

Cloncurry Shire Council

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Our ref: DI&E:LT – TP08/22

27 February 2023

Benjamin Collings
CaCo Investments Trust Pty Ltd
C/- BNC Planning
PO Box 5493
TOWNSVILLE QLD 4810
Email: enquire@bcnplanning.com.au

Dear Benjamin

DECISION NOTICE – DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A WAREHOUSE EXTENSION, AT LOTS 4 & 5 SIR HUDSON FYSH DRIVE, CLONCURRY ALSO KNOWN AS LOTS 4 & 5 ON CP904801.

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

The development application described below was properly made to the Cloncurry Shire Council
21 February 2023.

Applicant details

Applicant name: CaCo Investments Trust Pty Ltd
C/- BNC Planning
Benjamin Collings
Applicants contact details: PO Box 5493
TOWNSVILLE QLD 4810

Application details

Application number: TP08/22
Approval sought: Development Permit
Nature of development proposed: Material Change of Use
Description of the development proposed: Warehouse Extension
Category of assessment: Impact Assessment

Location details

Street address: Lots 4 & 5 Sir Hudson Fysh Drive, Cloncurry
Real property description: Lots 4 & 5 on CP904801
Local government area: Cloncurry Shire

Decision

Date of decision: 21 February 2023

RESOLUTION 22.230221

Moved: Cr Sam Daniels
Seconded: Cr Vicky Campbell

That Development Application TP08/22 for a Material Change of Use – for a Warehouse extension at Lots 4 & 5 Sir Hudson Fysh Drive, Cloncurry (Lots 4 & 5 on CP904801), Cloncurry, be approved, subject to relevant and reasonable conditions, as set out in Attachment 2.

In Favour: Crs Greg Campbell, Sam Daniels, Vicky Campbell, Nathan Keyes and Janessa Bidgood
Against: Nil

CARRIED

Details of the approval

Development permit: Material Change of Use – Warehouse Extension– Sir Hudson Fysh Drive, Lots 4 & 5 on CP904801, Cloncurry

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 6 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
Planning Report		1	September 2022	BNC Planning
Site Plan		1	24/09/2022	SmartMap
Site Plan				Google Maps
DA Issue (Site Plan)		A	September 2022	BNC Planning

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 black 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 Proposed Plan
Attachment 5 – SARA response

ATTACHMENT 1 – CONDITIONS OF APPROVAL

NATURE OF DECISION				
A Cloncurry Shire Council issues a development permit for Development application - Reference TP08/22 Development Permit for a Material Change of Use for a Warehouse extension under the <i>Planning Act 2016</i> .				
GENERAL				
1. Site Layout				
(a) 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	Prepared by
Planning Report		1	September 2022	BNC Planning
Site Plan		1	24/09/2022	SmartMap
Site Plan				Google Maps
DA Issue (Site Plan)		A	September 2022	BNC Planning
(b) The recommendations outlined in the above report must be implemented prior to the commencement of the use.				
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.				
(c) The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit during the operation and life of the development.				
3. Building Materials				
The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.				
4. Storage				
At all times following the commencement of the use, all goods, equipment, packaging material for machinery must not be stored or left exposed outside the building so as not to be visible for any public roads and adjacent properties.				
5. Dust Management				
Dust management plan for the suppression of dust must be prepared and submitted as part of the Site Based Management Plan. During water restrictions, water must not be drawn from Councils reticulated supply. Water to be used for dust mitigation is to be drawn from sources other than Councils reticulated supply.				
6. Landscaping				
A landscaping and irrigation design plan is to be submitted providing details of all proposed landscaping on the site, including adjacent to the vehicular entry and carparking areas. Such landscaping plan is to be approved by Council's delegated officer prior to the commencement of the use.				

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. Water

- (a) The development must connect to Council's reticulated water system.
- (b) Any upgrade or additional equipment required to address pressure issues shall be at the applicant/owner's cost.
- (c) Any works on existing Council water mains (including new service connections) shall be undertaken by Council at the applicant/owner's expense.

9. Stormwater Drainage

Storm water management must be carried out in accordance with Condition 2 of Attachment 1 – Referral Agency Conditions issued by SARA.

10. Fencing

Fencing must be provided as per Condition 3 of Attachment 1 – Referral Agency Conditions issued by SARA.

11. Advertising Devices

For the erection of any advertising devices, an application is to be submitted to Council for approval (*Note – Advertising devices must comply with section 8.3.1 – Advertising device code*).

12. 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.

13. 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.

14. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All plumbing works
- Driveway crossover and access

15. Lighting

Any lighting is to be designed, installed, and maintained in accordance with the requirement of AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".

