

Your Ref: Material Change of Use Application  
Our Ref: BE:AG MCU20\0005

28 October 2020

John O'Neill  
Jenk Holdings Pty Ltd  
c/ - BNC Planning Pty Ltd  
PO Box 593  
TOWNSVILLE QLD 4810

[enquire@bncplanning.com.au](mailto:enquire@bncplanning.com.au)

Dear John

**Decision Notice – Material Change of Use – Shop (Drive Through Bottle Shop)**  
**6 Keast Street Lucinda – Lots 1 and 4 on SP186122**  
*Planning Act 2016*

Receipt of your application deemed to be properly made on Friday 24 July 2020 seeking a Development Permit for Material Change of Use – Shop (Drive Through Bottle Shop) at 6 Keast Street Lucinda, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 27 October 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](mailto:council@hinchinbrook.qld.gov.au)  
HinchinbrookShireCouncil



28 October 2020

**SECTION 63 OF PLANNING ACT 2016**

## APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	MCU20\0005
Property ID Number	101801
Applicant Details	John O'Neill Jenk Holdings Pty Ltd c/ - BNC Planning Pty Ltd PO Box 593 TOWNSVILLE QLD 4810
Owner Details	Jenk Holdings Pty Ltd PO Box 723 CANNONVALE QLD 4802
Property Description	6 Keast Street Lucinda Lots 1 and 4 on SP186122
Proposal	Material Change of Use - Shop (Drive Through Bottle Shop)
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	27 October 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/plumbing 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 (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 Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary advice.

Yours sincerely



Electronic

George Milford  
Planning Consultant



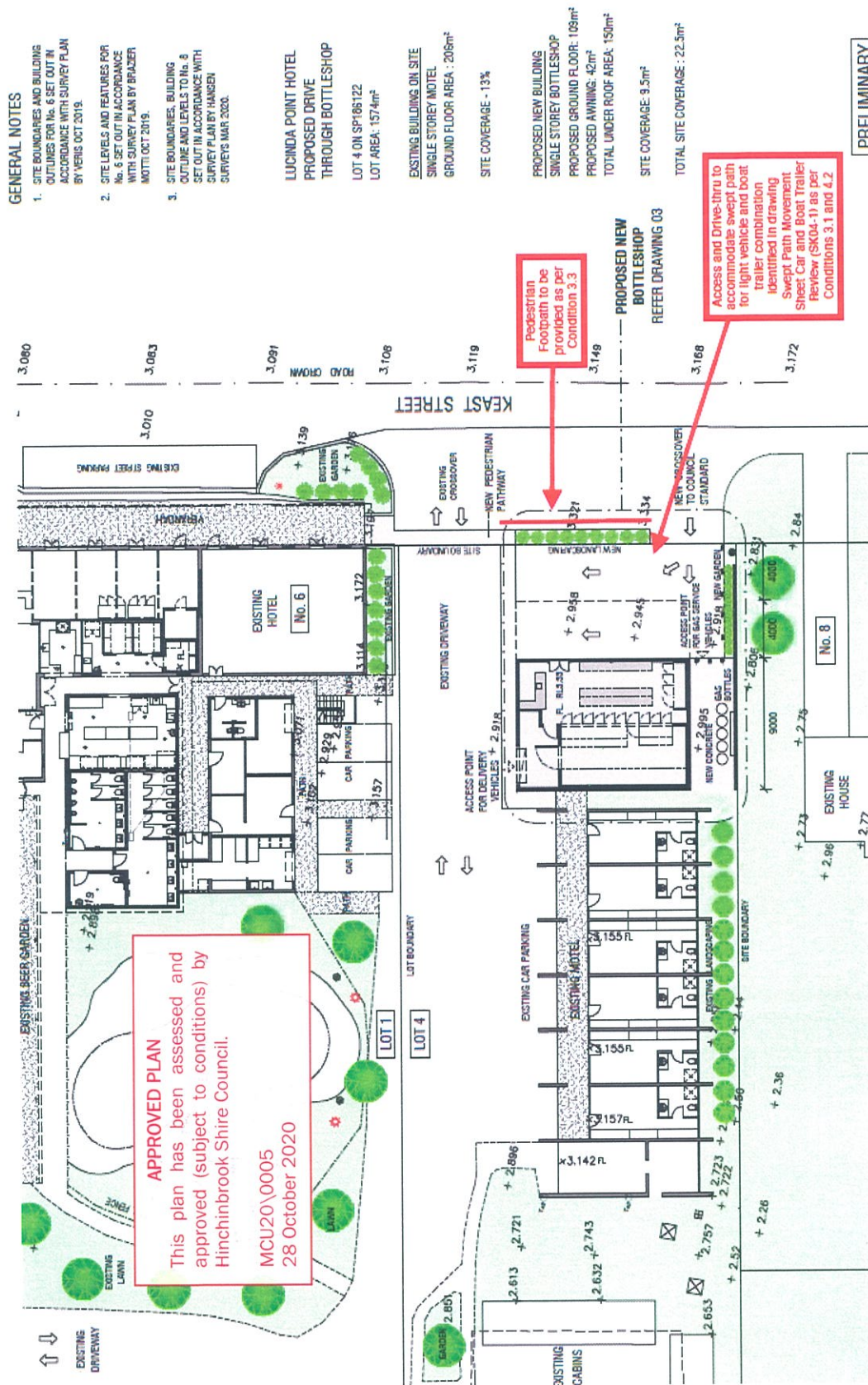
CONDITION		TIMING																					
1.	<p><b>Administration</b></p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>1.3 The Conditions of Approval, the requirements of Council's Planning Scheme and best practice engineering.</p>	At all times.																					
2.	<p><b>Approved Plans</b></p> <p>2.1 The development and use of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other condition of approval; and</p> <table><thead><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr></thead><tbody><tr><td>Existing Site Plan</td><td>01 - Rev 10</td><td>21/09/20</td></tr><tr><td>Proposed Site Plan (as amended in red)</td><td>02 - Rev 10</td><td>21/09/20</td></tr><tr><td>Proposed Floor Plan</td><td>03 - Rev 10</td><td>21/09/20</td></tr><tr><td>Proposed Elevations</td><td>04 - Rev 10</td><td>21/09/20</td></tr><tr><td>Proposed Typical Section</td><td>05 - Rev 10</td><td>21/09/20</td></tr><tr><td>Swept Path Movement Sheet Car &amp; Boat Trailer Review</td><td>SK04-1</td><td>22/10/20</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	Existing Site Plan	01 - Rev 10	21/09/20	Proposed Site Plan (as amended in red)	02 - Rev 10	21/09/20	Proposed Floor Plan	03 - Rev 10	21/09/20	Proposed Elevations	04 - Rev 10	21/09/20	Proposed Typical Section	05 - Rev 10	21/09/20	Swept Path Movement Sheet Car & Boat Trailer Review	SK04-1	22/10/20	At all times.
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Swept Path Movement Sheet Car & Boat Trailer Review	SK04-1	22/10/20																					

