

Your Ref: Building Works Assessable Against a Planning Scheme  
Our Ref: PC:AG BW21\0003

5 July 2021

Mr Errol and Mrs Erin Cerutti  
PO Box 148  
INGHAM QLD 4850

*errolcerutti@hotmail.com*

Dear Mr and Mrs Cerutti

**Decision Notice – Building Works Assessable Against a Planning Scheme (Rural Siting Variation)**  
*Planning Act 2016*

Receipt of your application deemed to be properly made on Wednesday 19 May 2021 seeking a Development Permit for Building Works Assessable Against a Planning Scheme (Rural Siting Variation) to facilitate the construction of a Shed (Class 10a) Structure at 31 Scovazzis Road Toobanna, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 29 June 2021.

Council resolved to approve the proposed 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's condition of approval, currency period, approved plans, referral agency response and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, 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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh  
Chief Executive Officer

Encl - Decision Notice



25 Lannercost Street  
INGHAM QLD 4850



ABN

PO Box 366 INGHAM QLD 4850  
46 291 971 168



4776 4600  
4776 3233



council@hinchinbrook.qld.gov.au



HinchinbrookShireCouncil

5 July 2021

**SECTION 83 OF PLANNING ACT 2016**

## APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	BW21\0003
Property ID Number	101281
Applicant Details	Errol and Erin Cerutti PO Box 148 INGHAM QLD 4850
Owner Details	Errol and Erin Cerutti PO Box 148 INGHAM QLD 4850
Property Description	31 Scovazzis Road, Toobanna QLD 4850 Lot 2 on RP746785
Proposal	Building Works Assessable Against a Planning Scheme (Rural Siting Variation)
Level of Assessment	Code Assessment

## DECISION

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provisions of the *Planning Act 2016*:

Decision	The application was <b>approved</b> subject to conditions.
Decision Date	29 June 2021
Decision Type	Development Permit
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</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

No referrals apply to the Development Application.

## FURTHER APPROVALS REQUIRED

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.

## INFRASTRUCTURE CHARGES

No Infrastructure Charges apply to the Development Application.

## 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*).

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 four 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 to them in the *Planning Act 2016*.

The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks 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*.

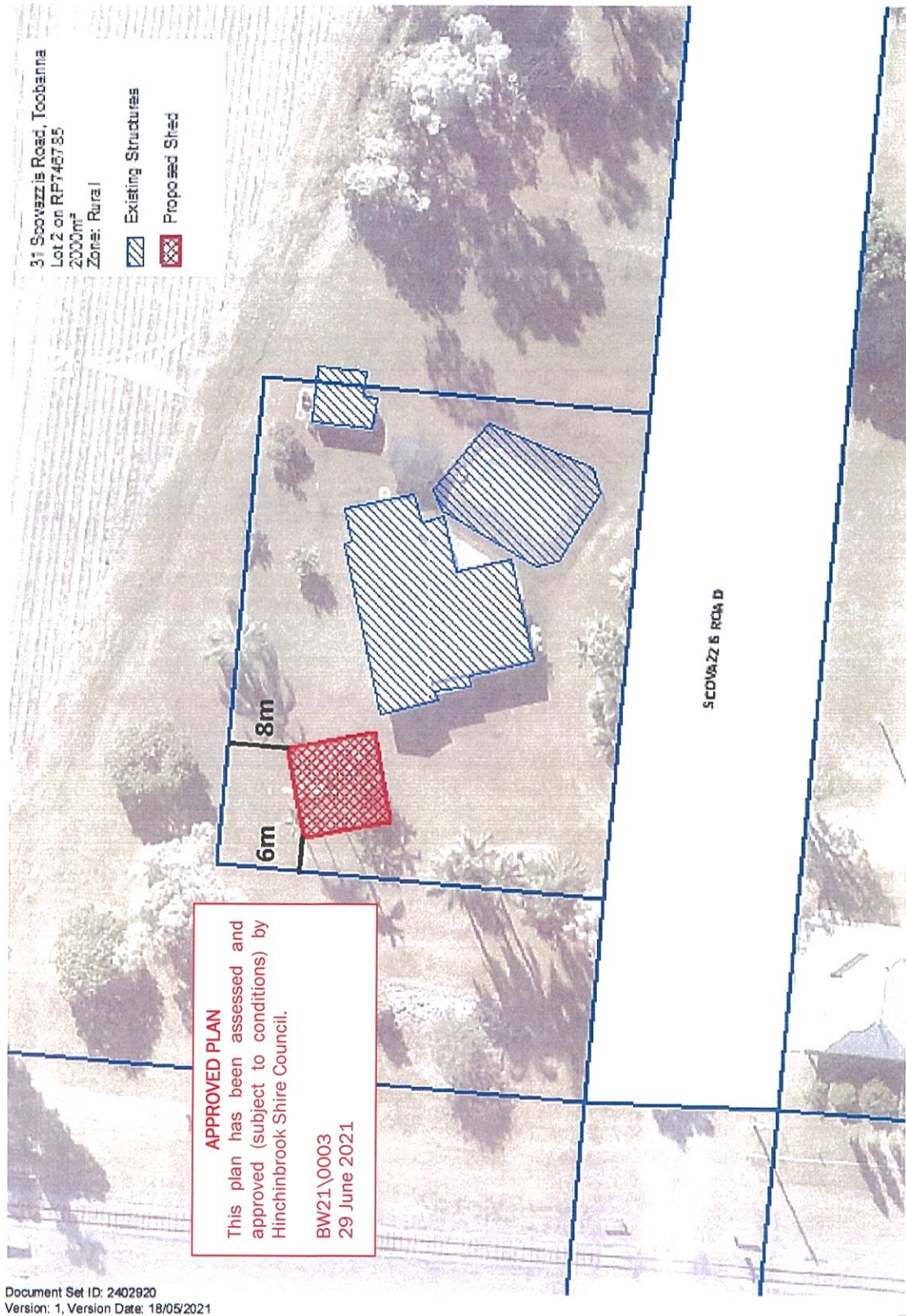
Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.



