

From: Amy Andersen
Sent: Wed, 7 Apr 2021 15:02:14 +1000
To: anne.zareh@braziermotti.com.au
Subject: Decision Notice, MCU - Extension to Education Establishment (Student Car Park) at 15 Chamberlain Street, Ingham
Attachments: MCU, Extension to Education Establishment at 15 Chamberlain Street, Ingham.pdf

Good Afternoon,

Please find attached the Decision Notice relating to Material Change of Use – Extension to Education Establishment (Student Car Park) at 15 Chamberlain Street, Ingham.

Should you have any enquiries please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

AMY ANDERSEN

Administration Support Officer

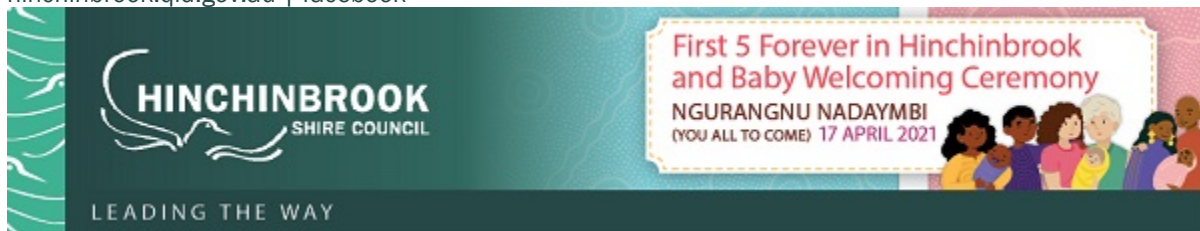
P 07 4776 4600

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- Hinchinbrook Shire Council

E aandersen@hinchinbrook.qld.gov.au



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Please consider the environment before printing this email. HSC_2021

Your Ref: Material Change of Use (Extension to Education Establishment – Student Car Park)
Our Ref: PC:AG MCU20\0006

1 April 2021

Ms Anne Zareh
Senior Planner
Brazier Motti Pty Ltd
595 Flinders Street
TOWNSVILLE QLD 4810

anne.zareh@braziermotti.com.au

Dear Ms Zareh

Decision Notice

Material Change of Use – Extension to Education Establishment (Student Car Park)
15 Chamberlain Street Ingham
Lot 32 on RP709282
Planning Act 2016

Receipt of your application deemed to be properly made on Monday 5 October 2020 seeking a Development Permit for Material Change of Use – Extension to Education Establishment (Student Car Park) at 15 Chamberlain Street Ingham, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 30 March 2021.

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

This Notice outlines aspects of the development's condition of approval, currency period, approved plans, referral agency response and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

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

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice
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

1 April 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	MCU20\0006
Property ID Number	104050
Applicant Details	Anne Zareh Brazier Motti Pty Ltd 595 Flinders Street TOWNSVILLE QLD 4810
Owner Details	Roman Catholic Trust Corporation For Diocese of Townsville PO Box 1013 INGHAM QLD 4850
Property Description	15 Chamberlain Street Ingham Lot 32 on RP709282
Proposal	Material Change of Use – Extension to Education Establishment (Student Car Park)
Level of Assessment	Impact Assessment

DECISION

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

Decision	The application was approved subject to conditions.
Decision Date	30 March 2021
Decision Type	Development Permit
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>

Submissions	There was one properly made submissions received from the following submitter: Elmo and Sharon Lenti 13 Chamberlain Street INGHAM QLD 4850
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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

Not Applicable.

FURTHER APPROVALS REQUIRED

This approval does not authorise any filling of land or building work and a Development Permit for carrying out the above mentioned may require additional assessment.

This approval does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

INFRASTRUCTURE CHARGES

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*, if relevant to this development.

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:

