

Your Ref: DA132-19
Our Ref: MCU19/0004

28 February 2020

Dino Donadel
c/- BNC Planning Pty Ltd
PO Box 5493
TOWNSVILLE QLD 4810

bnc@bncplanning.com.au

Dear Dino

Material Change of Use- Veterinary Services
Planning Act 2016

Receipt of your application dated 14 November 2019 seeking a Development Permit for Material Change of Use – Veterinary Services is acknowledged and its contents noted.

Please be advised that your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 25 February 2020.

Council resolved to approve the proposed material change of use, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice and the associated Infrastructure Charges Notice is attached for your perusal.

This notice outlines aspects of the development, conditions of the approval, 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



Alan Rayment
Chief Executive Officer

Encl - Decision Notice
Infrastructure Charges Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
ABN 46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

28 February 2020

DECISION NOTICE

SECTION 63 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	MCU19\0004
Property ID Number	105842
Applicant Details	Dino Donadel C/- BNC Planning PO Box 5493 TOWNSVILLE QLD 4810
Owner Details	Dino Donadel, Alfina Donadel, Giancarlo Donadel and Jamie Donadel PO Box 545 INGHAM QLD 4850
Property Description	65-69 Herbert Street, INGHAM QLD 4850 Lot 1 on RP722007
Proposal	Material Change of Use – Veterinary Services
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:

Deemed Approval	This Development Permit is 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	25 February 2020
Decision Type	Development Permit
Planning Instrument	Hinchinbrook Shire Planning Scheme 2017
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

Department of State Development, Manufacturing, Infrastructure and Planning – North and North West Regional Office.

A copy of any referral agency response is attached.

Property Notes

Not Applicable.

Further Approvals Required

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

- 1) A development permit for building works to carry out building works prior to works commencing on-site.

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

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to this Development Permit will be issued to you as soon as practicable in accordance with Section 119 of the *Planning Act 2016*.

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 six (6) 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 the Decision Notice, please contact Council's Development and Planning Administration Officer, Hayley Roy on 4776 4609 for necessary advice.

Yours sincerely



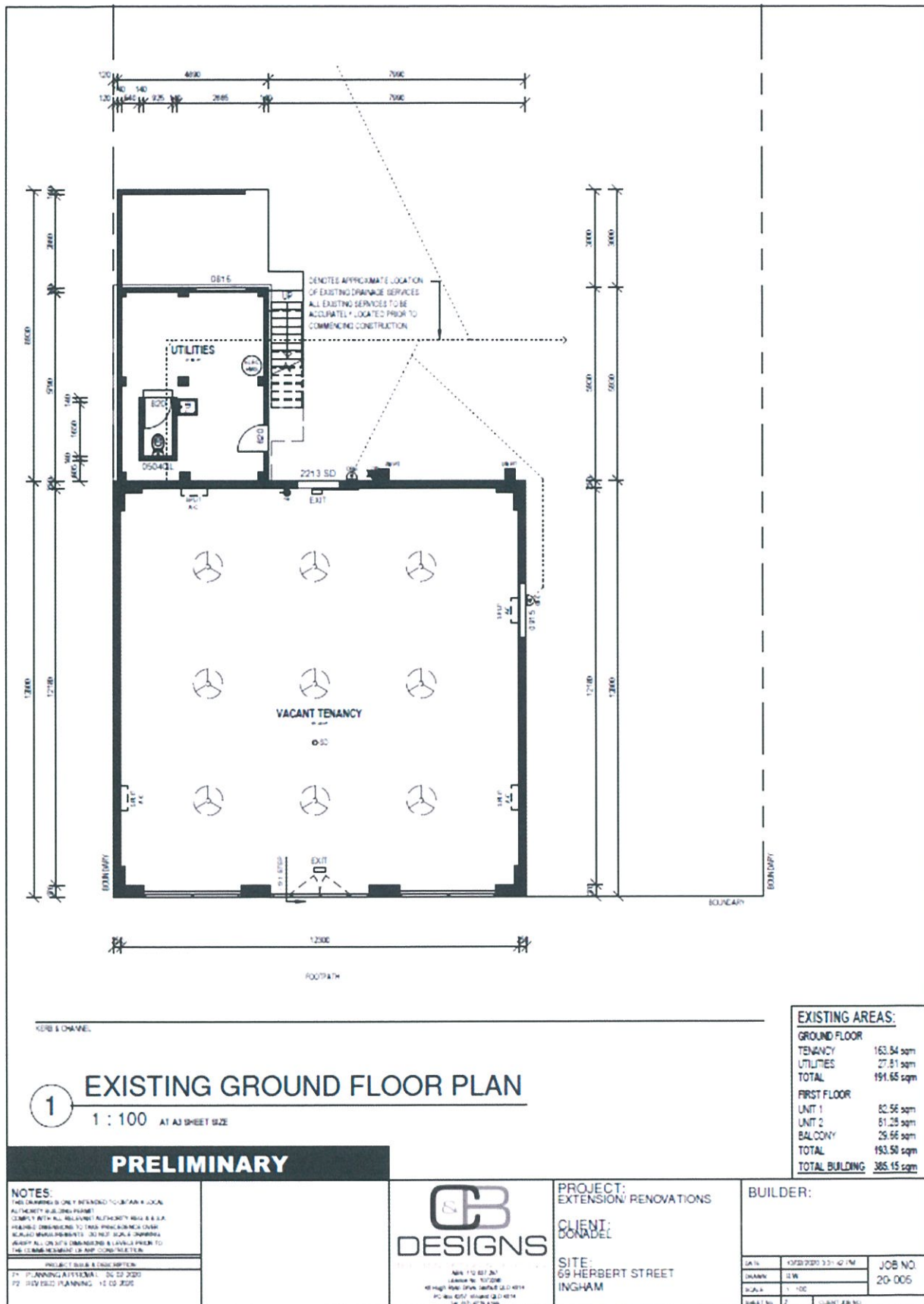
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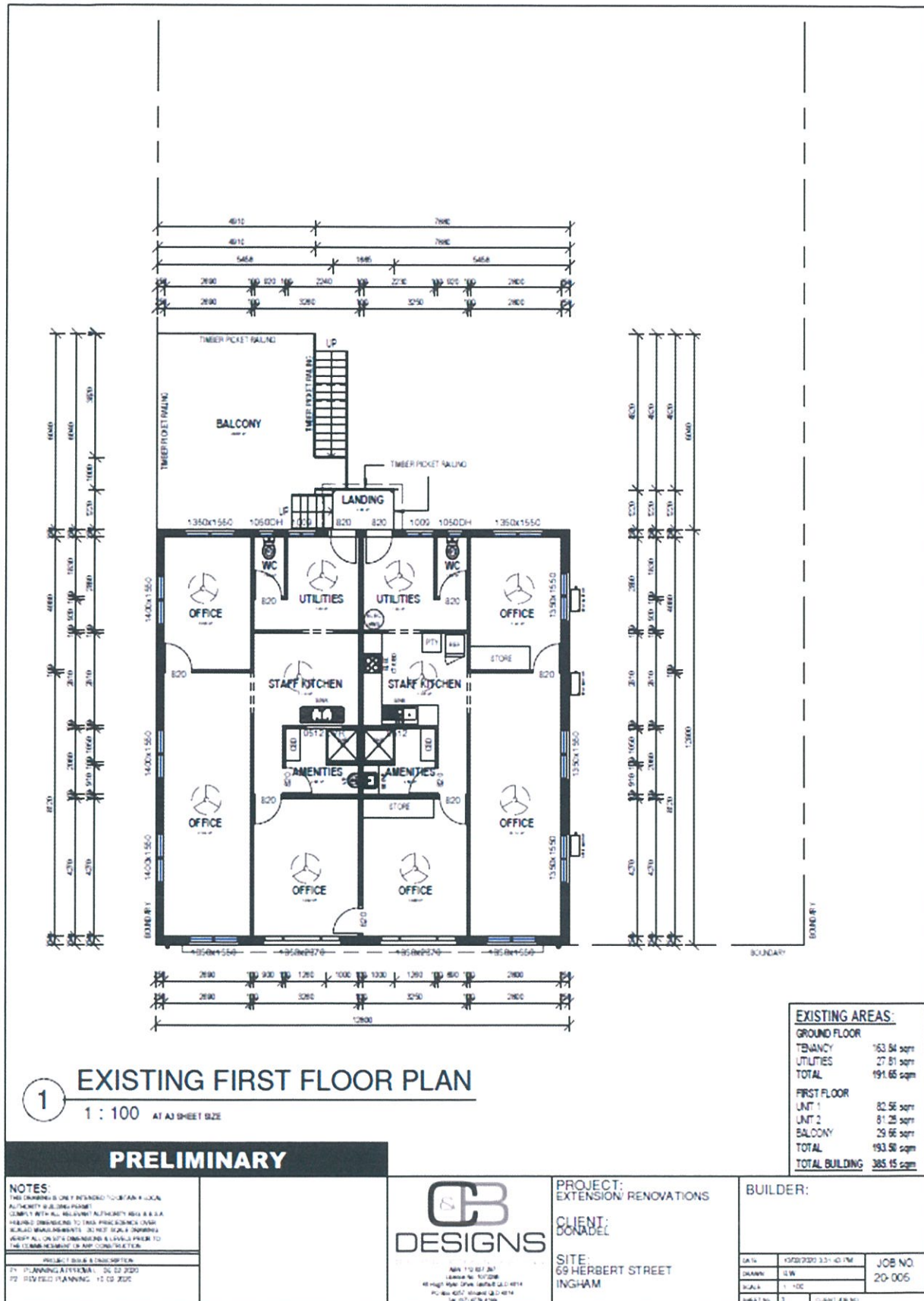
George Milford
Planning Consultant