16. Internal Access and Carparking

- (a) All driveways, parking and manoeuvring areas are to be located within the property boundary of Lots 4 & 5 on CP904801.
- (b) A car parking plan and drawings are to be prepared and submitted to Council, detailing the movement and accessibility plans for employees of the facility. Access and internal maneuvering are provided in accordance with AS1428 Design for access and mobility and AS1742.1 Manual of Uniform Traffic Control Devices.
- (c) All driveways, parking and maneuvering areas are to be appropriately maintained to the satisfaction of the Council to ensure there is no nuisance to adjoining land uses or damage to public roads or infrastructure. A program of regular inspection and maintenance is to be undertaken by the applicant/site operator.

- (d) The car parking areas are to be constructed of durable, suitable material, such as compacted hard stand gravel (minimum depth of 150mm), in accordance with Councils Standard Drawings.
- (e) On-site access will be restricted to the highest design vehicle with such vehicles being capable of always entering and exiting the site in forward gear.
- (f) The proposed development will ensure that there is no conflict on site between the movement of the design vehicle with the largest turning circle and other vehicles utilised by customers/staff to the site.

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 – TP08/22

NOTICE ABOUT DECISION - STATEMENT OF REASONS

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

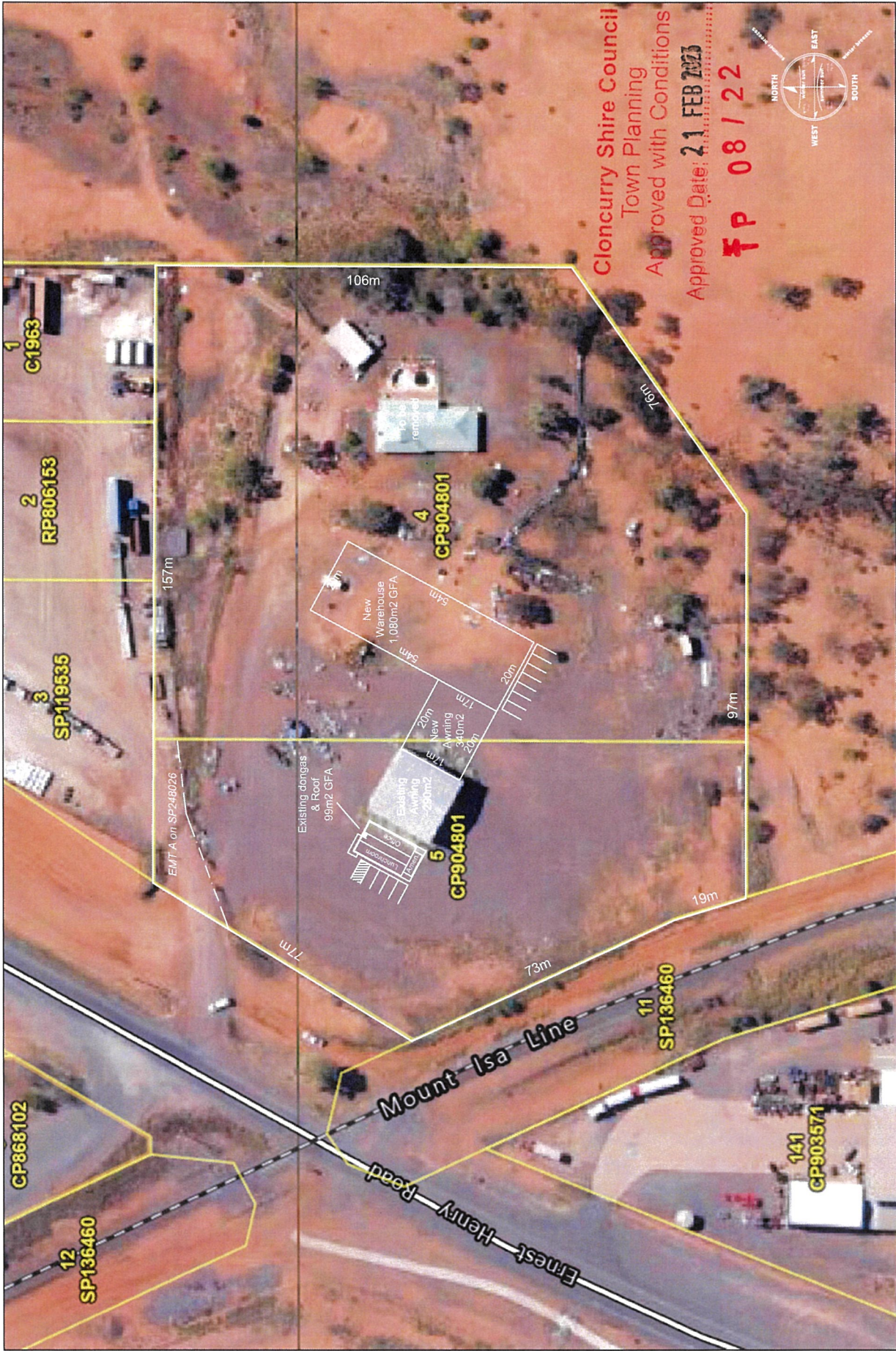
Details of the Development

The proposed development is for a Material Change of Use (MCU) for a Warehouse Extension at Lots 4 & 5 Sir Hudson Fysh Drive, also known as Lots 4 & 5 on CP904801, Cloncurry.