CONDITION	TIMING
<p><b>3. Access</b></p> <p>3.1 The proposed access shall be provided sufficient width to ensure the largest design vehicle (light vehicle and boat trailer combination) can appropriately access and manoeuvre through the site as per the approved plan Proposed Site Plan 02 Rev 10 (as amended in red) and Swept Path Movement Sheet Car &amp; Boat Trailer Review SK04-1.</p> <p>3.2 The proposed access and existing egress shall be designed and constructed and upgraded in accordance with Council standards and the requirements of the Parking and Access Code (apart from where there is conflict with a Referral Agency Response). Works within the road reserve shall include:</p> <ul style="list-style-type: none"> <li>a. Sealing the road shoulder from the property boundary to road pavement;</li> <li>b. Provision of new crossover and driveways at the proposed access and existing egress location; and</li> <li>c. Kerb and channel between the proposed access and egress locations.</li> </ul> <p>3.3 The pedestrian footpath network shall be provided in accordance with the approved plan. A pedestrian footpath shall also be provided between the proposed access and existing egress location as per the approved plan Proposed Site Plan 02 Rev 10 (as amended in red).</p> <p>3.4 The Keast Street water main upgrade as required under Condition 6.3 shall be completed prior to the construction of any access works within the road reserve. This is to ensure that any access works do not require alterations for future water main upgrades.</p> <p>3.5 The developer must obtain the relevant permits, this may include but is not limited to a Section 33 Road Works Approval under the <i>Transport Infrastructure Act 1994</i>, to undertake works within the road reserve.</p>	<p>To be submitted to Council as part of an Operational Work Application and implemented prior to the commencement of use.</p>
<p><b>4. Service Vehicles, Vehicle Manoeuvring and Car Parking</b></p> <p>4.1 A minimum of four (4) short-term car parking spaces must be provided and maintained on the subject site for use by occupants of the proposed drive-through bottle shop.</p> <p>4.2 The drive-through bays shall be designed to accommodate the largest design vehicle (light vehicle and boat trailer combination) without obstructing the drive-through vehicle access, egress or designated pedestrian pathways as per the approved plan Proposed Site Plan 02 Rev 10 (as amended in red). The applicant shall provide an amended swept path plan for endorsement by Council.</p> <p>4.3 The drive-through bays shall be clearly line marked to delineate the drive-through bays and vehicle movement directions.</p> <p>4.4 All servicing areas shall be clearly line marked and appropriately signed as designated servicing areas.</p>	<p>Prior to issue of a Certificate of Building Classification.</p>
<p><b>5. Stormwater</b></p> <p>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>.</p>	<p>Prior to the commencement of use and maintained at all times.</p>



CONDITION	TIMING
<p><b>6. Infrastructure Services</b></p> <p>6.1 The existing connection to Council's reticulated water and sewerage network must be maintained for the proposed development.</p> <p>6.2 The proposed development must connect to the reticulated electricity and telecommunication network.</p> <p>6.1 Any relocation and/or alteration to public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.</p>	<p>Prior to the commencement of use and maintained at all times.</p>
<p><b>7. Water Main Replacement</b> The developer must either:</p> <p>a. Replace the existing asbestos cement water main along the Keast Street frontage for the extent of the proposed shop building and proposed access and egress locations with a 150mm ductile water main, prior to any works occurring within the road reserve required in Condition 3;</p> <p><b>OR</b></p> <p>b. Compensate Council, with a contribution of \$1,400, for the cost of bringing forward the expense of replacing or realigning this section of water main in the event of water main failure, which is considered to be an elevated risk due to the on-street works required for this development.</p>	<p>For (a), to be completed prior to any works occurring within the road reserve.</p> <p>For (b), prior to commencement of the use.</p>
<p><b>8. Damage to Infrastructure</b> 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.</p>	<p>At all times.</p>
<p><b>9. Landscaping</b> Landscaping is to be provided in accordance with the approved plan and include species appropriate to the locality.</p>	<p>At all times.</p>
<p><b>10. Coastal Hazard</b></p> <p>11.1 Parts of the building that are below the 1% AEP stormtide event level must be constructed of materials resilient to stormtide inundation.</p> <p>11.2 The applicant is to prepare a Stormtide Hazard Emergency Management Plan for the entire Lucinda Point Hotel Motel and submit to Council for approval. The Emergency Management Plan shall identify preparedness and response strategies in a stormtide event.</p>	<p>Prior to the issuing of a Building Permit and maintained at all times.</p>
<p><b>11. Hours of Operation</b></p> <p>11.1 The shop use may operate between 10.00am and 10.00pm Sunday to Thursday.</p> <p>11.2 The shop use may operate between 10.00am and 12.00am Friday and Saturday.</p>	<p>At all times.</p>





