



HINCHINBROOK SHIRE COUNCIL

Our Ref: GV:HJR BW18\0008

30 November 2018

Ms Keira McLennan
Blanco Building Pty Ltd
311 Bayswater Road
GARBUTT QLD 4814

Email: admin@blancobuilding.com.au

Dear Madam

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 29 November 2018.

APPLICATION DETAILS

Application Number:	BW18\0008
Property ID Number:	100978
Applicant:	Blanco Building Pty Ltd 311 Bayswater Road GARBUTT QLD 4814
Owner:	The Roman Catholic Trust Corporation (Gilroy Santa Maria College) Diocese of Townsville PO Box 1013 INGHAM QLD 4850
Property Description:	17 Chamberlain Street, Ingham, Queensland, 4850 Lot 3 on RP710637, Parish of Cordelia



Proposal:	Building Works Assessable Against a Planning Scheme (BWAP) <i>"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"</i>
Level of Assessment:	Code Assessment
Assessment Benchmarks:	Hinchinbrook Shire Planning Scheme 2017 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 4776 4609.

Yours sincerely



Rosemary Pennisi
Executive Manager Development, Planning and Environmental Services

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 structure (shed) is consistent with the purpose and overall outcomes sought for the zone;
- The structure (shed) caters primarily for an educational establishment use consistent with the zone code;
- The structure (shed) will not negatively impact the amenity of the adjoining land or the residential character of the locality; and
- The structure (shed) will have negligible impact on the adjoining cane rail infrastructure.



CONDITIONS OF APPROVAL

BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME
CONDITIONS OF APPROVAL
LOT 3 ON RP710637

Conditions		Compliance timing															
Administration																	
(1)	The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:- <div><div>a.</div><div>The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the technical reports;</div><div>b.</div><div>The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards</div><div>c.</div><div>The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</div></div>	At all times															
Currency Period																	
(2)	The currency period applicable to this approval. <div><div>•</div><div>BWAP – Two (2) years until 01 December 2020</div></div>	As per condition															
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: <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Plan – PROPOSED SHED Chamberlain Street, Ingham</td><td>GSMC 1-18 A100 Rev: 3</td><td>10/10/2018</td></tr><tr><td>Floor Plan – PROPOSED SHED Chamberlain Street, Ingham</td><td>GSMC 1-18 A101 Rev: 3</td><td>10/10/2018</td></tr><tr><td>Elevations – PROPOSED SHED Chamberlain Street, Ingham</td><td>GSMC 1-18 A102 Rev: 3</td><td>10/10/2018</td></tr><tr><td>3D Perspectives – PROPOSED SHED Chamberlain Street, Ingham</td><td>GSMC 1-18 A103 Rev: 3</td><td>10/10/2018</td></tr></table>	Plan / Document Name	Number	Date	Site Plan – PROPOSED SHED Chamberlain Street, Ingham	GSMC 1-18 A100 Rev: 3	10/10/2018	Floor Plan – PROPOSED SHED Chamberlain Street, Ingham	GSMC 1-18 A101 Rev: 3	10/10/2018	Elevations – PROPOSED SHED Chamberlain Street, Ingham	GSMC 1-18 A102 Rev: 3	10/10/2018	3D Perspectives – PROPOSED SHED Chamberlain Street, Ingham	GSMC 1-18 A103 Rev: 3	10/10/2018	At all times
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3D Perspectives – PROPOSED SHED Chamberlain Street, Ingham	GSMC 1-18 A103 Rev: 3	10/10/2018															
(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.	At all times															



