

Your Ref: Material Change of Use – Dwelling House  
Our Ref: PC:AG MCU21\0004

28 July 2021

Mr Rodney Byl  
New Wave Housing & Construction  
c/- The Building Approval Company  
PO Box 74  
REDLYNCH QLD 4870

[rbyl@tbac.com.au](mailto:rbyl@tbac.com.au)

Dear Mr Byl

**Decision Notice**  
**Material Change of Use – Dwelling House**  
**Amos Road, Coolbie – Lot 4 on SP284274**  
*Planning Act 2016*

Receipt of your application deemed to be properly made on Wednesday 19 May 2021 seeking a Development Permit for Material Change of Use – Dwelling House at Amos Road Coolbie, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 27 July 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 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



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)  
Hinchinbrook Shire Council



28 July 2021

**SECTION 83 OF PLANNING ACT 2016**

**APPLICATION DETAILS**

This Decision Notice relates to the below Development Application:

Application Number	MCU21\0004
Property ID Number	105242
Applicant Details	Rodney Byl New Wave Housing & Construction c/- The Building Approval Company PO Box 74 REDLYNCH QLD 4870
Owner Details	Rodney Cronin and Susan Connolly 4 Amos Road COOLBIE QLD 4850
Property Description	Amos Road, Coolbie Lot 4 on SP284274
Proposal	Material Change of Use – Dwelling House
Level of Assessment	Code 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 <b>approved</b> subject to conditions.
Decision Date	27 July 2021
Decision Type	Development Permit
Assessment Instrument	Hinchinbrook Shire Planning Scheme 2017
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	Not Applicable



## CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Conditions of Approval. 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

Not Applicable.

Infrastructure charges do not apply for this development proposal.

## 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><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><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Plan</td><td>069 – WD2 D</td><td>06/02/2020</td></tr><tr><td>Ground Floor Plan</td><td>069 – WD3 B</td><td>06/02/2020</td></tr><tr><td>Elevations</td><td>069 – WD4 B</td><td>06/02/2020</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	069 – WD2 D	06/02/2020	Ground Floor Plan	069 – WD3 B	06/02/2020	Elevations	069 – WD4 B	06/02/2020	At all times.
Plan / Document Name	Number	Date												
Site Plan	069 – WD2 D	06/02/2020												
Ground Floor Plan	069 – WD3 B	06/02/2020												
Elevations	069 – WD4 B	06/02/2020												
3.	<p><b>Building Approval</b></p> <p>3.1 The Class 1a structure requires a Development Permit for Building Work. The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier; and</p> <p>3.2 No other habitable structures are permitted on the subject land without obtaining the necessary approvals under the <i>Planning Act 2016</i> and Hinchinbrook Shire Planning Scheme 2017.</p>	Prior to construction works commencing and at all times.												
4.	<p><b>Infrastructure Services</b></p> <p>4.1 The development must be provided a potable on-site water supply at no cost to Council;</p> <p>4.2 The development must be provided an on-site wastewater treatment system contained wholly within the allotment and at no cost to Council; and</p> <p>4.3 The development must be provided an on-site electricity supply at no cost to Council.</p>	Prior to commencement of use and maintained at all times.												
<b>FORMAL ADVICE</b>														
This Development Permit does not approve any native vegetation clearing that is not exempt clearing works provided for under Schedule 21 of the Planning Regulation 2017. Any native vegetation clearing that is deemed Assessable Development pursuant to Schedule 8, Table 4 of the Planning Regulation 2017 is to be obtained independent of this Development Permit.														











**MULTIPLE CHOICE AREA REQUIREMENTS:**

THE 1999 ADOPTION OF THE U.S. DEPARTMENT OF JUSTICE'S GUIDELINES FOR THE PROSECUTION OF SEXUAL OFFENSES BY THE U.S. DEPARTMENT OF JUSTICE.