**APPROVED PLAN**

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

MCU20\0005  
28 October 2020

**Pedestrian  
Footpath to be  
provided as per  
Condition 3.3**

**Access and Drive-thru to accommodate swept path for light vehicle and boat trailer combination identified in drawing**

**Swept Path Movement Sheet Car and Boat Trailer Review (SK04-1) as per Conditions 3.1 and 4.2**

PRELIMINARY

**MJM ARCHITECT**  
THE WHITSUNDAYS  
PO BOX 429 CANNOWALE QLD 4802  
m: 0417 990 874  
e: mandymatthews20@gmail.com

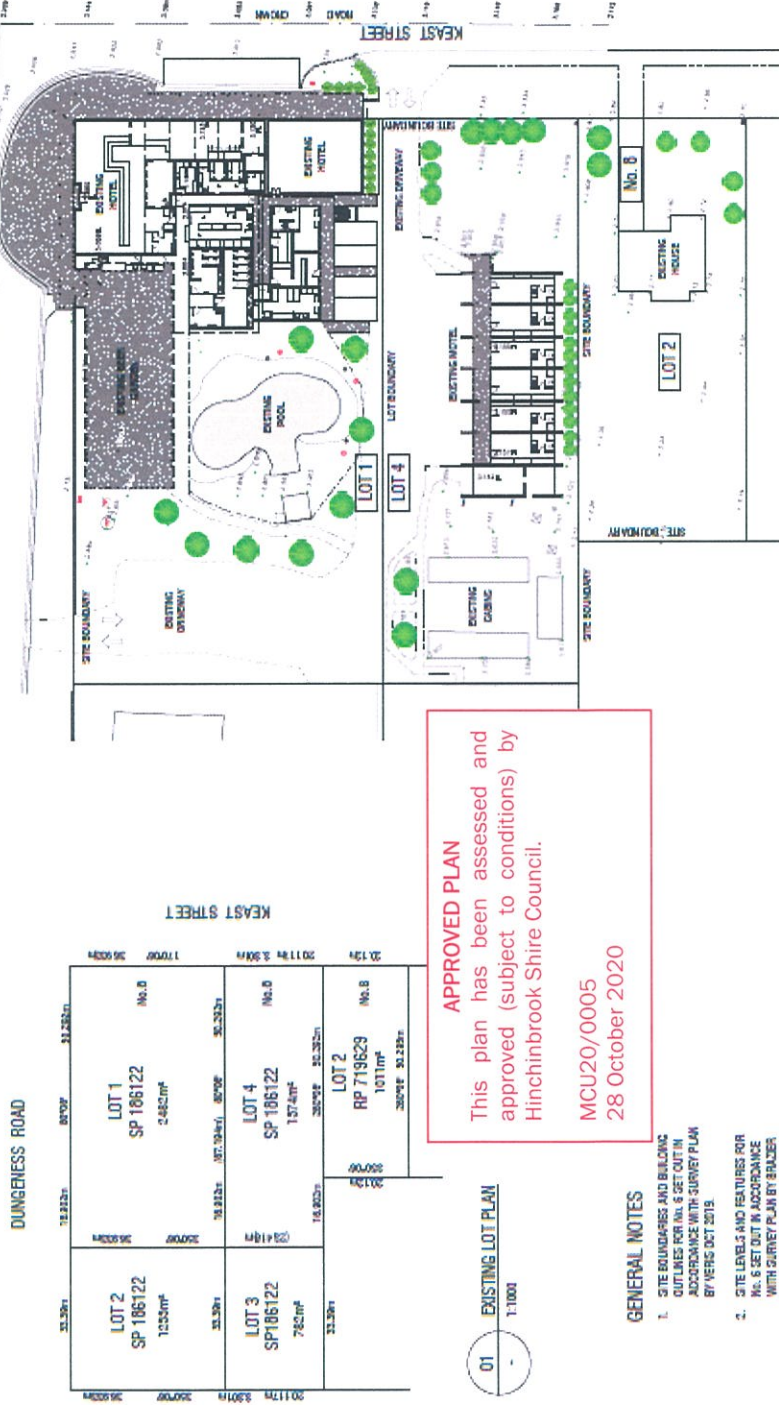
<p>THIS DRAWING IS INDICATIVE ONLY. ALL MEASUREMENTS TO BE CHECKED ON SITE.</p>	<p><b>PROJECT</b></p> <p><b>LUCINDA HOTEL - NEW BOTTLESHOP</b></p> <p><b>6 YEAST ST LUCINDA QLD</b></p> <p><b>CLIENT : JEWELL HOLDINGS PTY LTD</b></p>	<p><b>DRAWING TITLE</b></p> <p><b>PROPOSED SITE PLAN</b></p>			<p><b>REVISION</b></p> <p><b>10</b></p>	<p><b>SHEET</b></p> <p><b>02</b></p>
		<p><b>SCALE</b></p> <p><b>1:250 @ A3</b></p>	<p><b>PRINT DATE</b></p> <p><b>21.09.20</b></p>	<p><b>ISSUE</b></p> <p><b>DESIGN</b></p>		

PROPOSED SITE PLAN	
01	1250









**APPROVED PLAN**  
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.  
MCU20/0005  
28 October 2020

01 EXISTING LOT PLAN  
1:1000

### GENERAL NOTES

1. SITE BOUNDARIES AND BUILDING OUTLINES FOR No. 6 SET OUT IN ACCORDANCE WITH SURVEY PLAN BY VENS OCT 2019.
2. SITE LEVELS AND FEATURES FOR No. 6 SET OUT IN ACCORDANCE WITH SURVEY PLAN BY BRAUER NOV 2019.
3. SITE BOUNDARIES, BUILDING OUTLINE AND LEVELS TO No. 3 SET OUT IN ACCORDANCE WITH SURVEY PLAN BY HANSEN SURVEYS MAR 2000.

01 EXISTING SITE PLAN  
1:500

PRELIMINARY

**MIM ARCHITECT**  
THE WHITSUNDAYS  
PO BOX 429 CANNOWALE QLD 4802  
m : 0417 930 074  
e : mimbymim@gmail.com

PROJECT	DRAWING TITLE	SHEET
LUCINDA HOTEL - NEW BOTTLESHOP	EXISTING SITE PLAN	01
6 KEAST ST LUCINDA QLD	SCALE	1:500 @ A3
CUSTOMER: JCK HOLDINGS PTY LTD	DATE	27.09.20
	REVISION	10

THIS DRAWING IS INDICATIVE  
ONLY. ALL MEASUREMENTS TO  
BE CHECKED ON SITE.



## GENERAL NOTES

1. SITE BOUNDARIES AND BUILDING OUTLINES FOR NO. 6 SET IN ACCORDANCE WITH SURVEY PLAN BY YING OCT 2015.
2. SITE LEVELS AND FEATURES FOR NO. 6 SET OUT IN ACCORDANCE WITH SURVEY PLAN BY BRADIER MORTTI OCT 2015.
3. SITE BOUNDARIES, BUILDING OUTLINE AND LEVELS TO NO. 8 SET OUT IN ACCORDANCE WITH SURVEY PLAN BY HANKEN SURVEYS MAR 2020.

## LUCINDA POINT HOTEL PROPOSED DRIVE THROUGH BOTTLESHOP

LOT 4 ON SP7180122  
LOT AREA: 137.40m<sup>2</sup>

EXISTING BUILDING ON SITE  
SINGLE STOREY MOTEL  
GROUND FLOOR AREA: 200m<sup>2</sup>

SITE COVERAGE: 15%

PROPOSED NEW BUILDING  
SINGLE STOREY BOTTLESHOP  
PROPOSED GROUND FLOOR: 100m<sup>2</sup>  
PROPOSED AWNING: 40m<sup>2</sup>  
TOTAL UNDER ROOF AREA: 130m<sup>2</sup>