On 31 January 2023, the above development application was approved in full, with conditions.

Reason for the decision

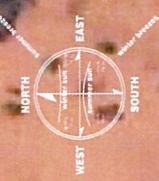
The development application has demonstrated compliance with all the relevant benchmarks of the purpose of the Medium impact industry zone code of the *Cloncurry Shire Planning Scheme 2016* as prescribed by the *Planning Regulation 2017*.



Cloncurry Shire Council
Town Planning
Approved with Conditions

Approved Date: 21 FEB 2023

TP 08 / 22



AMT	DESCRIPTION	BY	DATE
A	DA ISSUE	BNC	September 2022

BNC PLANNING
Office: 7 / Ground Floor / 441 Deakin St
TOWNSVILLE CITY QLD 4810
PO BOX 5493 TOWNSVILLE QLD 4810
(07) 4724 1763 or 0438 788 612
enquire@bncplanning.com.au

PLAN TITLE: SITE PLAN
CLIENT: GATOR PROPERTY
PROJECT: SIR HUDSON FISH DR WAREHOUSE

Property Details
Site Address: SIR HUDSON FISH DRIVE
Real Property Description: Lots 4 & 5 on CP904801
Tenure: Lot 4 = Freehold, Lot 5 = Leasehold
Site Area: 5.44 Hectares, total = 1.67 Ha
Planning Scheme Zoning: Medium Impact Industry Zone
Precincts: NA
Development Code: FISH
DPE (B109) (Flood): See DPE flood mapping

Notes
This site plan is not for construction purposes.
NOT TO BE USED FOR CONSTRUCTION PURPOSES
APPROVED FOR WORKING DRAWINGS
SIGNED: _____ DATE: _____

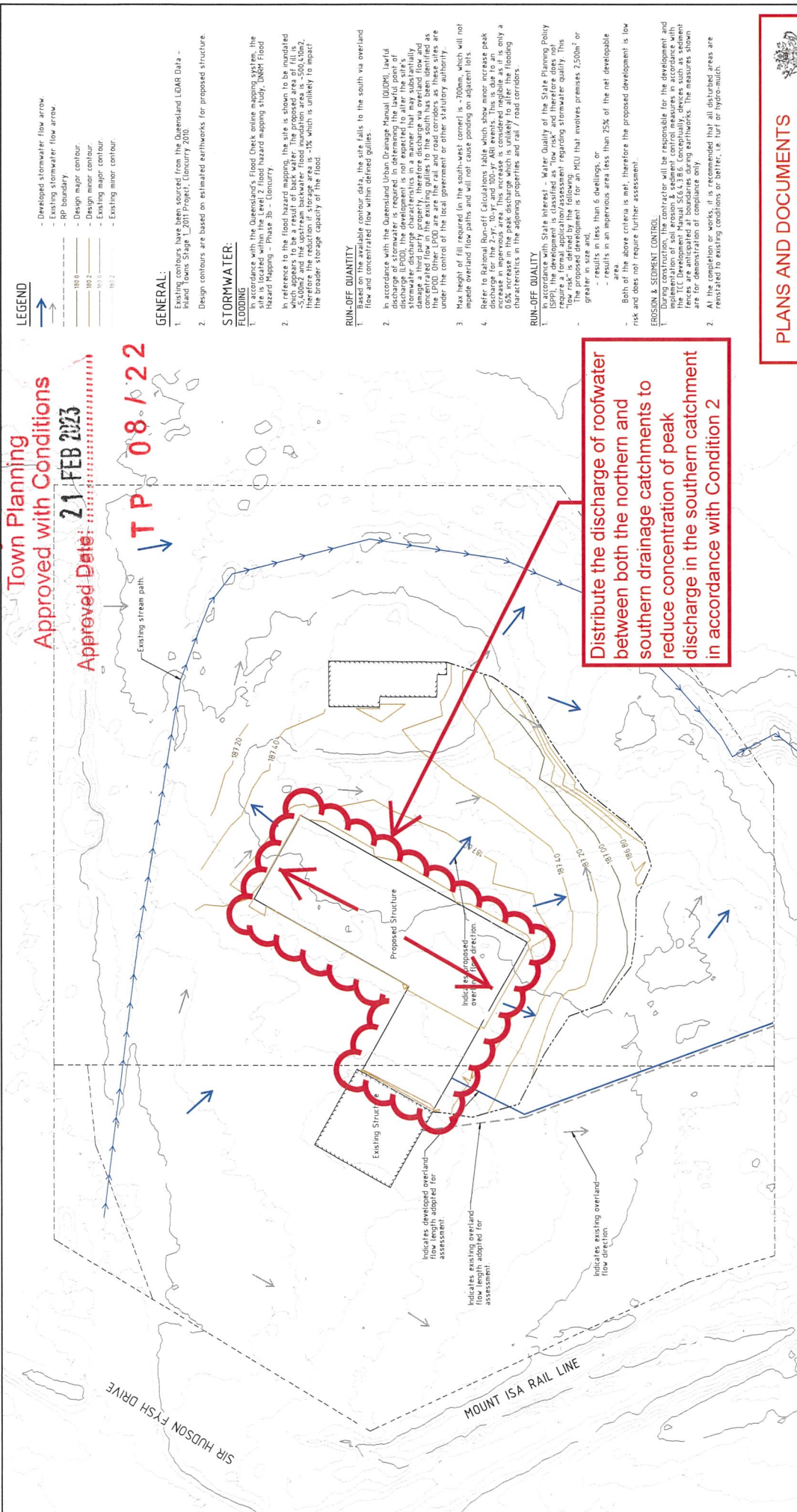
- All site and building dimensions to be confirmed by detailed survey
- No new public open space
- No new roof reserves
- No new drainage works
- No land to be dedicated for community purposes other than public open space
- Building envelopes identified as required
- The site is subject to Q100 DFE flooding

