



**HINCHINBROOK
SHIRE COUNCIL**

Our Ref: OPW17\0006

02 November 2017

Mr Leon Rinaldo
1632 Abergowrie Road
Lannercost 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 02 November 2017.

APPLICATION DETAILS

Application Number:	OPW17\0006
Property ID Number:	100033
Applicant Details:	Leon Rinaldo 1632 Abergowrie Road Lannercost QLD 4850
Owner Details:	Jennifer L Rinaldo 1632 Abergowrie Road Lannercost QLD 4850
Property Description:	23 Challands Street, Ingham Lot 169 on SP142859, 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.	Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:- <ul style="list-style-type: none"> 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 following conditions of approval and the requirements of Council’s Planning Scheme and best practice engineering.
Timing of Effect	
2.	Conditions of the Development Permit must be satisfied with and work completed within twelve (12) months of approval date, unless an extension is applied for and granted.
Construction and Operation	
3.	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;
4.	All fill and retaining material is to be contained within the applicant’s land. Filling material which may wash or spill onto adjacent lands is to be removed;
5.	Contaminated material excavated from the site must be managed and disposed of appropriately;
6.	Where retaining walls are not used, the toe of fill is to be kept clear of the boundary and shallow earth drains are to be installed in the applicant’s property of sufficient size to direct runoff towards the drainage systems;
Site Stabilisation and Landscaping	
7.	Following filling, the batters of the site must be stabilised with topsoil and grass to the satisfaction of the Chief Executive Officer.
Damage to Infrastructure	
8.	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.
Storage of Machinery and Plant	
9.	The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.
Stormwater	
10.	<ul style="list-style-type: none"> (a) A drain is to be constructed on the southern boundary of Lot 169 SP142859; (b) The stormwater drain is to link into the stormwater drain on the southern boundary of Lot 170 on SP142859; (c) All stormwater generated on the property is to be directed via the drain to the Council drain on the eastern side of Plywood Street (d) The drains must be maintained to direct stormwater flow to the Plywood Street drain





Legend

- Road Names
- Cadastre
- Proposed Fill Area (1000m²)
- Site Location



Data Sources & Acknowledgments

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- Legend
- Roads**
- Gazetted Roads
 - Temporarily Closed Road
 - Road Names
 - Cadastre
- TP 2005 - Zoning**
- Commercial
 - Industry
 - Open Space & Recreation
 - Public Purposes
 - Residential
 - Rural
 - Rural Settlement
 - Village
 - Roads, Creeks Etc
- Site Location

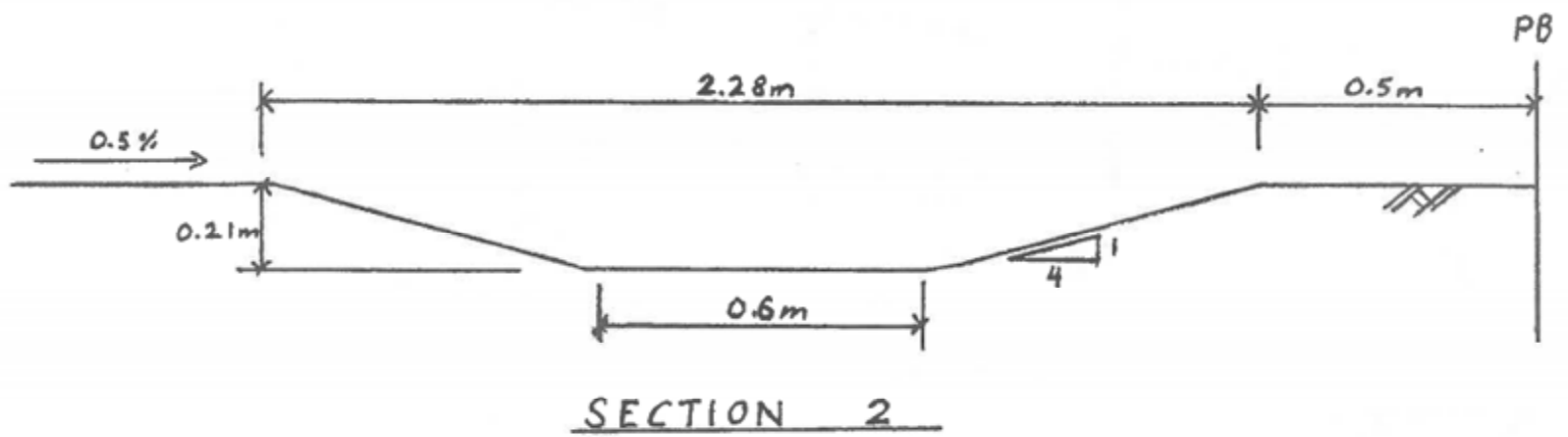
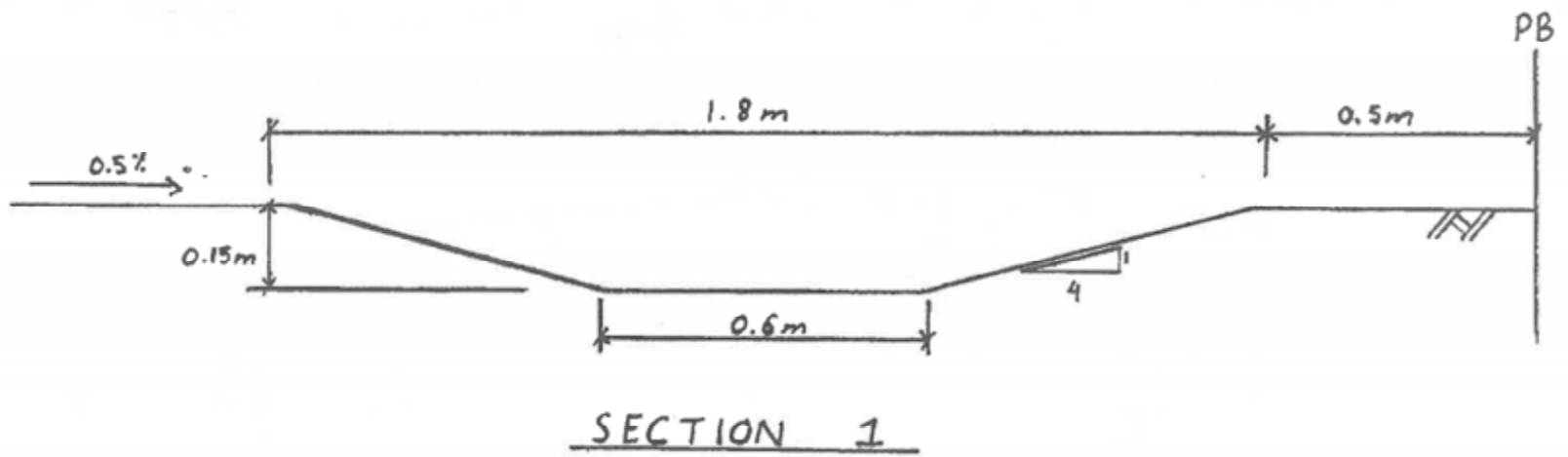