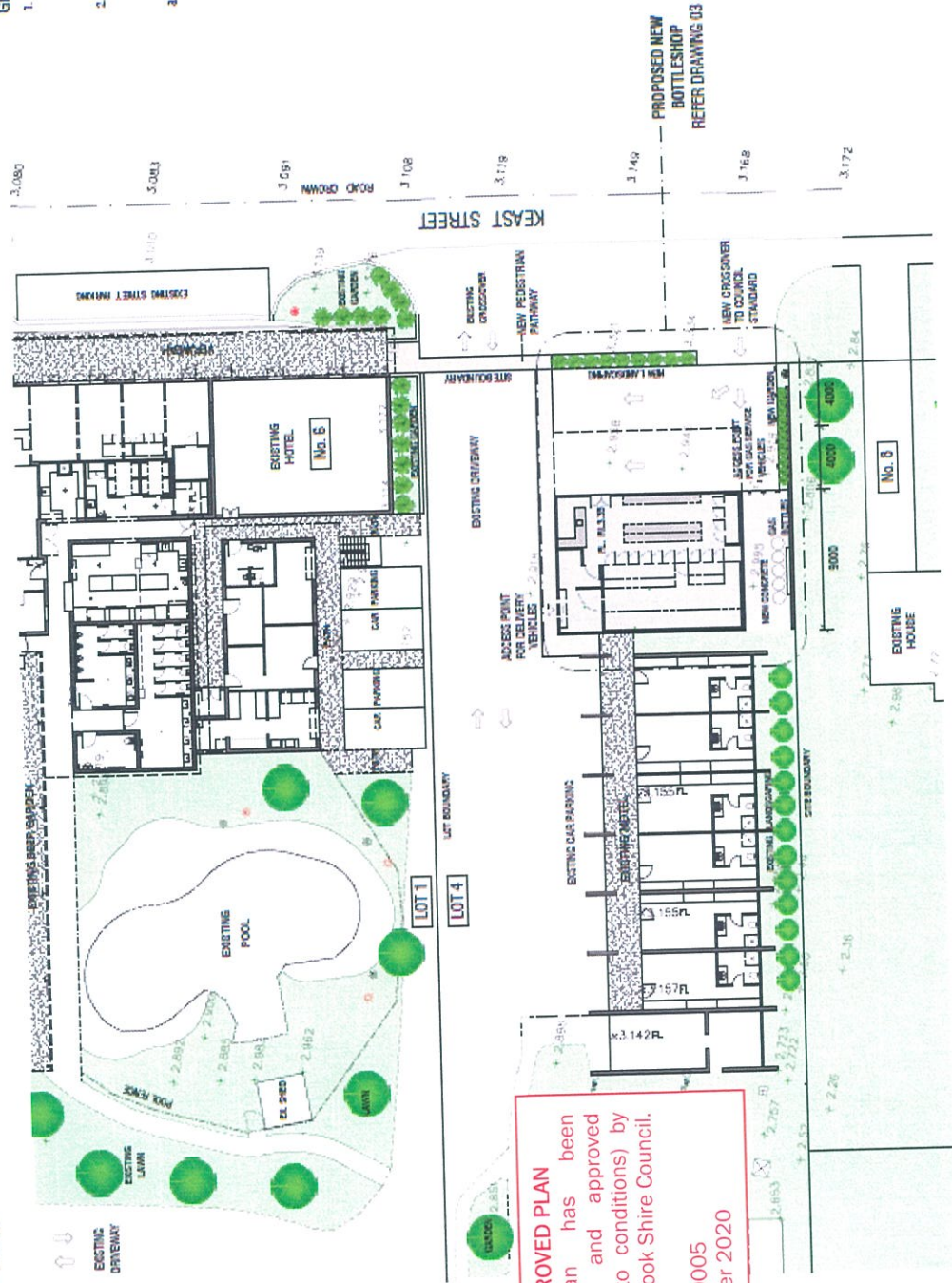
SITE COVERAGE: 9.50m<sup>2</sup>

TOTAL SITE COVERAGE: 22.50m<sup>2</sup>

## PRELIMINARY

## MINI ARCHITECT

THE WHITSUNDAYS  
PO BOX 459 CANNIVALE QLD 4802  
PH: 07 591 9714  
F: 07 591 9714  
E: [info@miniarchitect.com.au](mailto:info@miniarchitect.com.au)



**APPROVED PLAN**

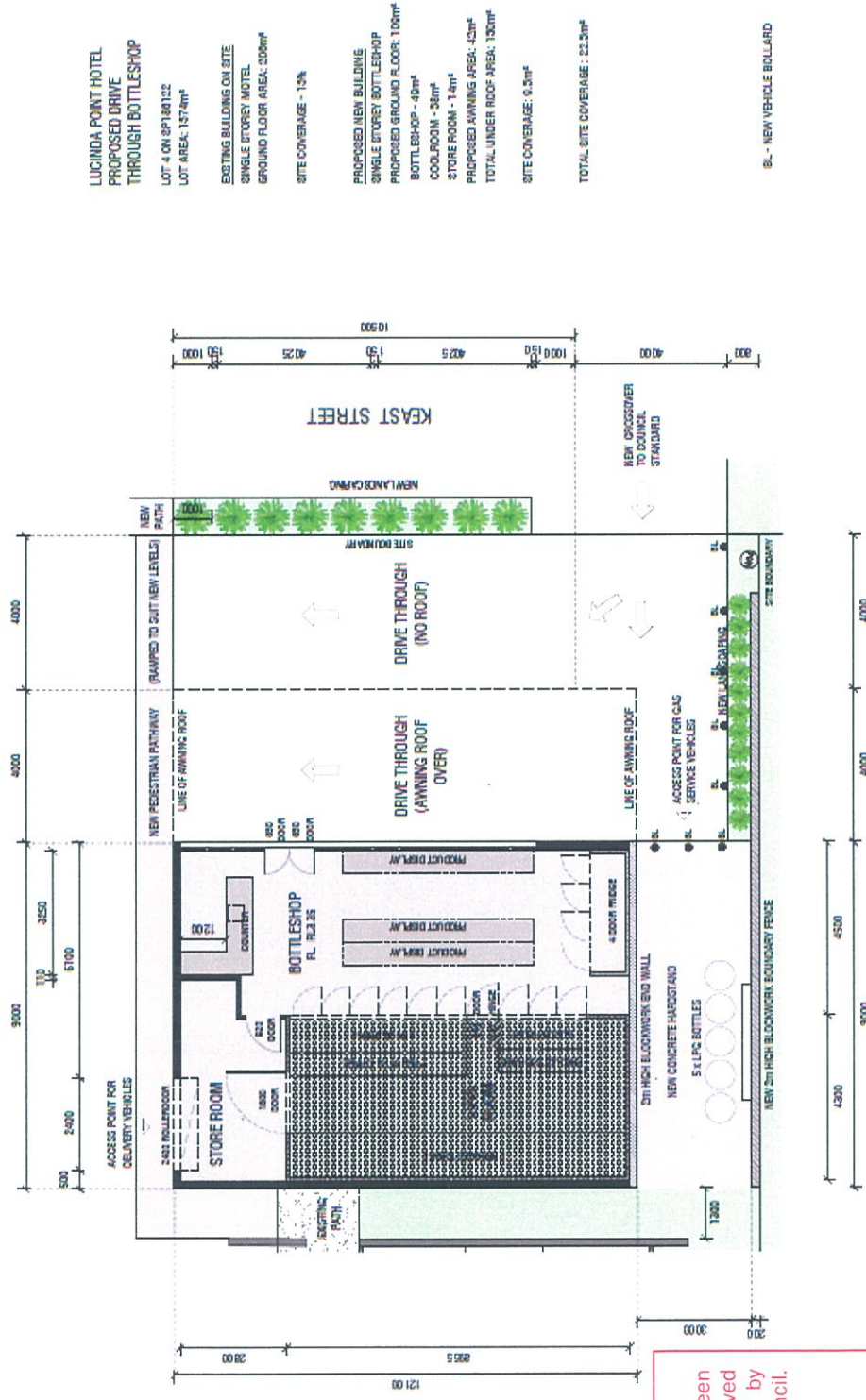
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU20/0005  
28 October 2020