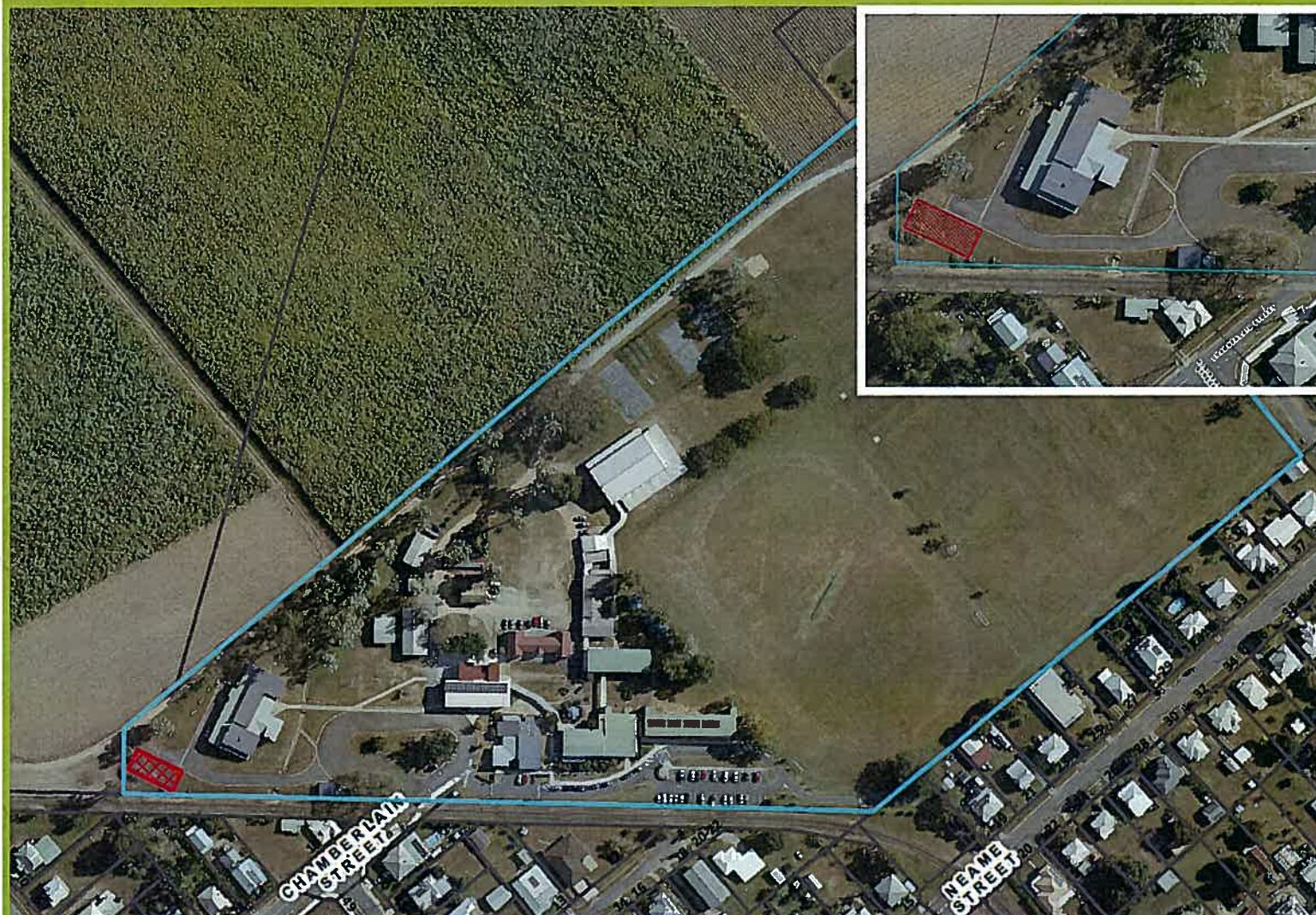
**BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME
CONDITIONS OF APPROVAL
LOT 3 ON RP710637**