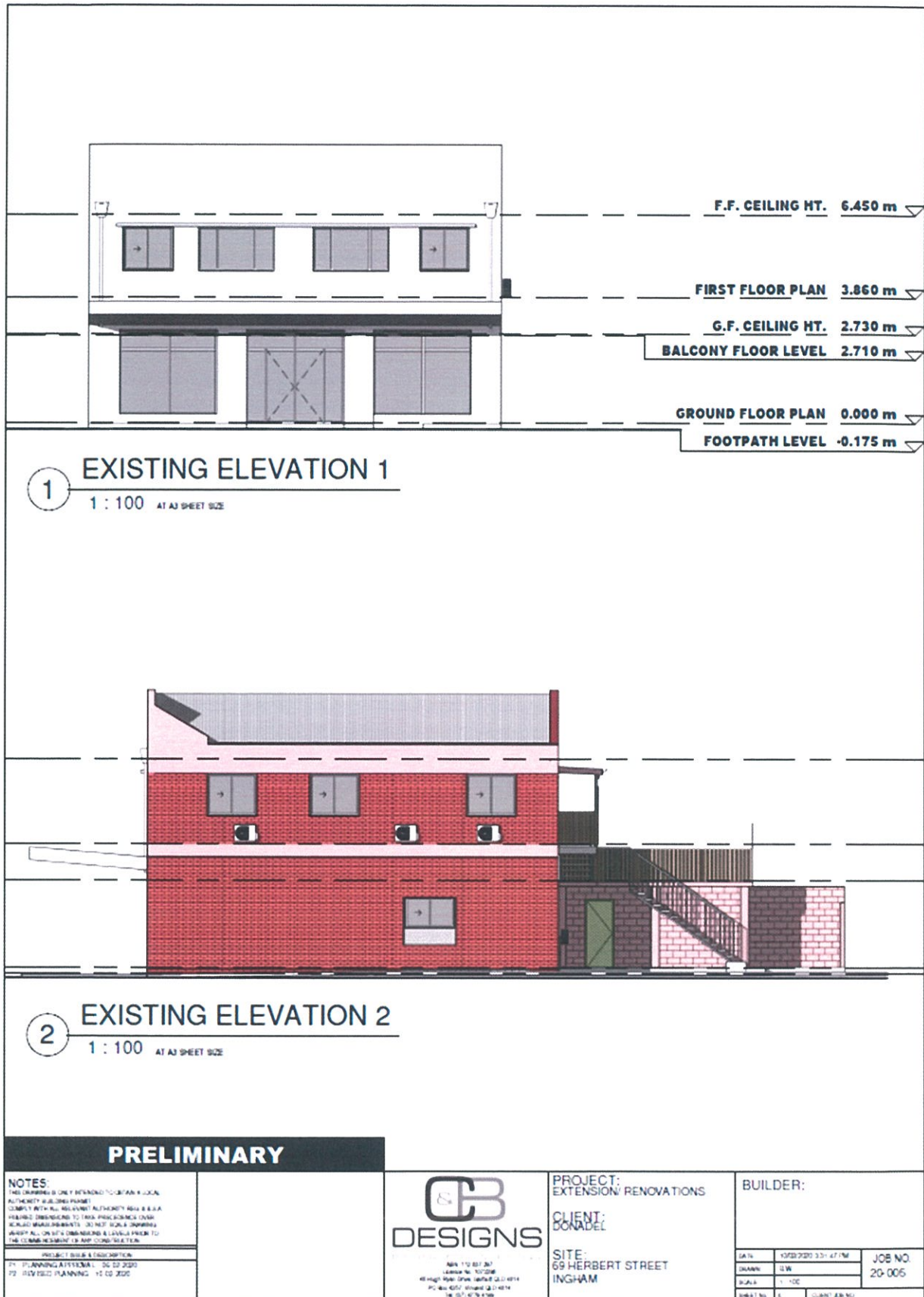
SCHEDULE OF CONDITIONS

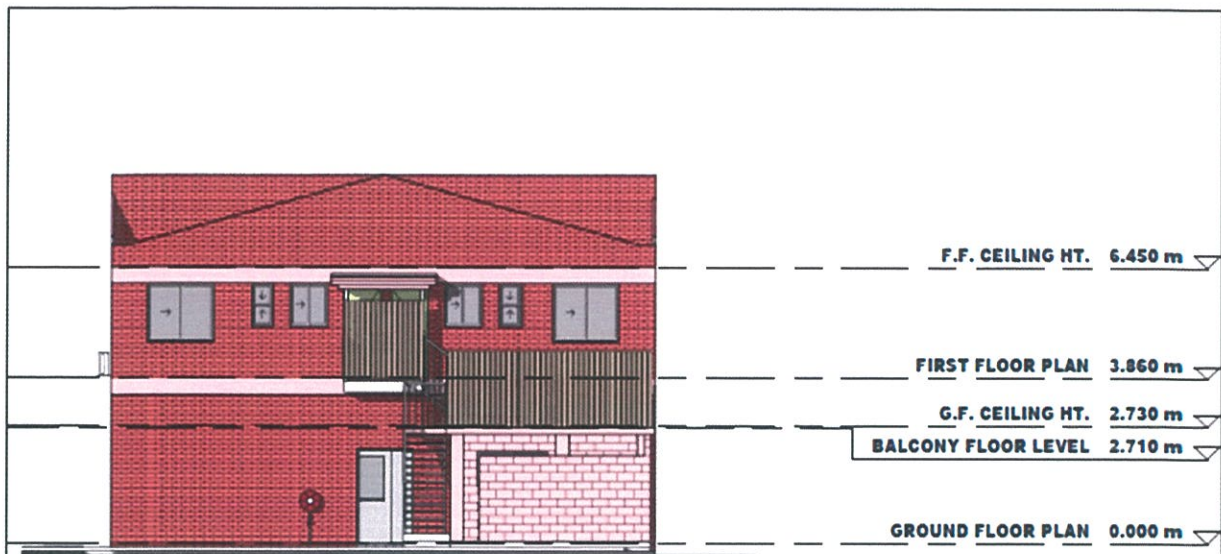
CONDITION		TIMING																																							
1.	<p>Administration</p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted 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.																																							
2.	<p>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; and</p> <table border="1"> <thead> <tr> <th>Plan / Document Name</th><th>Number</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Site Plan</td><td>20-005 Sheet 1</td><td>10/02/2020</td></tr> <tr> <td>Existing Ground Floor Plan</td><td>20-005 Sheet 2</td><td>10/02/2020</td></tr> <tr> <td>Existing First Floor Plan</td><td>20-005 Sheet 3</td><td>10/02/2020</td></tr> <tr> <td>Existing Elevation 1 and 2</td><td>20-005 Sheet 4</td><td>10/02/2020</td></tr> <tr> <td>Existing Elevation 3 and 4</td><td>20-005 Sheet 5</td><td>10/02/2020</td></tr> <tr> <td>Existing Ground Floor Ceiling Plan</td><td>20-005 Sheet 6</td><td>10/02/2020</td></tr> <tr> <td>Proposed Ground Floor Plan</td><td>20-005 Sheet 7</td><td>10/02/2020</td></tr> <tr> <td>Proposed First Floor Plan</td><td>20-005 Sheet 8</td><td>10/02/2020</td></tr> <tr> <td>Proposed Elevation 1 and 2</td><td>20-005 Sheet 9</td><td>10/02/2020</td></tr> <tr> <td>Proposed Elevation 3 and 4</td><td>20-005 Sheet 10</td><td>10/02/2020</td></tr> <tr> <td>Front 3D 1 and 2</td><td>20-005 Sheet 11</td><td>10/02/2020</td></tr> <tr> <td>Rear 3D 1 and 2</td><td>20-005 Sheet 12</td><td>10/02/2020</td></tr> </tbody> </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	20-005 Sheet 1	10/02/2020	Existing Ground Floor Plan	20-005 Sheet 2	10/02/2020	Existing First Floor Plan	20-005 Sheet 3	10/02/2020	Existing Elevation 1 and 2	20-005 Sheet 4	10/02/2020	Existing Elevation 3 and 4	20-005 Sheet 5	10/02/2020	Existing Ground Floor Ceiling Plan	20-005 Sheet 6	10/02/2020	Proposed Ground Floor Plan	20-005 Sheet 7	10/02/2020	Proposed First Floor Plan	20-005 Sheet 8	10/02/2020	Proposed Elevation 1 and 2	20-005 Sheet 9	10/02/2020	Proposed Elevation 3 and 4	20-005 Sheet 10	10/02/2020	Front 3D 1 and 2	20-005 Sheet 11	10/02/2020	Rear 3D 1 and 2	20-005 Sheet 12	10/02/2020	At all times.
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3.	<p>Veterinary Services Operation</p> <p>3.1 The approved operating hours for the use are between the hours of 8:00am to 5:00pm from Monday to Friday.</p> <p>3.2 The approved operating hours for the use are between the hours of 9:00am to 12:00pm on a Saturday.</p> <p>3.3 The use may operate outside of the approved operating hours only in the event of an emergency.</p> <p>3.4 A maximum of six employees may operate at the use during the approved operating hours.</p>	At all times.																																							

CONDITION		TIMING
3.5	A maximum of one employee may operate at the use outside of the approved operating hours in the event overnight care of an animal is required.	
