



**HINCHINBROOK
SHIRE COUNCIL**

Our Ref: GV:HJR BW18\0004

16 May 2018

Giuseppe Rosario Girgenti
C/- Post Office
Mutarnee QLD 4816

CC: Ingham Welding Service Pty Ltd
PO Box 1394
Ingham QLD 4850

Dear Sir,

DECISION NOTICE
Planning Act 2016

In relation to your recent request for building works assessable against a planning scheme, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on 10 May 2017.

APPLICATION DETAILS

Application Number: BW18\0004
Property ID Number: 106746

Applicant: Giuseppe Rosario Girgenti
C/- Post Office
Mutarnee QLD 4816

Owner: Giuseppe Rosario Girgenti
180 Ponderossa Road
Mutarnee QLD 4816

Property Description: Suthers Road, Coolbie
Lot 2 on SP112465, Parish of Waterview

Proposal: Building Works Assessable Against a Planning Scheme (BWAP)
"Building work being undertaken to an existing land use which does not increase the intensity and scale of that land use and the site is subject to an applicable overlay"

Level of Assessment: Code Assessment



Assessment Benchmarks: Hinchinbrook Shire Planning Scheme
Building Code of Australia
Queensland Development Code MP 1.2

DEEMED APPROVAL

The application has not deemed to be approved under s.64 of the *Planning Act 2016*.

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.

REFERRAL AGENCIES

Not Applicable

PROPERTY NOTES

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

This approval does not authorise any filling of land or building work, and a development permit for carrying out any filling of land and/or building work must be obtained.

This approval also does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modifications to existing access or works to footpaths), or any filling of land permits.

If this is required the relevant application will need to be lodged with Council or other relevant authority.

RIGHTS OF APPEAL

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

APPROVAL CURRENCY PERIOD

s.85 of the *Planning Act 2016* indicates when an approval lapses and this section is attached for your information.

APPROVED PLANS & SPECIFICATIONS

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.



FURTHER INFORMATION

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser
Planning & Development Manager

Enclosed: Approved Plans/Documents
 Appeal Rights



NOTICE ABOUT DECISION – STATEMENT OF REASONS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

This Notice is prepared in accordance with s.63(5) and s.83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meanings given them in the *Planning Act 2016*.

REASONS FOR THE DECISION

The proposed development is considered to be consistent with the relevant overall outcomes of the planning scheme, in particular:

- The proposed structure (shed), will not impact negatively on the privacy of neighbouring residences due to the distance buffer between the proposal and adjoining dwelling;
- The proposed structure (shed) will not negatively impact the amenity of the adjoining land or the rural character of the locality; and
- The neighbouring property of Lot 3 on SP112465, Suthers Road, Coolbie, provided acknowledgment of the proposed structure (shed) development and provided no objection of the application.



CONDITIONS OF APPROVAL**Conditions of Development**

The conditions of development for this development permit are as follows

Approved Plans

- (1) The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:-
- The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the technical reports;
 - The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards
 - The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.

Currency Period

- (2) The currency period applicable to this approval.
- MCU/ROL – 6 years from date of decision notice

Approved Plans

- (3) The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:

Plan / Document Name	Number	Date
SMC- Suthers Road Coolbie- Site Plan	18064NQ 500- A	10/04/2018

- (4) Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- (5) Where conditions require the above plans of documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to Building works.

Internal Works**Drainage**

- (6) The Applicant/Development must take into consideration stormwater drainage. The drainage must comply with the following considerations:
- Surface drainage must be catered for in a manner that lessens possible impacts in neighbouring properties and/or receiving areas; and
 - The development must drain to the legal point of discharge.

Building

- (7) The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier.
- (8) Any lighting devices associated with the development, such as sensory lighting, must be position on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 “Control of the obtrusive effects outdoor lighting”.



External Works

Lawful Point of Discharge

- (9) All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.



