

Your Ref: Material Change of Use Application
Our Ref: BE:AG MCU20\0004

30 September 2020

Stephen and Christine-Maree Deambrogio
PO Box 1759
INGHAM QLD 4850

turbomail@bigpond.com.au

Dear Stephen and Christine

**Decision Notice – Material Change of Use – Low Impact Industry
(Mechanical Repairs and Vehicle Inspection Workshop)**
Planning Act 2016

Receipt of your application deemed to be properly made on Thursday 18 June 2020 seeking a Development Permit for Material Change of Use – Mechanical Repairs and Vehicle Inspection Workshop at 50 Abergowrie Road Trebonne, is acknowledged and its contents noted.

Please be advised your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 29 September 2020.

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 and the associated Infrastructure Charges Notice are attached for your perusal.

This Notice outlines aspects of the development, Conditions of 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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



James Stewart
Acting 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

30 September 2020

SECTION 63 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	MCU20\0004
Property ID Number	104932
Applicant Details	Stephen and Christine-Maree Deambrogio PO Box 1759 INGHAM QLD 4850
Owner Details	Stephen and Christine-Maree Deambrogio PO Box 1759 INGHAM QLD 4850
Property Description	50 Abergowrie Road Trebonne Lot 1 on SP319015
Proposal	Material Change of Use – Low Impact Industry (Mechanical Repairs and Vehicle Inspection Workshop)
Level of Assessment	Impact Assessable

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 approved subject to conditions.
Decision Date	29 September 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	This Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	There were no submissions in relation to the development.

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
PO Box 5666
TOWNSVILLE QLD 4810

Pursuant to Section 56 of the *Planning Act 2016*, the SARA advises that it has no objection to Hinchinbrook Shire Council issuing a Development Permit for Material Change of Use, subject to the conditions, as 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 is required 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 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 Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary advice.

Yours sincerely



Electronic

George Milford
Planning Consultant

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><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Plan</td><td>N/A</td><td>Received by Council 3 August 2020</td></tr><tr><td>Floor Plan</td><td>01</td><td>18 May 2020</td></tr><tr><td>Roofing Sheeting Plan</td><td>02</td><td>18 May 2020</td></tr><tr><td>Elevations Plan (Grid 1)</td><td>03</td><td>18 May 2020</td></tr><tr><td>Elevations Plan (Grid B)</td><td>04</td><td>18 May 2020</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 by Council 3 August 2020	Floor Plan	01	18 May 2020	Roofing Sheeting Plan	02	18 May 2020	Elevations Plan (Grid 1)	03	18 May 2020	Elevations Plan (Grid B)	04	18 May 2020	At all times.
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Elevations Plan (Grid B)	04	18 May 2020																		
3.	<p>Operations</p> <p>The permitted hours of operation are 7am to 5pm Monday to Saturday. The use may not operate on Sunday or public holidays.</p>	At all times.																		
4.	<p>Noise</p> <p>Noise levels and vibration from commercial development are to be maintained within acceptable limits that do not affect the safety or amenity of residents of any surrounding properties. In particular:</p> <p>4.1 All repairs shall be undertaken inside the shed structure; and</p> <p>4.2 Air compressors and similar machinery shall be appropriately enclosed and/ or treated (i.e. baffled) to reduce external noise levels.</p>	At all times.																		
5.	<p>Vehicle Access and Storage</p> <p>The gravel access and driveway to the site shall be appropriately maintained and vehicles stored on-site are not to be visible from the street.</p>	At all times.																		
6.	<p>Car Parking and Vehicle Manoeuvring Areas</p> <p>A minimum of four 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 <i>Australian Standard 2890 – Parking Facilities</i>. A plan showing the provision of four car parking spaces is to be provided to Council prior to the issuing of a Building Permit.</p>	Prior to the issuing of a Building Permit.																		