3.6	A maximum of three employees may operate at the use outside of the approved operating hours during emergency operating hours.	
4.	Outdoor Area	
4.1	The grassed outdoor area may only be utilised for animal treatment during the approved operating hours.	Prior to the commencement of use and maintained at all times.
4.1	A one metre landscape strip must be provided around the perimeter of the grassed landscape area and must comprise of species that screen the adjoining properties at Lot 9 on RP702598, Lot 10 on RP702598, Lot 2 on RP722007 and Lot 1 on RP721505. Landscaping must include species appropriate for the area and able to achieve a minimum height of 1.5 metres.	
4.2	The grassed outdoor area must be maintained in a clean and tidy state at all times and to the satisfaction of Council.	
5.	Waste Disposal Any animal or putrescent waste must be suitably stored to ensure no emission of odour from the land and must be suitably disposed of to the satisfaction of the Council.	Prior to the commencement of use and maintained at all times.
6.	Stormwater All stormwater from the property must be directed to a lawful point Of discharge or follow natural overland flow paths, such that it does not adversely affect surrounding properties or properties downstream from the development in accordance with Part 9.4.1.3 Infrastructure, Services and Works Code of the <i>Hinchinbrook Shire Planning Scheme 2017</i> .	At all times.
7.	Damage to Infrastructure 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.	At all times.
8.	Car Parking and Vehicle Manoeuvring Areas A minimum of nine on-site car parking spaces are to be provided on the premises and associated with the use. One car park is to be allocated for persons with a disability. All access and vehicle manoeuvring areas are to be designed and provided in accordance with Australian Standard 2890 – Parking Facilities.	Prior to the commencement of the use and maintained at all times.
9.	Infrastructure Services	
9.1	The use must maintain connection to Council's reticulated water and sewerage networks.	At all times.
9.2	The use must maintain connection to the reticulated electricity network and telecommunication services.	

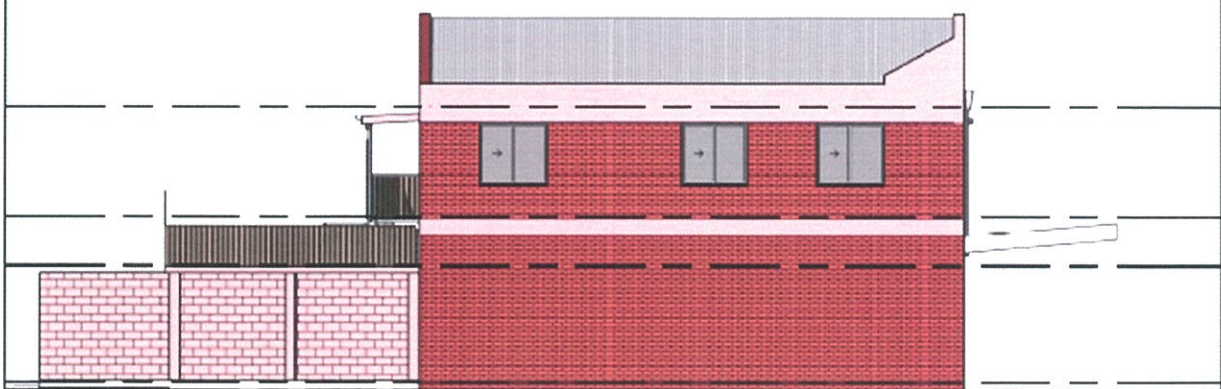








3 EXISTING ELEVATION 3
1 : 100 AT A3 SHEET SIZE



4 EXISTING ELEVATION 4
1 : 100 AT A3 SHEET SIZE

PRELIMINARY

NOTES:

THIS DRAWING IS ONLY PROVIDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT. IT DOES NOT REPRESENT A FINAL DESIGN. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE CLIENT IS ADVISED THAT THIS DRAWING IS PRELIMINARY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

PROJECT: 69 HERBERT STREET
1/1 PLANNING & DESIGN: 06/12/2020
2/2 REVISED PLANNING: 15/02/2021



ARCHITECT
1/1 TO 1/27/21
1/28 TO 1/27/21
1/28 TO 1/27/21
1/28 TO 1/27/21
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PROJECT:
EXTENSION/ RENOVATIONS