HINCHINBROOK SHIRE COUNCIL



Legend

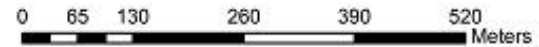
 Site Location



Data Sources & Acknowledgements

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Lot 2 on SP112465

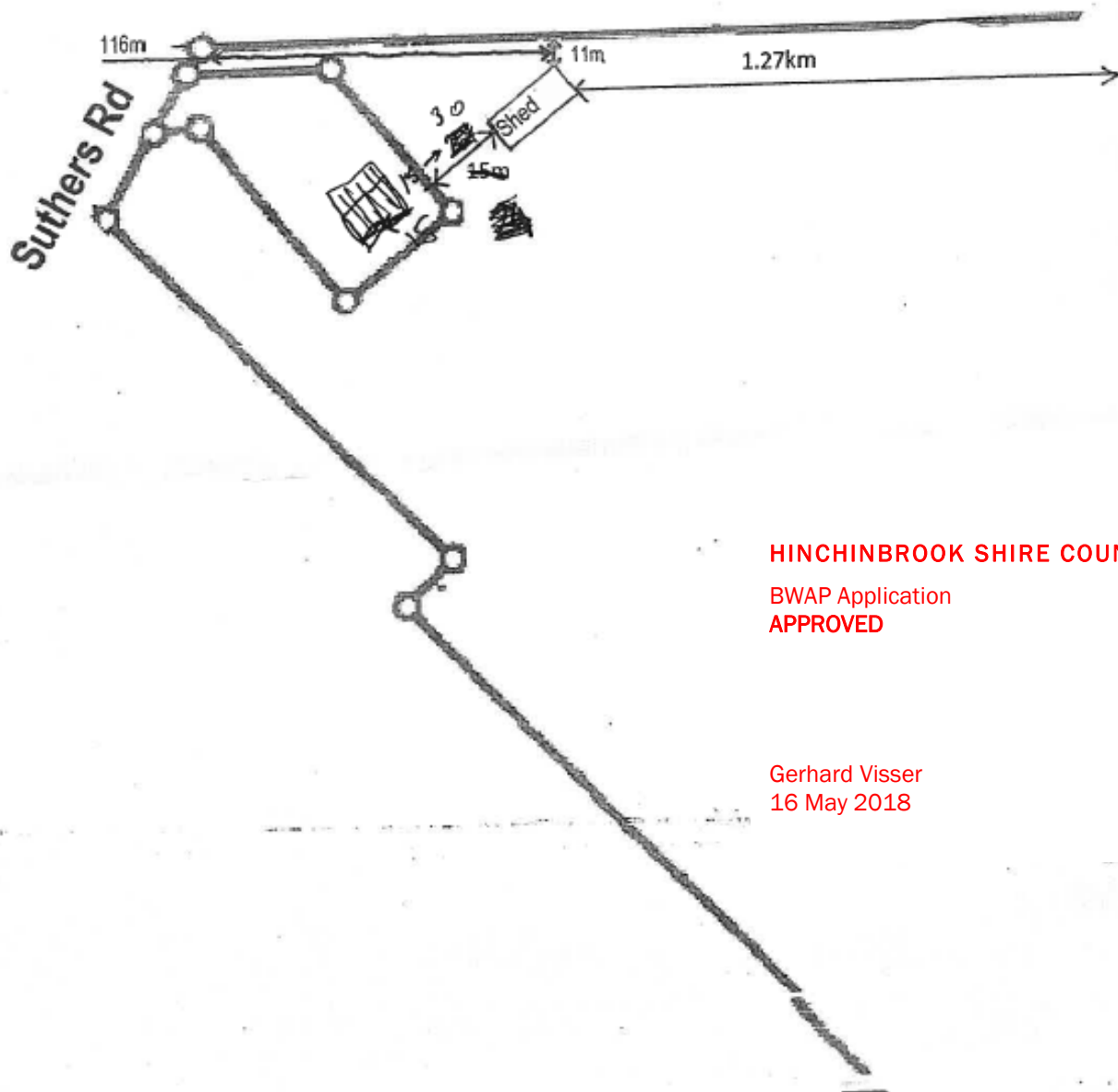
Path: V:\AimeeG\Untitled.mxd
Compiled By: aimee1803 Date: 09/05/2018

