

# Cloncurry Shire Council

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*Our ref: 221769 - TP16/17*  
*Your ref: 16119*

14 September 2017

Outback Truckstops P/L  
C/- TFA Project Group  
Attention: Damien Mackay  
PO Box 2339  
FORTITUDE VALLEY QLD 4006

Email: [damien.mackay@tfa.com.au](mailto:damien.mackay@tfa.com.au)

Dear Damien

## **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 18 August 2017.

### **1. Applicant details**

Applicant name: Outback Truckstops P/L

Applicant contact details: TFA Project Group, Damien Mackay

### **2. Application details**

Application number: TP16/17

Approval sought: Minor Change to Development Approval TP02/06

Details of proposed development: Addition of Jet A1 Fuel storage (30,000litres) and Diesel fuel storage (30,000litres)

### **3. Location details**

Street address: Sir Hudson Fysh Drive, Cloncurry

Real property description: Lot 3 on RP 818179, Lot 6 on CP 868102 and Lot 5 on CP 868101

### **4. Decision**

Date of decision: 12 September, 2017

Decision details: Approved in full with conditions. These conditions are set out in Attachment 1.

## 5. Details of the approval

Development permit

Development Application for a Minor Change to Development  
Approval TP 02/06

## 6. Conditions

This approval is subject to the conditions in Attachment 1.

## 7. Properly made submissions

Not applicable—No part of the application required public notification.

## 8. 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 provisions is attached.

## 9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

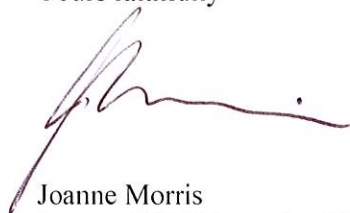
## 10. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: All</b>				
Site Layout – Proposed Jet A 1 Tank setout	IOR Petroleum	01.08.2017	HTY1001	2
Trusk Access – Sir Hudson Fysh Drive- Cloncurry – Access Layout and Drainage	George Bourne and Associates	27.04.2006	06-045/1	B
Truck Access – Sir Hudson Fysh Drive – Cloncurry – Layout – T2-Tr Swept paths	George Bourne and Associates	27.04.2006	06- 045/2	B

Should you have any questions or concerns in respect of this matter please contact Council's Senior Planning Officer, Damian Pearson, at this office.

Yours faithfully



Joanne Morris  
Deputy Chief Executive Officer

Encl: Conditions of Approval  
*Planning Act 2016* appeal rights

**ATTACHMENT 1  
CONDITIONS OF APPROVAL – TP16/17**

**NATURE OF DECISION: Development Permit for a Minor change to an existing Development Approval – Addition of 30,000 litre Jet A1 and 30,000litre diesel fuel storage tanks - TP 02/06 (General Industry- Fuel Depot)**

**GENERAL**

**1. Site Layout**

The development must generally comply with the Approved Plans as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

Title	Plan No	Rev	Date	Prepared By
Site Layout- Proposed Jet A1 Tank setout	HTY1001	2	01.08.2017	IOR Petroleum
Truck Access- Sir Hudson Fysh Drive – Cloncurry – Access Layout and Drainage	06-045/1	B	27.04.2006	George Bourne & Associates
Truck Access- Sir Hudson Fysh Drive- Cloncurry- Layout-T2-Tr Swept Paths	06-045/2	B	27.04.2006	George Bourne & Associates

**2. Compliance with conditions**

- (a) All conditions must be complied with prior to the commencement of use on the subject site, unless specified in an individual condition.
- (b) The conditions of this development approval are to be read in conjunction with the approved plans / 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) Compliance with conditions of TP02/06 (Approved on 8 March 2006) and the permissible change application approved in Negotiated Decision Notice dated 29 April 2013, except where in conflict with this approval.

**3. Driveway access**

Prior to the installation of the new Jet A1 fuel storage:

- (a) A heavy vehicle crossover is to be constructed at the southern egress from the property boundary to the existing road Sir Hudson Fysh Drive in accordance with IPWEAQ standard drawings. The heavy vehicle crossover shall have a heavy duty concrete invert in accordance with the dimensions indicated in the approved plans to be detailed and signed off by an RPEQ and submitted to Council for its approval.