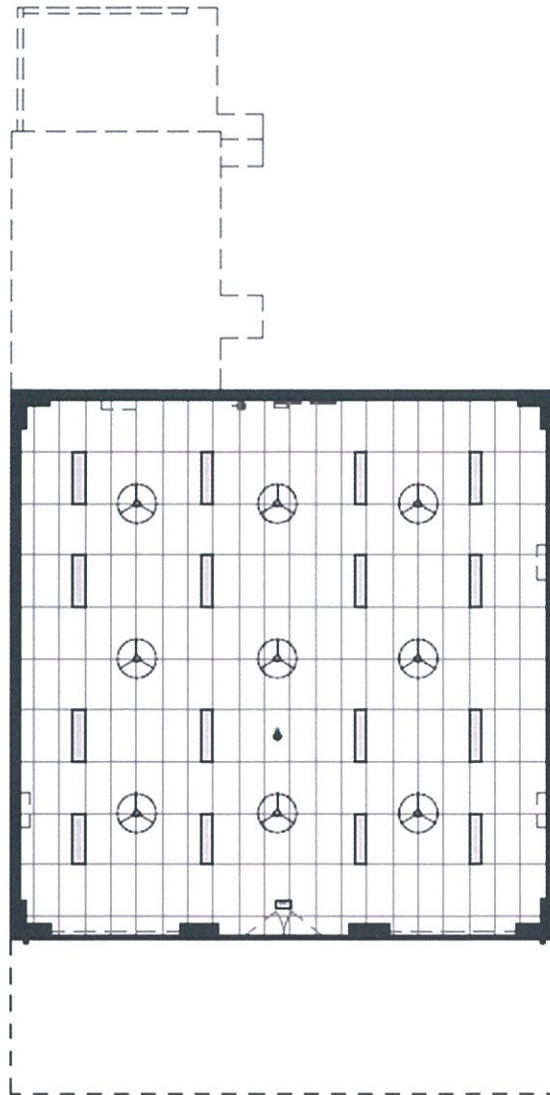
CLIENT:
DONADEL

SITE:
69 HERBERT STREET
INGHAM

BUILDER:

DATE: 06/12/2020 3:31 PM
DRAWN: G.W.
SCALE: 1:100
SHEET NO: 5

JOB NO:
20-005



1 EXISTING GROUND FLOOR CEILING PLAN

1 : 100 AT A3 SHEET SIZE

PRELIMINARY

NOTES:

THIS DRAWING IS ONLY INTENDING TO OBTAIN A LOCAL AUTHORITY REPLY. IT IS NOT A FINAL DRAWING. IT IS NOT TO BE USED FOR CONSTRUCTION. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

PROJECT: BUILD & RECONSTRUCT
 1/1 PLANNING APPROVAL: 26/02/2020
 1/2 REVISED PLANNING: 10/03/2020



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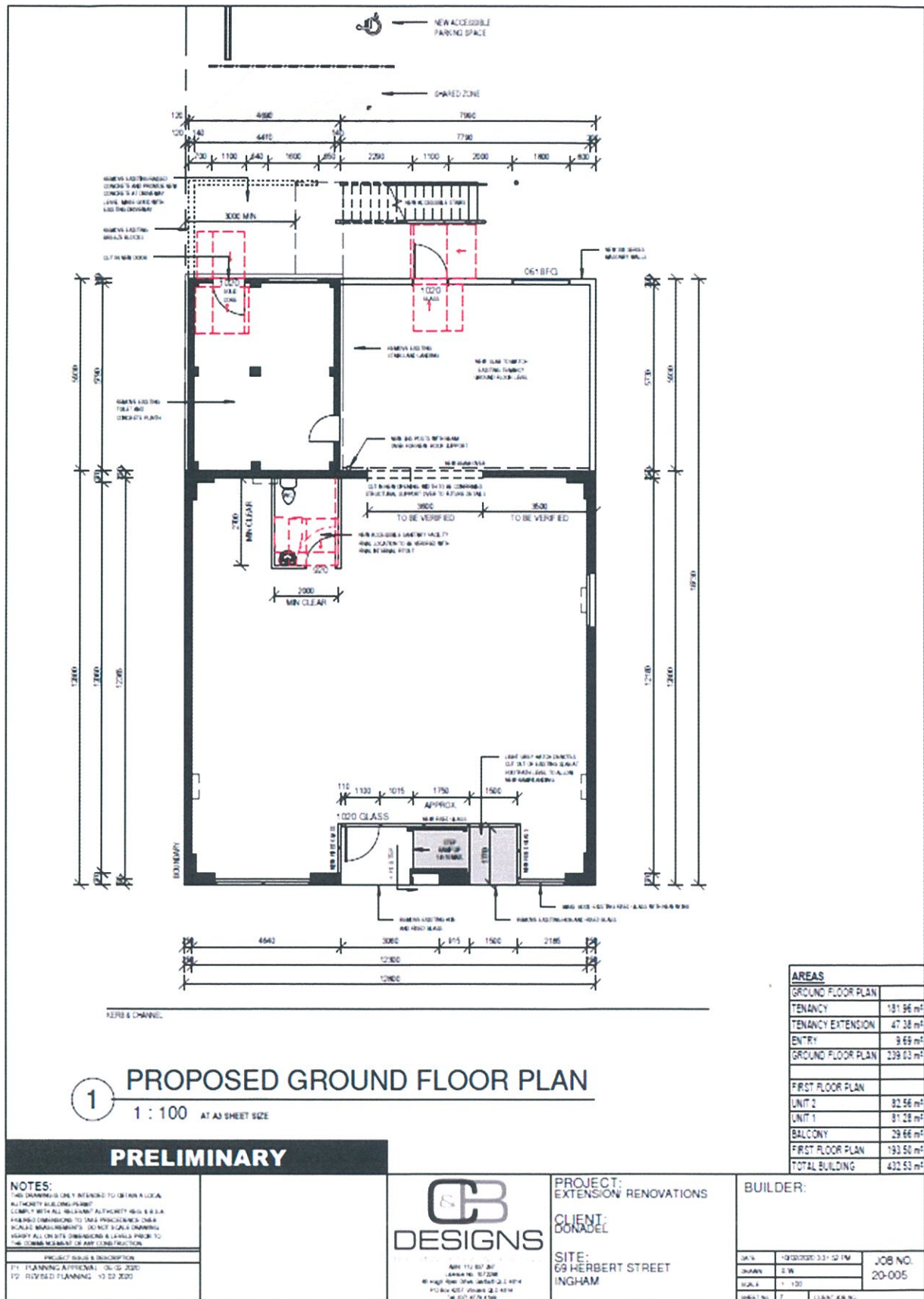
PROJECT:
EXTENSION/ RENOVATIONS

