



**HINCHINBROOK  
SHIRE COUNCIL**

Our Ref: SR17\0016

03 October 2017

Mr Allen Rawlinson  
28 Atzeni Lane  
Ingham QLD 4850

Dear Sir,

**DECISION NOTICE**  
***Planning Act 2016***

In relation to your recent request for siting dispensation, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on Tuesday 26 September, 2017.

**APPLICATION DETAILS**

Application Number:	SR17\0016
Property ID Number:	100164
Applicant Details:	Allen Rawlinson 28 Atzeni Lane Ingham QLD 4850
Owner Details:	Allen L Rawlinson and Jennifer J Rawlinson
Property Description:	28 Atzeni Lane, Ingham Lot 3 on RP713795, Parish of Cordelia
Proposal:	Residential Siting Relaxation
Level of Assessment:	Code Assessment

**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

This approval does not authorise any filling of land or building work, and a development permit for carrying out any filling of land and/or building work must be obtained.

This approval also does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modifications to existing access or works to footpaths), or any filling of land permits.

If this is required the relevant application will need to be lodged with Council or other relevant authority.

### 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

All building works to be completed within twelve (12) months, commencing the date the decision is made.

### 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.



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



## NOTICE ABOUT DECISION – STATEMENT OF REASONS

### *PLANNING ACT 2016 & THE PLANNING REGULATION 2017*

This Notice is prepared in accordance with s.63(5) and s.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 the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts 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 meanings given them in the Planning Act 2016.

### REASONS FOR THE DECISION

Council approve the boundary siting relaxation from the permissible 6m to 1.9m front boundary for the proposed entrance access (stairs) and verandah on Lot 3 on RP713795, Parish of Cordelia and located at 28 Atzeni Lane, Ingham, subject to conditions.

The reasons for approval are:

- The proposed structure is among presence of structures with similar setbacks within the street;
- The structure will not result in adverse impact to the neighbouring properties or the streetscape; and
- The respective neighbours have consented to the proposed encroachment.



**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 in accordance with:-
  - a) The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b) The following conditions of approval and the requirements of Hinchinbrook Shire Planning Scheme.

**Lawful Point of Discharge**

2. 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.