**4. Stormwater Drainage**

- (a) Stormwater discharging from the site is to be directed to a lawful point of discharge.
- (b) Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.
- (c) Stormwater and any on-site wastewater systems proposed should not result in the contamination of groundwater flows.

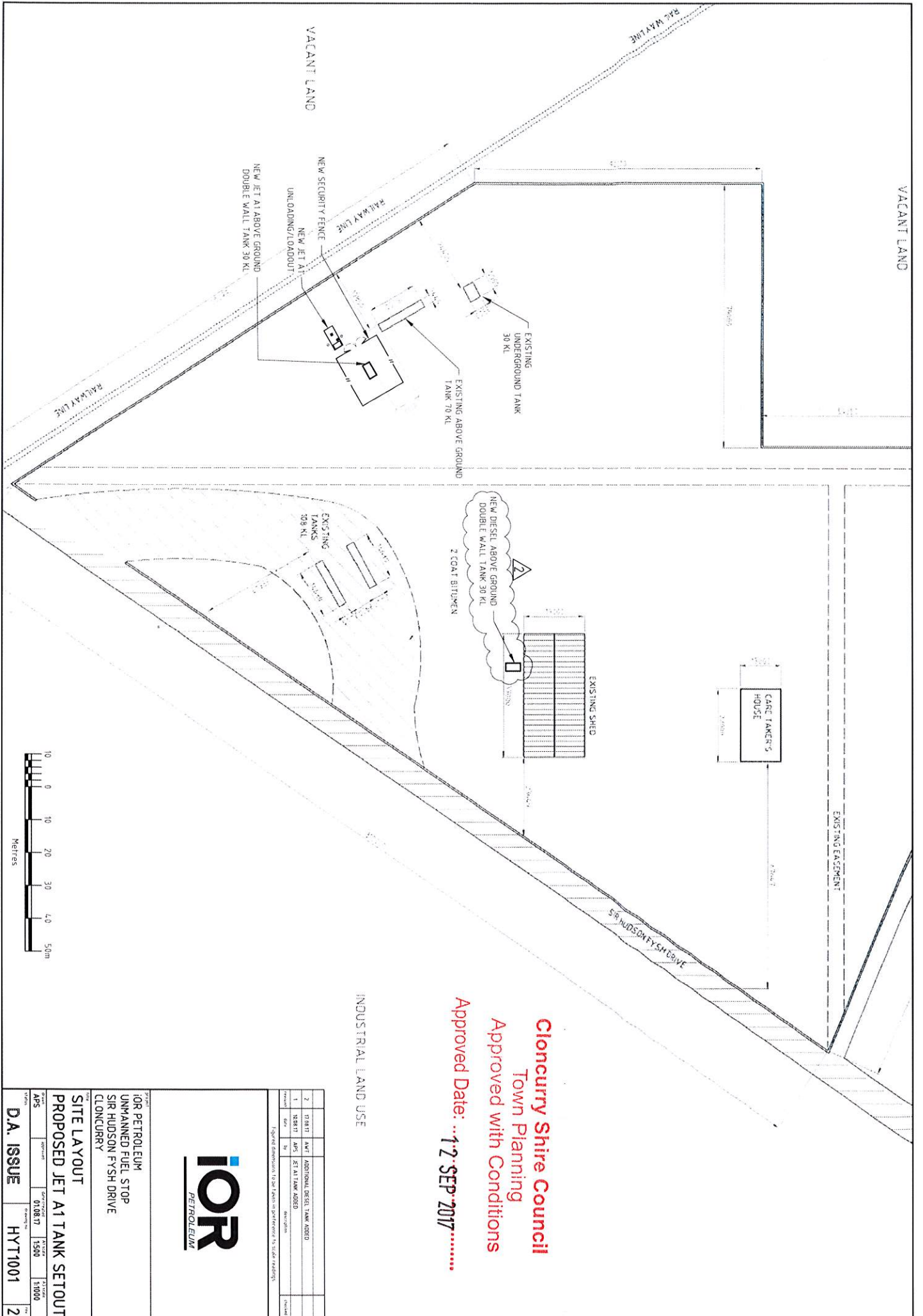
**5. Dust Management**

During operation of the approved use, the operator must put in place adequate mitigation measures for the suppression of dust, so as not to cause a nuisance to neighbouring properties.