Conditions	Compliance timing
(5) Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.	As per condition
Lawful Point of Discharge	
(6) All stormwater from structures 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.	At all times
(7) The structure (shed) must include guttering which directs all stormwater to a legal point of discharge within the confines of the boundary to which the attached dwelling resides.	At all times
(8) Where retaining walls, fences, buildings or other barriers, which would cause a “damming effect” and produce a concentrated flow at an outfall are constructed, a drainage system is installed to discharge the surface water such that it does not adversely affect surrounding properties or properties downstream from the development.	At all times
Building	
(9) The class 10a (shed) structure requires a development permit for building works.	At all times
(10) The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier.	At all times
(11) The class 10a (shed) structure requires compliance to relevant Fire Safety regulations as reflected in s.3.7.1.6 of the Building Code of Australia (Volume Two).	At all times
(12) Any lighting devices associated with the development, such as sensory lighting, must be positioned 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 of outdoor lighting”.	At all times

**BUILDING WORKS ASSESSABLE AGAINST A PLANNING SCHEME
CONDITIONS OF APPROVAL
LOT 3 ON RP710637**

Conditions	Compliance timing
Construction and Operations	
(13) Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.	At all times
(14) Any construction work associated with the access arrangement to the property from the road reserve is subject to a Private Works in a Road Reserve application and approval.	Prior to any construction work commencing
(15) All fill and retaining material is to be contained within the applicant's land. Filling material which may wash or spill onto adjacent lands is to be removed.	Prior to any construction work commencing
(16) Contaminated material excavated from the site must be managed and disposed of appropriately.	Prior to any construction work commencing
(17) Where retaining walls are not used, the toe of fill is to be kept clear of the boundary and shallow earth drains are to be installed in the applicant's property of sufficient size to direct runoff towards the drainage systems.	Prior to any construction work commencing
Damage to Infrastructure	
(18) In the event that any part of Council's existing sewer, water, channel and kerbing, or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/ owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the Commencement of Use or approval and dating of the Building Compliance Certificate, whichever occurs first.	At all times





For visual purposes only

 Proposed Shed
24.6m x 10m

 Site Location



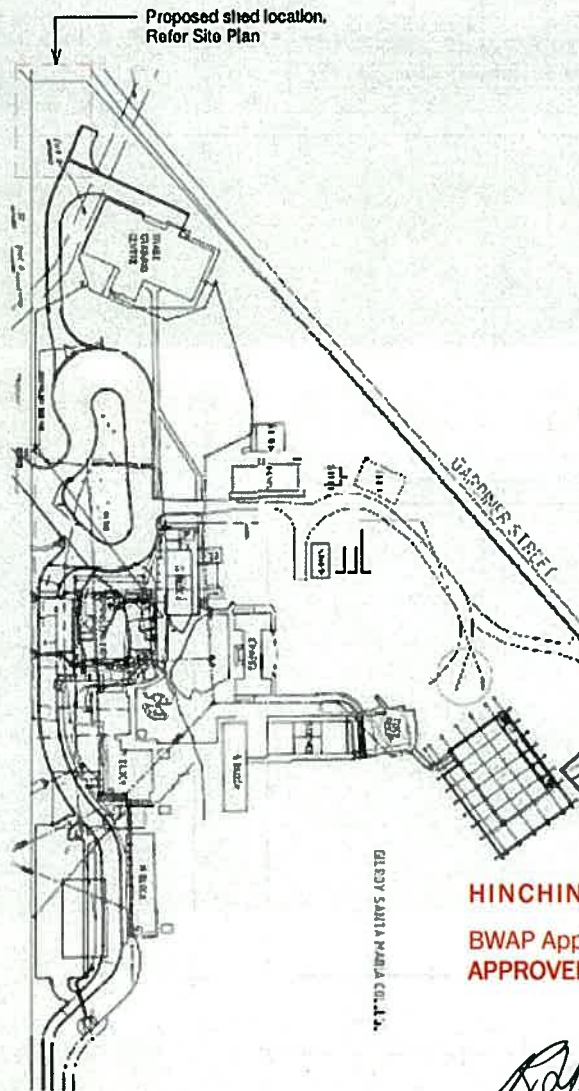
Data Sources & Acknowledgements

While every care is taken to ensure the accuracy of the data used on this map, the Council nor any data providers that a map representation or information should be accuracy, reliability, completeness or suitability for any particular purpose and assumes no responsibility and all liability for all expenses, losses, damages and costs which may be incurred as a result of the data being inaccurate or incomplete in any way for any reason. Copyright Hinchinbrook Shire Council 2016

