

Cloncurry Shire Council

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Our ref: *DI&E:LT - TP02/23*

27 March 2023

Allan Arthur
Cloncurry Justice Association Inc
PO Box 436
CLONCURRY QLD 4824
Email: manager@cloncurryjusticeassociation.org

Dear Allan

DECISION NOTICE – DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – COMMUNITY USE – 59 SEYMOUR STREET, CLONCURRY – LOT 27 ON RP703328

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

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

Applicant details

Applicant name: Allan Arthur
Cloncurry Justice Association Inc
Applicant contact details: PO Box 436
CLONCURRY QLD 4824

Application details

Application number: TP02/23
Approval sought: Development Permit
Nature of development proposed: Material Change of Use
Description of the development proposed: Community Use – Men’s Shed
Category of assessment: Impact Assessment

Location details

Street address: 59 Seymour Street, Cloncurry
Real property description: Lot 27 on RP703328
Local government area: Cloncurry Shire

Decision

Date of decision: 21 March 2023

RESOLUTION 22.2023

Moved: Cr Vicky Campbell

Seconded: Cr Nathan Keyes

That Council approve Development Application TP02/23 for a Material Change of Use (MCU) for a Community Use – Men’s Healing Shed at 59 Seymour Street, also known as Lot 27 on RP703328, subject to relevant and reasonable conditions, as set out in Conditions of Approval.

In Favour: Cr Greg Campbell, Cr Sam Daniels, Cr Vicky Campbell, Cr Nathan Keyes, Cr Janessa Bidgood

Against: None

Ineligible: None

CARRIED

Details of the approval

Development permit: Material Change of Use – Community Use – Men’s Shed

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
Proposed Site Plan		1		
Proposed Floor Plan				
Building Layout	2211036-3		10/11/2022	Wide span Sheds Pty Ltd
Elevation Plan/Carpark				
Elevation Plan 2				
Elevation Plan 3				
Elevation Plan 4				

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Keirle', with a long horizontal flourish extending to the right.

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 TP02/23 Application for Material Change of Use and Operational Works – Community Use (Men’s Healing Shed) under the <i>Planning Act 2016</i>.</p>				
GENERAL				
<p>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.</p>				
Title	Plan Number	Rev.no	Date	Prepared by
Proposed Site Plan		1		
Proposed Floor Plan				
Building Layout	2211036-3		10/11/2022	Wide span Sheds Pty Ltd
Elevation Plan/Carpark				
Elevation Plan 2				
Elevation Plan 3				
Elevation Plan 4				
<p>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.</p>				
<p>3. Currency Period This Referral Agency Response in its entirety, including all referenced plans and documents, must be submitted with a building application to the relevant Assessment Manger within two (2) years of the date of this Referral Agency Response.</p>				
<p>4. Building works (a) The Class 10a building requires a development permit for building works. (b) The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier.</p>				
<p>5. Property Numbering (a) Legible property numbers must be erected at the premises and must be maintained. (b) The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.</p>				
<p>6. Storage Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road. Any storage on site is required to be screened from view from all roads and adjacent properties</p>				
<p>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.</p>				
<p>8. Stormwater Drainage (a) All stormwater drainage works must be designed and constructed in accordance with Schedule SC6.4.13 of the Cloncurry Shire Council Planning Scheme 2016. (b) All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.</p>				
<p>9. Noise Management Appropriate noise mitigation measures shall be put in place in accordance with the <i>Environmental Protection (Noise) Policy 2019</i> and Notice Measurement Manual (DES 2020).</p>				

10. Sewerage Reticulation
The development must connect to council's reticulated sewer system.
11. Water Supply
The development must connect to council's reticulated water system.
12. Relocation of Services or facilities
Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.
13. Damage to Infrastructure
(a) 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 associated with the Class 10a building, 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.
(b) The applicant/owner is to be aware that, in granting this approval, Council has not taken into account the location of the subject private property's internal house drainage; this is the applicant/owner's responsibility.
14. 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 9.4.1 – Advertising device code).
15. Hours of Operation
(a) Unless otherwise approved in writing by the assessment manager, hours of operation must not exceed 7.00am to 4.00pm (five (5) days a week).
(b) Unless otherwise approved in writing by an authorised Council officer, work must not be conducted from the premises outside the above hours.
16. Lighting
(a) Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residences or motorists.
(b) Night lighting must be designed, constructed and operated in accordance with the requirement of AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".
17. Internal Access and Carparking
(a) All driveways, parking and maneuvering areas are to be located within the property boundary.
(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.
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 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—
 - (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 – TP02/23

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

Material Change of Use (MCU) for a Community Use – Men’s Healing Shed at 59 Seymour Street, also known as Lot 27 on RP703328, Cloncurry.

