

Your Ref: Application for Building Work Assessable Against the Planning Scheme
Our Ref: BW20/0002

5 February 2020

AB & M Carmelito
C/- Clow Nominees Pty Ltd
1/355 Bayswater Road
GARbutt QLD 4815

sales@nqshedsandmore.com

Dear Sir/Madam

**Application for Building Work Assessable against the Planning Scheme – Class 10a Building
(Rural Siting Variation)**
Planning Act 2016

Receipt of your application dated 12 December 2019 seeking a Development Permit for Building Work Assessable against the Planning Scheme to facilitate the construction of a Class 10a building (shed) on land located at 3439 Abergowrie Road, Abergowrie is acknowledged and its contents noted.

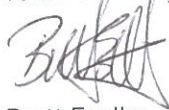
Please be advised that your application was assessed by relevant staff and considered under delegated authority on the 3 February 2020.

Council resolved to approve the application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice is attached for your perusal.

This notice outlines aspects of the development, conditions of the approval (if any), currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decision, suspension of the appeal period and lodging an appeal, should you wish to do so.

Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for necessary assistance.

Yours sincerely



Brett Exelby
Director Corporate and Financial Services

Encl - Decision Notice



25 Lannercost Street
INGHAM QLD 4850



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4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

5 February 2020

Application Details

Particulars of the development proposal are listed below:

| | |
|----------------------|-------------------------------------------------------------------------------------------|
| Application Number | BW20/0002 |
| Property ID Number | 107784 |
| Applicant Details | AB & M Carmelito C/- Clow Nominees Pty Ltd 1/355 Bayswater Road GARbutt QLD 4815 |
| Owner Details | Antonio Carmelito and Maria Carmelito PO Box 54 INGHAM QLD 4850 |
| Property Description | 3439 Abergowrie Road, Abergowrie Lot 13 on SP235332 |
| Proposal | Building Works Assessable against the Planning Scheme (Rural Siting Variation) |
| Level of Assessment | Code Assessment |

Decision

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

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|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Deemed Approval | The application was not a deemed approval under s64 of the <i>Planning Act 2016</i> . |
| Decision | The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made. |
| Decision Date | 3 February 2020 |
| Decision Type | Development Permit |
| Planning Instrument | <i>Hinchinbrook Shire Planning Scheme 2017</i> |
| Submissions | Not Applicable |

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 referral agency (if any) imposed them.



Referral Agencies

Not Applicable.

Property Notes

Not Applicable.

Further Approvals Required

The following further approvals are required to undertake this approved development:

- 1) Building Permit to facilitate the construction of the Class 10a building required in response to Condition 5.

This approval does not authorise any filling of land or building work and a development permit for carrying out the above mentioned may require additional assessment.

This approval does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. 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*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the development application;
- A provision of the development approval;
- The decision to give a preliminary approval when a development permit was applied for; and
- A deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Approval Currency Period

Pursuant to section 85 of the *Planning Act 2016*, the development approval will lapse within two (2) years after the approval starts to have effect, unless otherwise conditioned.

Approved Plans and Specifications

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

Copies of the approved plans, specifications and/or drawings are attached.

Notice about Decision – Statement of Reasons

This Notice is prepared in accordance with section 63(5) and section 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 this Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- The relevant part 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 meaning given them in the *Planning Act 2016*.

Notice about Decision – Statement of Reasons

The proposed development is considered to be consistent with the relevant overall outcomes of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of approval have been included to ensure that compliance with the *Hinchinbrook Shire Planning Scheme 2017*.

Should you require any further information or clarification concerning this Decision Notice, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for necessary advice.

Yours sincerely



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George Milford
Planning Consultant

| Condition | Timing | | | | | | | | | |
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| <p>(1) Administration</p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>1.3 The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</p> | At all times. | | | | | | | | | |
| <p>(2) Approved Plans</p> <p>2.1 The development and use 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 approval.</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Plan</td><td>N/A</td><td>Received on the 12/12/19</td></tr><tr><td>Ground Floor Plan and Elevations prepared by Ranbuild</td><td>392542-GA</td><td>Received on the 12/12/19</td></tr></table> <p>2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the conditions of approval prevail.</p> | Plan / Document Name | Number | Date | Site Plan | N/A | Received on the 12/12/19 | Ground Floor Plan and Elevations prepared by Ranbuild | 392542-GA | Received on the 12/12/19 | At all times. |
| Plan / Document Name | Number | Date | | | | | | | | |
| Site Plan | N/A | Received on the 12/12/19 | | | | | | | | |
| Ground Floor Plan and Elevations prepared by Ranbuild | 392542-GA | Received on the 12/12/19 | | | | | | | | |
| <p>(3) Currency Period</p> <p>The currency period applicable to this approval is two (2) years from the date of this approval.</p> | As per condition. | | | | | | | | | |
| <p>(4) Lawful Point of Discharge</p> <p>4.1 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;</p> <p>4.2 The structure must include guttering which directs stormwater to a legal point of discharge within the confines of the boundary to which the attached Class 10a structure resides; and</p> <p>4.3 Where retaining walls, fences, buildings or other barriers which would cause a 'damaging effect' and produce a concentrated flow at an outfall are constructed, a drainage system is installed to discharge surface water such that it does not adversely affect surrounding properties or properties downstream from the development.</p> | At all times. | | | | | | | | | |
| <p>(5) Building</p> <p>5.1 The Class 10a structure requires a Development Permit for building works;</p> <p>5.2 The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier; and</p> | Prior to construction works commencing and at all times. | | | | | | | | | |

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| <p>5.3 The Class 10a structure requires compliance to relevant Fire Safety regulations as reflected in s3.7.1.6 of the Building Code of Australia (Volume Two), as required.</p> | |
| <p>(6) Construction and Operation 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 onto existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p> <p>Any construction works associated with the access arrangements to the property from the road reserve is subject to a Private works in a road Reserve application and approval.</p> | <p>Prior to construction works commencing and maintained throughout construction.</p> |
| <p>(7) Damage to Infrastructure 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 that is associated with the Class 10a structure, including but not limited to, mobilisation off 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.</p> | <p>At all times.</p> |
| <p>(8) Setback Clearance Areas 8.1 The area between the structure and the side property boundary may not be used as storage space.</p> | <p>At all times.</p> |



APPROVED PLAN

This plan has been assessed and approved
(subject to conditions) by Hinchinbrook Shire
Council.

BW20/0002
3 February 2020

