



HINCHINBROOK SHIRE COUNCIL

Our Ref: MCU18\0001

02 October 2018

AG & C Blanco
PO Box 1388
Ingham QLD 4850

Email: catblan.1@bigpond.com

Dear Sir/Madam,

DECISION NOTICE *Planning Act 2016*

In relation to your request for material change of use, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on Tuesday, 25 September 2018.

APPLICATION DETAILS

Application Number: MCU18\0001
Property ID Number: 106079

Applicant Details: Andrew Gordon Blanco
Catherine Blanco
PO Box 1388
Ingham QLD 4850

Owner Details: Andrew Gordon Blanco
Catherine Blanco
PO Box 1388
Ingham QLD 4850

Property Description: 49099 Bruce Highway, Toobanna, Queensland, 4850
Lot 3 on RP883340, Parish of Trebonne

Proposal: Material Change of Use - High Impact Industry
(Metal Fabrication and Engineering)

Level of Assessment: Impact Assessment



Assessment Benchmarks: Rural Zone Code;
 Flood Hazard Overlay Code;
 Infrastructure, Services and Works Code;
 Parking & Access Code;
 Acid Sulphate Soils Overlay Code; and
 Landscaping Code

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

Referral Agency and Address	Referral Trigger
Department of Infrastructure, Local Government and Planning State Assessment and Referral Agency PO Box 5666 Townsville QLD 4810 Email: nqsara@dilgp.qld.gov.au	<p>Material Change of Use of premises near a State transport corridor or that is a future State transport corridor</p> <p><i>Planning Regulation 2017 Schedule 10, Part 9, Division 4, Subdivision 2, Table 4</i></p>

SUBMISSIONS

There were **NIL (0)** properly made submissions about this application during the public notification period from 23 July 2018 to 13 August 2018.

In accordance with the *Planning Act 2016* a list of the names and addresses of any submitter is provided with this notice (if applicable).

INFRASTRUCTURE CHARGES

An adopted infrastructure charges notice will be issued for this development approval.

PROPERTY NOTES

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable



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.

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

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
 Referral Agency Conditions
 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

Council resolve to issue a Development Permit for Material Change of Use – High Impact Industry (Metal Fabrication and Engineering) on Lot 3 on RP883340, Parish of Trebonne at 49099 Bruce Highway, Toobanna, subject to conditions.

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

- Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.
- The proposed development is of a scale that will not detract from the streetscape or amenity of the surrounding locality.
- The proposed development will build and support the local economy and encourage small –scale entrepreneurship;
- The proposed development supports the diversification within industry sectors and responds to local strengths and will allow for more quality local goods available;
- The proposed development is situated on land with appropriately serviced trunk infrastructure networks to facilitate the development; and
- The proposed development does not compromise relevant State Planning Policy.



CONDITIONS OF APPROVAL

**MATERIAL CHANGE OF USE – HIGH IMPACT INDUSTRY (METAL FABRICATION & ENGINEERING)
CONDITIONS OF APPROVAL
LOT 3 ON RP883340, PARISH OF TREBONNE**

Conditions	Compliance timing									
Administration										
(1) The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:- a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the technical reports; b. The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards c. The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering. d. The conditions of the Infrastructure Charges Notice. e. The conditions of the Referral Authority Advices (i) 1807-6378 SRA dated 30 July 2018	At all times									
Currency Period										
(2) The currency period applicable to this approval. • MCU/ROL – 6 years until 03 October 2024	At all times									
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>Aerial Image</td><td>-</td><td>July 2018</td></tr><tr><td>Elevation Plans</td><td>-</td><td>July 2018</td></tr></table>	Plan / Document Name	Number	Date	Aerial Image	-	July 2018	Elevation Plans	-	July 2018	At all times
Plan / Document Name	Number	Date								
Aerial Image	-	July 2018								
Elevation Plans	-	July 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									
(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	At all times									
Internal works										
Plumbing (6) All plumbing and sanitary drainage works must be in accordance with regulated work under the Plumbing and Drainage Act and Council Plumbing and Drainage Policies and must be completely separate for each dwelling unit	Prior to final building / plumbing certification									



**MATERIAL CHANGE OF USE – HIGH IMPACT INDUSTRY (METAL FABRICATION & ENGINEERING)
CONDITIONS OF APPROVAL
LOT 3 ON RP883340, PARISH OF TREBONNE**

Conditions	Compliance timing
<p>Water</p> <p>(7) Water and Sewer works must be designed and constructed in accordance with Council Standards and must obtain necessary permissions in respect of any building over or within 2m of a local government sewer.</p> <p>Existing Services</p> <p>(8) Written confirmation of the location of existing electrical and telecommunication services for the land must be provided by either the applicant or a licensed surveyor. In any instance where existing services are contained within another lot, relocate the services to be contained within the respective lot or to within a reciprocal services easements.</p> <p>Building</p> <p>(9) A building reclassification of the structure, from a class 10a farm shed to class 8 workshop, is to be undertaken.</p> <p>(10) The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier.</p> <p>(11) 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".</p> <p>(12) The location and/or storage of any machinery and plant must not cause a nuisance to surrounding properties and must be screened in accordance with Council requirements.</p> <p>Refuse Storage</p> <p>(13) Refuse storage is required to service the site in accordance with Council requirements. The location of bins shall not create or be such that they are unsightly from the street.</p> <p>Landscaping</p> <p>(14) Landscaping to be established, using suitable plant species, to ensure screening and buffering of the use from the streetscape and surrounding residences.</p> <p>(15) Any landscaped areas must be subject to an ongoing maintenance to the satisfaction of the Chief Executive Officer.</p> <p>On-Site Parking</p> <p>(16) Sufficient on-site car parking in accordance with the provisions of the relevant Hinchinbrook Shire Planning Scheme 2017 and to Australian Standards AS2890.1, must be provided.</p>	<p>Prior to final building / plumbing certification</p> <p>Prior to commencement of use on-site</p> <p>Prior to commencement of use on-site Prior to final building / plumbing certification At all times</p> <p>At all times</p> <p>Prior to commencement of use on-site At all times</p> <p>Prior to commencement of use on-site</p>