On 21 March 2023, the above development application was approved in full, with conditions.

Reason for the decision

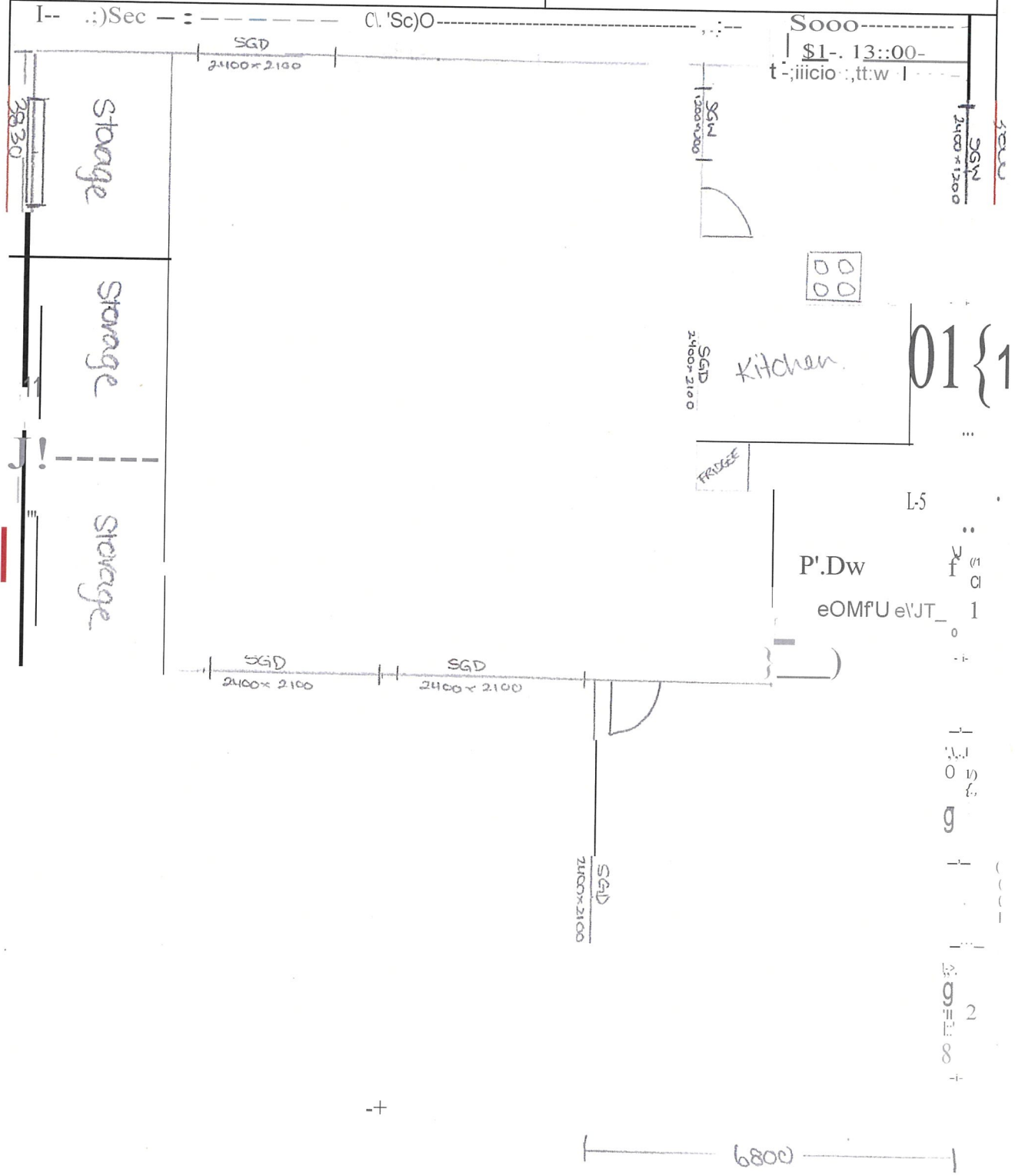
The development application has demonstrated compliance with all the relevant benchmarks of the purpose of the General residential zone code of the *Cloncurry Shire Planning Scheme 2016* as prescribed by the *Planning Regulation 2017*.



Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: **21 MAR 2023**

TP 02 / 23

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PROJECT:

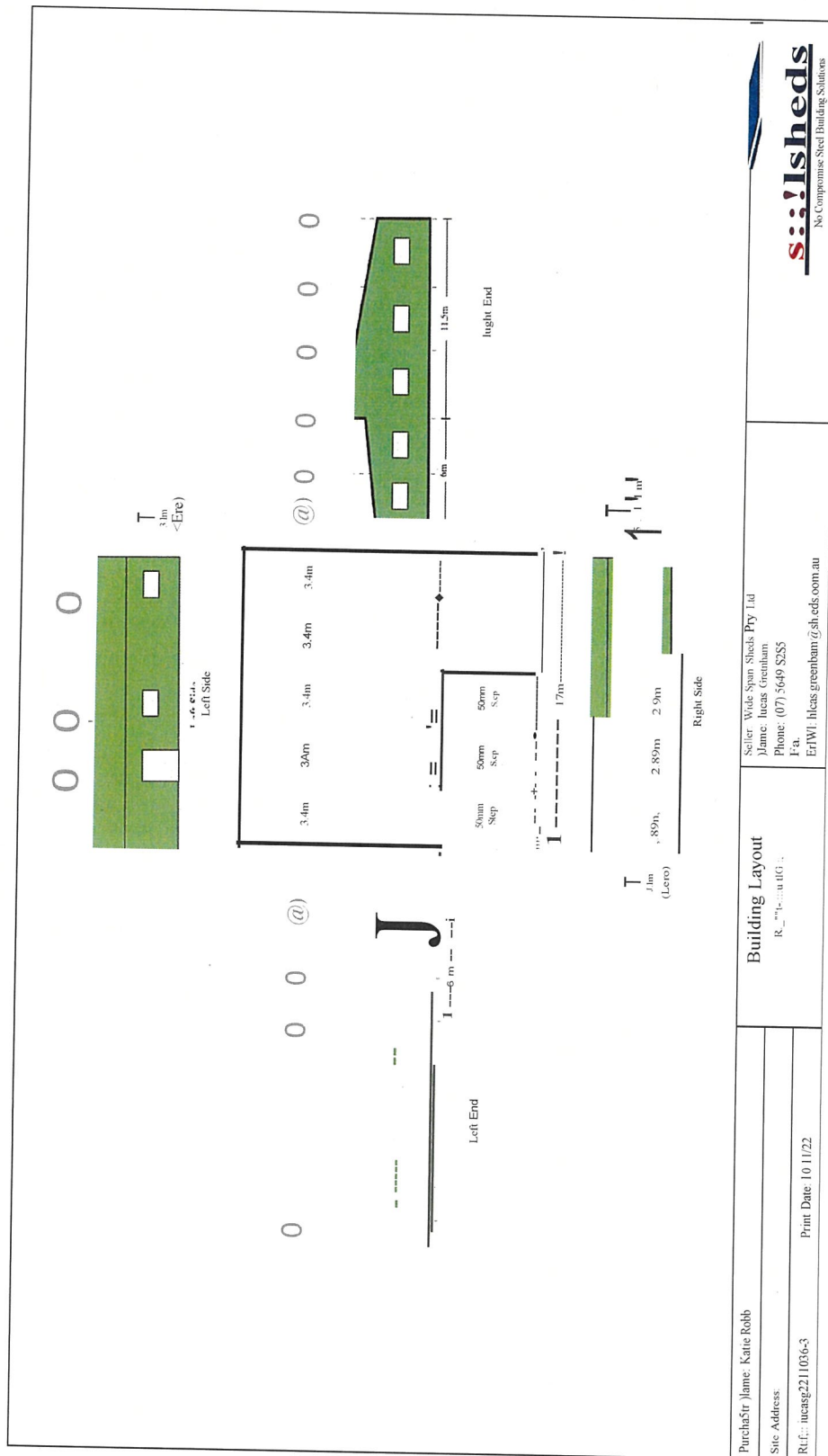


Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 21 MAR 2023

	<p>DESIGNED: VZ, ¥2.otob</p>	<p>DATE: 10/ 11 /'2-01 7-</p>	<p>SHEET P 02 / 23 1 of 1</p>
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Recorder: [Signature] 19-4373-10021

Building Layout



Purchaser Name: Katie Robb
 Site Address:
 Ref: lucasg2211056-3
 Print Date: 10/11/22

Building Layout
 R... ..

Seller: Wide Span Sheds Pty Ltd
 Name: Lucas Greenham
 Phone: (07) 5649 5255
 Fax:
 Email: lucas.greenham@sheds.com.au

