

Your Ref: Operational Work – Filling of Land
Our Ref: PC:AG OPW20\0006

28 April 2021

Mr Ramon Marbelli
Timrith Transport Pty Ltd
PO Box 858
INGHAM QLD 4850

admin@timrithtransport.com

Dear Mr Marbelli

Decision Notice
Operational Work – Filling of Land
124 Lannercost Street Ingham – Lot 24 on I2243
Planning Act 2016

Receipt of your application deemed to be properly made on Tuesday 12 January 2021 seeking a Development Permit for Operational Work (Filling of Land) at 124 Lannercost Street Ingham, is acknowledged and its contents noted.

Please be advised your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 27 April 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
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council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

28 April 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	OPW20\0006
Property ID Number	103947
Applicant Details	Ramon Marbelli Timrith Transport Pty Ltd PO Box 858 INGHAM QLD 4850
Owner Details	Alfio Sorbello 96 Martinez Avenue WEST END QLD 4810
Property Description	124 Lannercost Street, Ingham QLD 4850 Lot 24 on I2243
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	27 April 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 Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

State Assessment and Referral Agency
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 Permit for Operational Works – Filing of Land, subject to the conditions, as attached.

FURTHER APPROVALS REQUIRED

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 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*.

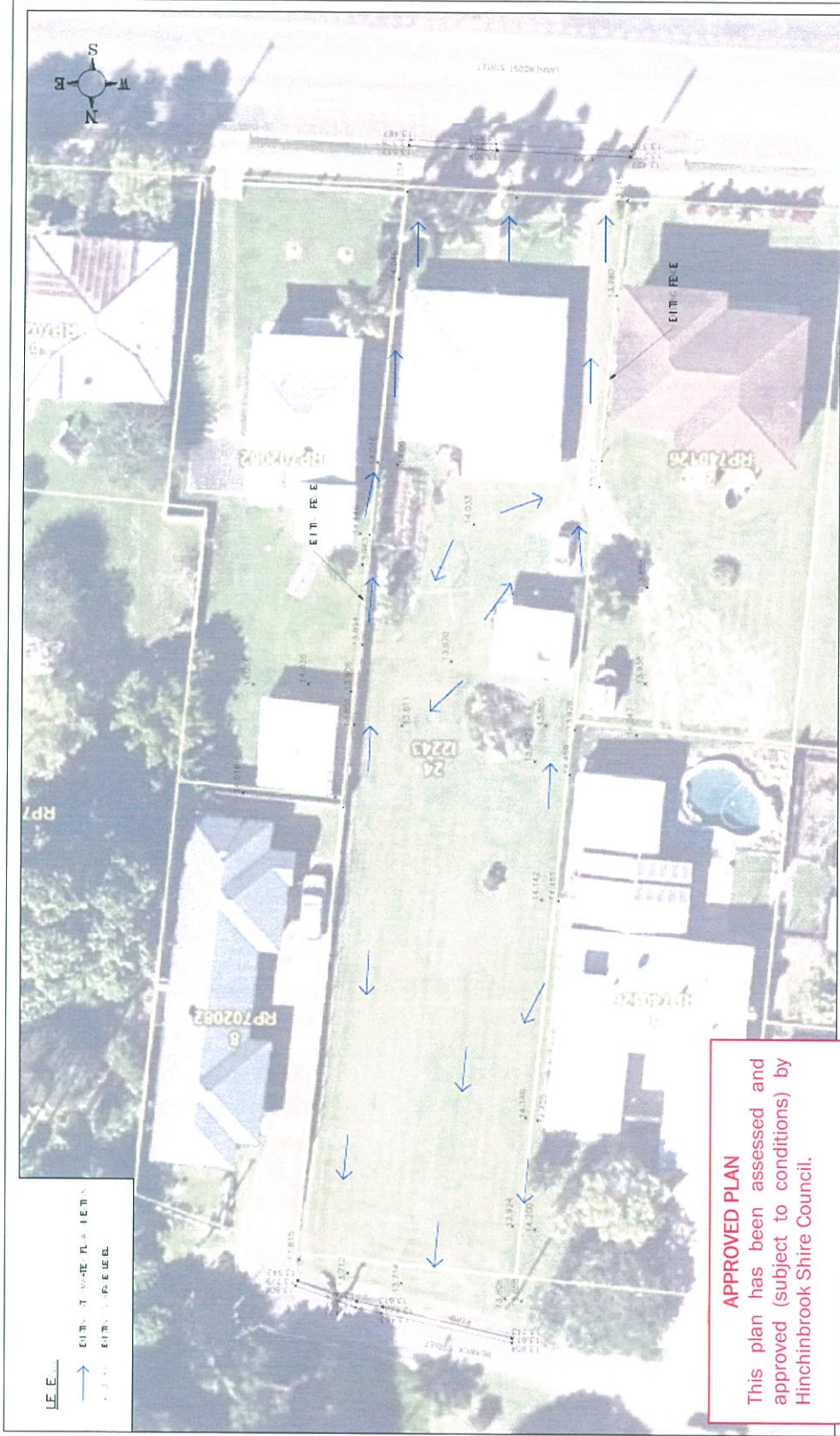
The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