CONDITION		TIMING									
1.	<p><b>Administration</b></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.									
2.	<p><b>Approved Plans</b></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; and</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Layout Plan</td><td>N/A</td><td>Received 18/05/2021</td></tr><tr><td>Shed Layout Plan and Elevations prepared by NQ Garages and Sheds</td><td>13920</td><td>Received 20/05/2021</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 Layout Plan	N/A	Received 18/05/2021	Shed Layout Plan and Elevations prepared by NQ Garages and Sheds	13920	Received 20/05/2021	At all times.
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3.	<p><b>Lawful Point of Discharge</b></p> <p>3.1 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>3.2 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>3.3 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.									

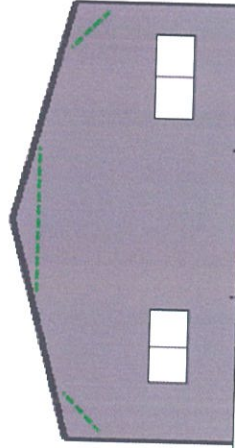
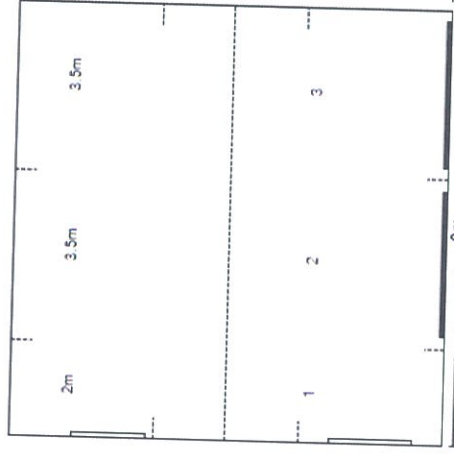
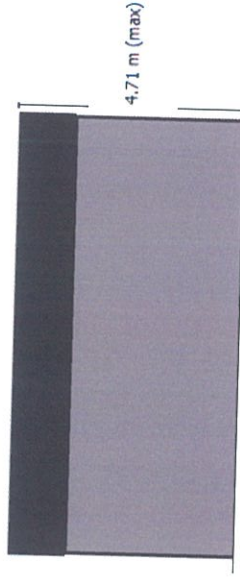
CONDITION	TIMING
<p><b>4. Building</b></p> <p>4.1 The Class 10a structure requires a Development Permit for building works;</p> <p>4.2 The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier; and</p> <p>4.3 The Class 10a structure requires compliance to relevant Fire Safety regulations as reflected in s3.7.1.6 of the <i>Building Code of Australia</i> (Volume Two), as required.</p>	<p>Prior to construction works commencing and at all times.</p>
<p><b>5. Construction and Operation</b></p> <p>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><b>6. Damage to Infrastructure</b></p> <p>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>



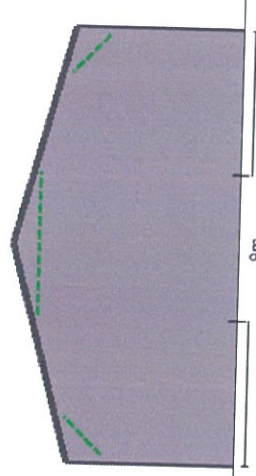


Building For:  
**Errol Cerutti**  
31 Scovazzis Road Toobanna  
Job Number: 13920  
Produced by:  
**NQ Garages and Sheds**  
Phone: 07 47772884

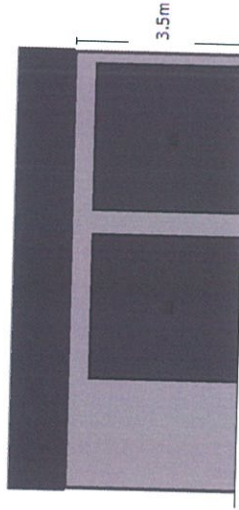
**APPROVED PLAN**  
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.  
BW21\0003  
29 June 2021



Left End



Right End



Side

Confirmation of Shed Layout -

Signed: .....

Dated: .....

The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.