Cloncurry Shire Council
 Town Planning
 Approved with Conditions

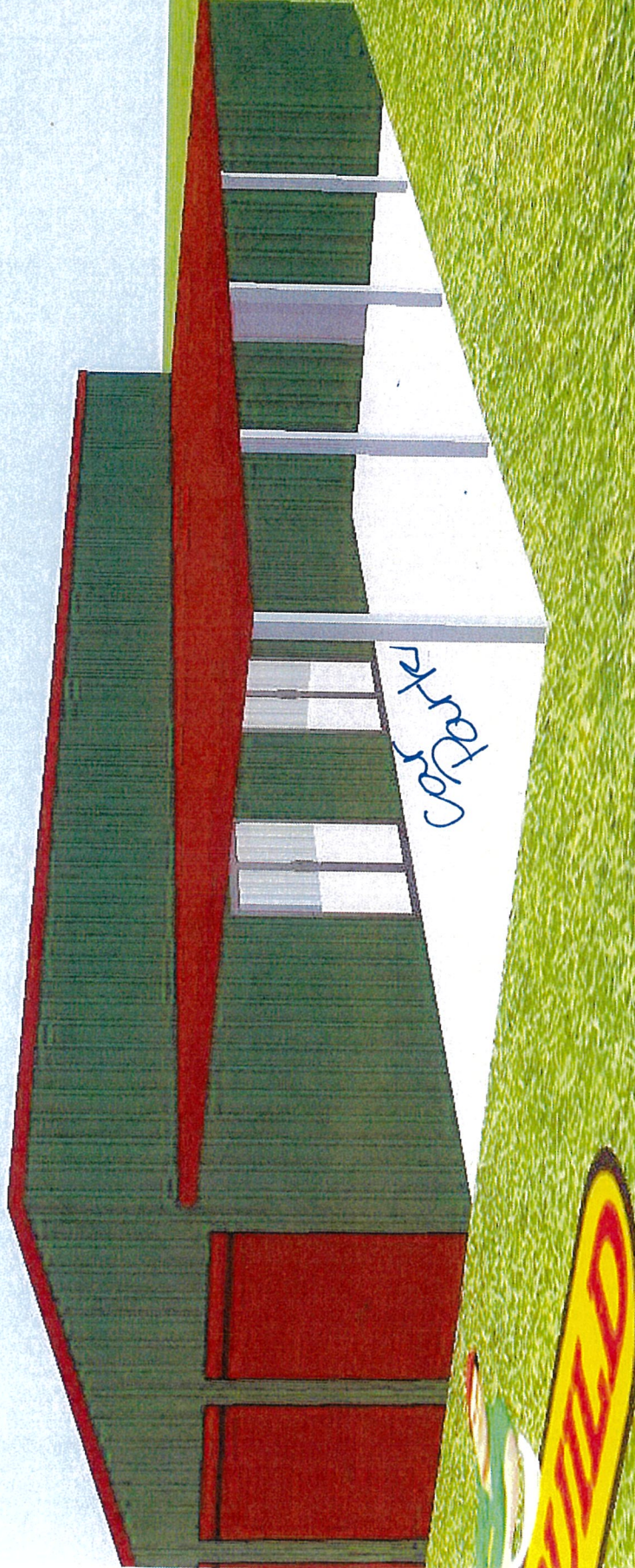
Approved Date: 21 MAR 2023

TP 02 / 23