CONDITION	TIMING
7. Lighting The operation of the activity does not cause undue disturbance to any person, activity or fauna because of the light it emits.	At all times.
8. Equipment Maintenance The washing of vehicles and other plant equipment on the development site is dealt with in a manner which: <ul style="list-style-type: none"> 8.1 Does not preclude the reuse of, or the extra treatment of, runoff water to allow its reuse on the site; and 8.2 Does not result in the discharge of contaminants into the environment. 	At all times.
9. Workshop Workshop facilities: <ul style="list-style-type: none"> 9.1 The workshop is to maintain spill kits to contain spills and prevent seepage; 9.2 Adequate provision shall be made for the retention of waste oils and automotive lubricants and disposal of trade waste in a matter which prevents the discharge of contaminants into the water table to the satisfaction of the Chief Executive Officer; 9.3 All fuels, oils, fluids, lubricants, solvents, batteries or other products that may cause contamination shall be stored in a covered area, on an impervious surface designed to prevent spillage seepage into the environment; and 9.4 Any land directly or indirectly contaminated as a result of the activities conducted on site shall be remediated to a state resembling or improving upon the condition of the site prior to the activity commencing. 	At all times.
10. Stormwater Management 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.
11. 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.
12. Lawful Point of Discharge <ul style="list-style-type: none"> 12.1 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; 12.2 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 12.3 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. 	At all times.

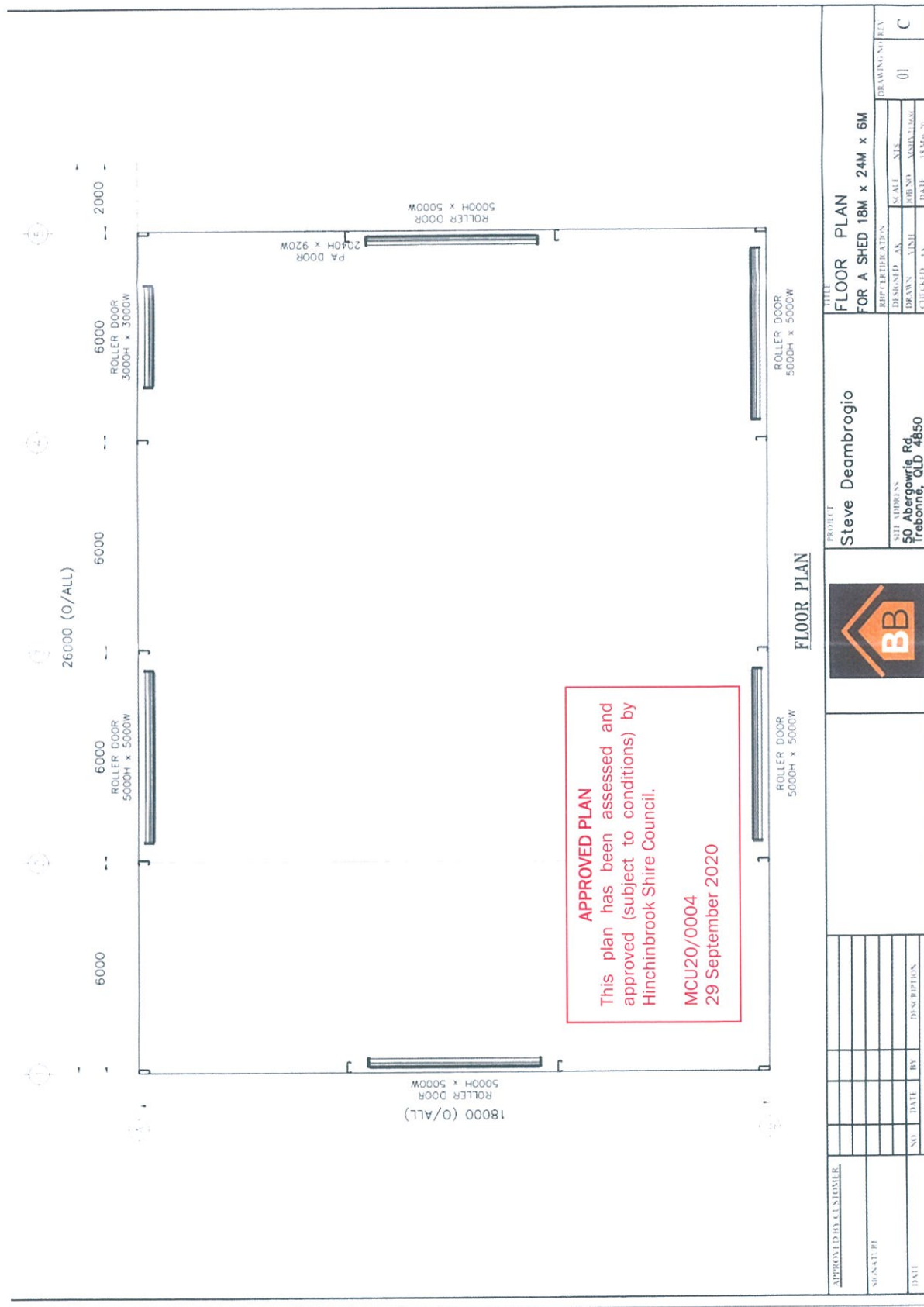
CONDITION	TIMING
<p>13. Building</p> <p>13.1 The Class 8 structure requires a Development Permit for the building works;</p> <p>13.2 The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier; and</p> <p>13.3 The Class 8 structure requires compliance to relevant Fire Safety regulations as reflected in S3.7.1 of the <i>National Construction Code</i>, as required.</p>	<p>Prior to construction works commencing and maintained throughout construction.</p>
<p>14. Plumbing</p> <p>Any plumbing and sanity drainage works must be in accordance with the regulated work under the <i>Plumbing and Drainage Regulation 2019</i> and Council's Plumbing and Drainage Policies.</p>	<p>Prior to final plumbing certification.</p>
<p>15. Construction and Operation</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 the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where materials are 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 Private Works in a Road Reserve Application and approval.</p>	<p>At all times.</p>
<p>16. Landscaping</p> <p>A 1 metre wide landscape strip of native tree vegetation is to be provided along the Western side of the property boundary, along the fence-line between the proposed Class 8 workshop and existing fence. Landscaping is required to mitigate any potential noise, emission and/or visual amenity of the Class 8 workshop.</p>	<p>Prior to the issuing of a Building Permit.</p>