PRELIMINARY DRAWING ONLY	DATE	Drawn	Rev:
NOT TO BE USED FOR CONSTRUCTION PURPOSES	September 2022	BNC	A
APPROVED FOR WORKING DRAWINGS	As shown	Reviewed	
SIGNED: _____	DA179-22	Approved	
DATE: _____	BNC Ref. No:	BNC	
	129-22	Drawing No:	S01-01

DRAWING STATUS:
DA ISSUE

Cioncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 21 FEB 2023

TP 08/22



RATIONAL RUN-OFF CALCULATIONS:

Area (ha)	2.54	2.54	0
Impervious area (ha)	0.11	0.19	0.06
Impervious %	4%	8%	3%
tc (min)	17	17	0
Intensity (mm/h) (C100)	188	188	0
Intensity (mm/h) (C10)	128	128	0
Intensity (mm/h) (C2)	85	85	0
C10	0.704	0.708	0.004
F2	0.85	0.85	0
F10	1	1	0
F100	1.2	1.2	0
C2	0.80	0.80	0.00
C10	0.704	0.708	0.004
C100	0.848	0.849	0.004
Flow (l/s) (C2)	359	361	2
Flow (l/s) (C10)	636	640	4
Flow (l/s) (C100)	1121	1127	6

LAYOUT PLAN
 Scale 'A'

- LEGEND**
- Developed stormwater flow arrow
 - Existing stormwater flow arrow
 - RP boundary
 - Design major contour
 - Design minor contour
 - Existing major contour
 - Existing minor contour

GENERAL:

- Existing contours have been sourced from the Queensland LGAR Data - Inland Towns Stage 1_2011 Project, Cloncurry 2010.
- Design contours are based on estimated earthworks for proposed structure.

STORMWATER:

FLOODING:

- In accordance with the Queensland's Flood Check online mapping system, the hazard mapping for the site is based on a 2% AEP (100-year return period) flood hazard mapping - Phase 3b - Cloncurry.
- In reference to the flood hazard mapping, the site is shown to be inundated which appears to be a result of back water. The proposed area of fill is 15,000m² and the upstream backwater flood inundation area is 500,000m². The broader storage capacity of the flood.

RUN-OFF QUANTITY:

- Based on the available contour data, the site falls to the south via overland flow and concentrated flow within defined gutters.
- In accordance with the Queensland Urban Drainage Manual (QUDM), lawful discharge (LPD), the development is not expected to alter the site's stormwater discharge characteristics in a manner that may substantially damage a lot or property. Therefore, the development is not expected to be a LPD. Other LPD are the rail and road corridors as these sites are under the control of the local government or other statutory authority.
- Max height of fill required in the south-west corner is ~700mm, which will not impede overland flow paths and will not cause ponding on adjacent lots.
- Refer to Rational Run-off Calculations table which show minor increase peak discharge for the 2-yr, 10-yr and 100-yr ARI events. This is due to an only a 0.64 increase in the peak discharge which is unlikely to alter the flooding characteristics in the adjoining properties and rail / road corridors.