01 PROPOSED SITE PLAN  
1:250

PROJECT	DRAWING TITLE	SCALE	PROPOSED SITE PLAN	DATE	REVISION	SHEET
LUCINDA HOTEL - NEW BOTTLESHOP 8 KEAST ST LUCINDA QLD OWNER: JON HILLMAN PTY LTD	PROPOSED SITE PLAN	1:250 @ A3	21.05.20	10	02	

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**APPROVED PLAN**

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MCU20/0005  
28 October 2020

01 PROPOSED FLOOR PLAN

1:00

<p>THIS DRAWING IS INDICATIVE ONLY. ALL DIMENSIONS TO BE DETERMINED ON SITE.</p> 	<p><b>PROJECT</b></p> <p>0 NEARST ST. LUCIDIA QLD</p>	<p><b>WORKSHEET</b></p> <p>PROPOSED FLOOR PLAN</p>	<p><b>ISSUE</b></p> <p>SECTION</p>	<p><b>VERSION</b></p> <p>10</p>	<p><b>SHEET</b></p> <p>03</p>
	<p><b>SCALE</b></p> <p>1:100 (AS SHOWN)</p>	<p><b>PRINT DATE</b></p> <p>21.09.20</p>			

PRELIMINARY

MIM ARCHITECT

THE WHITSUNDAYS

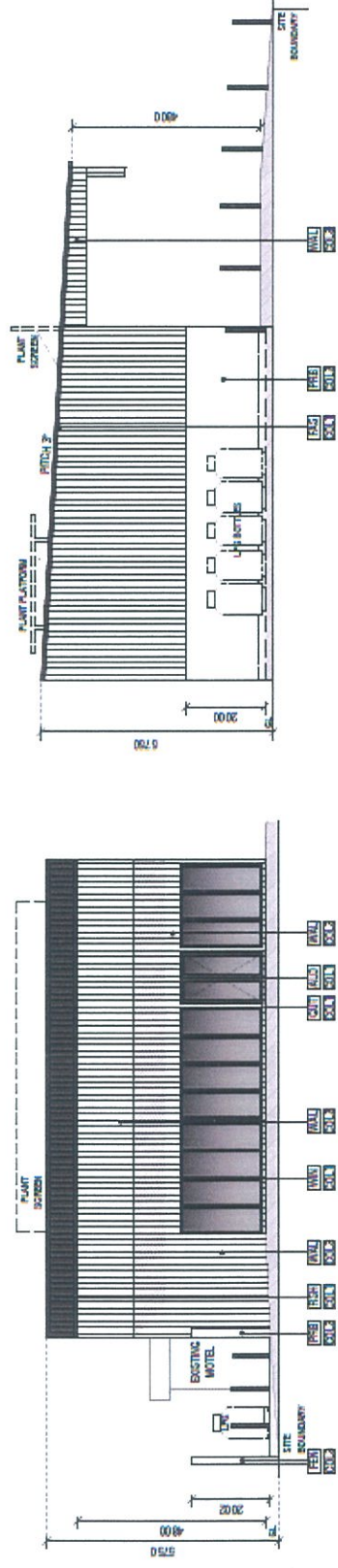
DO NOT REPRODUCE OR TRANSMIT

PO BOX 429 CANNONVILLE UT 84008  
 TEL - 801 738 0011 FAX

TEL: 0417 250 624  
E: [marketing@psbgroup.com](mailto:marketing@psbgroup.com)