APPROVED PLAN


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

MCU20/0004
29 September 2020





APPROVED CUSTOMER		NO.		DATE	BY	DESCRIPTION	REVISIONS	
SHIN AU PT								
DATE								

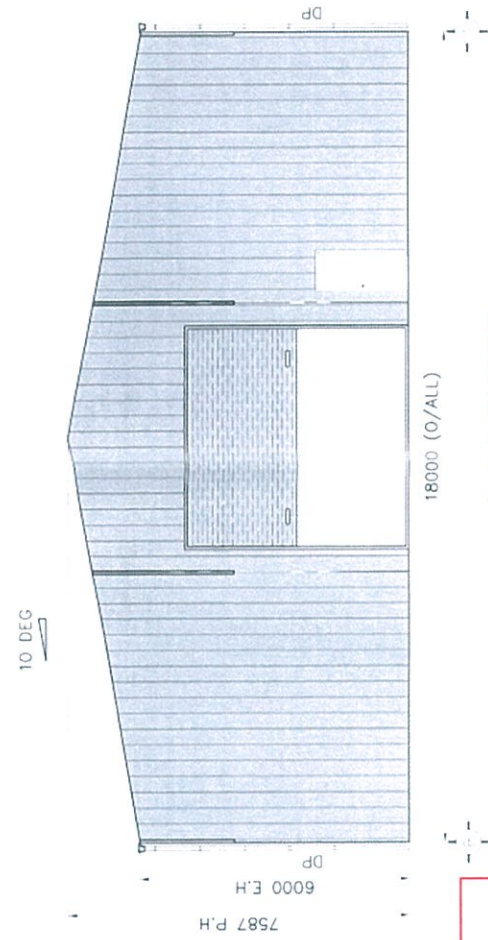
PROJECT		TITLE	
Steve Deambrogio		ROOF SHEETING PLAN	
		FOR A SHED 18M x 24M x 6M	

SITE ADDRESS		DRAWING NO.	
50 Abergowrie Rd, Frederickton, QLD 4850		02	

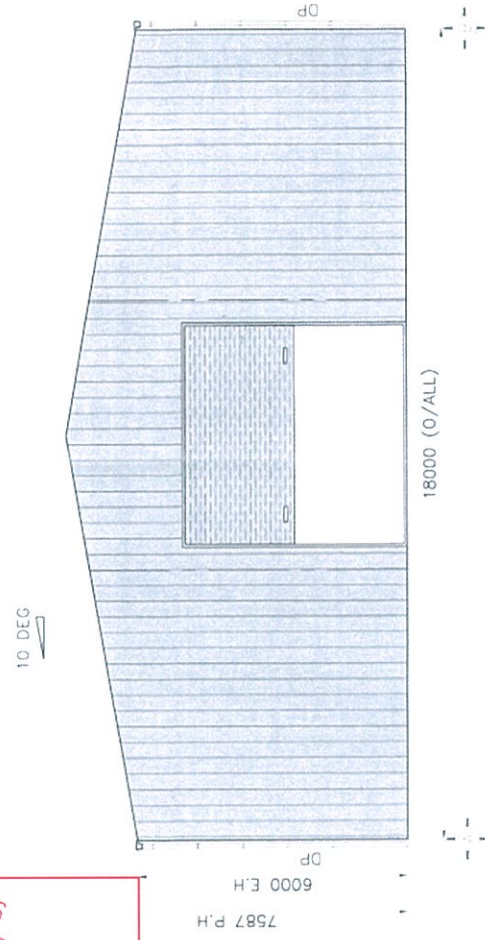
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02		C	