Cartorial information sourced from Department of Natural Resources and Mines is current as at 2016 and is accurate 1:50 000. Copyright Department of Natural Resources and Mines 2016

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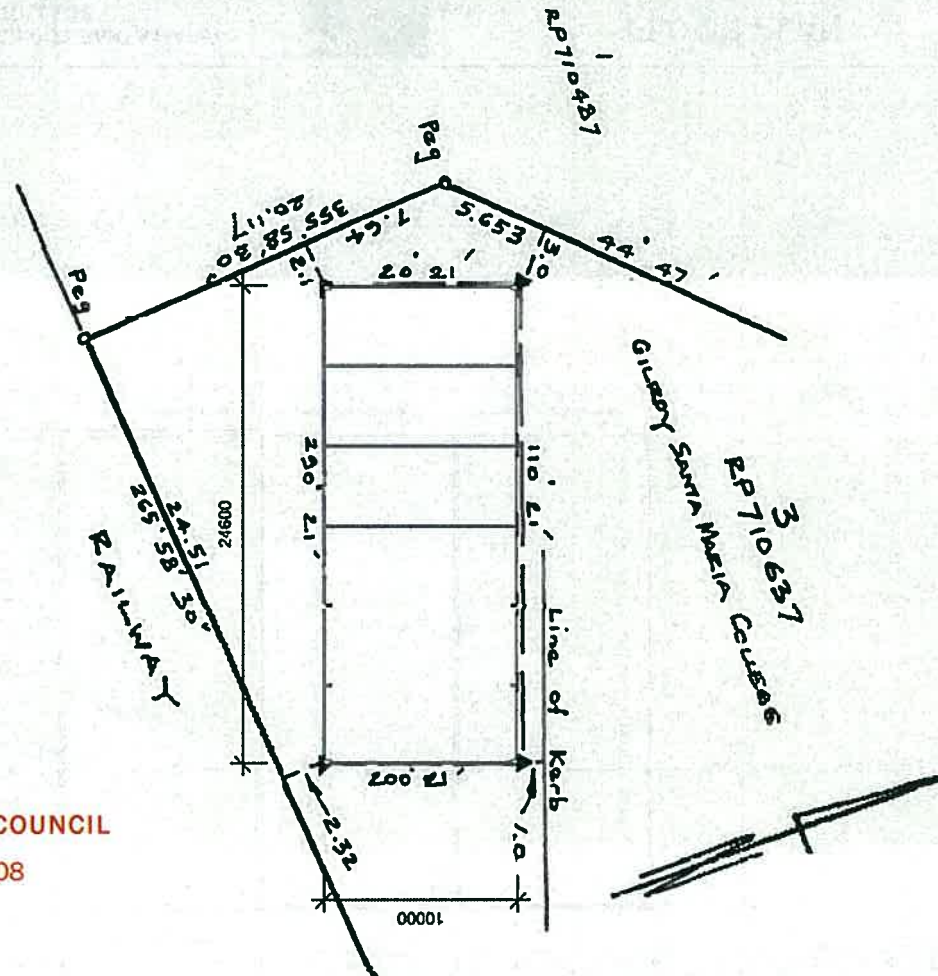