**6. Flammable and Combustible Liquids**

New fuel storages and existing storages are to be constructed, maintained and managed in accordance with *AS1940- The storage and handling of flammable and combustible liquids*.





**Cloncurry Shire Council**  
 Town Planning  
 Approved with Conditions

Approved Date: ...12 SEP 2017.....

INDUSTRIAL LAND USE

NO	DATE	BY	DESCRIPTION
2	12/08/17	AMS	ADDITIONAL DIESEL TANK ABOVE
1	12/08/17	AMS	JET A1 TANK ABOVE
1	12/08/17	AMS	JET A1 TANK ABOVE



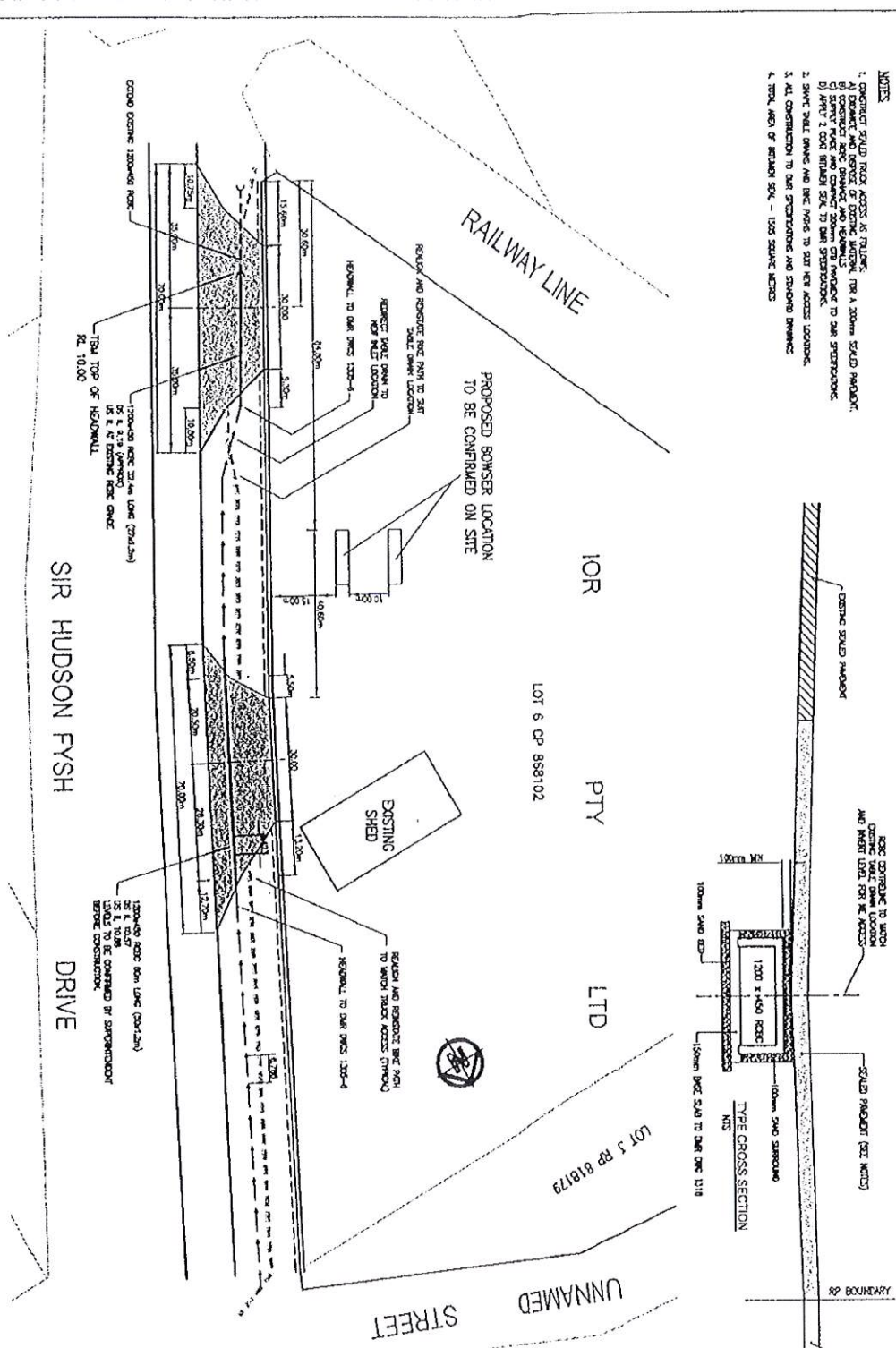
FOR PETROLEUM  
 UNMANNED FUEL STOP  
 SIR HUDSON FVSH DRIVE  
 CLONCURRY