DATE		DATE	
29 September 2020		29 September 2020	

DRAWING NO.		REV	
02		C	



GRID 5 ELEVATION



GRID 1 ELEVATION

APPROVED PLAN

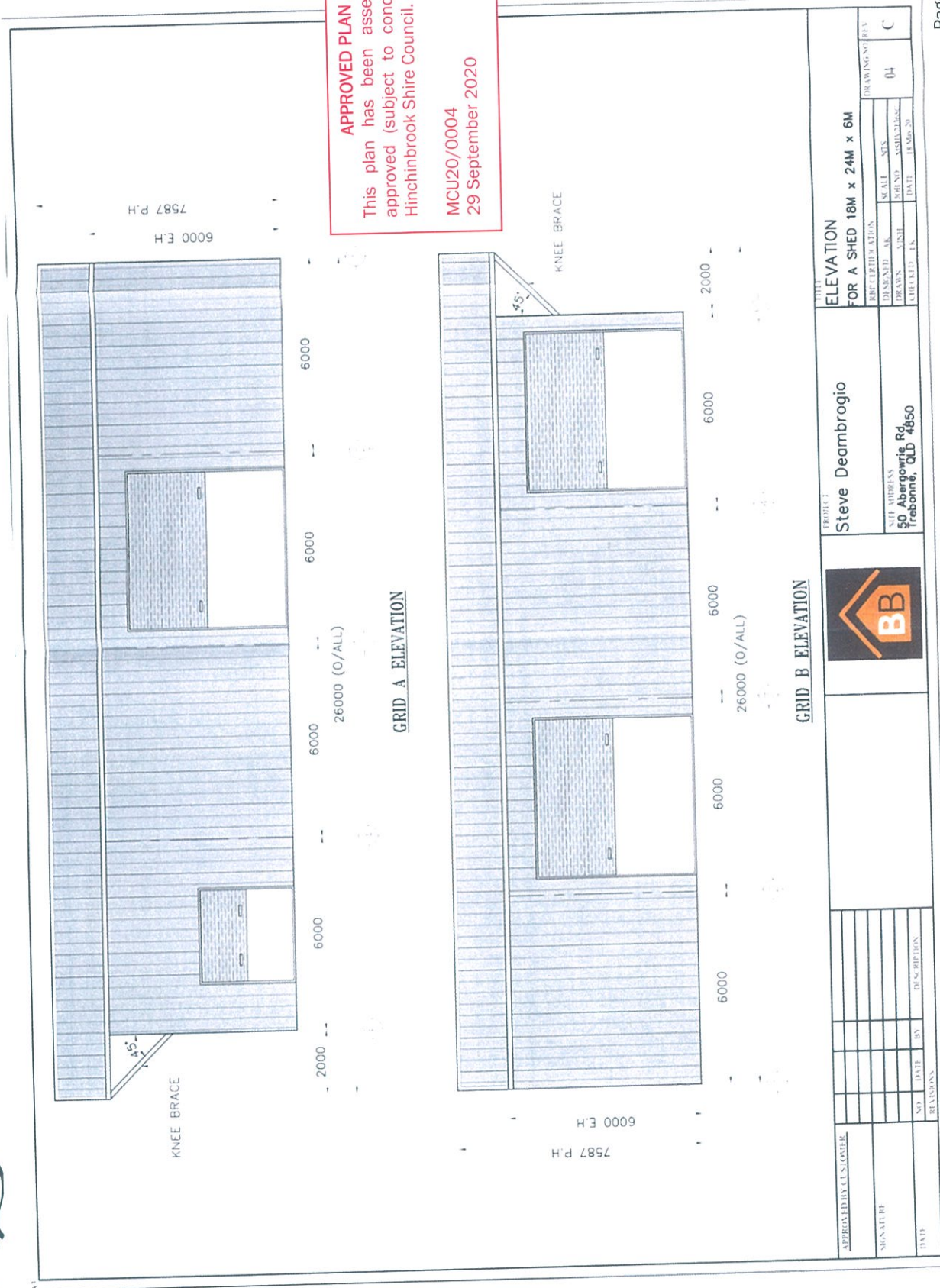
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU20/0004
29 September 2020