**MATERIAL CHANGE OF USE – HIGH IMPACT INDUSTRY (METAL FABRICATION & ENGINEERING)
CONDITIONS OF APPROVAL
LOT 3 ON RP883340, PARISH OF TREBONNE**

Conditions	Compliance timing
External Works	
Lawful Point of Discharge	
(17) 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.	At all times
(18) That any works as a result of the development may not interfere with stormwater flow over or through the land.	At all times
Damage to Infrastructure	
(19) In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council. All works must be completed prior to the issue of a Compliance Certificate for the Plan of Survey.	At all times
Construction and Operations	
(20) 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



APPROVED PLANS/DOCUMENTS

File Ref: MCU18\0001

For visual purposes only



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 make no representation or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability for all expenses, losses, damages and costs which you might incur as a result of the data being inaccurate or incomplete in any way for any reason. Copyright Hinchinbrook Shire Council 2016

Cadastral 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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Proposed Material Change of Use - High Impact Industry (Metal Fabrication and Engineering)



*AERIAL IMAGE SUPPLIED BY HINCHINBROOK SHIRE COUNCIL, CURRENT AS AT 2015. IMAGE DOES NOT REFLECT CURRENT UPGRADES TO THE BRUCE HIGHWAY CONDUCTED BY THE DEPARTMENT OF TRANSPORT & MAIN ROADS.

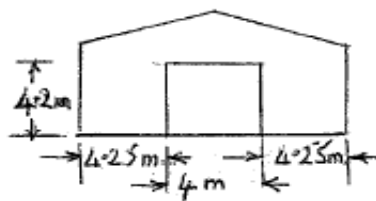
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SOUTH

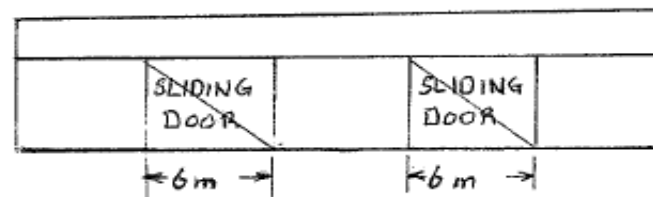
30m

WEST

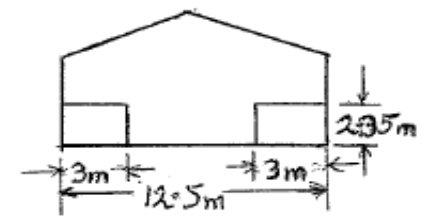
NORTH



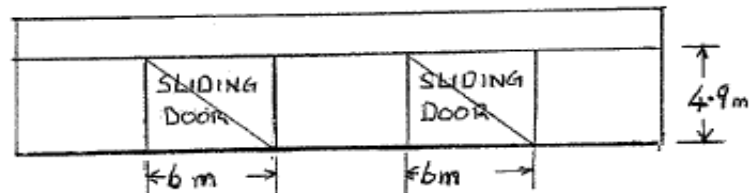
EAST



NORTH



WEST



SOUTH

REFERRAL AGENCY RESPONSE

GE78-N



Department of
State Development,
Manufacturing,
Infrastructure and Planning

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1807-6378 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: AG & C Blanco
Applicant contact details: PO Box 1388
Ingham QLD 4850
catblan.1@bigpond.com

Location details

Street address: 49099 Bruce Highway, Toobanna
Real property description: Lot 3/RP883340
Local government area: Hinchinbrook Shire Council

Development details

Development permit: Material Change of Use – High Impact Industry (Metal Fabrication & Engineering)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State code 1: Development in a state-controlled road environment

Reasons for the department's decision

- The development does not create a safety hazard for users of a state-controlled road.
- The development does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works.
- The development does not result in worsening of the physical condition or operating performance of state-controlled roads and surrounding road network.
- The development does not compromise the state's ability to construct future state-controlled roads or significantly increase the cost to construct future state-controlled roads.
- The development does not compromise the state's ability to maintain and operate state-controlled roads or significantly increase the cost to maintain and operate state-controlled roads.

Decision

- The development application is for a Material Change of Use for High Impact Industry (Metal Fabrication and Engineering) on land located at 49099 Bruce Highway, Toobanna – more precisely described as Lot 3/RP883340.
- The Department of State Development, Manufacturing, Infrastructure and Planning provided a referral agency response on 30 July 2018.

1807-6378 SRA

Relevant material on which the findings were based

- Development Application
- State Development Assessment Provisions
- Technical Agency Response
- *Planning Act 2016*
- Planning Regulation 2017



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 and 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.