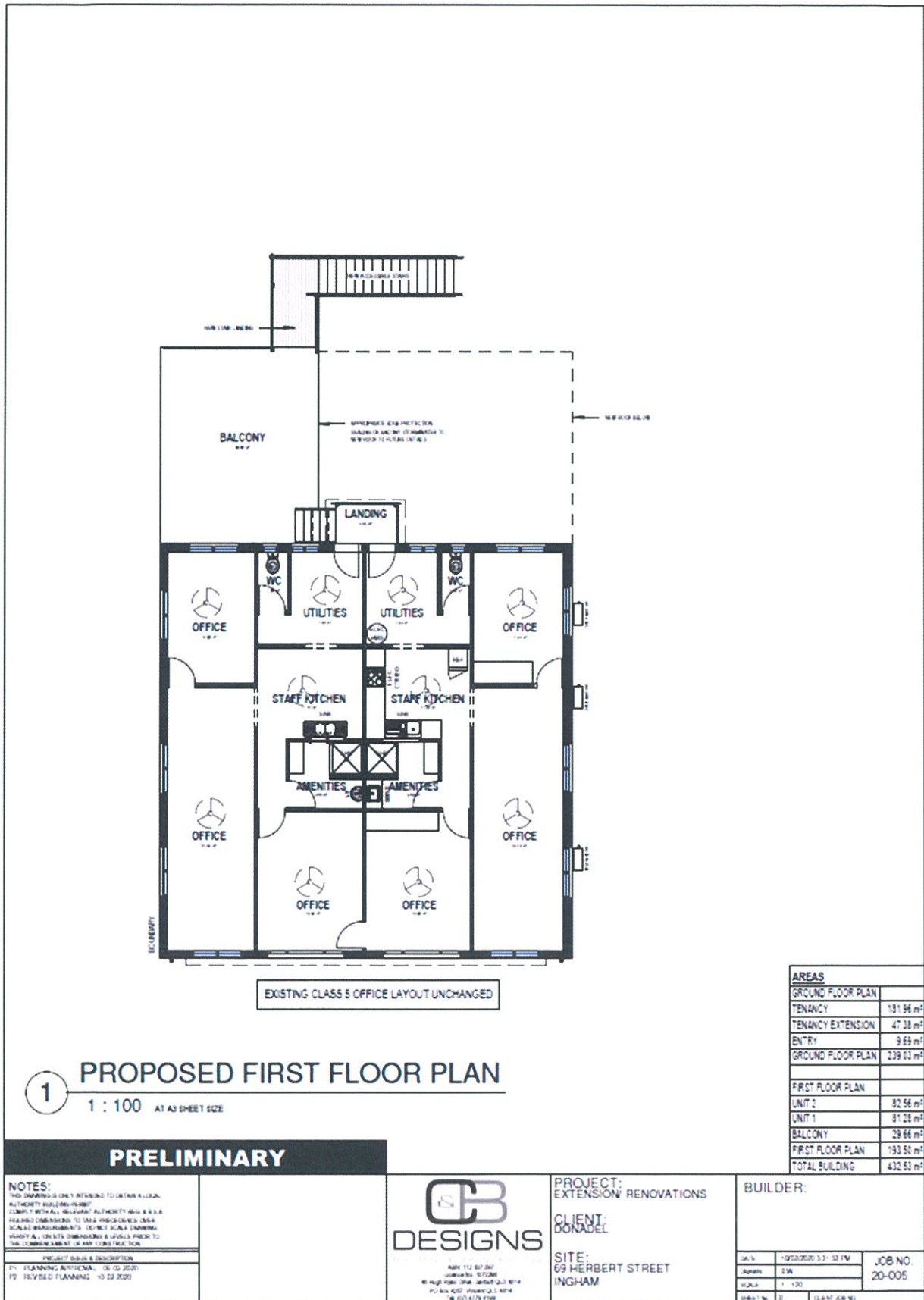
CLIENT:
DONADEL

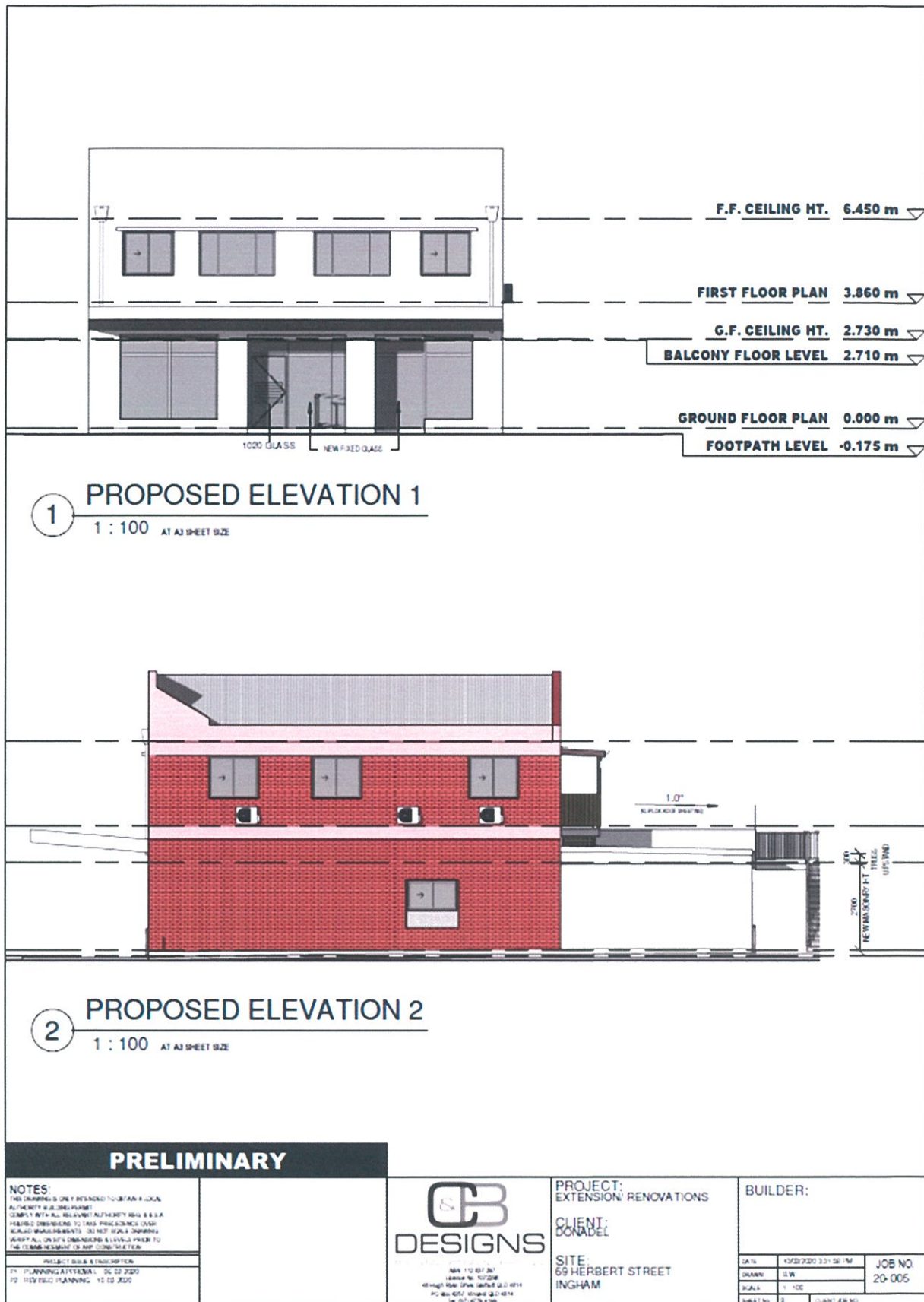
SITE:
69 HERBERT STREET
INGHAM

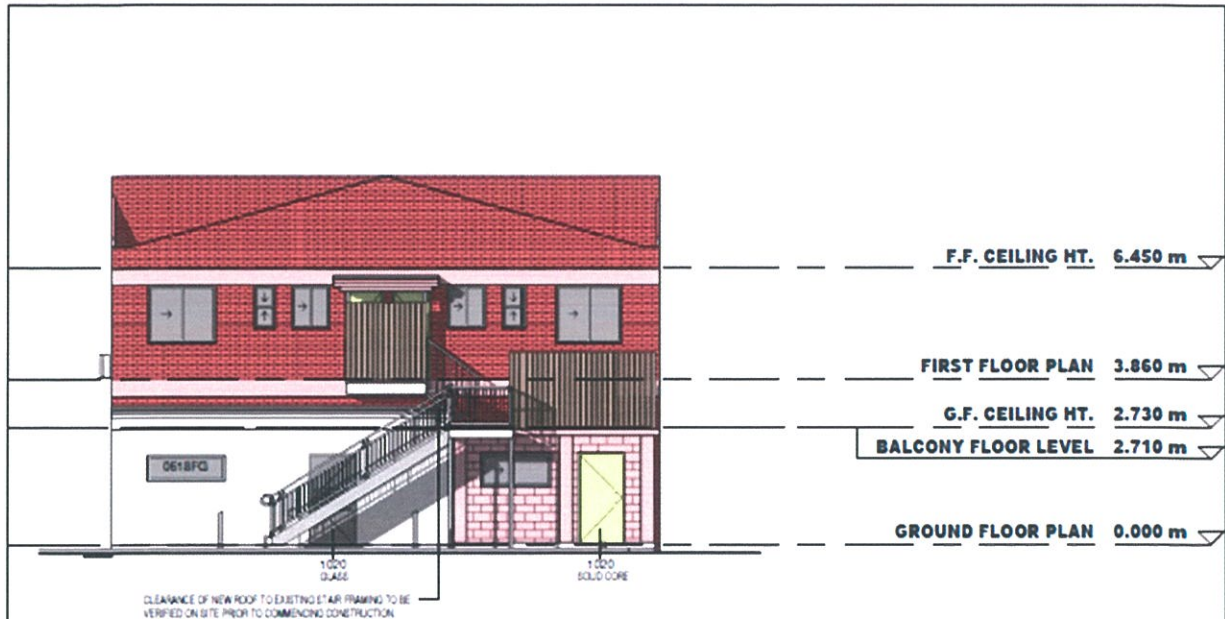
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DRAWN:	SW	
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SHEET NO.	1	CLIENT JOB NO.