RUN-OFF QUALITY:

- In accordance with State Interest - Water Quality of the State Planning Policy (SPP), the development is classified as "low risk" and therefore does not require a stormwater management plan. The proposed development is for an MCU that involves premises 2,500m² or greater in size and:
 - results in less than 6 dwellings, or
 - less than 25% of the net developable area.
 Both of the above criteria is met, therefore the proposed development is low risk and does not require further assessment.

EROSION & SEDIMENT CONTROL:

- During construction, the contractor will be responsible for the development and implementation of soil erosion & sediment control measures in accordance with the Queensland Urban Drainage Manual (QUDM). The contractor must ensure that these measures are maintained throughout the construction period. The measures should be for demonstration of compliance only.
- At the completion of works, it is recommended that all disturbed areas are reinstated to existing conditions or better, i.e. turf or hydro-mulch.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 22.10-31659 SRA.....

Date: 20 January 2023.....

Distribute the discharge of roofwater between both the northern and southern drainage catchments to reduce concentration of peak discharge in the southern catchment in accordance with Condition 2

Amended in red by SARA on 20 January 2023

All work is to be carried out in accordance with LOCAL AUTHORITY'S standard details.

NORTHERN CONSULTING engineers

ENGINEERING CERTIFICATION

Signed: *John Single*

JOHN SINGLE - RPEQ 25794

THE SIGNATURE IN THIS DOCUMENT IS OPERATED IN THE SCALE WITHIN THE SIGNATURE BOX AND IS VALID FOR THE PERIOD OF 12 MONTHS FROM THE DATE OF SIGNATURE.

Scale: 1:500 @ A1

100m

0 50m

16/12/2022

Issue Date: 16/12/2022

Checked: [Signature]

Approved: [Signature]

Project: P1

Preparation: NOT FOR CONSTRUCTION - ISSUED FOR DEVELOPMENT APPROVAL

Description: CONCEPTUAL SITE BASED STORMWATER MANAGEMENT LAYOUT PLAN

In Association With: **BNC PLANNING Pty Ltd**

SIR HUDSON FYSH DRIVE CLONCURRY, QUEENSLAND

Drawing Number: **BNC0065/SBSM01**

Issue: P1





Our reference: 2210-31659 SRA
 Your reference: DA129-22
 Council reference: DI&E:LT - TP 08/22

20 January 2023

Chief Executive Officer
 Cloncurry Shire Council
 PO Box 3
 CLONCURRY QLD 4824
 council@cloncurry.qld.gov.au

Attention: Larinda Turrell

Dear Ms Turrell

SARA response—Sir Hudson Fysh Drive, Cloncurry

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 31 October 2022.

Response

Outcome:	Referral agency response – with conditions
Date of response:	20 January 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development Permit for Material Change of Use (Warehouse Extension)
SARA role:	Referral agency
SARA trigger (Planning Regulation 2017):	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) - Material change of use of premises within 25m of a state transport corridor
SARA reference:	2210-31659 SRA

Assessment Manager: Cloncurry Shire Council
Street address: Sir Hudson Fysh Drive, Cloncurry
Real property description: Lots 4 and 5 on CP904801
Applicant name: CaCo Investments Trust Pty Ltd
Applicant contact details: C/- BNC Planning
PO Box 5493
TOWNSVILLE CITY QLD 4810
enquire@bncplanning.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Sahil Gill, Graduate Planner, on 07 3243 1639 or via email NQSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



David Hooper
Manager

cc CaCo Investments Trust Pty Ltd c/- BNC Planning, enquire@bncplanning.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Approved plans

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans referenced below is found at **Attachment 5**)

No.	Conditions	Condition timing
	10.9.4.2.4.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):	
1.	The development must be generally in accordance with the Site Plan prepared by BNC Planning, dated September 2022, drawing number S01-01 and revision A.	Prior to the commencement of use and to be maintained at all times.
2.	Carry out the stormwater management of the development generally in accordance with the Conceptual Site Based Stormwater Management Layout Plan prepared by Northern Consulting Engineers, dated 16/12/2022, drawing number BNC0065/SBSM01 and issue P1 (as amended in red by SARA on 20 January 2023).	At all times.
3.	Fencing must be provided along the site boundary with the railway corridor in accordance with Queensland Rail drawing number QR-C-S3230 – 1.8m High Chain Link Security Fence Without Rails Using 50mm Diamond Mesh General Arrangement.	Prior to the commencement of use and to be maintained at all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) version 3.0. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with State code 2: Development in a railway environment of the SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
- does not compromise the operating performance of railway corridors
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors and associated rail transport infrastructure or other rail infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain railway corridors, future railway corridors and associated rail transport infrastructure or other rail infrastructure.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- SDAP (version 3.0), as published by SARA
- Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Approved plans