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

MCU20/0004
29 September 2020



Our ref TMR20-030416
Your ref
Enquiries Helena Xu



Department of
Transport and Main Roads

16 July 2020

**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 MCU20\0004, lodged with Hinchinbrook Shire Council involves constructing or changing a vehicular access between Lot 1SP319015, the land the subject of the application, and Abergowrie Road (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 Stephen and Christine Deambrogio
PO Box 1759
INGHAM QLD 4850

Application Details

Address of Property 50 Abergowrie Road, TREBONNE QLD 4850
Real Property Description 1SP319015
Aspect/s of Development Development Permit for Material Change of Use for Low Impact Industry (Mechanical Repairs and Vehicle Inspection Workshop Extension)

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
1	The permitted road access location is to be in accordance with: 1. Site Plan, dated 17/06/2020, reference 2345239, version 1, as amended in red to show approved access location.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

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

- a) To ensure access to the state-controlled road from the proposed development does not compromise the safety and efficiency of the state-controlled road.
- b) To provide safe access for all vehicles associated with the proposed Low Impact Industry (Mechanical Repairs and Vehicle Inspection Workshop).

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 sincerely



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 development is for an expansion of an existing Low Impact Industry Use (Mechanical and Vehicle Inspection Workshop) over Lot 1 on SP319015, situated at 50 Abergowrie Road, Trebonne.
- The subject site is 3267m² and the proposed workshop shed is approximately 432m².
- The subject site has a sole frontage to the state-controlled road with an existing access.
- The proposed development does not involve a new or change to the existing access arrangement.
- The proposed development is unlikely to cause a negative impact to state-controlled road operation and network safety.
- The access has been assessed on the current conditions and not on any future planning within the area.
- TMR has no objection to the proposed development and the use of existing access location.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Site plan	--	17/06/2020	2345239	1

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 and the noncompliance 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.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

- (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—

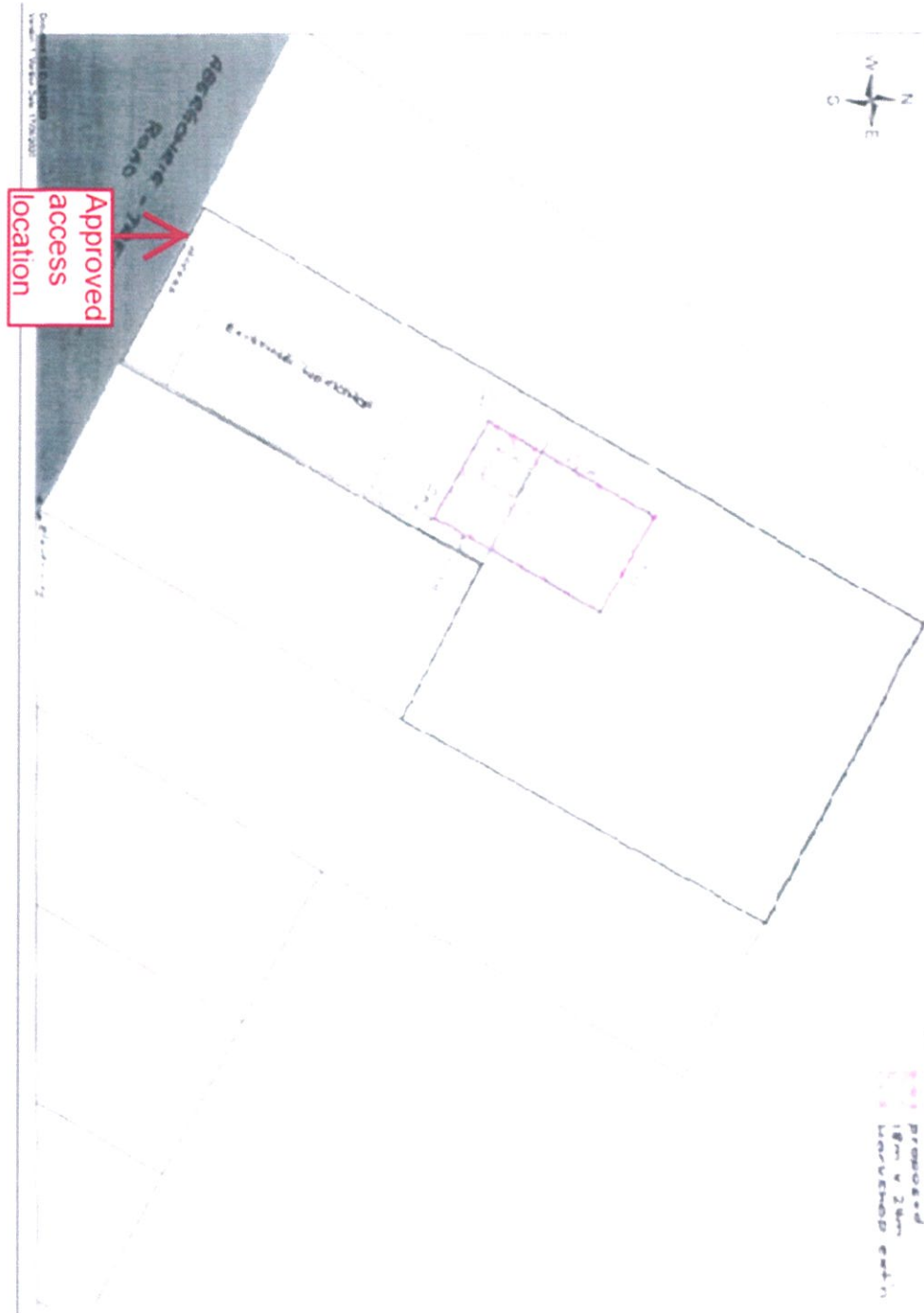
- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