**SITE LAYOUT**  
**PROPOSED JET A1 TANK SETOUT**

APPS	NO	DATE	BY
1	01/08/17	15/00	11/000

**D.A. ISSUE**      **HYT1001**      **2**

- NOTES**
1. CONSTRUCT SOLID TRUCK ACCESS AS FOLLOWS:
    - (A) CONSTRUCT RISE CHANNEL AND RAILWAY LINE FOR A 300mm SOLID PRODUCT;
    - (B) CONSTRUCT RISE CHANNEL AND RAILWAY LINE FOR A 300mm SOLID PRODUCT;
    - (C) SLOPE RISE CHANNEL AND RAILWAY LINE TO SLOPE PROPORTION;
    - (D) SLOPE RISE CHANNEL AND RAILWAY LINE TO SLOPE PROPORTION;
  2. SWEEP TRAIL DRIVE AND RISE CHANNEL TO SLOPE PROPORTION;
  3. ALL CONSTRUCTION TO OUR SPECIFICATIONS AND STANDARD DRAWINGS;
  4. TOTAL AREA OF RAILWAY SOIL - 1200 SQUARE METRES.



LIST OF DRAWINGS  
 06-045/1 ACCESS LAYOUT & DRAINAGE  
 06-045/2 SWEEP PATHS FOR 12 TRV VEHICLES

No.	Description	Date	By	Check	Scale	Notes
A	ISSUED FOR APPROVAL	11/04/06	US	DA	1:1000 (A3)	
B	DRAINAGE ADDED	27/04/06	DA	US	1:1000 (A3)	

GEORGE BOURNE & ASSOCIATES  
 CONSULTING CIVIL ENGINEERS  
 10/11/06  
 10/11/06

**Cloncurry Shire Council**  
 Town Planning  
 Approved with Conditions  
 Approved Date: 12 SEP 2017

CLONCURRY SHIRE COUNCIL  
 PLANNING APPROVED

To Meeting 8 March 2006  
 Approved Date 8 March 2006

Signed *[Signature]*

No.	Revision	Description	By	Date	Security	Date	Rev	Mr. G. M. H.	Scale	Approved	Approved	Date	By	Date
A		ORIGINAL ISSUE	DEL	27/09/08	U/L				1:1000 (A3)					
B		PLANS MODIFIED AND ADDED	DEL	27/09/08	Perman									
					N/A									