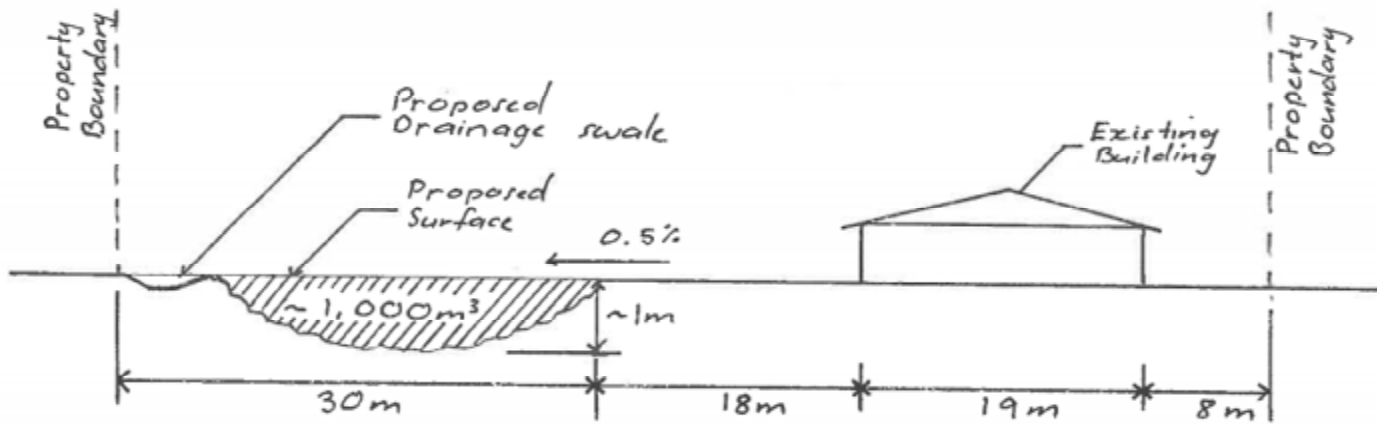
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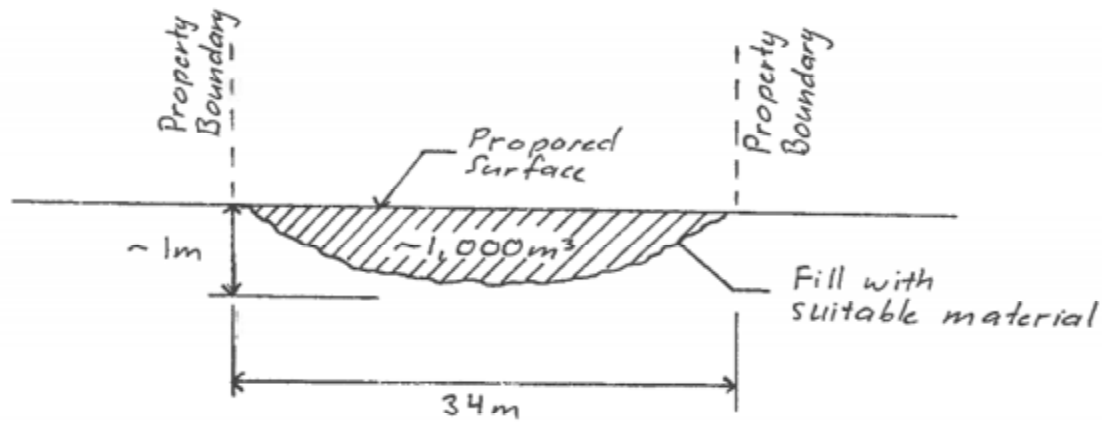
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