Guiseeppe R Girgenti

Postal Address - Po Mutarnee 4816

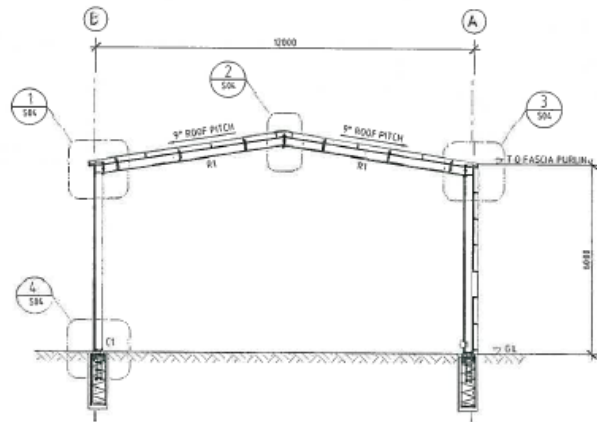
Phone Eric Girgenti on 0407634438

Shed Address at Suthers Rd Coolbie 4850
Lot 2 SP 112465

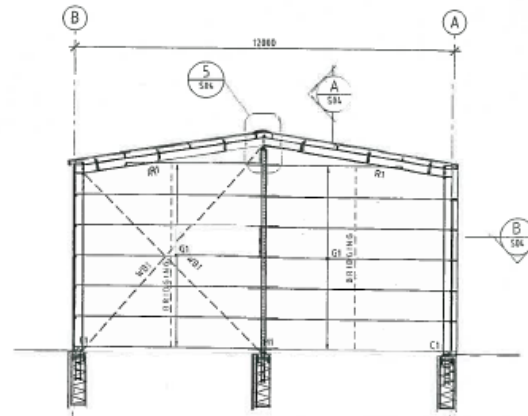


HINCHINBROOK SHIRE COUNCIL
BWAP Application
APPROVED

Gerhard Visser
16 May 2018



ELEVATION ON GRIDS 1-4 (LOOKING FROM GRID 5)
SCALE: 1:75 AT A1

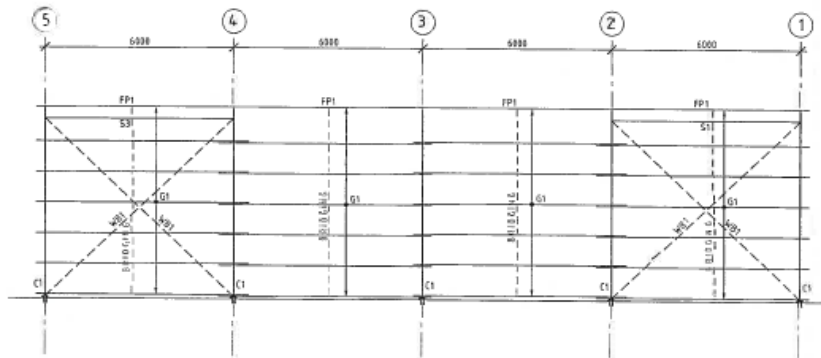


ELEVATION ON GRID 5 (LOOKING FROM OUTSIDE)
SCALE: 1:75 AT A1

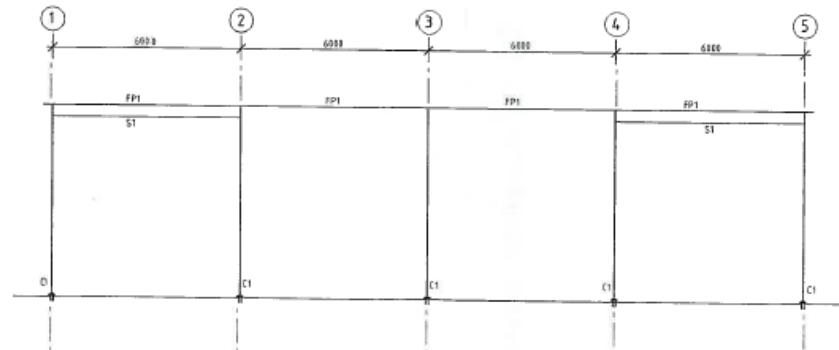
HINCHINBROOK SHIRE COUNCIL

BWAP Application
APPROVED

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ELEVATION ON GRID A (LOOKING FROM OUTSIDE)
SCALE: 1:75 AT A1



ELEVATION ON GRID B (LOOKING FROM OUTSIDE)
SCALE: 1:75 AT A1

GIRT SCHEDULE:

G1 - 215819 @ 975 MAX CRS, ONE ROW BR DGWG

STATUS	PRELIMINARY	SCALE	CONTRACT
NOTED			
REV	DESCRIPTION	DATE	
B	MINOR AMENDMENTS	19.03.18	
A	PRELIMINARY	05.03.18	

SCALE	CONTRACT
NOTED	
SCALE	A1

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smce
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E smce@smce.net.au

CLIENT: NQ GARAGES
PROJECT: 24m x 12m SHED
SUTHERS ROAD
COOLBIE

DRAWING				ELEVATIONS		
SIGNED:	BY:	DATE:	PROJECT NUMBER:	DRAWING NUMBER:	REVISION:	
	SM	05.03.18	18064NQ	S03	B	

APPEAL RIGHTS*PLANNING ACT 2016 & THE PLANNING REGULATION 2017***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.