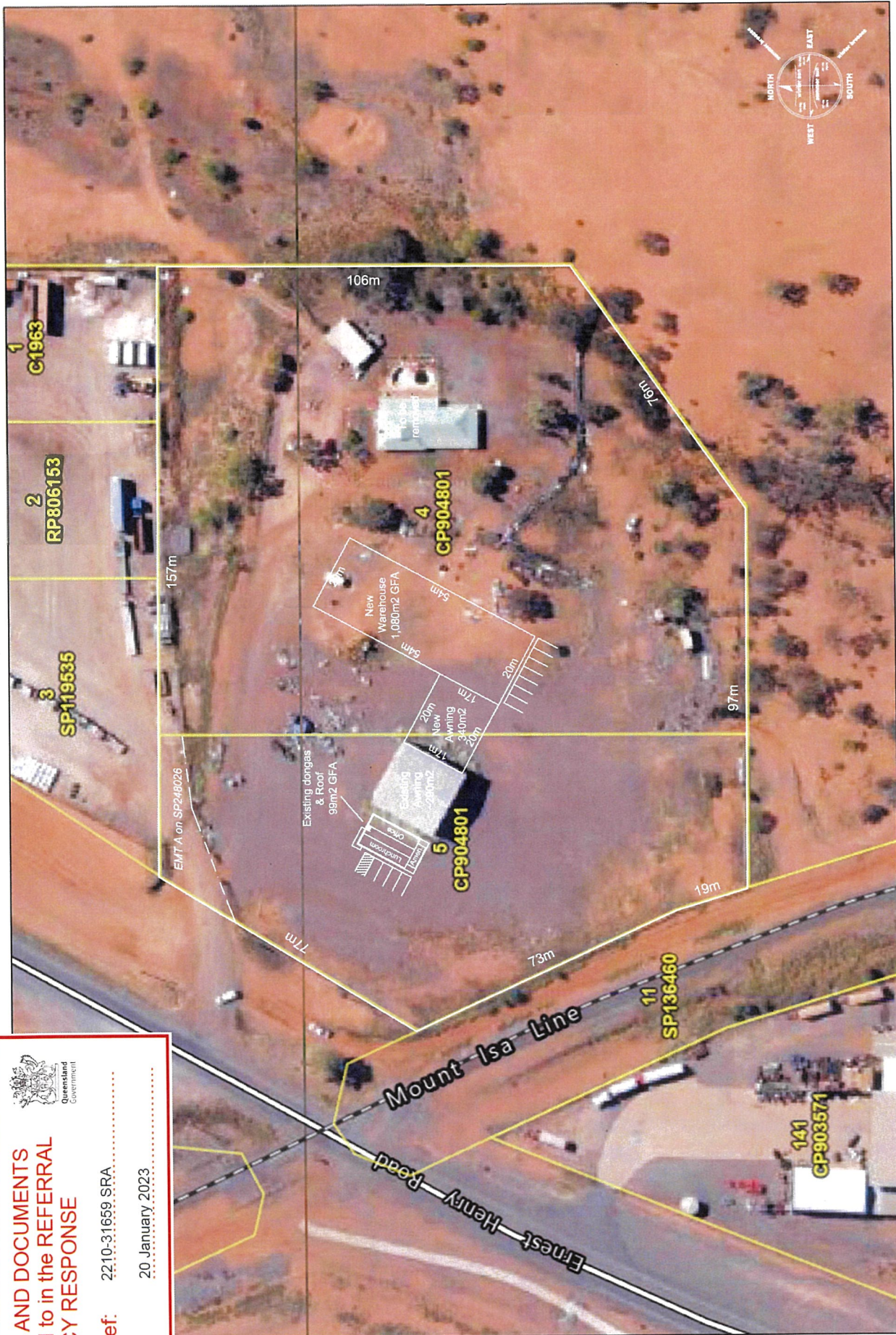
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PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2210-31659 SRA

Date: 20 January 2023



AMT	DESCRIPTION	BY	DATE
A	DA ISSUE	BNC	September 2022

BNC PLANNING
Office 7 / Ground Floor / 41 Doherty St
TOWNSVILLE CITY QLD 4810
(07) 3724 1763 or 0438 788 612
enquiries@bncplanning.com.au

PLAN TITLE:
SITE PLAN
CLIENT:
GATOR PROPERTY
PROJECT:
SIR HUDSON FISH DR WAREHOUSE

Property Details
Site Address:
SIR HUDSON FISH DRIVE
CLONCURRY QLD 4824
Real Property Description:
Lots 4 & 5 on CP904801
Site Area:
Lot 4 = 8.44ha, Lot 5 = 1.074ha
Road Frontage:
Sir Hudson Fish Drive
Planning Scheme Zoning:
M1 Medium Impact Industry zone
Overlay/Local Area:
No
DFE (C100) Flooding:
See DFE flood mapping