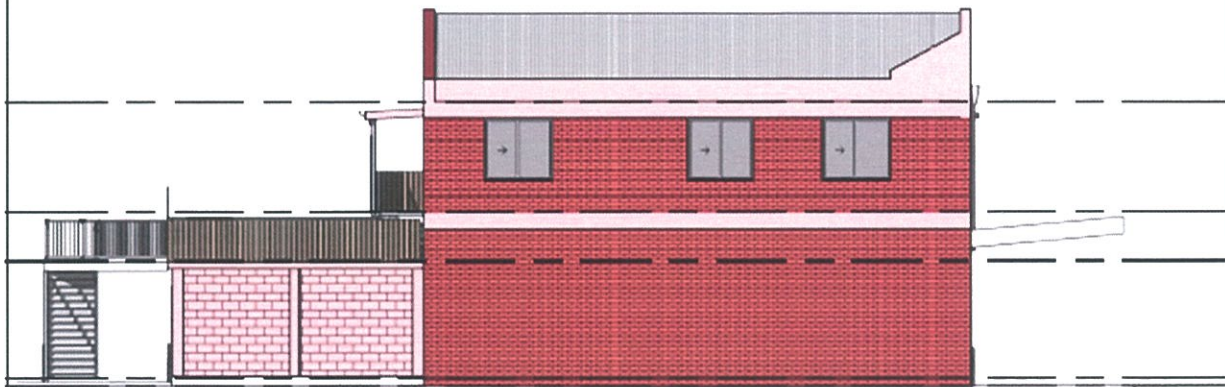






3 PROPOSED ELEVATION 3

1 : 100 AT A3 SHEET SIZE



4 PROPOSED ELEVATION 4

1 : 100 AT A3 SHEET SIZE

PRELIMINARY

NOTES:

THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT. COMPLY WITH ALL RELEVANT AUTHORITY RULES & R.E.A. PROVIDED DIMENSIONS TO THIS DRAWING OVER RELEVANT DIMENSIONS. DO NOT SCALE DRAWING. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

PROJECT: 69 HERBERT STREET
 P1: PLANNING/ATTENDANCE 12/02/2020
 P2: REVIEWED PLANNING 12/02/2020

CB
DESIGNS

ANALYST: 12/02/2020
 LAYOUT: 12/02/2020
 45 Highgate Road, Sydney, NSW 1585
 PO Box 4057, Sydney NSW 1585
 Tel: (02) 4578 4788

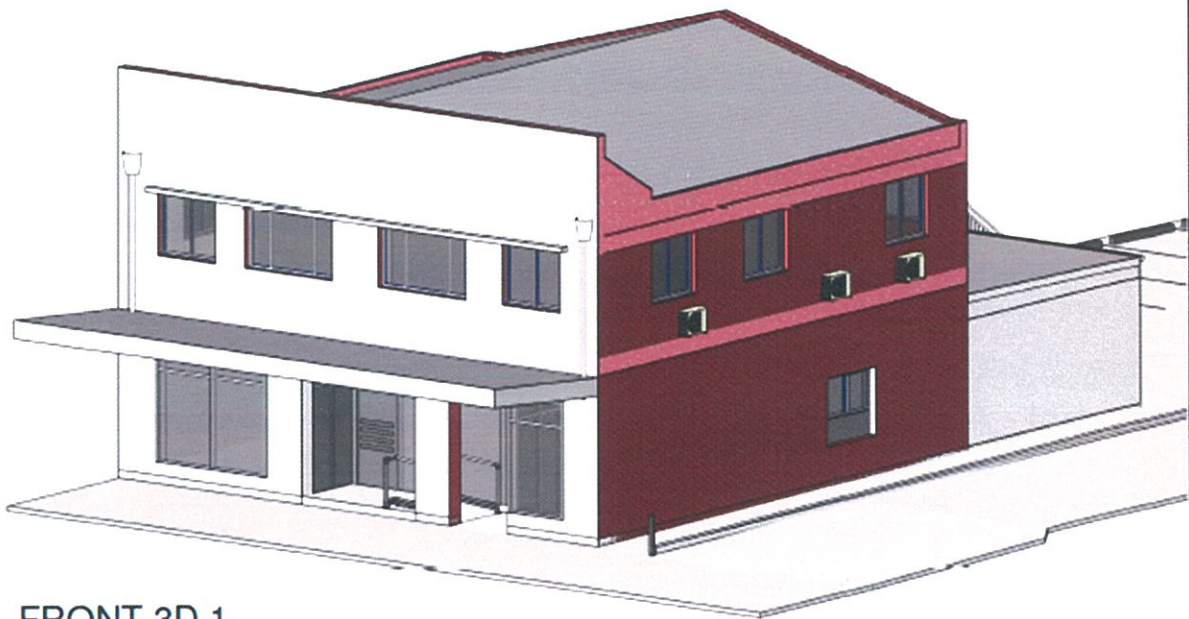
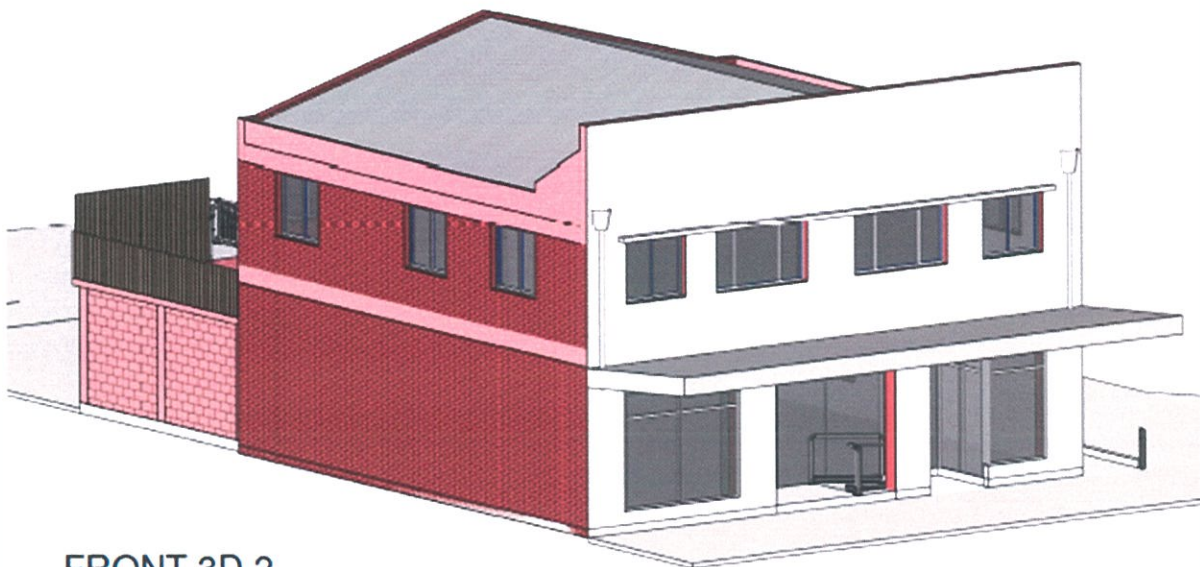
PROJECT:
 EXTENSION/ RENOVATIONS

CLIENT:
 DONADEL

SITE:
 69 HERBERT STREET
 INGHAM

BUILDER:

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DRAWN:	CB	
SCALE:	1:100	
Sheet No:	10	Client: 20-006

FRONT 3D 1FRONT 3D 2**PRELIMINARY****NOTES:**

THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT.
 CONSULT WITH ALL RELEVANT AUTHORITIES (ESA & S&A) BEFORE PROCEEDING TO FINAL PROVISIONS (ASR).
 RELEVANT MANUFACTURERS' SPECIFICATIONS & DIMENSIONS MUST BE USED TO OBTAIN A BUILDING PERMIT.
 ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE DESIGNER.