**Journal of Management Education**





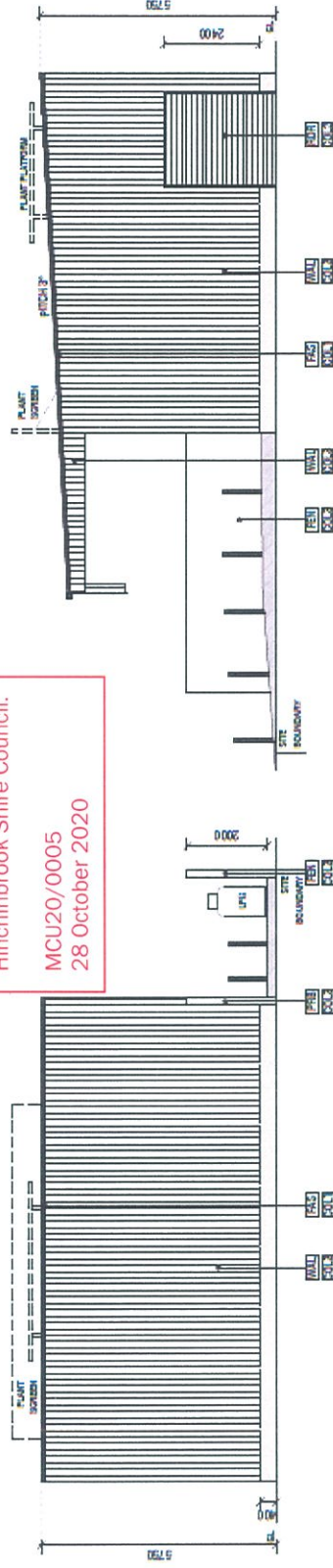
01 EAST ELEVATION (KEAST STREET) 1:100

02 SOUTH ELEVATION  
-  
1:100

**APPROVED PLAN**

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

MCU20/0005  
28 October 2020

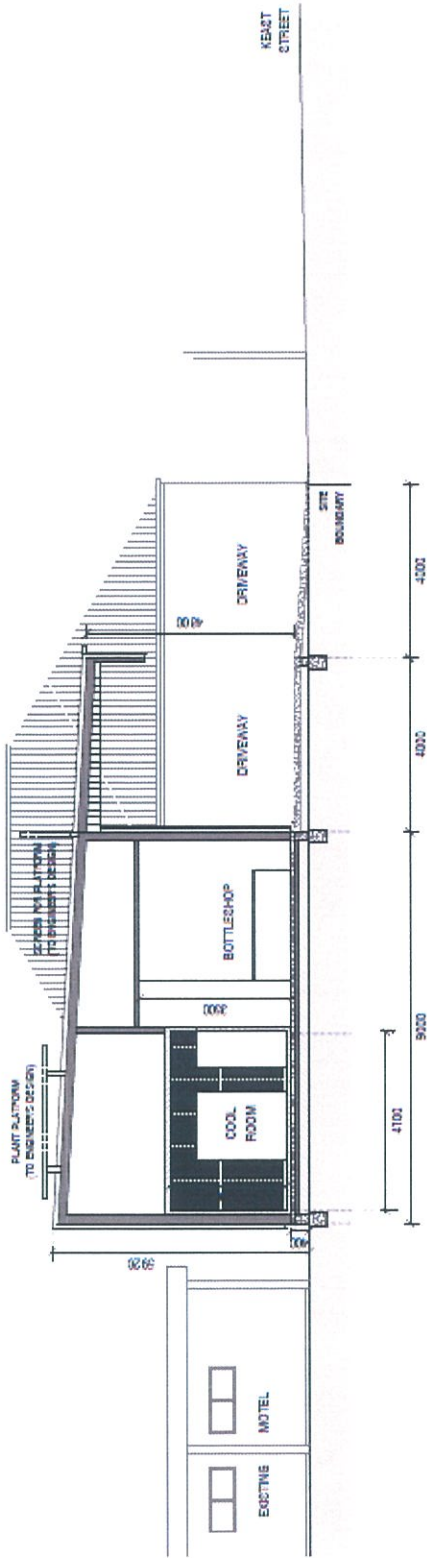


04 NORTH ELEVATION 1:100

PRELIMINARY

**MJM ARCHITECT**  
THE WHITSUNDAYS  
PO BOX 429 CAWNOVALE QLD 4800  
m : 0417 990 874  
e : [mjmarchitect@whitsundays25@gmail.com](mailto:mjmarchitect@whitsundays25@gmail.com)

THE DRAWING IS NEGATIVE ONLY. ALL MEASUREMENTS TO BE CHECKED ON SITE.	PROJECT LUCINDA HOTEL - NEW BOTTLESHP @ KESART ST LUCINDA OLD CLIENT JOHN HOLDINGS PTY LTD	DRAWING TITLE PROPOSED ELEVATIONS				SHEET 04
		SCALE 1:100 @ A3	PRINT DATE 27.09.20	ISSUE DESIGN	REVISION 10	



01 PROPOSED TYPICAL SECTION  
1:100

**APPROVED PLAN**  
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MCU20/0005  
28 October 2020

SYMBOL	MATERIAL	DESCRIPTION	COLOR
ES01	ROOF	LYGACHT ALUPON TM ROOF SHEETING	COL MOVEMENT
ES02	GUTTERS	LYGACHT LEAKS BUTTER	COL MOVEMENT
ES03	FALCON	PAINTED TIMBER	COL MOVEMENT
ES04	DOWNPIPE	100MM Ø COLORBOND	COL SHALE GREY
ES05	WALLS - METAL	COLORBOND CORRUGATED SHEETING	COL GARVEST
ES06	WALLS - BLOCK	PAINTED RENDERED BLOCKWORK	COL GARVEST
ES07	FENCE - BLOCK	PAINTED RENDERED BLOCKWORK	COL MOVEMENT
ES08	WINDOWS	POWDERCOATED ALUMINUM	COL MOVEMENT
ES09	DOORS - SLING	POWDERCOATED ALUMINUM SLIDED DOOR	COL MOVEMENT
ES10	ROLLERDOOR	ROLLERDOOR COLORBOND FINISH	COL SHALE GREY