Notes
Plan and detail is not for construction purposes
All site and building dimensions to be confirmed by detailed survey
No new retaining walls or retaining structures proposed as part of this development application
No new drainage required for community purposes other than public open space
Building envelopes identified as required
Existing easements as shown
The site is subject to C100 DPE flooding

PRELIMINARY DRAWING ONLY
NOT TO BE USED FOR CONSTRUCTION PURPOSES
APPROVAL FOR WORKS IN PROGRESS
BNC: _____ DATE: _____
Scale (A3): As shown
JAN No: DA129-22
BNC Ref No: 129-22
Drawing No: S01-01
Rev: A

LEGEND

- Developed stormwater flow arrow
- Existing stormwater flow arrow
- RP boundary
- Design major contour
- Design minor contour
- Existing major contour
- Existing minor contour

GENERAL:

- Existing contours have been sourced from the Queensland LDMR Data - Inland Terms Stage 1, 2011 Project, Cloncurry 2010.
- Design contours are based on estimated earthworks for proposed structure.

STORMWATER FLOODING

- In accordance with the Queensland's Flood Check online mapping system, the site is shown to be in a low flood hazard area. The Flood Hazard Mapping - Phase 3b - Cloncurry.
- In reference to the flood hazard mapping, the site is shown to be inundated which appears to be a result of back water. The proposed area of fill is -5.00m2 and the upstream backwater flood inundation area is -500.47m2, which is unlikely to impact the broader storage capacity of the flood.

RUN-OFF QUANTITY

- Based on the available contour data, the site falls to the south via overland flow and concentrated flow within defined gutters.
- In accordance with the Queensland Urban Drainage Manual (QUDM), the full discharge flow rate is required in determining the design of the stormwater discharge characteristics in a manner that may substantially damage a third party property, therefore discharge via overland flow and under the control of the local government or other statutory authority.
- Max height of fill required (in the south-west corner) is -700mm, which will not impede overland flow paths and will not cause ponding on adjacent lots.
- Refer to Rational Run-off Calculations table which show minor increase peak discharge for the 2-yr, 10-yr and 100-yr ARI events. This is due to an increase in the peak discharge which is unlikely to alter the flooding characteristics in the adjoining properties and rail / road corridors.

RUN-OFF QUALITY

- In accordance with State Interest - Water Quality of the State Planning Policy (SPP1), the development is classified as "low risk" and therefore does not require a formal application/assessment regarding stormwater quality. This is because the proposed development is for an MCU that involves premises 2,500m² or greater in size and:
 - results in less than 6 dwellings, or
 - area
 Both of the above criteria is met, therefore the proposed development is low risk and does not require further assessment.

EROSION & SEDIMENT CONTROL

Upon construction, the contractor will be responsible for the development and implementation of soil erosion & sediment control measures in accordance with the TC Development Manual S16.3.3.6. Conceptually, devices such as silt traps and sediment basins are for demonstration of compliance only. The measures shown are:

- At the completion or works, it is recommended that all disturbed areas are reinstated to existing conditions or better, i.e. turf or hydro-mulch.

