

Your Ref: 0490 R-NP0190
Our Ref: BE:HR OPW20\0005

27 November 2020

Callan Chad Twaddle
C/- Brett Langtree Consulting Pty Ltd
Level 1
14 Ingham Road
WEST END QLD 4812

brett@langtreeconsulting.com.au

Dear Brett

Decision Notice – Operational Works (14-16 McDonaghs Road Blackrock)
Planning Act 2016

Receipt of your application deemed to be properly made on Monday 16 November 2020 seeking a Development Permit for operational works to formalise filling of land for a large homesite and access driveway at 14-16 McDonaghs Road Blackrock, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered under delegated authority on Thursday 26 November 2020.

Council resolved to approve the proposed development, 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 the Approval (if any), currency period, approved plans 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 Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

Yours sincerely



James Stewart
Acting 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
HinchinbrookShireCouncil

27 November 2020

SECTION 83 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	OPW20\0005
Property ID Number	102798
Applicant Details	Callan Chad Twaddle C/- Brett Langtree Consulting Pty Ltd Level 1 14 Ingham Road WEST END QLD 4810
Owner Details	Callan Chad Twaddle 6 White Street INGHAM QLD 4850
Property Description	14-16 McDonaghs Road Blackrock Lot 8 on RP707754
Proposal	Operational Work – Filling of Land
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	26 November 2020
Decision Type	Development Permit
Planning 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 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 any 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.

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 four 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															
<div>1. Administration</div> <div>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</div> <div><div>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;</div><div>1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</div><div>1.3 The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.</div></div>	At all times.															
<div>2. Approved Plans</div> <div>2.1 The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached which forms part of this approval, unless otherwise specified by any condition of this approval.</div> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Detailed Survey of Earthworks</td><td>N/A</td><td>Received 16/11/20</td></tr><tr><td>Proposed Stormwater Works Layout Plan</td><td>0490-SK-1 Rev B</td><td>11/11/20</td></tr><tr><td>Technical Memorandum</td><td>TM-BL024</td><td>04/11/2020</td></tr><tr><td>Flood Impact Assessment</td><td>L.M00303.001.03</td><td>20/11/2020</td></tr></table> <div><div>2.2 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.</div><div>2.3 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.</div></div>	Plan / Document Name	Number	Date	Detailed Survey of Earthworks	N/A	Received 16/11/20	Proposed Stormwater Works Layout Plan	0490-SK-1 Rev B	11/11/20	Technical Memorandum	TM-BL024	04/11/2020	Flood Impact Assessment	L.M00303.001.03	20/11/2020	At all times.
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Proposed Stormwater Works Layout Plan	0490-SK-1 Rev B	11/11/20														
Technical Memorandum	TM-BL024	04/11/2020														
Flood Impact Assessment	L.M00303.001.03	20/11/2020														
<div>3. Stormwater Management</div> <div>All stormwater from the property must be directed to a lawful point of discharge such that it does not result in an adverse effect to surrounding properties (in terms of increased flood heights or velocities) from the development, all to the requirements and satisfaction of the Chief Executive Officer.</div>	At all times.															
<div>4. Earthworks</div> <div><div>4.1 Fill material placed on the site is to be free of contaminants, noxious, hazardous or organic material.</div><div>4.2 Filling works do not result in ponding on the site or on neighboring properties.</div><div>4.3 Surface water flows are not directed towards neighboring properties as a result of filling activities.</div></div>	At all times.															

CONDITION	TIMING
<p>4.4 Fill material placed on the land must not cause a damming effect within an overland flow path.</p> <p>4.5 An Erosion and Sediment Control Plan must be implemented and maintained when undertaking earthworks in accordance with IECA (2008) - Best practice erosion and sediment control document.</p> <p>4.6 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments" and good engineering practice.</p>	At all times.
<p>5. Waterway Crossing</p> <p>The waterway crossing for the access road identified on the approved plan shall be constructed with a 1200mm x 300mm reinforced concrete box culvert and in accordance with the Department of Transport and Main Roads Standard Drawing 1305 & 1359 and the requirements under the <i>Accepted Development Requirements for Operational Work that is Constructing or Raising Waterway Barrier Works</i>.</p>	During construction.
<p>6. Construction</p> <p>Any construction work associated with this development shall be carried out in accordance with sound engineering practice. 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 existing roads, it is to be removed in a manner that does not cause dust nuisance or compromise traffic safety.</p>	During construction.
<p>7. Damage to Infrastructure</p> <p>In the event that any part of Council's existing sewer/water 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>	During construction and at all times.
<p>8. Revegetation</p> <p>The access road embankment batters shall be revegetated (seeding and watering to establishment) to minimise the risk of scouring and potential for sediment run-off adversely impacting on the water quality of the waterway.</p>	Upon completion of works.
<p>9. Final Completion</p> <p>The works will be accepted as complete following Council's receipt of RPEQ certification that all works have been completed in accordance with the conditions of approval.</p>	Upon completion of works.