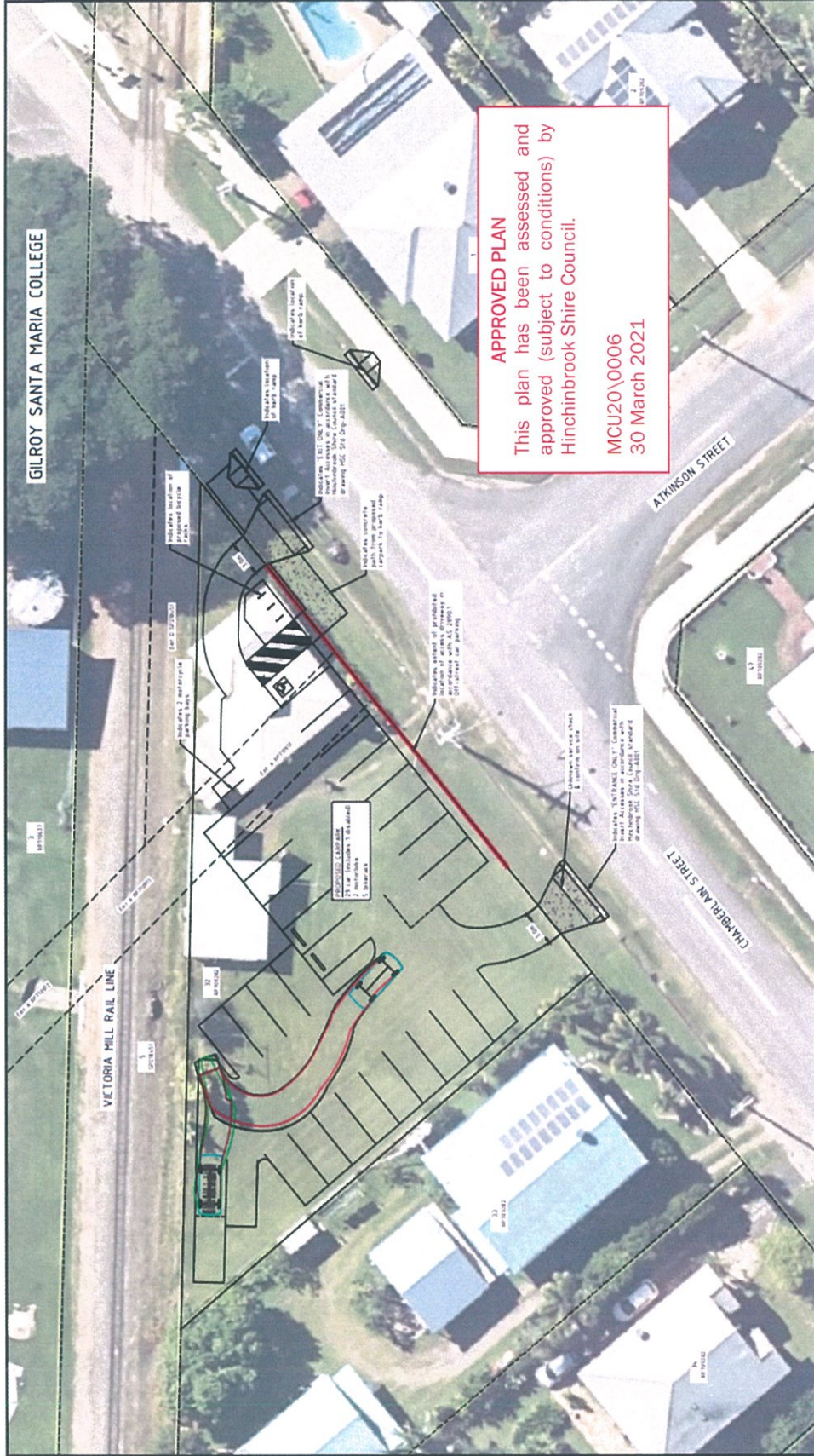
- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of approval have been included to ensure that compliance with the *Hinchinbrook Shire Planning Scheme 2017*.

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

CONDITION		TIMING						
1.	<p>Administration 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 the <i>Hinchinbrook Shire Planning Scheme 2017</i> and best practice engineering.</p>	At all times.						
2.	<p>Approved Plans 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 Development Plans, 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>Preliminary Car Park Layout Plan</td><td>BRM0017/P03 (P2)</td><td>21/01/2021</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	Preliminary Car Park Layout Plan	BRM0017/P03 (P2)	21/01/2021	At all times.
Plan / Document Name	Number	Date						
Preliminary Car Park Layout Plan	BRM0017/P03 (P2)	21/01/2021						
3.	<p>Use of Car Park 3.1 The car park area must only be utilised by students in association with the operation of the Educational Establishment on Lot 3 on RP710637; and</p> <p>3.2 No outdoor lighting is to be installed to maintain the existing residential amenity.</p>	At all times; and Details to be provided to Council as part of an application for operational work for Condition 3.2.						
4.	<p>Driveway Access Vehicle access shall be designed and provided to the satisfaction of Council and generally in accordance with <i>Hinchinbrook Shire Council Standard Drawings for Residential and Commercial Invert Accesses (HSC Std Drg - A001)</i>.</p>	Details to be provided to Council as part of an application for operational work.						