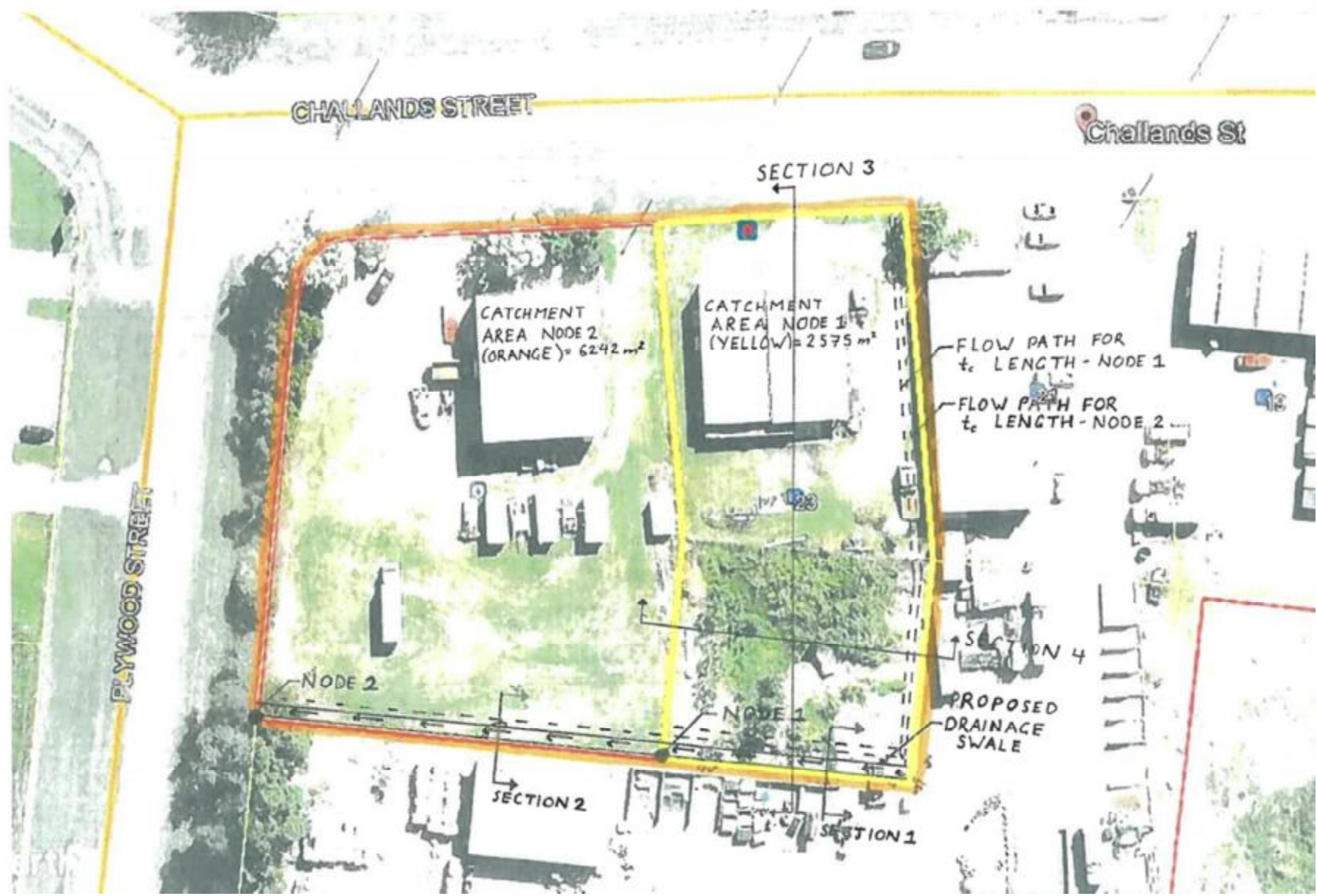




SECTION 3



SECTION 4





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 an 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.