NO COMPROMISE STEEL BUILDING SOLUTIONS

www.sheds.com.au

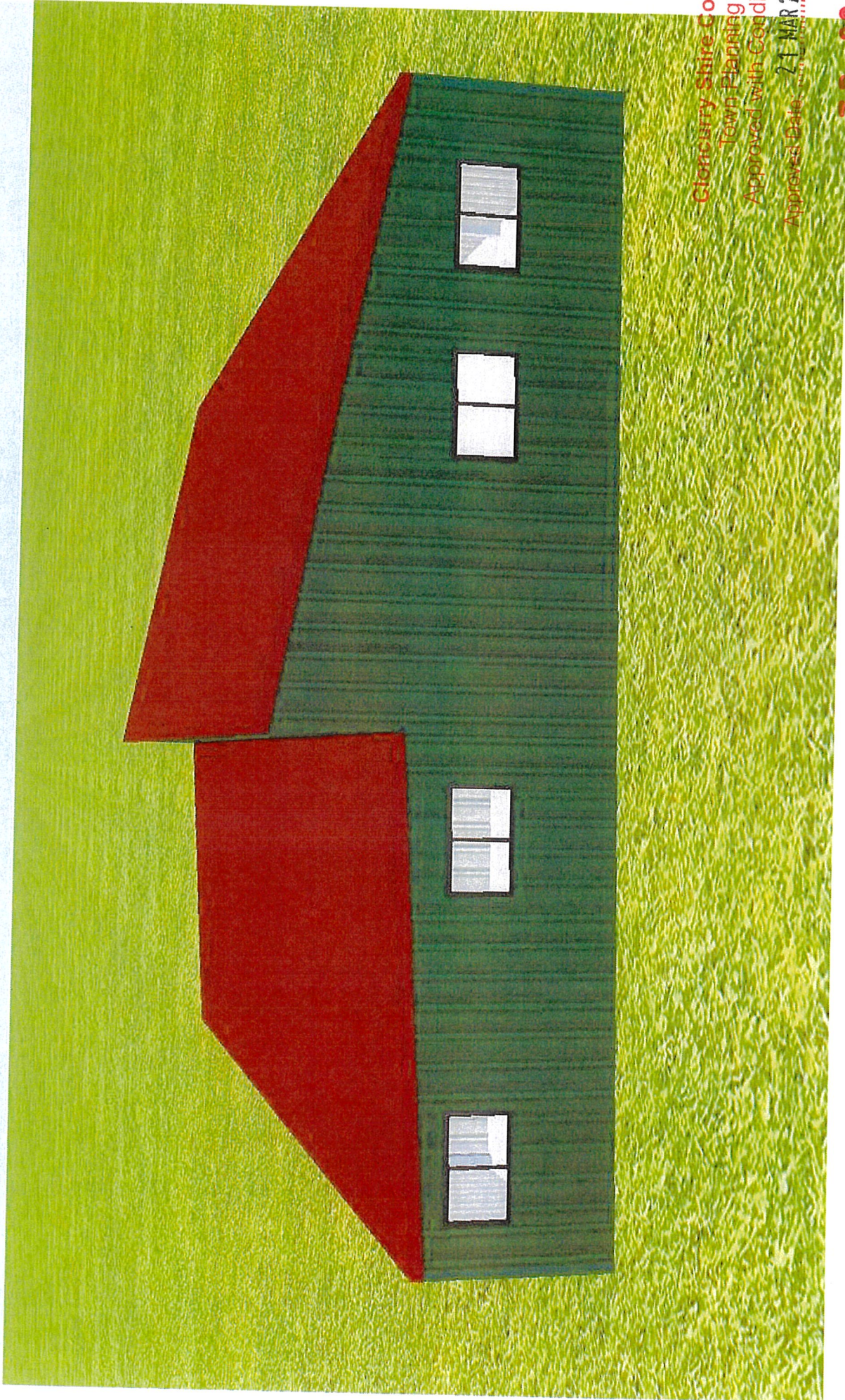


Gloucestershire Council
Town Planning

