

Your Ref: Referral Agency Response Application (Design and Siting)  
Our Ref: PC:AG SR21\0027

21 October 2021

Mr Scott Gibson  
Scott Gibson Building  
PO Box 4  
TREBONNE QLD 4850

[sgibsonbuilding@gmail.com](mailto:sgibsonbuilding@gmail.com)

Dear Mr Gibson

**Referral Agency Response for Design and Siting**  
*Planning Act 2016*

Receipt of your application, deemed to be properly made on Tuesday 5 October 2021, seeking a Development Permit for Referral Agency Response (Siting Variation) to facilitate the construction of a new dwelling at 3 Hinchinbrook Court Halifax, is acknowledged and its contents noted.

Please be advised that your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 19 October 2021.

Council resolved to approve the proposed application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Referral Agency Response is attached for your perusal.

This Notice outlines aspects of the development, Conditions of Approval (if any), currency period and approved plans.

Please note, this approval will lapse in 24 months' time, on Thursday 28 September 2023, if not acted upon.

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 - Referral Agency Response

21 October 2021

**SECTION 83 OF PLANNING ACT 2016**

## APPLICATION DETAILS

This Referral Agency Response relates to the below Development Application:

<b>Application Number</b>	SR21\0027
<b>Property ID Number</b>	106923
<b>Applicant Details</b>	Scott Gibson Scott Gibson Building PO Box 4 TREBONNE QLD 4850
<b>Owner Details</b>	Trevor and Jeanette Nicolson 3 Hinchinbrook Court HALIFAX QLD 4850
<b>Property Description</b>	3 Hinchinbrook Court Halifax QLD 4850 Lot 2 on SP214756
<b>Proposal</b>	Referral Agency Response (Siting Variation)
<b>Statutory Environment</b>	<i>Planning Act 2016;</i> <i>Building Act 1975;</i> and <i>Queensland Development Code.</i>

## DECISION

The information below outlines the specifics of the Referral Agency Response:

<b>Decision</b>	Hinchinbrook Shire Council as the relevant Referral Agency issues a Referral Agency Response – with Conditions.
<b>Decision Date</b>	19 October 2021
<b>Decision Type</b>	Referral Agency Response
<b>Assessment Instrument</b>	<i>Queensland Development Code MP1.2</i>

## REFERRAL AGENCY CONDITIONS

Hinchinbrook Shire Council, as the relevant Referral Agency, requires that any Development Approval issued for the proposal is subject to the Referral Agency Conditions stated in this response in accordance with Section 56(1)(b) of the *Planning Act 2016*.

## **ASSESSMENT MANAGER**

Building certifier to be engaged.

## **RESPONSE CURRENCY PERIOD**

Pursuant to Section 54(4) of the *Planning Act 2016*, you will not be required to refer your building work application to Council for a further Referral Agency Response if:

- (a) You submit this Referral Agency Response in its entirety, including all referenced plans and documents, when making the application to the Assessment Manager; and
- (b) There are no changes to the proposal that was presented to Council with this referral; and
- (c) The Development Application to the Assessment Manager is made within two (2) years of the date of this Referral Agency Response.

## **NOTICE ABOUT DECISION – STATEMENT OF REASONS**

This Notice is prepared in accordance with Section 56(7) of the *Planning Act 2016* to provide the reasons for the decision made in relation to this Referral Agency Response.

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 assessment benchmarks of the Queensland Development Code MP1.2, specifically:

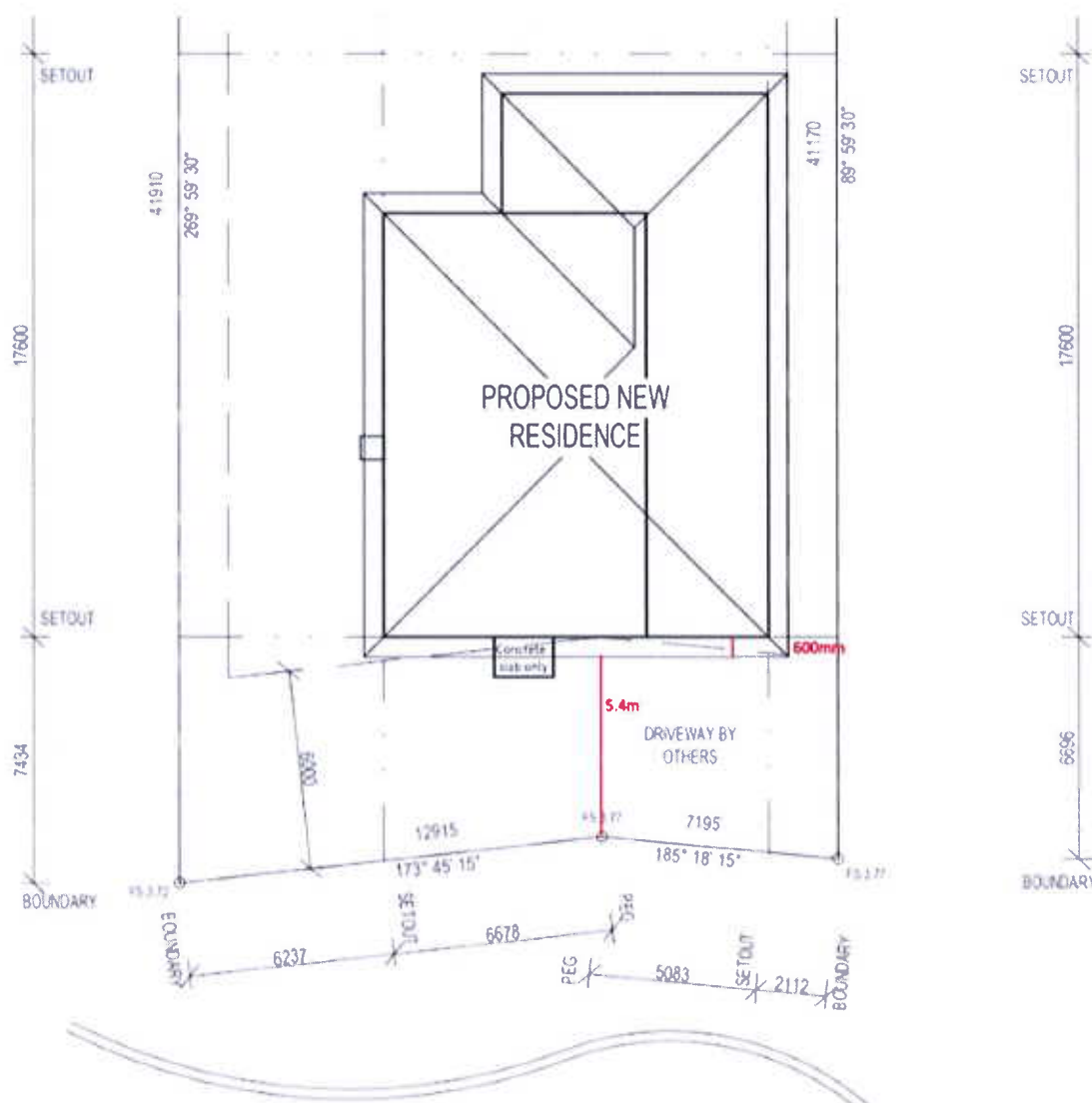
- The proposal is considered to meet or have the ability to meet the requirements of the relevant Performance Outcome(s) of the Queensland Development Code MP1.2; and
- Conditions have been included with the Referral Agency Response to ensure compliance with the Queensland Development Code MP1.2.

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><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>Site Plan 1</td><td>N/A</td><td>Received 30/09/2021</td></tr><tr><td>Site Plan 2</td><td>21-072 Sheet 1</td><td>5/08/2021</td></tr><tr><td>Elevations</td><td>21-072 Sheet 10</td><td>5/08/2021</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	Site Plan 1	N/A	Received 30/09/2021	Site Plan 2	21-072 Sheet 1	5/08/2021	Elevations	21-072 Sheet 10	5/08/2021	At all times.
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Elevations	21-072 Sheet 10	5/08/2021											
<p><b>3. Currency Period</b></p> <p>This Referral Agency Response in its entirety, including all referenced plans and documents, must be submitted with a building application to the relevant Assessment Manager within two (2) years of the date of this Referral Agency Response.</p>	As per condition.												
<p><b>4. Lawful Point of Discharge</b></p> <p>4.1 All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer;</p> <p>4.2 The structure must include guttering which directs stormwater to a legal point of discharge within the confines of the subject site; and</p> <p>4.3 Where retaining walls, fences, buildings or other barriers which would cause a 'damming effect' and produce a concentrated flow at an outfall are constructed, a drainage system is installed to discharge surface water such that it does not adversely affect surrounding properties or properties downstream from the development.</p>	At all times.												



CONDITION	TIMING
<p><b>5. Building</b></p> <p>5.1 The proposed structure requires a Development Permit for building works;</p> <p>5.2 The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier; and</p> <p>5.3 The proposed structure must comply with the requirements of the relevant Fire Safety Regulations as reflected in s3.7.1.6 of the <i>Building Code of Australia</i> (Volume Two).</p>	At all times and prior to the issuing of a Building Permit.
<p><b>6. Construction and Operation</b></p> <p>Any 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.</p> <p>Any construction works associated with the access arrangements to the property from the road reserve is subject to a Private Works in a Road Reserve Application and approval.</p>	At all times and prior to the issuing of a building permit.
<p><b>7. Damage to Infrastructure</b></p> <p>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 that is associated with the proposed structure, including but not limited to, mobilisation off 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.</p>	At all times.



**APPROVED PLAN**

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

SR21\0027  
19 October 2021



