

Your Ref: Material Change of Use – Tourist Park  
Our Ref: PC:AG MCU21\0003

2 September 2021

Mr Thomas Askern  
Milford Planning Pty Ltd  
PO Box 5463  
TOWNSVILLE QLD 4810

[taskern@milfordplanning.com.au](mailto:taskern@milfordplanning.com.au)

Dear Mr Askern

**Decision Notice**

**Material Change of Use – Tourist Park (Caravan Park)**  
**3 Leichhardt Street, Allingham – Lot 340 on CWL2296**  
*Planning Act 2016*

Receipt of your application deemed to be properly made on Wednesday 31 March 2021 seeking a Development Permit for Material Change of Use – Tourist Park (Caravan Park) at 31 Leichhardt Street Allingham, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 31 August 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)  
HinchinbrookShireCouncil



2 September 2021

**SECTION 83 OF PLANNING ACT 2016****APPLICATION DETAILS**

This Decision Notice relates to the below Development Application:

Application Number	MCU21\0003
Property ID Number	102065
Applicant Details	Mr Thomas Askern Milford Planning Pty Ltd PO Box 5463 TOWNSVILLE QLD 4810
Owner Details	Hinchinbrook Shire Council (As Trustee) Reserve for Local Government Purposes and Caravan Park PO Box 366 INGHAM QLD 4850
Property Description	3 Leichhardt Street, Allingham QLD 4850 Lot 340 on CWL2296
Proposal	Material Change of Use – Tourist Park (Caravan Park)
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 approved subject to conditions.
Decision Date	31 August 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	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

State Assessment and Referral Agency (SARA)  
Planning Group  
Queensland Treasury  
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 Approval for Material Change of Use – Tourist Park (Caravan Park), subject to the conditions, as attached.

## FURTHER APPROVALS REQUIRED

This approval does not authorise any operational works (filling of land or civil works) 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						
<p><b>1. 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.						
<p><b>2. 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>Proposed Tourist Park Layout</td><td>M1436-SK-01 Rev D</td><td>10/06/2021</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	Proposed Tourist Park Layout	M1436-SK-01 Rev D	10/06/2021	At all times.
Plan / Document Name	Number	Date					
Proposed Tourist Park Layout	M1436-SK-01 Rev D	10/06/2021					
<p><b>3. Sites Layout Plan</b></p> <p>3.1 Submit a plan for endorsement detailing accommodation sites, access and circulation must be provided prior to commencement of use to outline the maximum occupancy of the allotment; and</p> <p>3.2 The occupation of the sites must be carried out in accordance with the endorsed plan. Any changes to the layout must be formally submitted to Council for endorsement.</p>	Prior to commencement of use and at all times						
<p><b>4. Limitation of Use</b></p> <p>The approved use must operate in accordance with the following parameters:</p> <p>4.1 No more than 35 accommodation sites may be utilised on the land at any one time, unless otherwise approved by Council;</p> <p>4.2 All vehicles must obtain a permit to stay prior to entering the site; and</p> <p>4.3 The operation of generators and washing of vehicles is not permitted.</p>	At all times.						
<p><b>5. Access and Egress</b></p> <p>Access and egress from the site must be provided in the locations indicated on the approved plans. The access is to be provided in accordance with relevant standards to the satisfaction of the Chief Executive Officer.</p>	At all times.						