PROJECT: 69 HERBERT STREET
 01. PLANNING APPROVAL: 06.02.2020
 02. REVISED PLANNING: 12.02.2020

CB
DESIGNS

ARCHITECT & DESIGNER
 69 HERBERT STREET, INGHAM
 QLD 4870
 PHONE: 08 9471 4074
 FAX: 08 9471 4075

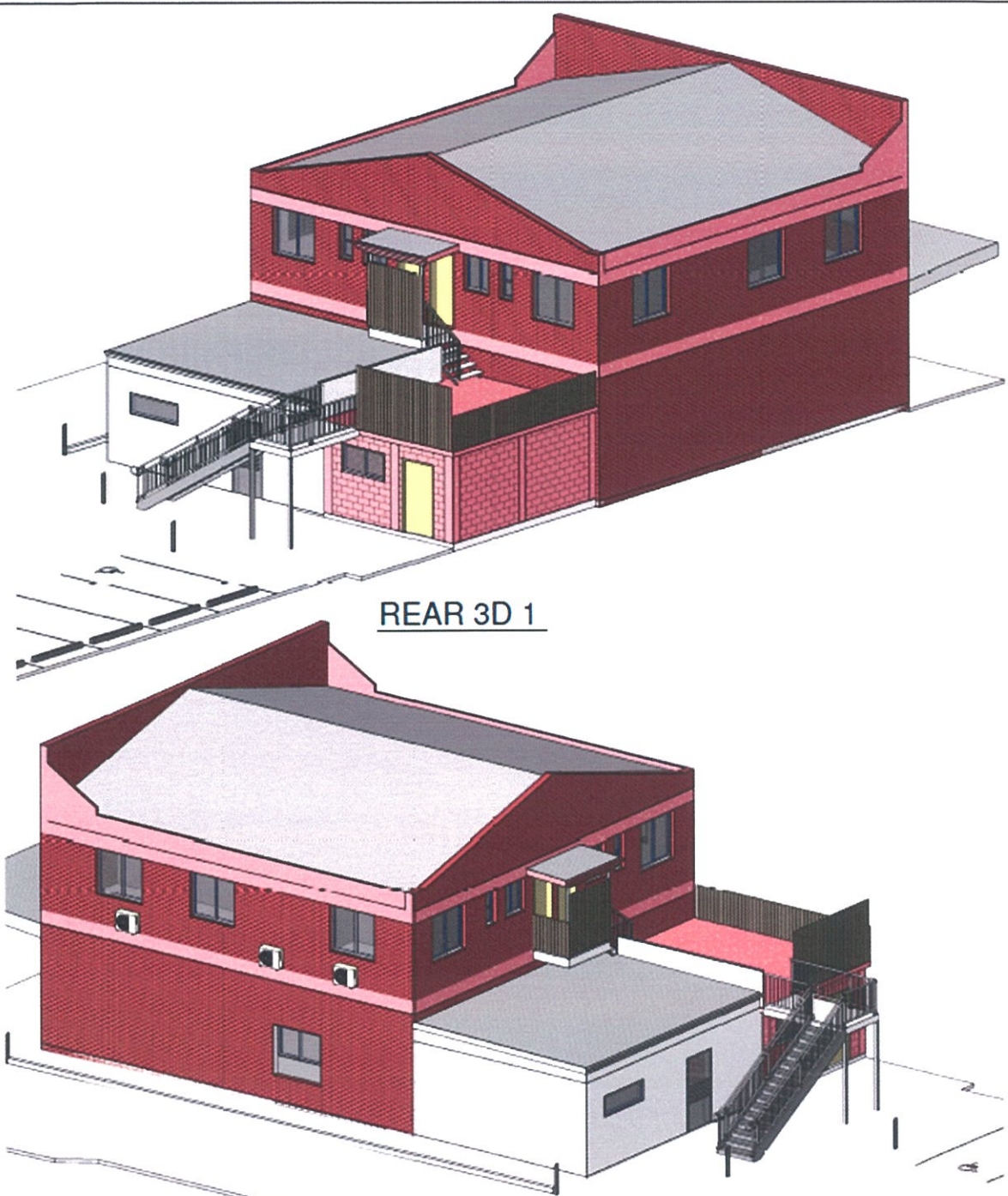
PROJECT:
 EXTENSION/ RENOVATIONS

CLIENT:
 DONADEL

SITE:
 69 HERBERT STREET
 INGHAM


BUILDER:

DATE:	06/02/2020 3:32:11 PM	JOB NO. 20-005
DRAWN:	CB	
SCALE:	1:1	



REAR 3D 1

REAR 3D 2

PRELIMINARY															
<p>NOTES:</p> <p>THIS DRAWING IS ONLY INTENDING TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT.</p> <p>COMPLY WITH ALL RELEVANT AUTHORITY RULES & S.A. RELEVANT DIMENSIONS TO THIS PRELIMINARY ONLY. (S.A. RELEVANT DIMENSIONS) - DO NOT SCALE & DIMENSIONS. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.</p> <p>PROJECT NAME & DESCRIPTION:</p> <p>PLANNING APPROVAL: 15.02.2020</p> <p>REVISED PLANNING: 15.02.2020</p>	 <p>CB & DESIGNS</p> <p>ARCHITECTS & DESIGNERS</p> <p>ABN: 110 657 267</p> <p>LEADING NO: 107208</p> <p>40 High Road, Orem, Central QLD 4074</p> <p>PH: 08 4557 4557 / 08 4557 4574</p> <p>FB: 08 4557 4574</p>	<p>PROJECT: EXTENSION RENOVATIONS</p> <p>CLIENT: DONADEL</p> <p>SITE: 69 HERBERT STREET INGHAM</p>	<p>BUILDER:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">DATE:</td> <td style="width: 33%;">15/02/2020 3:32:16 PM</td> <td style="width: 33%;">JOB NO.</td> </tr> <tr> <td>DRAWN:</td> <td>SW</td> <td>20-005</td> </tr> <tr> <td>SCALE:</td> <td></td> <td></td> </tr> <tr> <td>SHEET NO.</td> <td>1/2</td> <td>COUNT SHEET NO.</td> </tr> </table>	DATE:	15/02/2020 3:32:16 PM	JOB NO.	DRAWN:	SW	20-005	SCALE:			SHEET NO.	1/2	COUNT SHEET NO.
DATE:	15/02/2020 3:32:16 PM	JOB NO.													
DRAWN:	SW	20-005													
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REFERRAL AGENCY RESPONSE

RA9-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1912-14488 SRA
Council reference: MCU19/0004
Applicant reference: DA132-19

19 December 2019

Chief Executive Officer
Hinchinbrook Shire Council
PO Box 366
Ingham Qld 4850
council@hinchinbrook.qld.gov.au

Attention: Alan Rayment

Dear Alan

SARA response—Material change of use – Veterinary service at 65-69 Herbert Street, Ingham

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 3 December 2019.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	19 December 2019
Reasons:	The reasons for the referral agency response are in Attachment 1 .

Development details

Description:	Development permit	Material change of use for Veterinary services
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a Material change of use within 25m of a State controlled road	

Page 1 of 4

North and North West regional office
Level 4, 445 Flinders Street, Townsville
PO Box 5666, Townsville QLD 4810

1912-14488 SRA

SARA reference: 1912-14488 SRA
 Assessment Manager: Hinchinbrook Shire Council
 Street address: 65-69 Herbert Street, Ingham
 Real property description: Lot 1 on RP722007
 Applicant name: Dino Donadel C/- BNC Planning
 Applicant contact details: PO Box 5493
 Townsville QLD 4810
enquire@bncplanning.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR19-028938
- Date: 19 December 2019

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at North.Queensland.IDAS@tmr.qld.gov.au

Representations

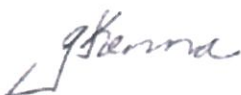
An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 2**.

A copy of this response has been sent to the applicant for their information.