PRELIMINARY

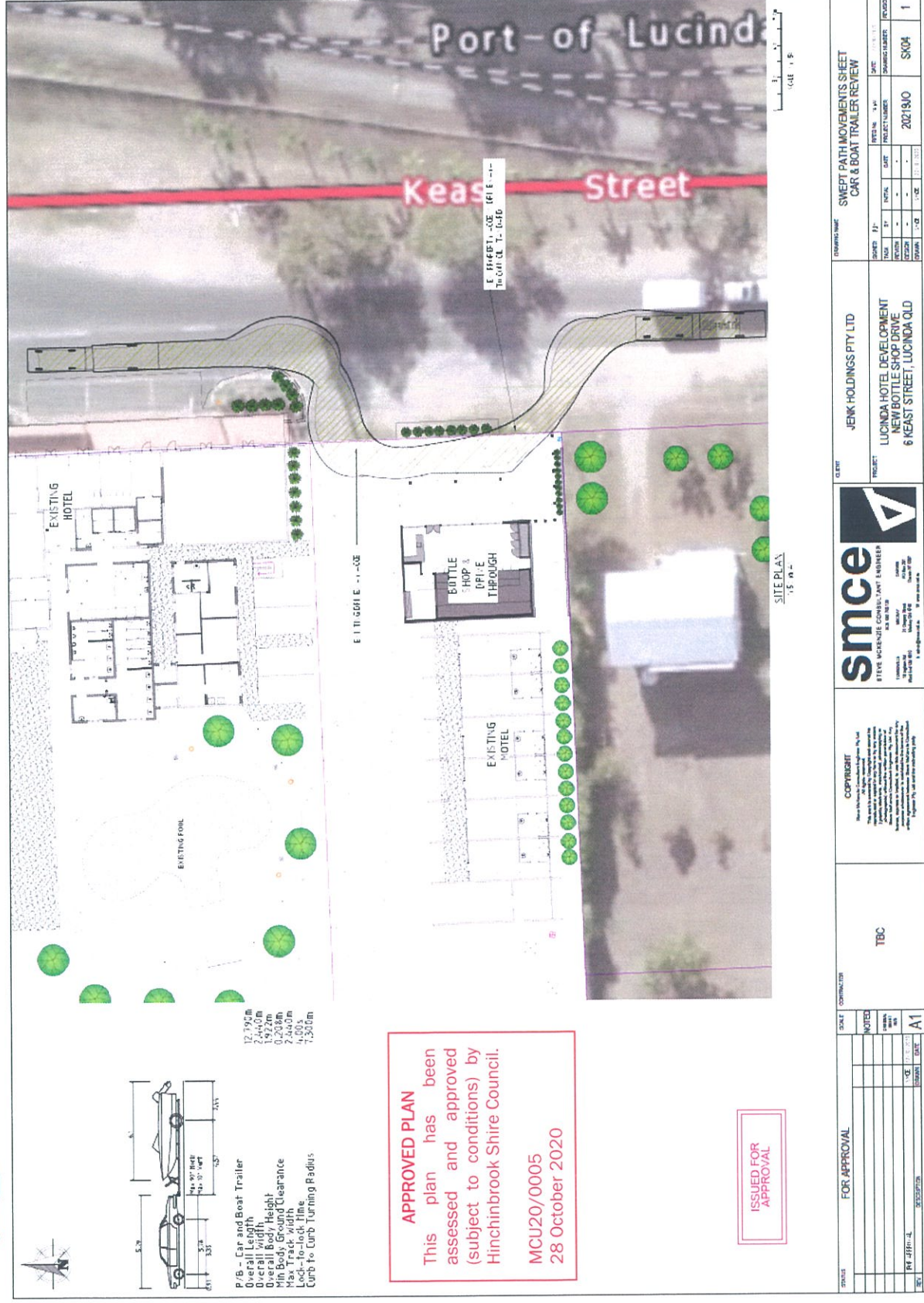
MINI ARCHITECT

THE WHITSUNDAYS  
PO BOX 429 CANNONVALE QLD 4802  
PH: 0417 593 074  
E: THEWHITSUNDAYS@GMAIL.COM

PROJECT	DRAWING TITLE	PROPOSED TYPICAL SECTION	SHEET
LUCINDA HOTEL - NEW BOTTLESHOP	PROPOSED TYPICAL SECTION	SCALE	05
8 KEAST ST LUCINDA QLD	SCALE	1:100 (W/AS)	10
CLIENT: JCK HOLDINGS PTY LTD	DATE	27.05.20	

THIS DRAWING IS INCULCATIVE  
ONLY. ALL MEASUREMENTS TO  
BE CHECKED ON SITE.







Queensland Treasury

SARA reference: 2008-18088 SRA  
Council reference: MCU20\0005  
Applicant reference: DA164-19

1 September 2020

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

Attention: Aimee Godfrey

Dear Aimee

## **SARA response — Material Change of Use – Shop (Drive Through Bottle Shop) at 6 Keast Street, Lucinda**

(Referral agency response given under section 58 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 5 August 2020.

### **Response**

Outcome:	Referral agency response – with conditions.
Date of response:	1 September 2020
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### **Development details**

Description:	Development permit	Material Change of Use – Shop (Drive Through Bottle Shop)
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	



SARA reference: 2008-18088 SRA  
Assessment Manager: Hinchinbrook Shire Council  
Street address: 6 Keast Street, Lucinda  
Real property description: Lot 1 and 4 on SP186122  
Applicant name: John O'Neill 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: TMR20-030707
- Date: 28 August 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](mailto:North.Queensland.IDAS@tmr.qld.gov.au) or on (07) 44218838.

## 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 4**.

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@dsdmip.qld.gov.au](mailto:NQSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Graeme Kenna  
Manager (Planning)

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enc Attachment 1 – Referral agency conditions  
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### Attachment 1 — Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans referenced below are attached)

No.	Conditions	Condition Timing
<b>Material Change of Use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material Change of use within 25 metres of a state transport corridor – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport & Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>(a) The road access locations, are to be located generally in accordance with Proposed Site Plan, prepared by MIM Architect, dated 12.07.20, reference 02 and revision 08 (as amended in red by SARA on 1 September 2020).</p> <p>(b) Road access works comprising an ingress only access, (at the road access location) must be provided generally in accordance with Proposed Site Plan, prepared by MIM Architect, dated 12.07.20, reference 02 and revision 08 (as amended in red by SARA on 1 September 2020).</p> <p>(c) The road access works must be designed and constructed in accordance with Property Access – Rural Property Access Drawing 2 of 2, prepared by Department of Transport and Main Roads, dated 07/2020, reference Standard Drawing No 1807 and revision A.</p>	<p>(a) At all times</p> <p>(b) and (c) Prior to the commencement of use</p>
2.	Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.	At all times
3.	Loading and unloading of gas bottles is to be restricted between the hours of 10.00pm and 10.00am seven (7) days per week.	At all times



**Attachment 2 — 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.
2.	<p><b>Road access works approval</b></p> <p>Under sections 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads at <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a> to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

### **Attachment 3 — Reasons for referral agency response**

(Given under section 58(7) of the Planning Act 2016)

The reasons for the department's decision are:

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

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 2.8), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system



**Attachment 4 — Change representation provisions**

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## 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 Rules<sup>1</sup> regarding representations about a referral agency response

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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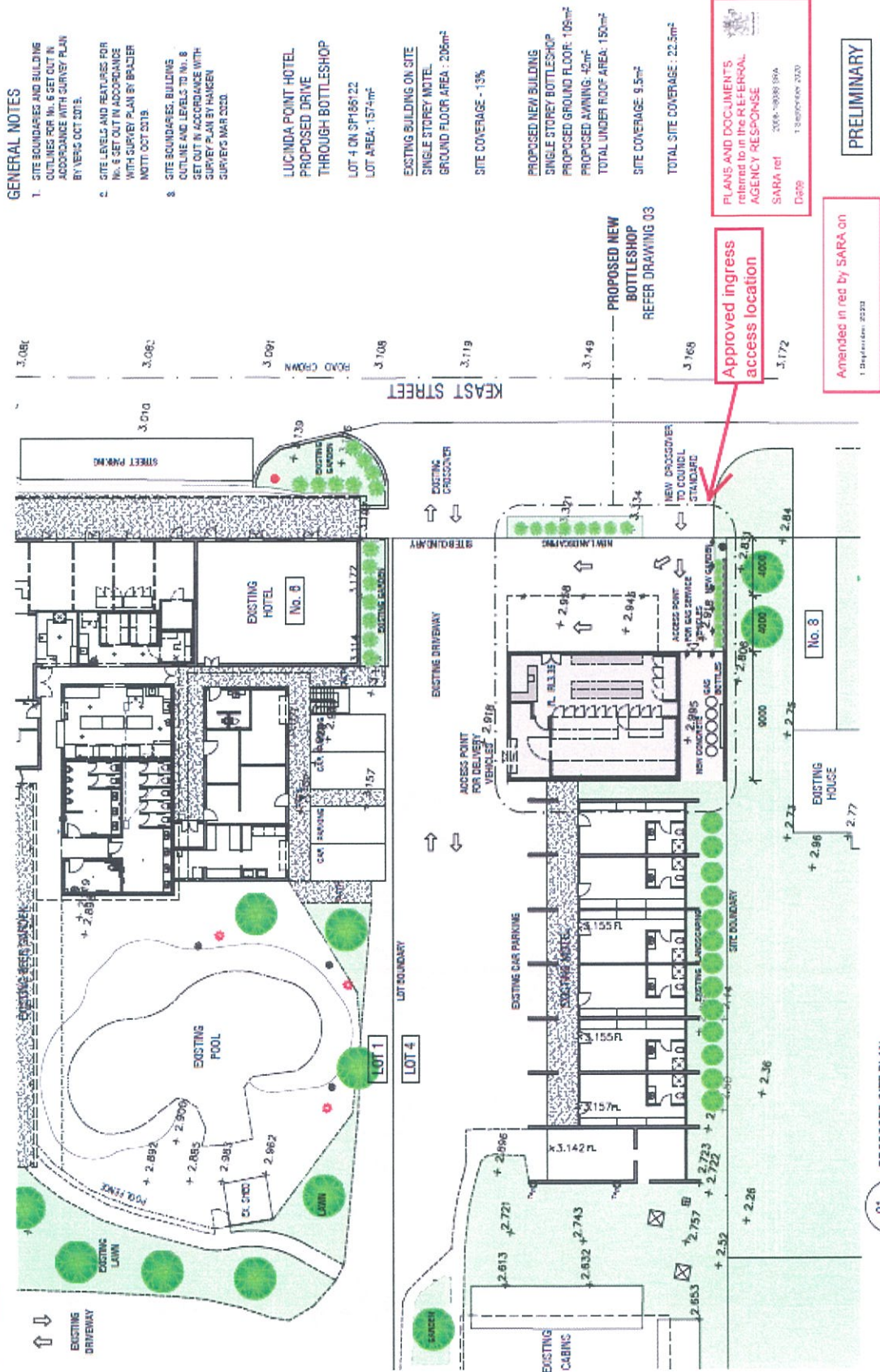
<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