CONDITION	TIMING
<p><b>6. Conditions of Use</b></p> <p>6.1 Conditions of Use for the subject site must be adopted and maintained to enforce the limitations of use. Items additional to the limitations of use may be included in the Conditions of Use documentation. All persons seeking a permit to enter the site must agree to and be provided with a copy of the Conditions of Use prior to the issue of a permit; and</p> <p>6.2 Any known breach of the Conditions of Use and any complaint made in relation to non-compliance with the Conditions of Use must be formally documented. Non-compliance is to be investigated with action taken where appropriate.</p>	At all times.
<p><b>7. Signage</b></p> <p>Signage is to be provided to prevent vehicles entering the site without a permit and to avoid vehicles queuing on the surrounding road network. The signage is to be provided as follows:</p> <p>7.1 1 x sign at each of the entry points to the site which states a permit must be obtained prior to entering the site; and</p> <p>7.2 1 x sign within the site in a prominent position which outlines the Conditions of Use.</p>	Prior to the commencement of the use.
<p><b>8. Water Supply</b></p> <p>The development must be provided a potable water supply for use by visitors utilising the site.</p>	Prior to the commencement of the use.
<p><b>9. On-site Sewage Treatment</b></p> <p>9.1 The development must be serviced by an on-site sewage treatment system with sufficient capacity to meet the demand generated by the proposed use; and</p> <p>9.2 The developer must obtain the necessary approvals for on-site sewage treatment in accordance with the <i>Environmental Protection Act 1994</i>.</p>	Prior to the commencement of the use.
<p><b>10. Stormwater</b></p> <p>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.</p>	At all times.
<p><b>11. Landscaping</b></p> <p>Landscaping must be established around the proposed amenities block to the satisfaction of the Chief Executive.</p>	Prior to the commencement of the use.
<p><b>12. Construction</b></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 way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.</p>	At all times.



**APPROVED PLAN**  
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.  
MCU21\0003  
31 August 2021



**DRAWING TITLE**  
Proposed Tourist Park Layout

**PROPERTY ADDRESS**  
3 Leichhardt Street, Forrest Deach  
Lot 340 on CWL2296

**DRAWING No.**  
M1436-SK-01

**SCALE (AS SHOWN)**  
1:350

**DATE**  
10/06/2021

**REVISION**  
D

**SHEET**  
1 of 1

**ALPHABETIC**  
TA

**SOURCES**  
Aerial imagery, 2020 by Aerialcam.com  
Topographic data, 2020 by Geospatial 2021  
NOTE: Plans are for information only and are not to be used for construction purposes.





2104-22283 SRA

## Attachment 1—Referral agency conditions

(Under section 58(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 and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)—An aspect of development stated in schedule 20 that is assessable development under a local categorising instrument (Item 2(d) Tourist Park – premises designed to accommodate 75 people) and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)—Within 25 metres of the state-controlled road and adjacent to a road that intersects with a State-controlled road and within 100m of an intersection—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and 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 condition(s):		
1.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> <li>Proposed Tourist Park Layout prepared by Milford Planning Pty Ltd, dated 10 June 2021, reference M1436-SK-01, and revision D, as amended in red.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> <li>(i) Create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>(ii) Interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>(iii) Surcharge any existing culvert or drain on the state-controlled road;</li> <li>(iv) Reduce the quality of stormwater discharge onto the state controlled road.</li> </ul>	(a) At all times. (b) At all times
3.	(a) The road access location, is to be located generally in accordance with the Proposed Tourist Park Layout prepared by Milford Planning Pty Ltd, dated 10 June 2021, reference M1436-SK-01, and revision D, as amended in red. (b) Road access works comprising industrial vehicle crossing (at the road access location) must be provided generally in accordance with the Proposed Tourist Park Layout prepared by Milford Planning Pty Ltd, dated 10 June 2021, reference M1436-SK-01, and revision D, as amended in red.. (c) The road access works must be designed and constructed in accordance with the following: <ul style="list-style-type: none"> <li>(i) Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition and Manual on Uniform Traffic Control Devices (MUTCD)</li> <li>(ii) Relevant Traffic and Road Use manuals (TRUM).</li> </ul>	(a) At all times. (b) At all times (c) Prior to the commencement of the use







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**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>Road access works approval 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>





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

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

The reasons for the department's decision are:

The development complies with State Code 1. 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
- avoids or mitigates significant adverse impacts resulting from environmental emissions generated by vehicles on the state-controlled road.

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]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