APPROVED PLAN
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.
OPW20\0005
27 November 2020



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

OPW20\0005
27 November 2020

FOR INFORMATION				LAYOUT PLAN SCALE 1:500				14-16 McDONAGHS ROAD, BLACKROCK			
11 NOVEMBER 2020				11 NOVEMBER 2020				11 NOVEMBER 2020			
REVISIONS				REVISIONS				REVISIONS			
NO.	BY	DATE	DESCRIPTION	NO.	BY	DATE	DESCRIPTION	NO.	BY	DATE	DESCRIPTION
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96	N.P.	27/11/20	ISSUED FOR PERMIT	96	N.P.	11/11/20	DATE	96	N.P.	11/11/20	DATE
97	N.P.	27/11/20	ISSUED FOR PERMIT	97	N.P.	11/11/20					



Technical Memorandum

To	Mr. Callan Twaddle	Pages	19
CC	Hinchinbrook Shire Council – Ms. Hayley Roy		
Subject	0490: 14-16 McDonaghs Road Flood Assessment, Black Rock (Lot 8 on RP707754)		
From	Brett Langtree		
File/Ref No.	TM-BL0247	Date	4/11/2020

Langtree Consulting in conjunction with Venant Solutions (Mr Mark Jempson) have been commissioned by Mr Callan Twaddle to conduct a flood assessment on Lot 8 on RP707754 (The Site), as a result of an Enforcement Notice from Hinchinbrook Shire Council (HSC).

The Site is a rural residential lot, located at 14-16 McDonaghs Road, Black Rock (Refer to the Lot outlined in red in *Figure 1* below) and is owned by Mr Callan Twaddle. The site is located approximately 4 km south of Ingham. The site is constrained to the west by an unnamed tributary creek (shown in blue in *Figure 1*) that discharges into Palm Creek. The Site is surrounded by six rural residential lots containing habitable buildings, but the majority of the land around the site is utilised for growing sugar cane.

Recently Mr Twaddle constructed a house fill pad on Lot 8 on RP707754 approximately 18m wide x 26.5m in length (or approximately 20m wide x 35m in length from toe of batter to toe of batter) using suitable earth fill material. The earth pad is located along the eastern side of the site (as verified by Hinchinbrook Surveys, refer to *Figure 2* or *Appendix A*) with earth up to a level of approximately 12.45m AHD (or ranging from 1.1m to 2.4m in height). The earth fill has been extended to accommodate a raised driveway that effectively "dams" the unnamed tributary creek that discharges into Palm Creek. Refer to *Figure 3* and *Figure 4* for a site photos.

The objective of this flood impact assessment on Lot 8 on RP707754 is to understand whether the filling that has occurred on the Site will increase flood levels on surrounding properties.



Figure 1: Locality Plan for Lot 8 on RP707754 located at 14-16 McDonaghs Road, Black Rock (Source: QGlobe).



Figure 2: Detailed Survey Plan for Lot 8 on RP707754 located at 14-16 McDonaghs Road, Black Rock (Source: Hinchinbrook Surveys)



Figure 3: Site photo from the north of the site looking south along the eastern side of the site. (Source: Langtree Consulting).



Figure 4: Site photo from the north of the site looking north at the bunded stream (Source: Hinchinbrook Surveys).

To enable the impact of any increased flood levels due to the filling on the Site to be assessed, HSC provided the Habitable Floor Levels for the two properties neighbouring the Site to the West. Refer to *Figure 5* and *Table 1* below.

