



HINCHINBROOK SHIRE COUNCIL

Our Ref: OPW17\0001

06 March 2018

Mr Salvatore Blanco
PO Box 247
Ingham QLD 4850

Dear Sir,

DECISION NOTICE *Planning Act 2016*

In relation to your recent request for operational works, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on 27 February 2018.

APPLICATION DETAILS

Application Number:	OPW17\0001
Property ID Number:	105004
Applicant Details:	Salvatore Blanco PO Box 247 Ingham QLD 4850
Owner Details:	Salvatore Blanco PO Box 247 Ingham QLD 4850
Property Description:	16 Perkins Street, Ingham Lot 5 on RP727804, Parish of Trebonne
Proposal:	Operational Work (Filling of Land)
Level of Assessment:	Code Assessment



Assessment Benchmarks: Operational Works (Filling and Excavation) Code
Flooding & Inundation Code

DEEMED APPROVAL

The application has not deemed to be approved under s.64 of the *Planning Act 2016*.

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 a referral agency (if any) imposed them.

REFERRAL AGENCIES

Not Applicable

PROPERTY NOTES

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

RIGHTS OF APPEAL

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

APPROVAL CURRENCY PERIOD

s.85 of the *Planning Act 2016* indicates when an approval lapses and this section is attached for your information.

APPROVED PLANS & SPECIFICATIONS

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.

FURTHER INFORMATION

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

This approval does not authorise any building work, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land permits.



Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser
Planning & Development Manager

Enclosed: Approved Plans/Documents
 Appeal Rights



CONDITIONS OF APPROVAL**Conditions of Development**

The conditions of development for this development permit are as follows

Approved Plans

1. The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:-
 - a) The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b) The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards;
 - c) The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.

Currency Period

2. The currency period applicable to this approval:
 - Operational Works – 12 Months until 01 March 2019

Approved Plans

3. The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Number	Date
Proposed Operational Works – Salvatore Blanco	RP727804	16.3.2017

4. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail;
5. Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a development application for building works or within 20 business days of this approval.

Construction and Operation

6. The 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 onto existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety;
7. All fill and retaining material is to be contained within the applicant's land;
8. Filling material which may wash or spill onto adjacent lands is to be removed;
9. Contaminated material excavated from the site must be managed and disposed of appropriately;
10. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Site Stabilisation and Landscaping

11. Following filling, the batters of the site must be stabilised with topsoil and grass to the satisfaction of the Chief Executive Officer;
12. The Applicant/Owner must landscape the subject land and street frontage in accordance with Hinchinbrook Shire Council standards and in accordance with a landscape plan endorsed by the Chief Executive Officer.



Damage to Infrastructure

13. In the event that any part of Council's existing sewer, water, channel and kerbing or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the Commencement of Use or approval and dating of the Building Compliance Certificate, whichever occurs first.

Sewer and Water

14. Undertake the following works:-
- The sewer connection point is to be raised above the new ground level; and
 - An inspection point must be provided to the new ground level surface.

All works must be constructed to the satisfaction of the Chief Executive Officer.

Stormwater Works and Drainage Works

15. The Applicant must submit a stormwater plan for Council's consideration and approval;
16. The stormwater plan must demonstrate that existing drainage catchments are not altered and that increased or concentrated flows resulting from the proposed development can be catered adequately for by the existing drainage systems;
17. All stormwater is to be directed to either kerb and channel, or underground systems, as applicable; or otherwise legal point of discharge as approved by Council.

Fill

18. Fill material placed on the site is to be free of contaminants, noxious, hazardous, deleterious and organic materials;
19. The fill may not exceed 1m above natural ground level of the property;
20. A survey plan of the fill showing heights as reflected in condition 19 supra must be submitted as proof of compliance not more than 20 business days after end date of the currency period of this approval;
21. The toe of the fill or the top of the excavation is not less than 1.5m from a side or rear allotment boundary;
22. Filling or excavation does not cause ponding on the site or on neighbouring properties;
23. Surface water flow is not directed towards neighbouring properties;
24. The toe of fill is to be kept clear of the boundary and drains are to be installed in the Applicant's property of sufficient size to direct run-off towards drainage systems; and
25. Where retaining walls are used drains are to be installed in the Applicant's property of sufficient size to direct run-off towards drainage systems.