For further information please contact John Irving, Principal Planning Officer, on 47583421 or via email NQSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
 Manager (Planning)

cc Dino Donadel C/- BNC Planning, enquire@bncplanning.com.au

enc
 Attachment 1 - Reasons for referral agency response
 Attachment 2 - Representations provisions

1912-14468 SRA

Attachment 1—Reasons for referral agency response(Given under section 56(7) of the *Planning Act 2016*)**The reasons for the department's decision are:**

The development complies with State code 1: Development in a State-controlled road environment of the State Development Assessment Provisions (SDAP). Specifically, the development:

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

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

1912-14488 SRA

Attachment 2—Change representation provisions

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Our ref TMR19-028938
 Your ref DAR132-19
 Enquiries Helena Xu



Department of
 Transport and Main Roads

19 December 2019

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCU19\0004, lodged with Hinchinbrook Shire Council involves constructing or changing a vehicular access between Lot 1RP722007, the land the subject of the application, and Herbert Street / Bruce Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Dino Donadel C/- BNC Planning
 PO Box 5493
 Townsville QLD 4810

Application Details

Address of Property 65-69 Herbert Street, Ingham QLD 4850
 Real Property Description 1RP722007
 Aspect/s of Development Development Permit for Material Change of Use for Veterinary Services

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
Road Access Location		
General		
1	The permitted road access location to Herbert Street / Bruce Highway is in accordance with attached Permitted Road Access Location Plan in Appendix D.	At all times.

Reasons for the decision

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations Branch
 North Queensland Region, 445 Flinders Street Townsville Queensland 4810
 PO Box 1089 Townsville Queensland 4810
 Document Set ID: 2319361
 Date of Issue: 19/12/2019

Telephone (07) 4421 8838
Website www.tmr.qld.gov.au
 ABN: 39 407 690 291

The reasons for this decision are as follows:

- a) Herbert Street is a state-controlled road but not a limited access road.
- b) To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- c) To provide safe access for all vehicles associated with the vet clinic.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

If further information about this approval or any other related query is required, Ms Helena Xu, Town Planner should be contacted by email at North.Queensland.IDAS@tmr.qld.gov.au or on (07) 4421 8838.

Yours



Denise Hinneberg
A/Senior Planner

Attachments: Attachment A – Decision evidence and findings

Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The proposed Material Change of Use development is to facilitate expansion of the existing ground floor tenancy to accommodate a veterinary clinic.
- The subject site is located at 65-69 Herbert Street, Ingham, described as Lot 1 on RP722007.
- The subject site has a sole frontage to Herbert Street (Bruce Highway) with an existing access to state-controlled road.
- The proposed building expansion is located at the northern end of existing structure with no changes to the street frontage and access arrangement.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Development Application	BNC Planning	Nov 2019	DA132-19	1.0

Attachment B**Section 70 of TIA***Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision, compliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

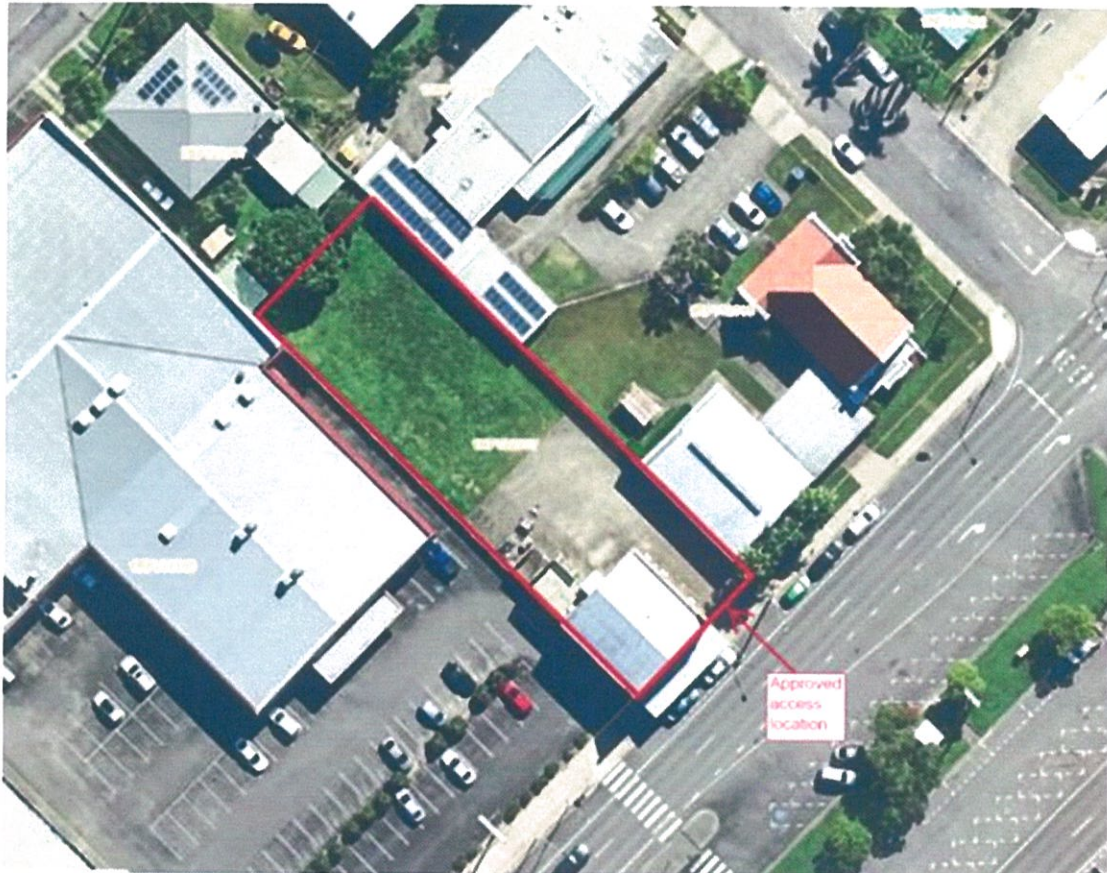
- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment D

Permitted Road Access Location Plan



28 February 2020

INFRASTRUCTURE CHARGES NOTICE

SECTION 119 OF PLANNING ACT 2016

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU19\0004
Property ID Number	105842
Applicant Details	Dino Donadel c/- BNC Planning PO Box 5493 TOWNSVILLE QLD 4810
Owner Details	Dino Donadel, Alfina Donadel, Giancarlo Donadel and Jamie Donadel PO Box 545 INGHAM QLD 4850
Property Description	65-69 Herbert Street, INGHAM QLD 4850 Lot 1 on RP722007
Proposal	Material Change of Use – Veterinary Services
Level of Assessment	Code assessment
Approval Date	25 February 2020

APPLICABLE INFRASTRUCTURE CHARGE

The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*, and makes allowances for any imposed waiver or dispensation issued by the relevant authority.

LEVIED CHARGE	\$2,208.00 + annual adjustments and/or reviews
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PAYMENT DETAILS

The adopted infrastructure charge must be made to Hinchinbrook Shire Council prior to the commencement of use or local government endorsement of a survey plan.

Payment can be made in person at Council's main office, 25 Lannercost Street, INGHAM QLD, or via post PO Box 366, INGHAM QLD 4850.

ADJUSTMENTS TO THE CHARGE

The amount of the levied charge will be recalculated at time of payment using the adopted infrastructure charges stated in the resolution in use at that time.

GOODS AND SERVICES TAX (GST)

The federal government has determined that rates and utility charges levied by local government will be GST free. Accordingly, no GST is included in this Infrastructure Charges Notice.

FAILURE TO PAY

An infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 10% calculated daily is to be applied to an overdue charge.

APPEAL RIGHTS

You may appeal against any matter stated in the adopted infrastructure charges notice.

Under the provisions of the *Planning Act 2016*, the Applicant may –

- i. Make representation to Council to discuss the adopted infrastructure charges notice by contacting Council's Chief Executive Officer. You must make these representations within twenty (20) business days after the day you receive this notice. If Council alters the decision, you will be given a 'negotiated adopted infrastructure charges notice'; or
- ii. Appeal to the Planning and Environment Court or Development Tribunal.

Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the Applicant to the Planning and Environment Court or Development Tribunal.

INFRASTRUCTURE CHARGES CALCULATION

The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*.

Detail of the calculated infrastructure charge is as reflected hereunder.

PROPOSED LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Charge
Essential Use (Vet. Services)	m ² GFA	239	-	\$45/m ²	-	\$10,755.00
Stormwater Quantity Network	m ² impervious	9.3	-	\$10/m ²	-	\$93.00

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Essential Use (Health Care Services)	m ² GFA	192	-	\$45/m ²	-	\$8,640.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$10,848.00	\$8,640.00	\$2,208.00