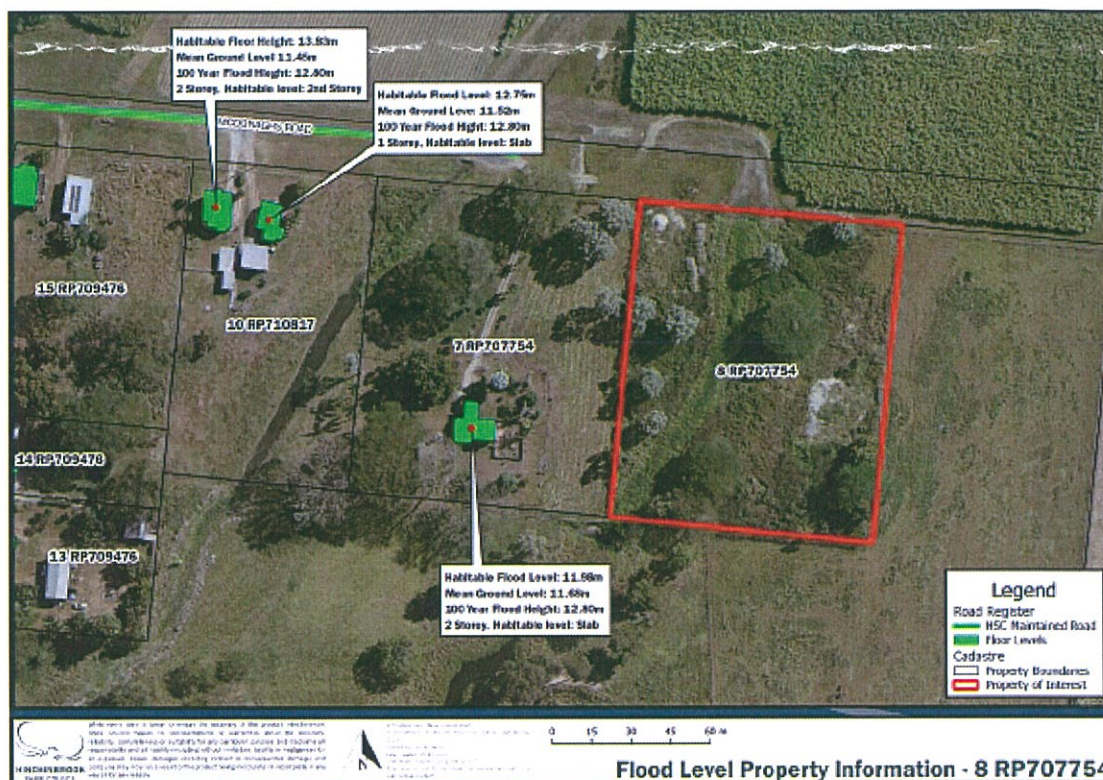


Figure 5: Flood Level Property Information for Lot 8 on RP707754. (Source: HSC).

Table 1: No. of stories of surrounding residential properties and the habitable Floor Height (Source: HSC)

Address	No. of stories	Mean Ground Level (m AHD)	Habitable Floor Height (m AHD)	100 Year Flood Height (m AHD)
Lot 10 on RP710817 (House 1)	2	11.45m	13.83m	12.80m
Lot 10 on RP710817 (House 2)	1	11.52m	12.75m	12.80m
Lot 7 on RP707754	2	11.68m	11.98m	12.80m

Please note that based on the information provided by HSC, the Habitable Floor Height of House 2 on Lot 10 on RP710817 and Lot 7 on RP707754 are both currently set under the 100 year flood height.

Venant Solutions undertook a hydraulic assessment and issued their findings on 2nd November 2020 (Ref: RG:L.M00303.001.02.FloodAssessment.docx). Their full report is contained in *Appendix B*. Venant Solutions used HSC's Herbert River model as the basis for this flood assessment. The assessment was undertaken for the 20%, 10%, 5%, 2% and 1% Annual Exceedance Probability (AEP) flood events. For the existing conditions assessment Councils model was unchanged.

For the developed case model the ground levels in the model were adjusted to represent the fill pad and road surveyed by Hinchinbrook Surveys. The existing and developed cases were run for each of the above AEP flood event and the resultant flood level surfaces and velocities compared to understand the changes caused by the proposed development. Mapping for each AEP flood event is also provided in *Appendix B*.

It is understood that HSC has adopted a policy whereby once the impact of constructed works increases the baseline flood levels by more than 10mm then the works are deemed to have a significant effect on the surrounding area.

The results of the Venant Solutions Flood Impact Assessment are as follows:

- 1% AEP: No significant effect on the surrounding area (<10mm flood level impact);
- 2% AEP: No significant effect on the surrounding area (<10mm flood level impact);
- 5% AEP: No significant effect on the surrounding area (<10mm flood level impact);
- 10% AEP: No significant effect on the surrounding area (<10mm flood level impact); and
- 20% AEP: No significant effect on the surrounding area (<10mm flood level impact);

The mapping in the figures shows that the fill pad and road will cause a localised increase in flood level to the north and west of the fill pad, but predominantly within the site. The increase in flood levels to the neighbouring property is less than 10mm. The mapping actually indicates decreases in flood level to the south-east of the site.

In summary, in regional flood events the raised fill pad and raised access road does not cause off-site increases in flood level except for small, localised increases (less than 10mm) in flood level on the property to the south.

However, notwithstanding this it is recommended that a pipe of at least 300mm in diameter is installed under the road at the creek to allow the passage of low flows through the property.

Langtree Consulting has prepared an Operational Works Drawing (i.e. Construction Drawing) for the installation of the 300mm diameter pipe for Councils review and has enclosed it in *Appendix C*.

CERTIFICATION STATEMENT AND AUTHORISATION

This technical memorandum has been prepared by Brett Langtree (RPEQ No 11932), a civil engineer with 23 years' experience in local government, urban and rural infrastructure and development and hydrology.



.....
Brett Langtree – Principal Civil Engineer (RPEQ No 11932), Langtree Consulting

Date: 3rd November 2020



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Our Ref: RG: L.M00303.001.03.FloodAssessment.docx

20 November 2020

Langtree Consulting Pty Ltd
Level 1, 14 Ingham Rd
West End QLD 4810

Attention: Brett Langtree

Dear Brett

**RE: FILL MATERIAL AT 14-16 MCDONAGHS ROAD BLACK ROCK – LOT 8 ON
RP707754 – FLOOD IMPACT ASSESSMENT**

Mr Callan Twaddle (Applicant) was issued with an Enforcement Notice by Hinchinbrook Shire Council (Council) for undertaking assessable development on the above Lot without the necessary development permit. Specifically the Enforcement Notice relates to filling and/or excavation on the Lot that does not meet the accepted development requirements of the Hinchinbrook Shire Planning Scheme 2017.

