

Your Ref: Operational Works Application  
Our Ref: BE:HR OPW20\0003

30 July 2020

Keith Phillips  
Keita Services Pty Ltd  
PO Box 828  
INGHAM QLD 4850

[ktphillips6@bigpond.com](mailto:ktphillips6@bigpond.com)

Dear Keith

**Operational Work – Filling of Land and Retaining Wall**  
*Planning Act 2016*

Receipt of your application dated 11 June 2020 seeking a Development Permit for Operational Work at 4-6 Garbutt Street Ingham is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 28 July 2020.

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, Conditions of Approval (if any), currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decision, 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 Team Leader Hayley Roy on 4776 4609 for necessary assistance.

Yours sincerely



Alan Rayment  
Chief Executive Officer

Encl - Decision Notice



25 Lannercost Street  
INGHAM QLD 4850



ABN

PO Box 366 INGHAM QLD 4850  
46 291 971 168



4776 4600  
4776 3233



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HinchinbrookShireCouncil



30 July 2020

**SECTION 63 OF PLANNING ACT 2016**

## APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	OPW20\0003
Property ID Number	105266
Applicant Details	Keith Phillips Keita Services Pty Ltd PO Box 828 INGHAM QLD 4850
Owner Details	Keita Services Pty Ltd PO Box 828 INGHAM QLD 4850
Property Description	4-6 Garbutt Street, Ingham Lot 20 on RP709238
Proposal	Operational Work (Filling of Land and Retaining Wall)
Level of Assessment	Code Assessable

## DECISION

Development assessment, as per the provisions of the Planning Act 2016, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager

Decision	The application was approved subject to conditions.
Decision Date	28 July 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Submissions	Not Applicable

## 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.

## PROPERTY NOTES

Not Applicable.

## FURTHER APPROVALS REQUIRED

This approval does not authorise 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.

## 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 Two (2) 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 the Decision Notice, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for the necessary advice.

Yours sincerely



Electronic

George Milford  
Planning Consultant



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><b>1.1</b> 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><b>1.2</b> The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p><b>1.3</b> 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>Contour and Detail Survey Lots 19 and 20 on RP709238 prepared by Hansen Surveys</td><td>191258A</td><td>March 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	Contour and Detail Survey Lots 19 and 20 on RP709238 prepared by Hansen Surveys	191258A	March 2020	At all times.
Plan / Document Name	Number	Date					
Contour and Detail Survey Lots 19 and 20 on RP709238 prepared by Hansen Surveys	191258A	March 2020					
<p><b>3. Contamination of Land</b></p> <p>The proposed works must ensure any material used as fill is free from contaminants. Works must also ensure no contaminated material is excavated or disturbed. If works do involve the excavation or disturbance of any contaminated material, a management plan is to be prepared by a suitably qualified person and submitted to Council for endorsement prior to the commencement of work.</p>	At all times and prior to the commencement of works.						
<p><b>4. Stormwater</b></p> <p>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>.</p>	At all times.						

<p><b>5. Soil Erosion Minimisation, Sediment Control</b> Erosion and sediment control management must be installed and maintained throughout construction and maintained for the life of the development to ensure that receiving waters during construction of the development are protected from the effects of increased sediment run-off.</p>	<p>During construction and at all times.</p>
<p><b>6. Damage to Infrastructure</b> In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.</p>	<p>At all times.</p>
<p><b>7. Relocation of Utilities</b> 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.</p>	<p>At all times.</p>