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



Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

RA9-N



Queensland Treasury

SARA reference: 2006 17488 SRA
Council reference: MCU20\0004

21 July 2020

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

Attention: Hayley Roy

Dear Hayley

SARA response — Material Change of Use for Low Impact Industry (Mechanical Repairs and Vehicle Inspection Workshop Extension) at 50 Abergowrie Road, Trebonne

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 3 July 2020.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the SARA advises it has no requirements relating to the application.
Date of response:	21 July 2020
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material Change of Use for Low Impact Industry (Mechanical Repairs and Vehicle Inspection Workshop Extension)
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	

2006-17488 SRA

SARA reference: 2006-17488 SRA
Assessment Manager: Hinchinbrook Shire Council
Street address: 50 Abergowrie Road, Trebonne
Real property description: Lot 1 on SP319015
Applicant name: Stephen and Christine Deambrogio
Applicant contact details: PO Box 1759
Ingham QLD 4850
turbomail@bigpond.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: TMR20-030416
- Date: 16 July 2020

If you are seeking further information on the road access permit, please contact Ms Helena Xu, Town Planner, Department of Transport and Main Roads at North.Queensland.IDAS@tmr.qld.gov.au or on (07) 4421 8838

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 3**.

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

For further information please contact Mac Haque, Senior Planning Officer, on 47583414 or via email NQSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Stephen and Christine Deambrogio, turbomail@bigpond.com.au

enc Attachment 1 – Advice to the applicant
Attachment 2 – Reasons for referral agency response
Attachment 3 – Change representation provisions

2006-17488 SRA

Attachment 1 — Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2 — Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with State Code 1. 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.
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services.

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 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 3 — Change representation provisions

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30 September 2020

SECTION 119 OF PLANNING ACT 2016

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU20\0004
Property ID Number	104932
Applicant Details	Stephen and Christine-Maree Deambrogio PO Box 1759 INGHAM QLD 4850
Owner Details	Stephen and Christine-Maree Deambrogio PO Box 1759 INGHAM QLD 4850
Property Description	50 Abergowrie Road Trebonne Lot 1 on SP319015
Proposal	Material Change of Use – Low Impact Industry (Mechanical Repairs and Vehicle Inspection Workshop)
Level of Assessment	Impact Assessable

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	\$6,820.00 + 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, 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.

APPLICABLE NETWORKS	
Network	Provided to Subject Land
Water supply	Yes
Sewerage	Yes
Transport	Yes
Stormwater	Yes
Public parks and community facilities*	-

*Not applicable to non-residential development.

PROPOSED LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Charge
Industry	m ² GFA	432	3	\$20/ m ²	-	\$8,640.00
Stormwater network	Impervious area	468	-	\$10/ m ²	-	\$4,680.00

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Residential	Dwelling	1	5	\$6,500	-	\$6,500.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$13,320.00	\$6,500.00	\$6,820.00