To support an application for a permit for the works, Langtree Consulting engaged Venant Solutions to undertake a flood impact assessment. This letter presents the background, methodology and findings of the flood impact assessment.

Background

The site is a rural residential lot at 14-16 McDonaghs Road, approximately 4 km south of Ingham. In the immediate vicinity of the site there are six lots containing habitable buildings, but the majority of the land around the site is sugar cane paddocks. The site is subject to flooding from the Herbert River in the 20% (1 in 5) AEP (annual exceedance probability) and larger design flood events; modelling of more frequent, e.g. 1 in 2 events, has not been undertaken and hence the smallest event that would cause flooding on the lot is not known.

The Lot may also be subject to flooding in short duration local catchment events (Palm and Trebonne Creeks), i.e. without Herbert River flooding. Analysis of short duration local catchment events is beyond the scope of this report, but the assessment does include local catchment rainfall and runoff for the longer duration Herbert River flood event. It is expected that flood levels from short duration local catchment flooding would be significantly lower than flood levels from Herbert River flooding.

The Applicant is proposing to build a house on a 20 x 35 m fill pad in the south-east corner of the site. The fill pad is approximately 12.45 m AHD, about 2.4 m above the surrounding land. Also proposed is a road across the property to the house. This road is in part raised in order to allow vehicular access to the fill pad. The flood impact assessment is required to understand whether the filling will increase flood levels on surrounding properties. A drawing of the site survey is attached.

Modelling and Results

Council's Herbert River model was used as the basis for this flood assessment; the version of the model used was that adopted for the Council's planning scheme update. The assessment was undertaken for the 20%, 10%, 5%, 2% and 1% Annual Exceedance Probability (AEP) flood events. For the existing conditions assessment Council's model was unchanged.

For the developed case model the ground levels in the model were adjusted to represent the fill pad and road. At the location of the site the flood model a 40 m computational grid is used; a 10 m grid is used over the more highly developed areas of the floodplain and along the river. The footprint of the fill pad is a about half the area of a single grid, and hence to apply the fill over a full grid would result in an overestimate of flood impacts. There are features in TUFLOW that allow for the representation of filling at a sub-grid scale. In TUFLOW a ground elevation is assigned to each side of a grid. Therefore, the long (35 m) side of the fill was represented in the model by setting the side of the grid at a level of 12.44 m AHD, effectively creating a slightly conservative 40 m blockage. The short side of the fill pad was represented flow constriction feature set with a 50% blockage because the 20 m width is half the grid size. The road levels in the model were adjusted to match the survey data access road.

The existing and developed cases were run for each of the AEP flood event and the resultant flood level surfaces and velocities compared to understand the changes caused by the proposed development.

Mapping is provided as follows:

- Figure 1 - Change in peak 1% AEP flood level
- Figure 2 - Change in peak 2% AEP flood level
- Figure 3 - Change in peak 5% AEP flood level
- Figure 4 - Change in peak 10% AEP flood level
- Figure 5 - Change in peak 20% AEP flood level
- Figure 6 - Change in peak 1% AEP flood velocity
- Figure 7 - Change in peak 2% AEP flood velocity
- Figure 8 - Change in peak 5% AEP flood velocity
- Figure 9 - Change in peak 10% AEP flood velocity
- Figure 10 - Change in peak 20% AEP flood velocity

In each of these figures the change in flood level is represented by colour mapping. The range for each colour is shown in the legend.

The mapping in the figures shows that the fill pad and road will cause a localised increase in flood level to the north and west of the fill pad, but predominantly within the site.

Figure 1 and 2 show some increases of flood level within the site and decreases in flood level to the south-east of the site. In the 5% AEP event, shown in Figure 3, small increases in flood level over a localised area can be seen in the property to the south of the site, with decreases in flood level to the south-east of the site. Figures 4 and 5 show minor decreases in flood level to the south-east of the site.

The mapping shows that the fill pad and road will cause localised increases in flood velocity to the south and east of the fill pad. As with the flood level increases, the increases are mostly within the site. The increases that occur in the 1% AEP to 20% AEP events are predominantly in the 0.1 – 0.25 m/s range. The exceptions to this are in the 1% AEP event where increases in flood velocity of up to 0.35 m/s occur in the property to the south of the site. The 2% AEP event causes increases of up to 0.30 m/s in the same property but to the east of the site. Post development flow velocities in all affected areas remain below 1 m/s. This in conjunction with the fact that in all cases the increases are on vegetated land away from buildings or infrastructure means that the increases in velocity will not result in increased scouring.

Summary

In summary, in regional flood events the raised fill pad and raised access road does not cause off-site increases in flood level except for small, localised increases in flood level on the property to the south in the 5% AEP event. Close to the building on this property to the south there are reductions in flood level. Similarly the fill pad causes localised small increases in velocity which do not impact on building or infrastructure and will not cause additional scour.