- 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 this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

CONDITION	TIMING									
<p>1. Administration</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>2. Approved Plans</p> <p>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;</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Existing Layout Plan</td><td>0579-001</td><td>31/03/21</td></tr><tr><td>Proposed Layout Plan and Cross Sections</td><td>0579-002</td><td>31/03/21</td></tr></table> <p>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; and</p> <p>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.</p>	Plan / Document Name	Number	Date	Existing Layout Plan	0579-001	31/03/21	Proposed Layout Plan and Cross Sections	0579-002	31/03/21	At all times.
Plan / Document Name	Number	Date								
Existing Layout Plan	0579-001	31/03/21								
Proposed Layout Plan and Cross Sections	0579-002	31/03/21								
<p>3. Stormwater Management</p> <p>3.1 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; and</p> <p>3.2 Catch drains located adjacent to the northern and southern property boundaries must be designed and installed to direct stormwater from the filled land to the lawful point of discharge such that no adverse impact will result from the works. Details of the catch drains' final location, capacity, and design must be provided to the Chief Executive Officer for approval prior to acceptance of completion of works in accordance with Condition 10.</p>	At all times.									

CONDITION	TIMING
<p>4. Earthworks</p> <p>4.1 Fill material placed on the site is to be free of contaminants, noxious, hazardous or organic material;</p> <p>4.2 Filling works do not result in ponding on the site or on neighbouring properties;</p> <p>4.3 Surface water flows are not directed towards neighbouring properties as a result of filling activities;</p> <p>4.4 Fill material placed on the land must not cause a damming effect within an overland flow path; and</p> <p>4.5 All earthworks must be undertaken in accordance with <i>Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"</i> and good engineering practice.</p>	At all times.
<p>5. Soil Erosion and Sediment Control</p> <p>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>	At all times.
<p>6. Work in Road Reserve</p> <p>The proposed work is to include relevant measures, particularly the installation of drainage under the existing footpath at the Lannercost Street road frontage, to enable stormwater from the proposed spoon drain to reach the existing kerb and channel. The necessary road work permits must be obtained prior to the commencement of work in the road reserve.</p>	Prior to final completion.
<p>7. 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>8. 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 prior to final completion.
<p>9. Revegetation</p> <p>The areas disturbed by the proposed work shall be revegetated (seeding and watering to establishment) to minimise the risk of scouring and potential for sediment run-off adversely impacting on the quality of stormwater discharged from the site.</p>	Prior to final completion.
<p>10. 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\0006
 27 April 2021

EXISTING LAYOUT PLAN
 NOT TO SCALE

REVISIONS				CERTIFICATION				TIMRITH TRANSPORT				SCALE				NTS			
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SARA reference: 2102-20986 SRA
Council reference: OPW20/0006

1 March 2021

Chief Executive Officer
Hinchinbrook Shire Council
PO Box 366
Ingham Qld 4850
council@hinchinbrook.qld.gov.au

Attention: Aimee Godfrey

Dear Aimee

SARA response — Operational Work (Filling of Land) at 124 Lannercost Street, Ingham

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 15 February 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	1 March 2021
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit Operational Work (Filling of Land)
SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 5 (Planning Regulation 2017) Development application for an operation work on premises within 25m of a state-controlled road
SARA reference:	2102-20986 SRA

Assessment Manager: Hinchinbrook Shire Council
Street address: 124 Lannercost Street, Ingham
Real property description: Lot 24 on I2243
Applicant name: Timrith Transport
Applicant contact details: PO Box 858
Ingham QLD 4850
admin@timrithtransport.com

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Mac Haque, Senior Planning Officer, on 47583414 or via email NQSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Timrith Transport, admin@timrithtransport.com
enc Attachment 1 – Referral agency conditions
Attachment 2 – Advice to the applicant
Attachment 3 – Reasons for referral agency response
Attachment 4 – Change representation provisions

Attachment 1 — Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition Timing
Operational Work		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 5 – Operational work on premises within 25 metres of a state-controlled road – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport & 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 conditions:		
1.	Vehicles associated with the proposed development must only use Berwick Street for haulage of any extracted/fill material.	At all times
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto state-controlled road. <p>(c) RPEQ certification, with supporting documentation, must be provided to the Program Delivery and Operations Unit, North Queensland Region at North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) and (b) At all times</p> <p>(c) Within 20 business days of the completion of works</p>

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.

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:

- To ensure the development does not create a safety hazard for users of a state-controlled road.
- To ensure the development does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works.
- To ensure the development does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network.
- To ensure the development does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads.
- To ensure the development 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.

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
- State Planning Policy mapping system

2102-20986 SRA

Attachment 4 — Change representation provisions

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