1979 - 80  
POLYMERIZATION - 2 SEALS  
DURING FINAL CARBONIZATION - 18 METERS  
OF CARBONIZATION - 14 METERS  
OF CARBONIZATION - 14 METERS  
OF CARBONIZATION - 14 METERS

CONSTITUTIONAL POLICE DEPARTMENT

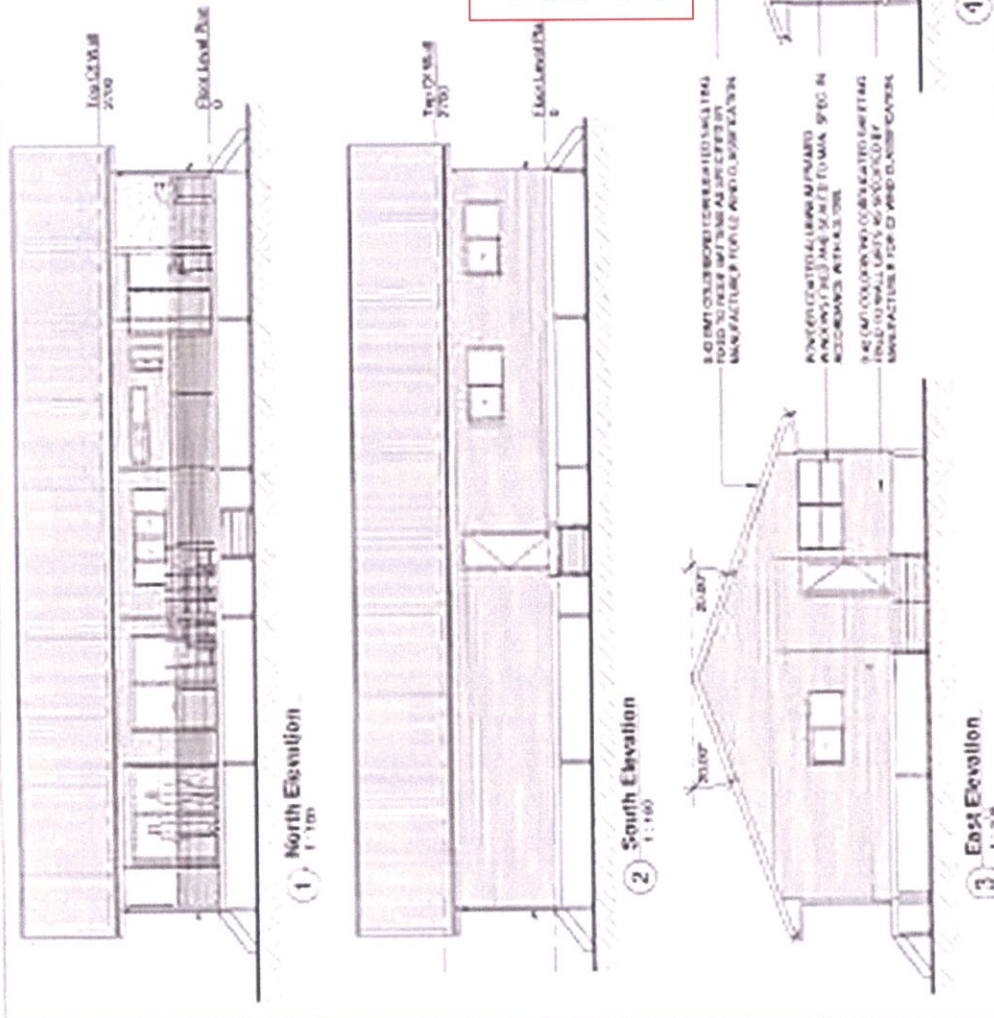
- [illegible]

APPROVED PLAN

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

MCU21\0004  
27 July 2021

STATIONARY DETAILS  
APPROVED BY:   
DATE: 12/15/2009



## ELEVATIONS

Proposed New House  
At : Lot 4 Arcoz Road,  
Crystal Creek, Qld. 4816.  
For : Cronin & Connolly.

No	Concentration	Date
A	Acetylene (Acetylene) 100%	10/10/2004
B	Acetylene (Acetylene) 100%	10/10/2004

Adrian Gable, Lic. No. 665885  
2137 Kennedy Highway  
Upper Merion, Pa 62204-4983  
P.O. Box 1420 Ashburn, VA 20147  
Telephone 57-92252340

OWN  
HOME  
DESIGN

Reviewed By: D. SACCHIO