It is recommended that a pipe of at least 300 mm in diameter is installed under the road at the creek to allow the passage of low flows through the property.

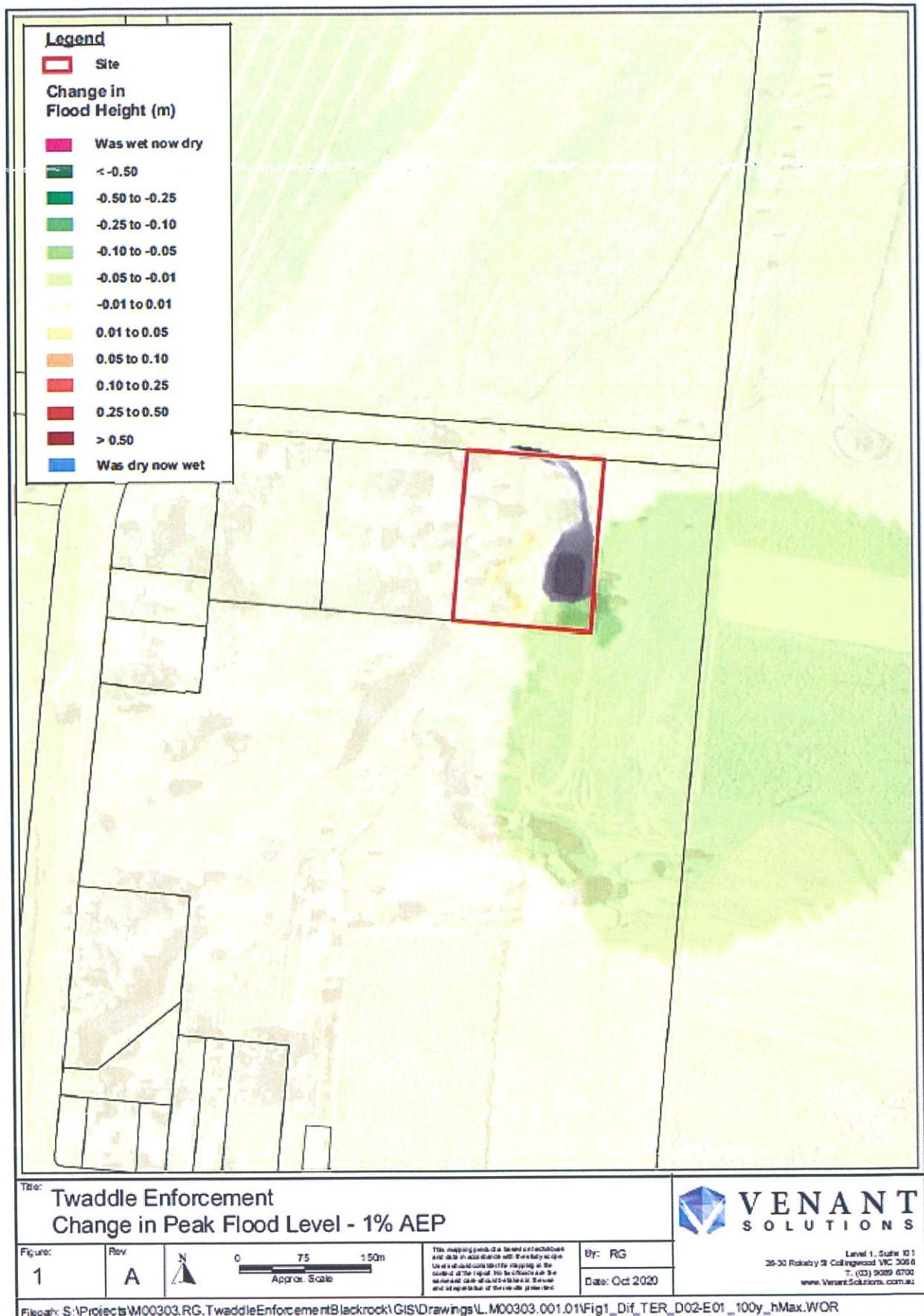
Yours faithfully,