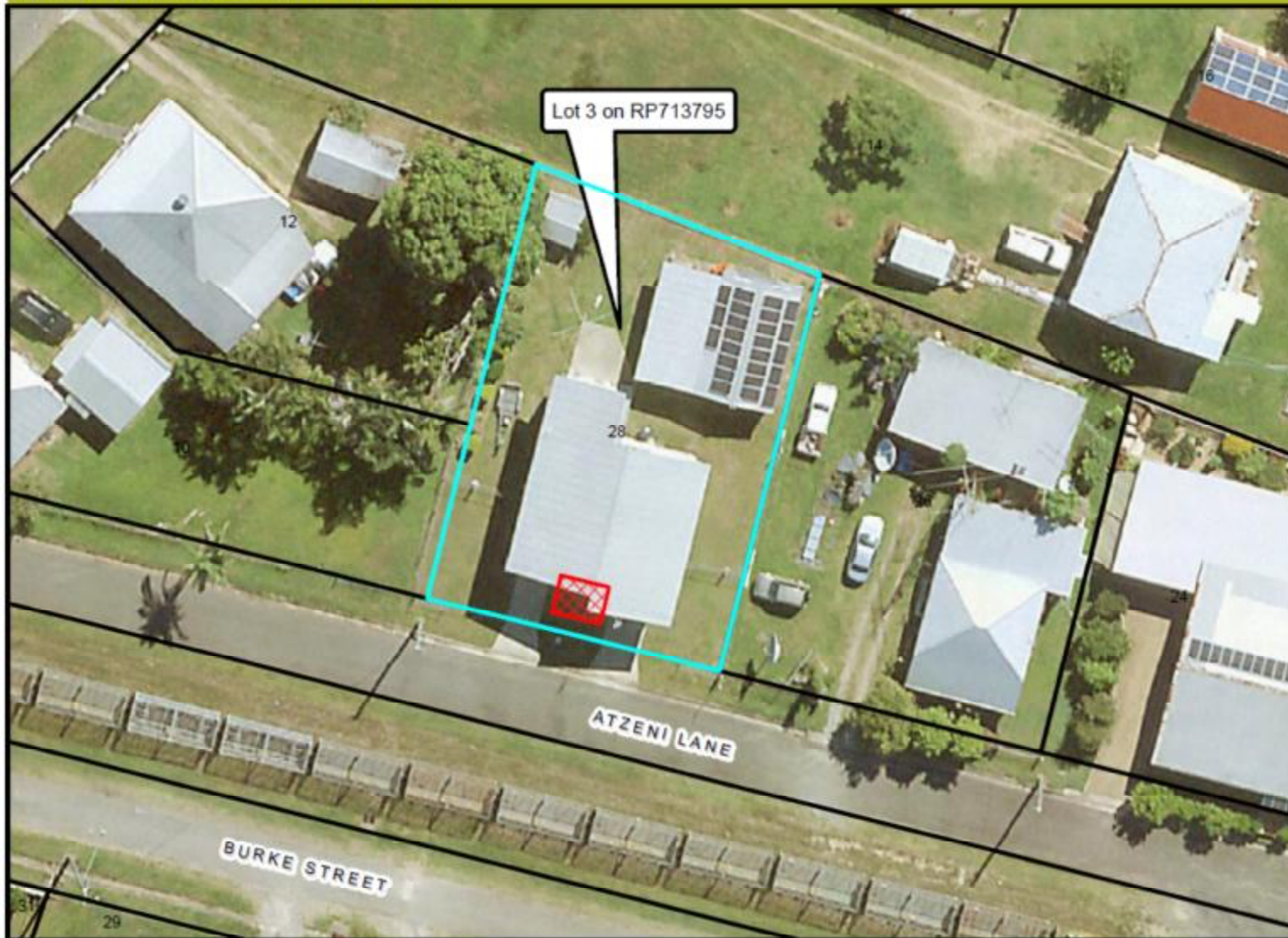
**Damage to Infrastructure**

3. In the event that any part of Council's existing sewer or water 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 immediately notify Council and have it repaired or replaced, by Council, at the developer's cost, prior to the commencement of use.

**Building Approvals**

4. The entrance access and verandah structure requires structural assessment and a development permit for building works. The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier.





**Legend**

-  Proposed Structure
-  Cadastre

**Site Location**

-  3 RP713795



**Data Sources & Acknowledgements**

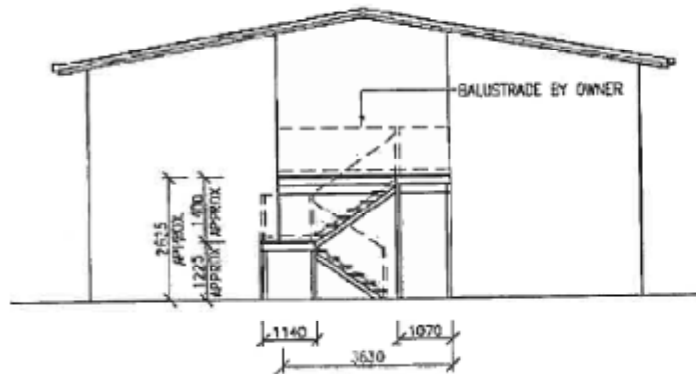
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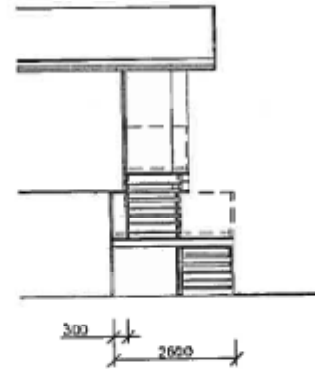
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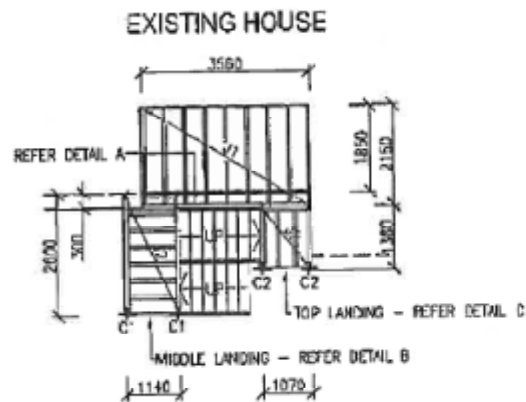