SITE LAYOUT PLAN

HINCHINBROOK SHIRE COUNCIL
 BWAP Application BW18\0008
 APPROVED

Rosemary Pennisi
 Rosemary Pennisi
 30 November 2018



SITE PLAN



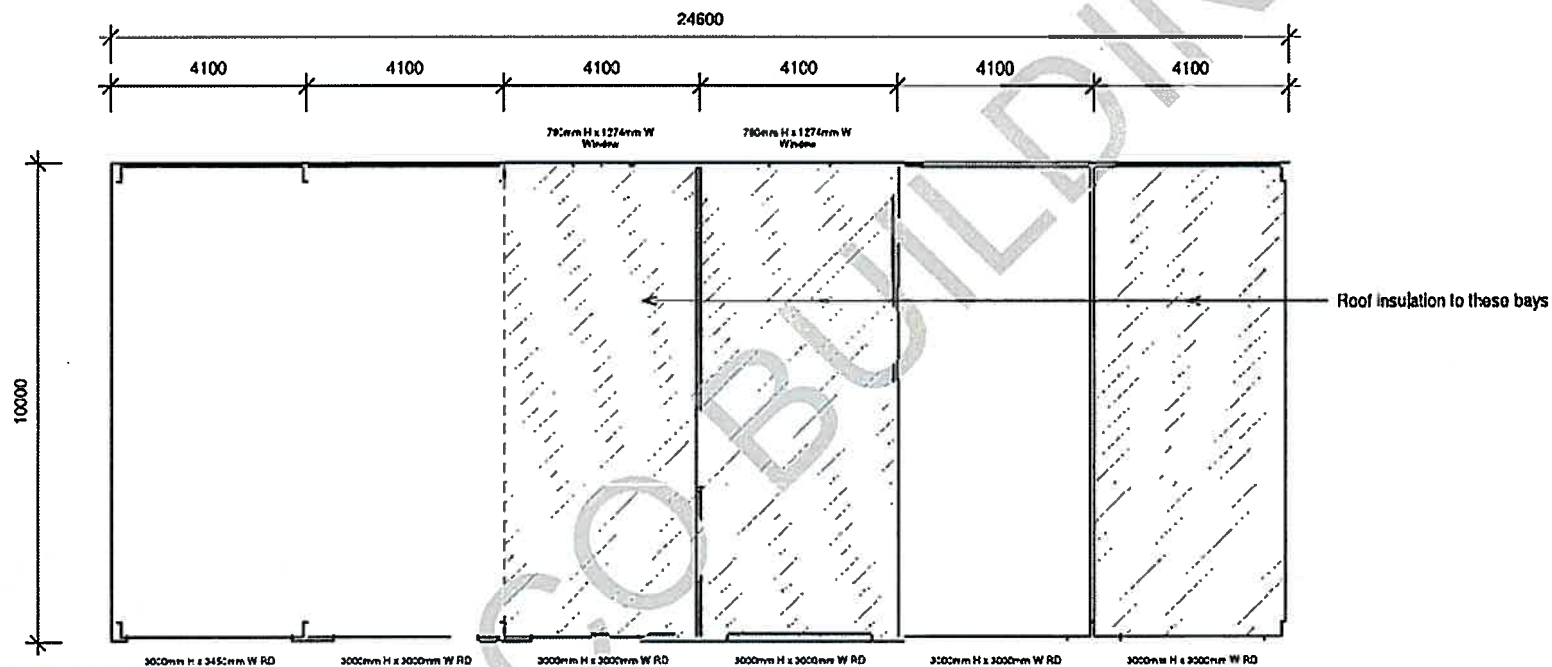
Blanco Building Pty Ltd
 QBCC 126 1443
 311 Bayswater Road
 Garbutt QLD 4814
 (07) 4755 0264

REV	DESCRIPTION	DATE
3	Modifications - Insulation Added	10/10/18
2	Modifications - Roller Door Sizes Adjusted	10/10/18
1	Preliminary Issue	25/09/18

GILROY SANTA MARIA COLLEGE
PROPOSED SHED
 Chamberlain Street
 Ingham QLD 4850

SITE PLAN

PROJECT NUMBER:	GSMC1-18	DRAWING NUMBER:	A100
SCALE:	1:100	REVISION:	3



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**GILROY SANTA MARIA
COLLEGE**
PROPOSED SHED
Chamberlain Street
Ingham QLD 4850