GEORGE BOHRENS & ASSOCIATES  
CONSULTING CIVIL ENGINEERS



IOR ENERGY PTY LTD  
TRUCK ACCESS  
SIR HUDSON FVSH DRIVE - CLONCURRY  
LAYOUT - T2-TR1 SWEPT PATHS

Proj. No. 06-045/2 B  
Date: 08/03/06

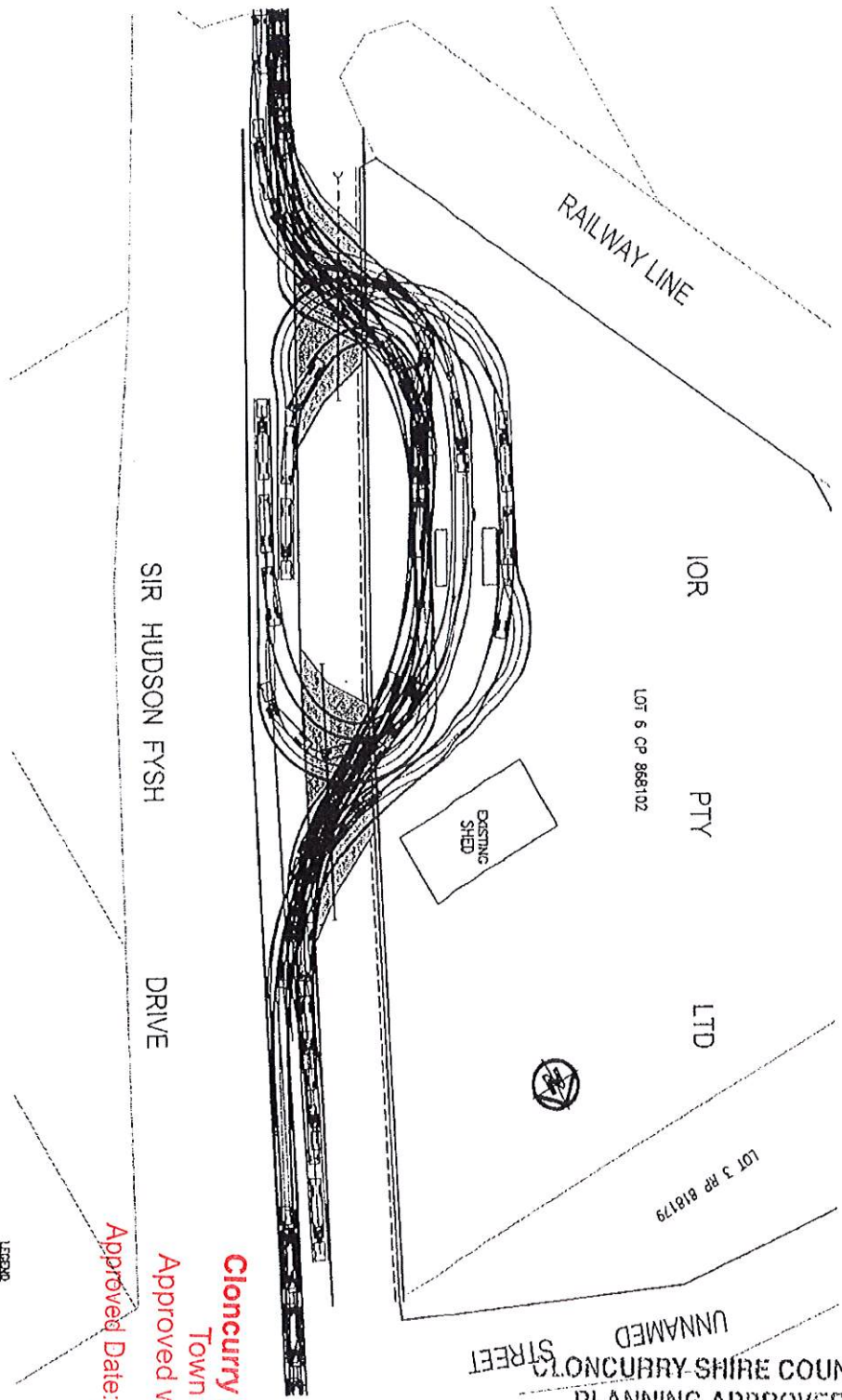
NOTE:  
LOCATION OF TRUCK PATHS SHOWN ARE  
PRODUCED BY AUTOTURN SOFTWARE

PROPOSED TRUCK ACCESS



LEGEND

**Cloncurry Shire Council**  
Town Planning  
Approved with Conditions  
Approved Date: 8 March 2006



UNNAMED STREET  
CLONCURRY SHIRE COUNCIL  
PLANNING APPROVED

To Meeting 8 March 2006  
Approved Date 8 March 2006  
Signed

IOR PTY LTD  
LOT 6 CP 868102

LOT 3 RP 818179



## 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.