CONDITION		TIMING
5. Car Park Design		
5.1	The car park must be designed in accordance with AS2890.1 – <i>Off-street car parking</i> and AS2890.6 – <i>Parking facilities – off-street parking for people with disabilities</i> ;	Details to be provided to Council as part of an application for operational work.
5.2	The car park shall be imperviously sealed and appropriately line-marked in accordance with AS2890.1 – <i>Off-street car parking</i> .; and	
5.3	The developer shall install treatments for car parks abutting the western property boundary shared with Lot 33 on RP709282 to protect this property from vehicle encroachment.	
6. Roadworks		
6.1	The developer must undertake road works generally in accordance with the approved plans in Condition 2.	Details to be provided to Council as part of an application for operational work.
6.2	The developer must submit detailed design plans for all works to be undertaken within the road reserve.	
6.3	Any works undertaken within the road reserve shall be designed and provided in accordance with relevant standards and to the satisfaction of Council.	
7. Pedestrian Network		
7.1	The developer must provide a pedestrian pathway from the car park to the educational establishment located on Lot 3 on RP710637 to the satisfaction of Council and generally in accordance with <i>Hinchinbrook Shire Council Standard Drawings for Pedestrian Access – Kerb Ramp (HSC Std Drg R023)</i> and <i>Hinchinbrook Shire Council Standard Drawings for Concrete and Gravel Footpath Details (HSC Std Drg R007)</i> .	Details to be provided to Council as part of an application for operational work.
7.2	The developer must submit detailed design plans for all works to be undertaken within the road reserve.	
7.3	Any works undertaken within the road reserve shall be designed and provided in accordance with relevant standards and to the satisfaction of Council.	
8. Stormwater Management		
8.1	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> .	Details to be provided to Council as part of an application for operational work.
8.2	The developer shall submit a stormwater management plan that demonstrates stormwater is conveyed legally and in accordance with the requirements of the Part 9.4.1.3 Infrastructure, Services and Works Code of the <i>Hinchinbrook Shire Planning Scheme 2017</i> .	

CONDITION		TIMING
9. Landscape Concept Plan		
9.1 A minimum 1 metre wide landscape strip shall be provided around the perimeter of the proposed development, consisting predominantly of plants providing a dense screen quality at maturity.		Prior to the commencement of use and maintained at all times.
9.2 The developer must submit a landscape design plan for Council endorsement.		
9.3 All landscaping works shall be undertaken in accordance with the requirements of the Landscape Code of the <i>Hinchinbrook Shire Planning Scheme 2017</i> .		
10. Relocation of Utilities	Any relocation and/or alteration to any 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.	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 and its ongoing operation, 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. Noise Attenuation		
12.1 Acoustic barriers must be provided along the western property boundary shared with Lot 33 on RP709282 to ensure an appropriate level of amenity is afforded to surrounding residential development.		Prior to the commencement of use and maintained at all times.
12.2 Noise levels to adjoining properties external to the proposed development do not exceed acoustic quality objectives under the <i>Environmental Protection (Noise) Policy 2019</i> .		
12.3 The developer shall provide a certification after construction that the barrier has been completed to the relevant noise standards.		



LAYOUT PLAN

PRELIMINARY NOT FOR CONSTRUCTION

ASSOCIATED STANDARDS
Hinchinbrook Shire Council Standard Drawings for Residential and Commercial Sites - AS/NZS 1546.1:2011
Hinchinbrook Shire Council Standard Drawings for Landscaping and Green Infrastructure - AS/NZS 1546.2:2011
Hinchinbrook Shire Council Standard Drawings for Pedestrian Access - AS/NZS 1546.3:2011

Scale
1:1000

North Arrow
N

Legend
Proposed Carpark
Proposed Driveway
Proposed Fencing
Proposed Landscaping
Proposed Pedestrian Access
Proposed Vehicular Access
Proposed Water Features
Proposed Other Features

Project Information
Project Name: Gilroy Santa Maria College
Project Address: 15 Chamberlain Street, Ingham
Project Number: BRM0017/P03
Project Date: 30 March 2021
Project Status: Approved
Project Owner: Hinchinbrook Shire Council

Engineer Information
Engineer Name: Northern Consulting Engineers
Engineer Address: 50 Pagan Street, Cairns 4870
Engineer Phone: 07 4222 5000
Engineer Email: info@northernconsulting.com.au
Engineer Website: www.northernconsulting.com.au

31 March 2021

SECTION 119 OF PLANNING ACT 2016**APPLICATION DETAILS**

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU20\0006
Property ID Number	104050
Applicant Details	Anne Zareh Brazier Motti Pty Ltd 595 Flinders Street TOWNSVILLE QLD 4810
Owner Details	Roman Catholic Trust Corporation For Diocese of Townsville PO Box 1013 INGHAM QLD 4850
Property Description	15 Chamberlain Street Ingham Lot 32 on RP709282
Proposal	Material Change of Use – Extension to Education Establishment (Student Car Park)
Level of Assessment	Impact Assessment

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	\$2,600.00 + 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.

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

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	Network Quantity	Adopted Rate	Network Adjustment	Applicable Charge
Education Facility	\$/m ² GFA	N/A	5	\$45	N/A	N/A
Stormwater Quantity Network	\$/m ² impervious area	910	N/A	\$10	N/A	\$9,100

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

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$9,100	\$6,500	\$2,600