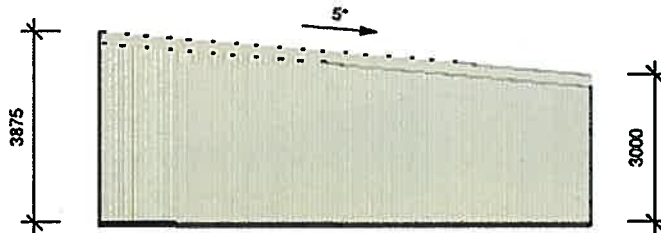


FLOOR PLAN

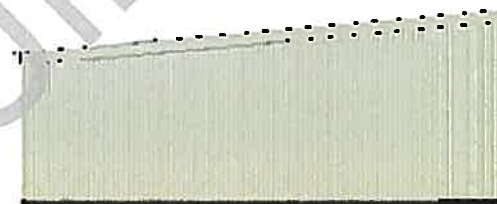
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SCALE:	1:100	REVISION:	3



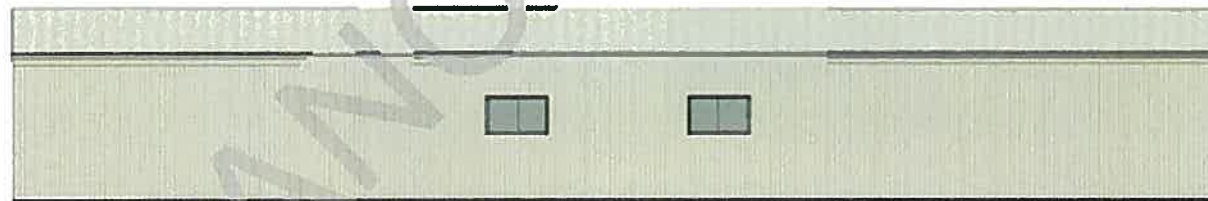
ELEVATION 1



ELEVATION 2



ELEVATION 4



ELEVATION 3

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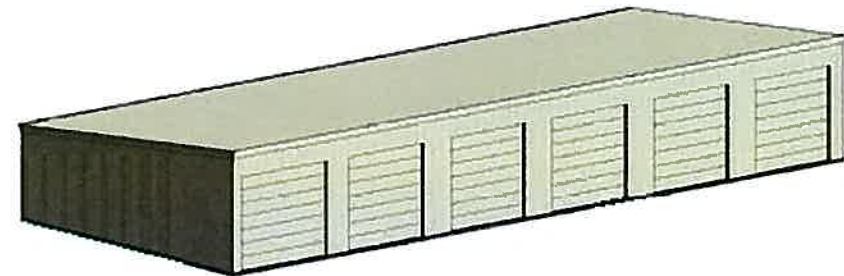
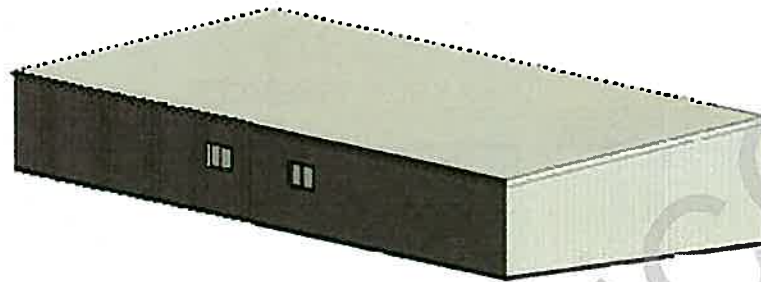
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COLLEGE
PROPOSED SHED
Chamberlain Street
Ingham QLD 4850**



ELEVATIONS

PROJECT NUMBER:	GSMC1-18	DRAWING NUMBER:	A102
SCALE:	1:100	REVISION:	3



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APPROVED

R. Pennisi

Rosemary Pennisi
30 November 2018

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**GILROY SANTA MARIA
COLLEGE**
PROPOSED SHED
Chamberlain Street
Ingham QLD 4850



3D PERSPECTIVES

PROJECT NUMBER:	GSMC1-18	DRAWING NUMBER:	A103
SCALE:	1:150	REVISION:	3

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.