### **Attachment 5 — Approved plans**

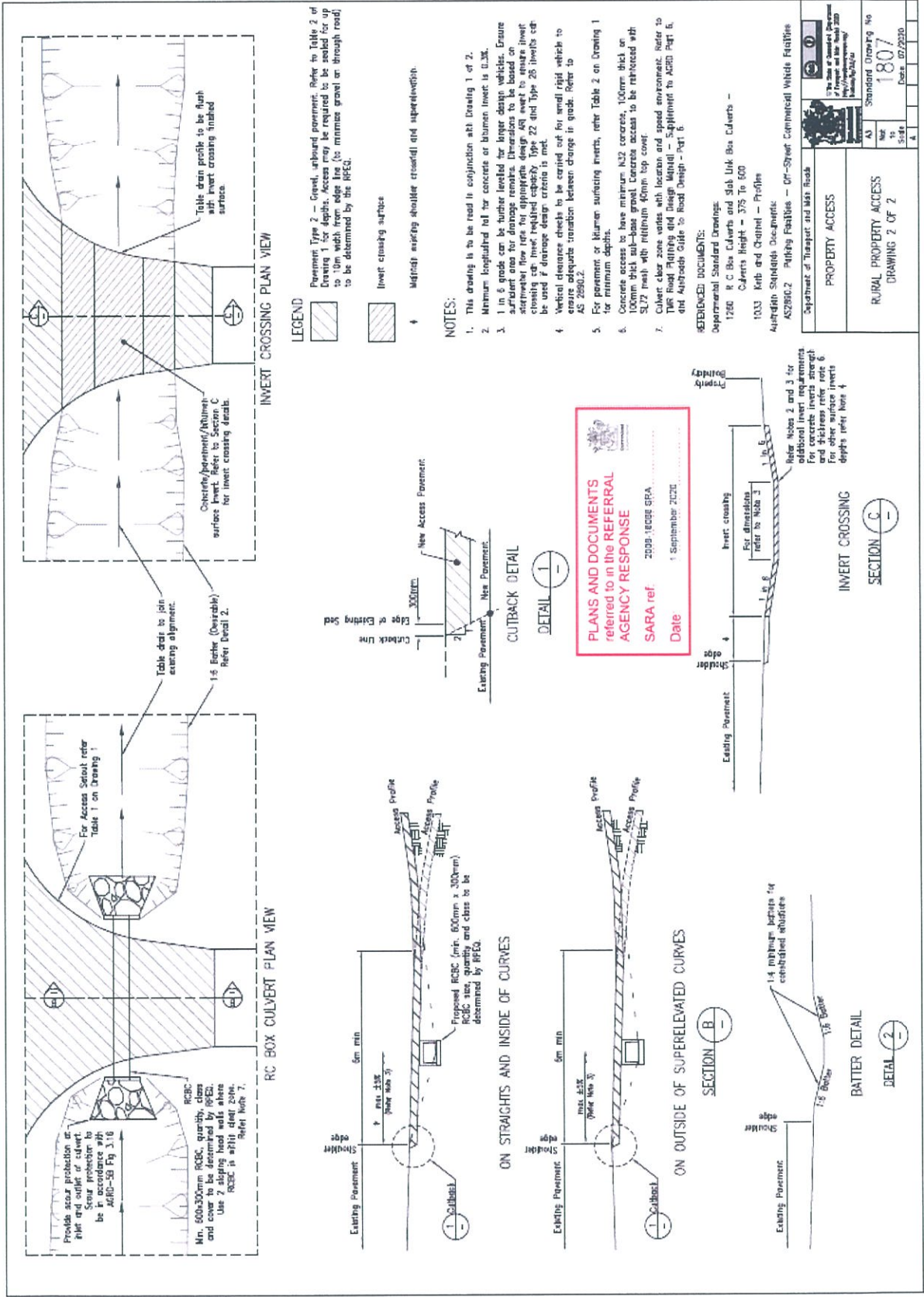
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<b>01</b>		<b>PROPOSED SITE PLAN</b>		<b>02</b>	
THE DRAWING IS INDICATIVE ONLY. ALL MEASUREMENTS TO BE PROVIDED ON SITE.		PROJECT: LUCINDA HOTEL - NEW BOTTLESHOP 5 KEAST ST LUCINDA QLD CLIENT: JENK HOLDINGS PTY LTD		DRAWING TITLE: PROPOSED SITE PLAN	
N		SCALE: 1:500 @ A3		ISSUE: DESIGN	
		PRINT DATE: 12.07.20		REVISION: 08	





28 October 2020

**SECTION 119 OF PLANNING ACT 2016**

## APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU20\0005
Property ID Number	101801
Applicant Details	John O'Neill Jenk Holdings Pty Ltd c/ - BNC Planning Pty Ltd PO Box 593 TOWNSVILLE QLD 4810
Owner Details	Jenk Holdings Pty Ltd PO Box 723 CANNONVALE QLD 4802
Property Description	6 Keast Street Lucinda Lots 1 and 4 on SP186122
Proposal	Material Change of Use - Shop (Drive Through Bottle Shop)
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	\$1,470.00 + 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*	Yes

PROPOSED LAND USE					
Charge Category	Unit of Measure	Unit Quantity (GFA)	GFA (m <sup>2</sup> ) Adopted Rate	Network Adjustment	Applicable Charge
Commercial (Retail)	\$/m <sup>2</sup> GFA	109	60	N/A	\$6,540.00
Stormwater (Impervious Area)	\$/m <sup>2</sup> GFA	143	10	N/A	\$1,430.00

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Residential	Dwelling (3 bedroom)	1	5	\$6,500	N/A	\$6,500.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$7,970.00	\$6,500.00	\$1,470.00