Approved with Conditions

Approved Date: 21 MAR 2023

TP 02/23



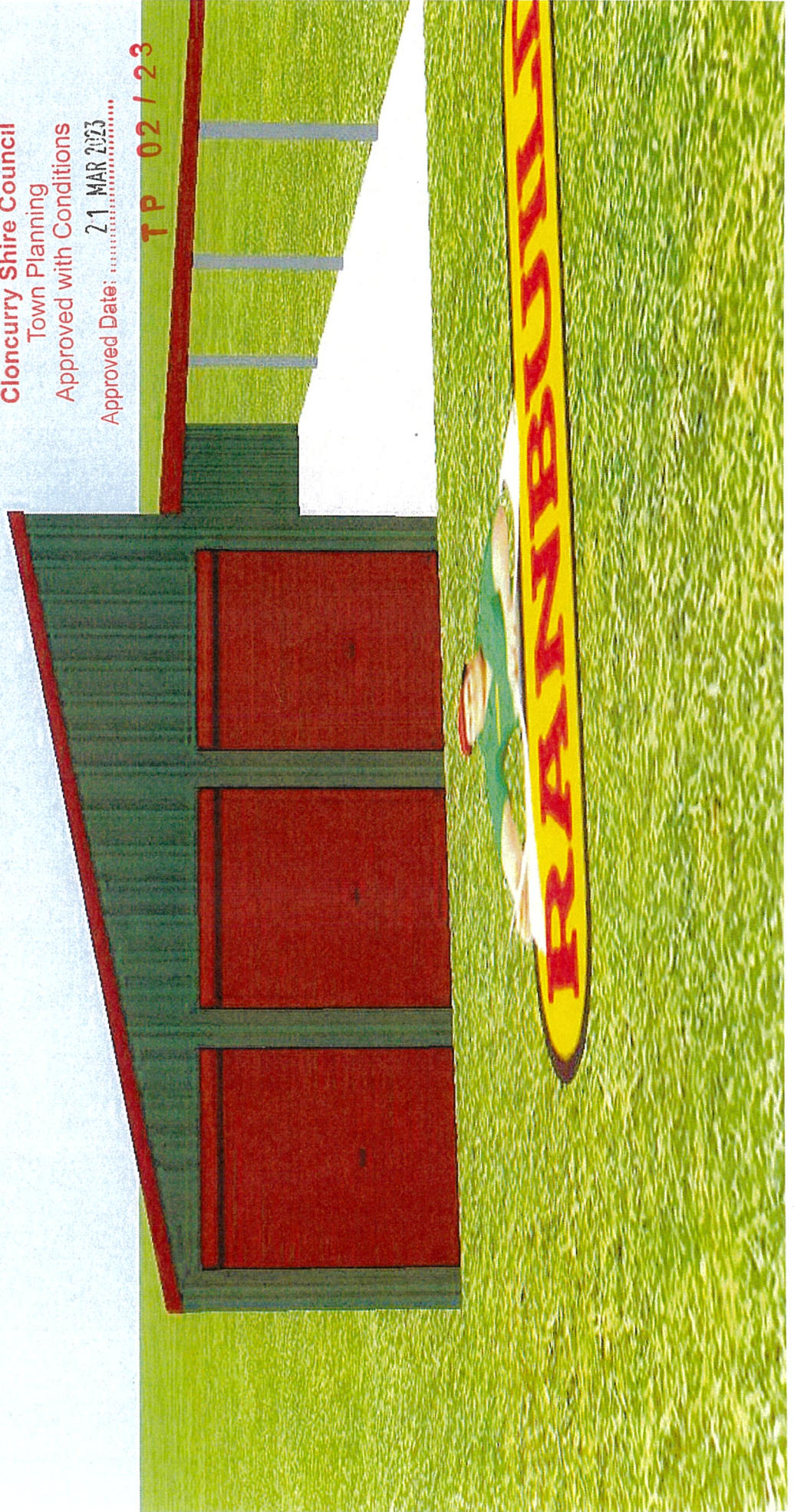
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