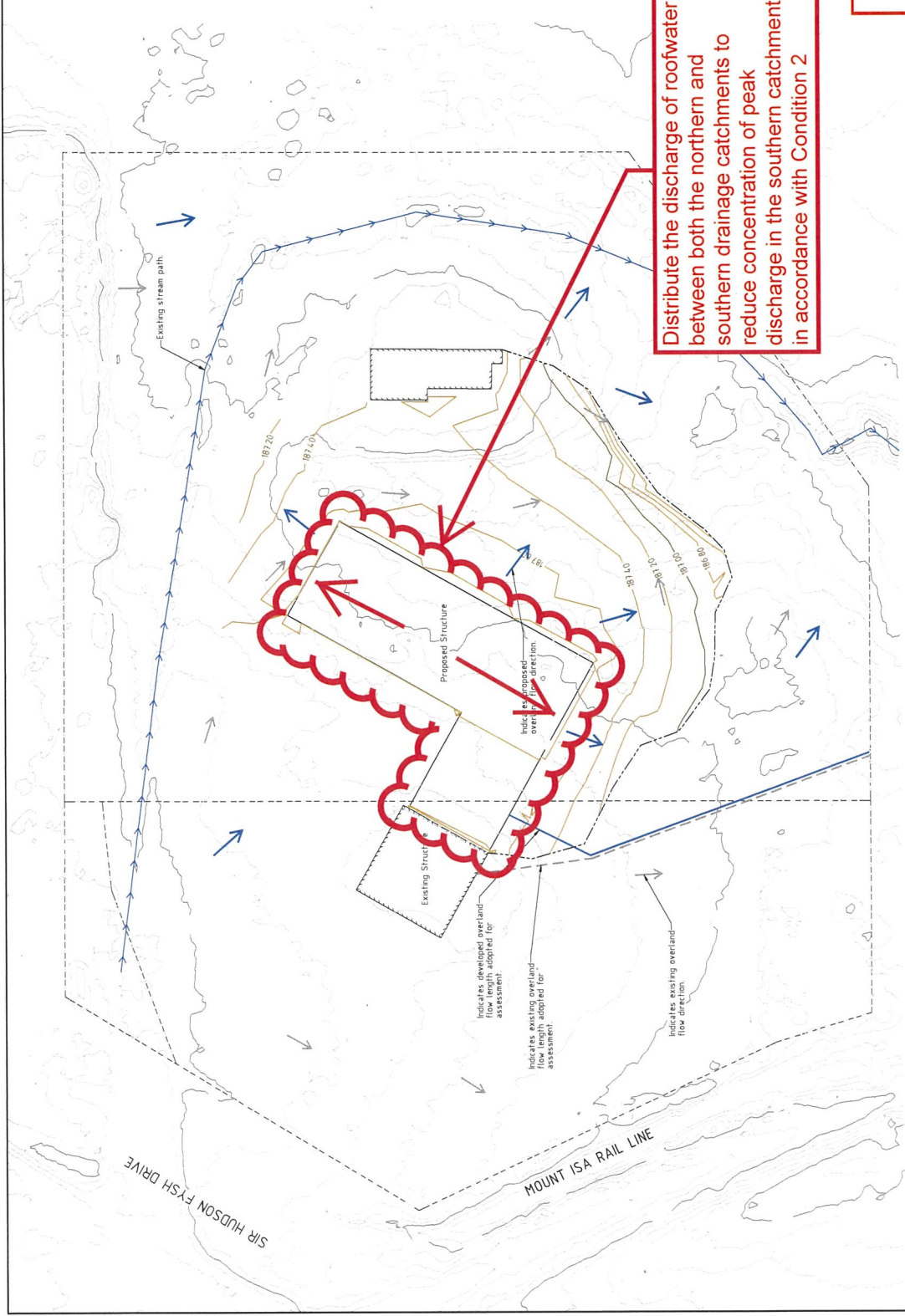
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2210-31659-SRA

Date: 20 January 2023

Amended in red by SARA on 20 January 2023

Distribute the discharge of roofwater between both the northern and southern drainage catchments to reduce concentration of peak discharge in the southern catchment in accordance with Condition 2

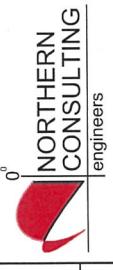


LAYOUT PLAN
Scale 'A'

RATIONAL RUN-OFF CALCULATIONS:

Area (ha)	2.54	2.54	0
Impervious area (ha)	0.11	0.19	0.08
Impervious %	4%	8%	3%
I _p (mm)	17	17	0
Intensity (mm/h) (C10)	188	188	0
Intensity (mm/h) (C10)	128	128	0
Intensity (mm/h) (C2)	85	85	0
C10	0.704	0.708	0.004
F2	0.85	0.85	0
F10	1	1	0
F100	1.2	1.2	0
C2	0.60	0.60	0.00
C10	0.704	0.708	0.004
C100	0.8448	0.8496	0.0048
Flow (l/s) (C2)	359	361	2
Flow (l/s) (C10)	636	640	4
Flow (l/s) (C100)	1121	1127	6

All work is to be carried out in accordance with LOCAL AUTHORITY'S standard details.



ENGINEERING CERTIFICATION
Signed: *John Single*
JOHN SINGLE - RPED 2024
NOT VALID IN THE PROVINCE OF QUEENSLAND FOR THE 100% WATER AS APPLICABLE TO DISTRICT SIZE 1 SHARPLEY LINE 7. THE DISTRICT ENGINEERING BOARDING.

Issue	P1	PRELIMINARY - NOT FOR CONSTRUCTION - ISSUED FOR DEVELOPMENT APPROVAL	Date	16/07/2022
Drawn	JKR		Checked	JKS
Issue Date	16/12/2022		Approved	JKS
Issue No	05		Author	JKS
Copyright ©	BNC PLANNING Pty Ltd			
In Association With	SIR HUDSON FISH DRIVE CLONCURRY, QUEENSLAND			
Project Name	CONCEPTUAL SITE BASED STORMWATER MANAGEMENT LAYOUT PLAN			
Drawing Number	BNC0065/SBSM01			
Issue	P1			

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.