HINCHINBROOK SHIRE COUNCIL

File Ref: OPW17\0001



Legend
 Cadastre
 Ingham 10cm
 RGB
 Red: Red
 Green: Green
 Blue: Blue

Site Location
 Proposed Fill Area
 644m³
 1m in Depth



Data Sources & Acknowledgements

While every care is taken to ensure the accuracy of the data used on this map, the Council nor any data providers make no representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability for all expenses, losses, damages and costs which you might incur as a result of the data being inaccurate or incomplete in any way for any reason.
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Cadastral information sourced from Department of Natural Resources and Mines is current as at 2016 and is accurate 1:50,000. Copyright Department of Natural Resources and Mines 2016

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Application for Operational Works - Filling of Land
Salvatore Blanco



Path: G:\projects\admin\HayleyRoy\MARCH 2016.mxd
 Compiled By: hayley1067 Date: 21/03/2017



Legend

— Road Names

□ Cadastre

TP 2005 - Zoning

Commercial

Industry

Open Space & Recreation

Public Purposes

Residential

Rural

Rural Settlement

Village

Roads, Creeks Etc

□ Site Location

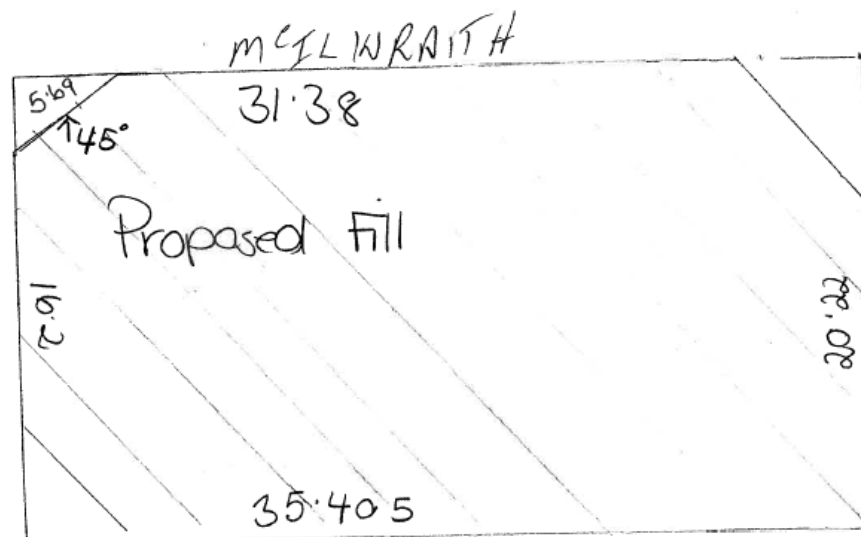
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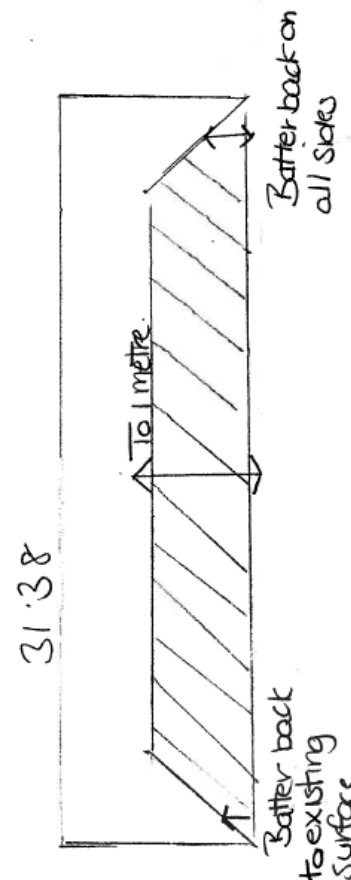


PERKINS STREET



LAYOUT PLAN

SECTION 'A-A'



LEGEND:

- Drain
- Area of Fill
- Water Flow

TOTAL FILL AREA	708 m ²
TOTAL FILL VOLUME	634.50 m ³

PLAN DESCRIPTION:	PROPOSED OP WORKS	SCALE
OWNERS NAME:	SALVATORE BRADCO	1:200
PROPERTY DETAILS:	RP 727804	DATE
		16/3/17

APPEAL RIGHTS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