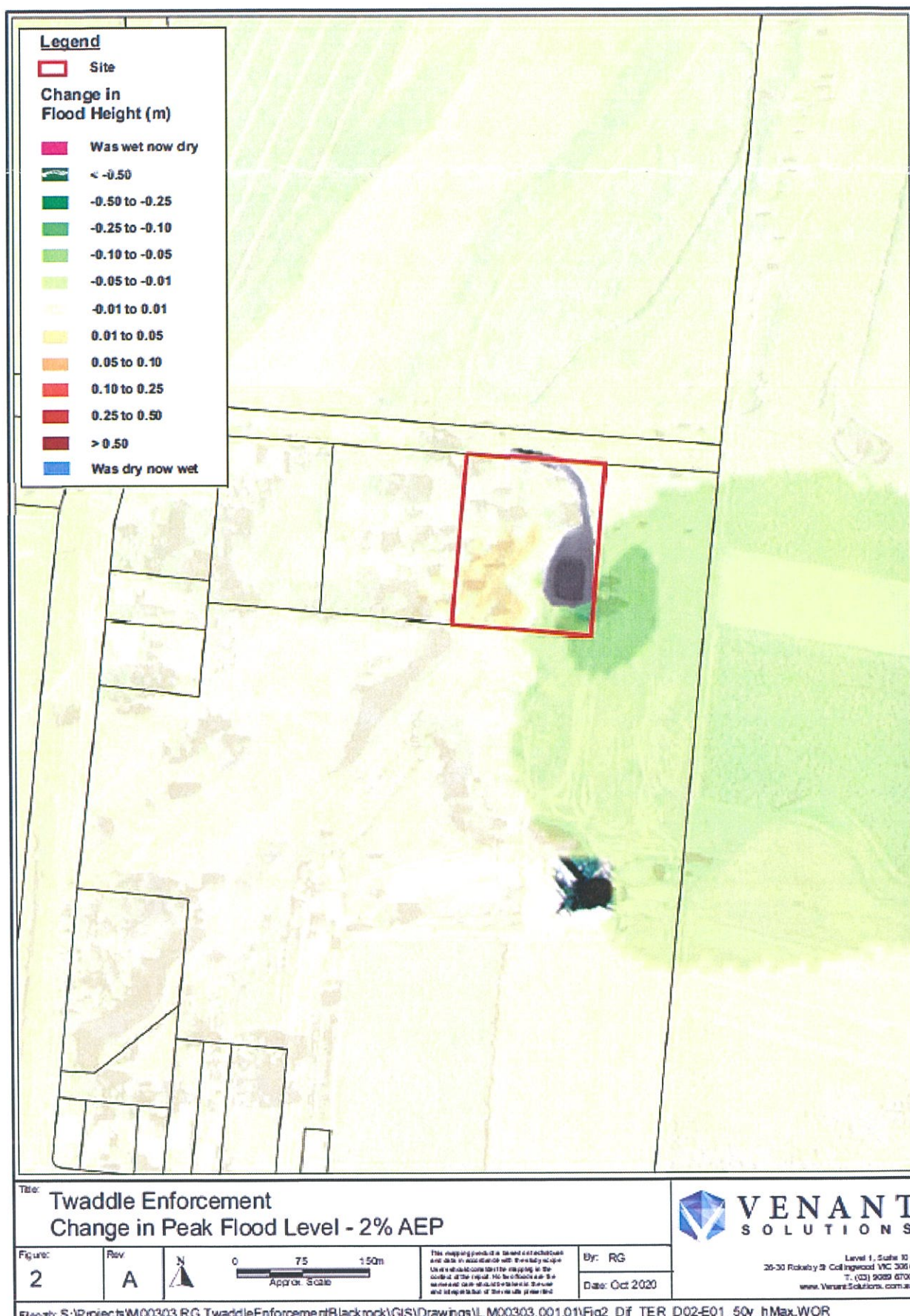


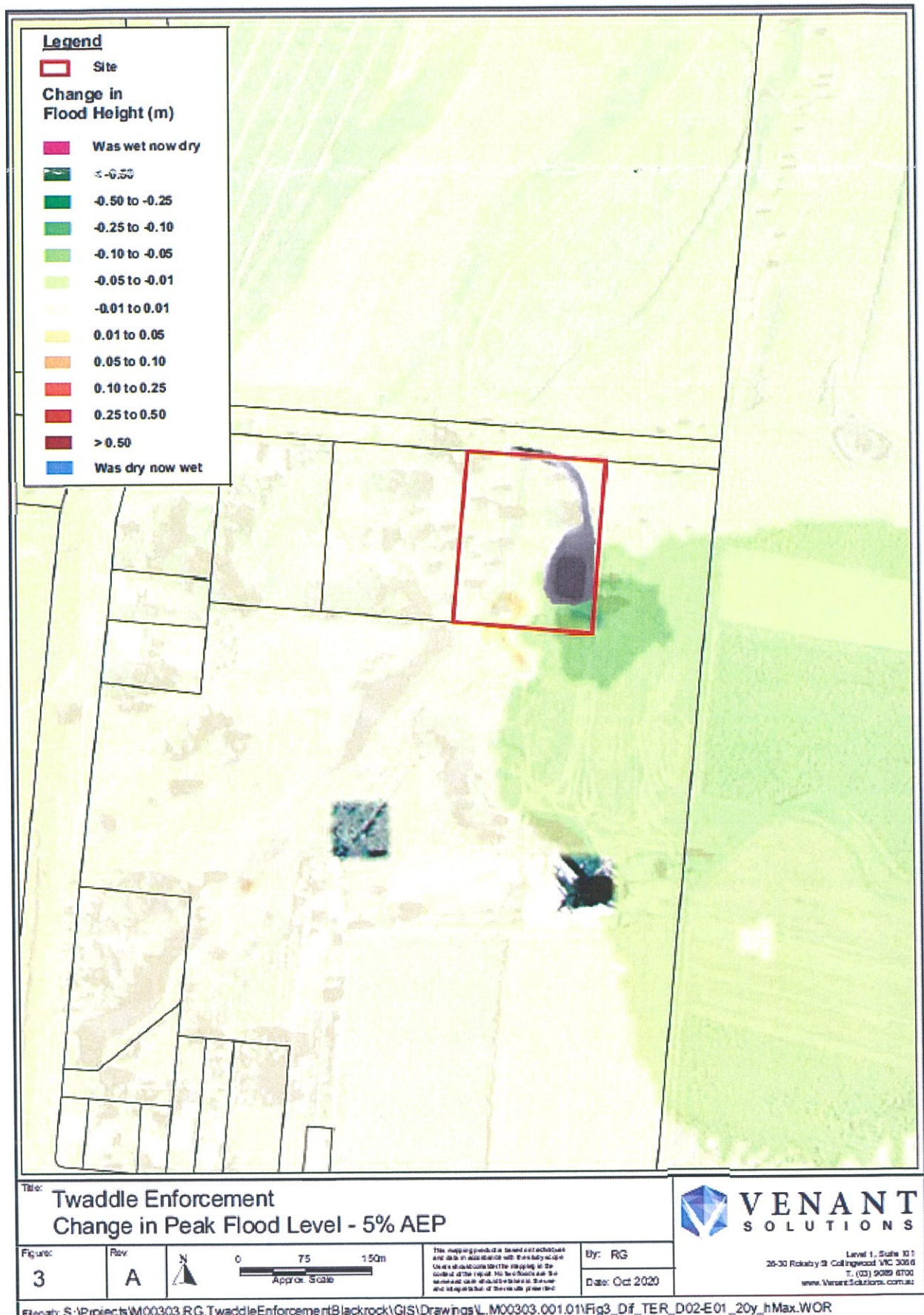
Richard Gale
Engineer

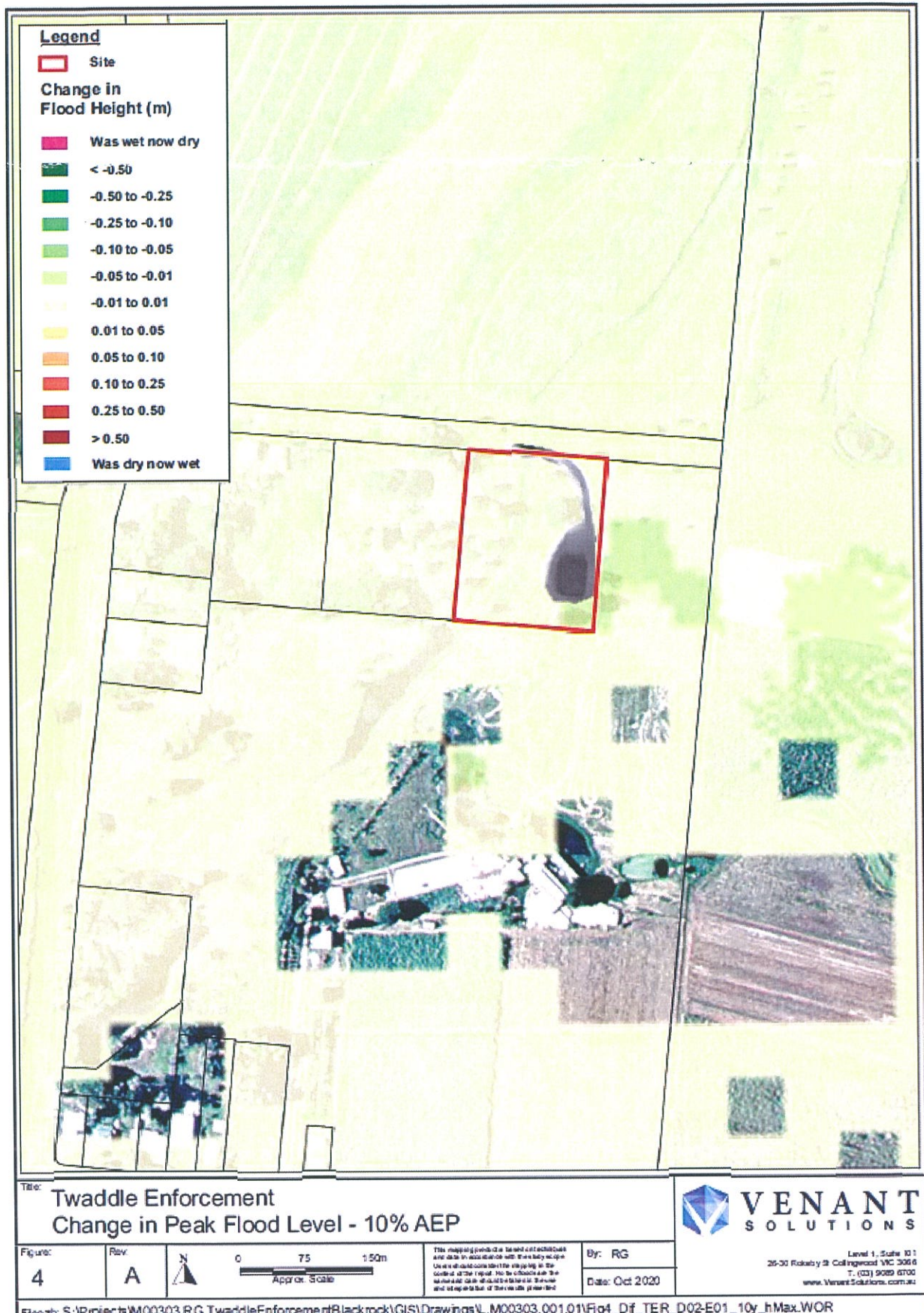


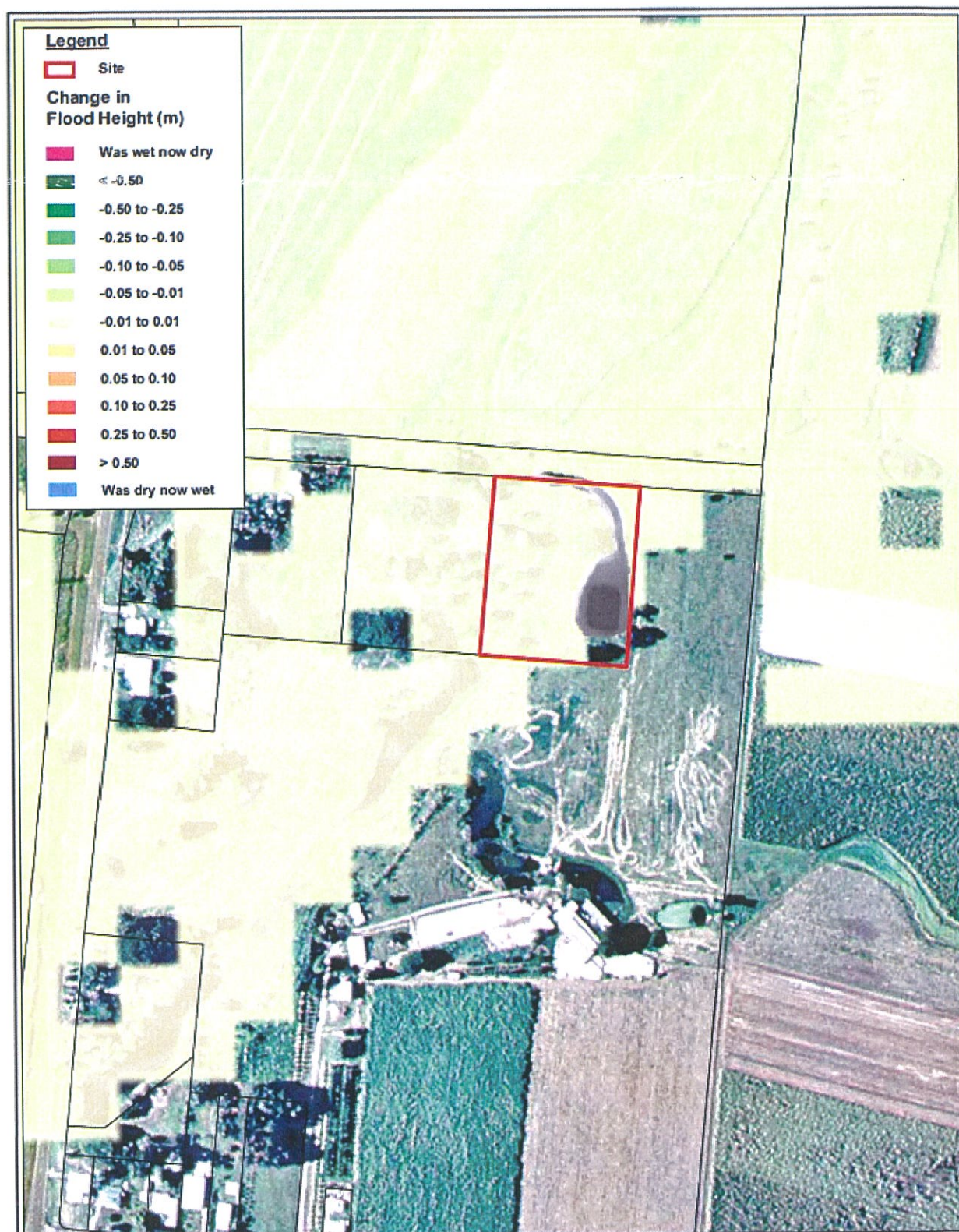
Dr Mark Jempson
Director











Title: Twaddle Enforcement
Change in Peak Flood Level - 20% AEP



Figure
5

Rev:
A



0 75 150m
Approx. Scale

The mapping product is based on best available data and is not a guarantee of accuracy. Users should conduct their own due diligence and verify the mapping at the location of the project. No liability shall be accepted for any loss or damage arising from the use of this product.

By: RG

Date: Oct 2020

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