal period will ensure that there is sufficient time for the applicant to make representations and for Council to consider them. These provisions are contained within section 75 of the <i>Planning Act 2016</i>.</p> | | | | |

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 2003*” (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 Cultural Heritage Coordinator North Region Unit on (07) 4796 7862 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—
 - (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—
 - (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 3 – STATEMENT OF REASONS

STATEMENT OF REASONS – TP10/22

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 Operational works (Parapet Sign) at 55 King Street, Cloncurry described as Lot 2 on RP713233.

On 15 November 2022, the above development application was approved in full, with conditions.

Reason for the decision

The development application has demonstrated compliance with all of the relevant benchmarks of the purpose of the Advertising device code of the *Cloncurry Shire Planning Scheme 2016* as prescribed by the *Planning Regulation 2017*.

DATE: 12/10/22
 PHONE: 47421 208

CUSTOMER: Mitakoodi Aboriginal Corporation
 MOBILE: -

CONTACT: Megan Mazlin

ADDRESS: -
 PURCHASE ORDER No: -

EMAIL: mitakoodistaff@gmail.com

DISPATCH INSTRUCTIONS:
RING FOR COLLECTION

Quote (Job) No:
QU-0240

Proposed Completion Date:
20/10/22

DELIVERY NOTE No:
INV-4142

PROOF APPROVED

INSTALL/DISPATCH

C M Y K C M Y K

Please check that measurements & spelling is correct. Any corrections and/or changes after approval may come at a cost.



LOGO IS
1811 X 651MM

FLAGS
450 X 300MM

ITEM: NON REFLECTIVE ACP SIGN

SIZE: 3500 X 800MM QTY: 1 OF

PRINT 551 CORNERS HOLES RAILS

CUT PRINT/CUT LAMINATE UV LAMINATE

NOTE: -

ACC: -

FILE: QU-0240/ MITAKOODI 3500X800.EPS

Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: 15 NOV 2022
TP 10 / 22

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Community and Housing
Aboriginal Corporation

<road.

>road

gutter

grass area on footpath 950cm wide

concrete path 1200cm wide

grass area on footpath to shop front 2910 cm wide



sign to go here on shopfront above fascia board

concrete to shop front door 1500cm

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all measurements are taken from kerbside facing in
towards shop front

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Mitakoodi
Aboriginal Corporation



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15 NOV 2022

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