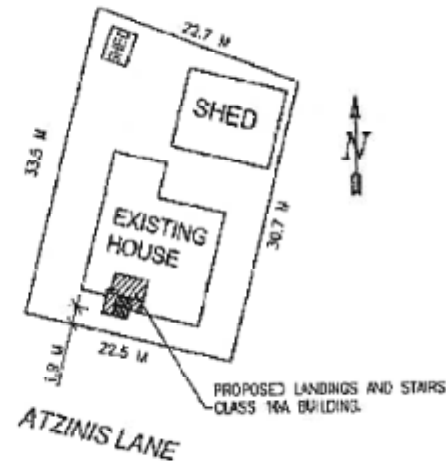
**ELEVATION A**  
1:100



**ELEVATION D**  
1:100



**PLAN VIEW**  
1:100



**SITE PLAN**  
1:500

- 28 MM STYLELINE AL TO EXISTING DECK AND PROPOSED LANDINGS.
- C1: 75x4 SHS POST CAST INTO #450x600 MM CONG. FOOTING.
- C2: EXISTING 76.1x3.8 STEEL POST.
- J1: EXISTING 145x50 HFD JOISTS @ MAX. 450 CRS.
- J2: 75x75x3 EA JOISTS @ 355/370 CRS/  
STYLELINE AL DECKING SUPPLIED AND INSTALLED BY PATO WORLD.
- PREPARATION OF EXISTING JOISTS BY PATO WORLD.
- STRUCTURAL STEEL MEMBERS, LANDINGS, STRINGERS, STEP TREADS AND FIXINGS BY OWNER.
- STRUCTURAL STEEL MEMBERS, LANDINGS, STRINGERS, STEP TREADS AND FIXINGS BY OWNER.
- BALUSTRADE BY OWNER IN ACCORDANCE WITH AS1170.1 AND CURRENT NCC PART 3.9.2
- STAIR CONSTRUCTION BY OWNER IN ACCORDANCE WITH CURRENT NCC PART 3.9.1
- ALL MEMBERS AND FIXINGS PROTECTED AGAINST CORROSION I.E. GALVANISED, COATED OR WRAPPED IN PLASTIC MEMBRANE IF CAST INTO CONCRETE UNLESS OTHERWISE SPECIFIED.



**IMPORTANT:**  
THESE PLANS SHOW INTENDED DESIGN ONLY AND ARE BY NO MEANS AN INSTRUCTION MANUAL. CONSTRUCTION MUST BE CARRIED OUT BY PERSONS WITH KNOWLEDGE OF CURRENT BUILDING REGULATIONS/PRACTICES AND RELEVANT ENGINEERING MANUALS REFERRED TO ON THESE PLANS.

ALL MEASUREMENTS AND SPECIFICATIONS MUST BE CHECKED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

ANY EXISTING STRUCTURES PROVIDING SUPPORT ARE TO BE ASSESSED AS ADEQUATE OR SUPPLEMENTED AS REQUIRED FOR ADDITIONAL LOADS APPLIED. STABILITY OF BUILDING DURING CONSTRUCTION INCLUDING ADDITIONAL PROPPING, BRACING AND EXCAVATION IS THE RESPONSIBILITY OF THE PERSON(S) UNDERTAKING OUT CONSTRUCTION.



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SCALE AT A3: 1:100  
(unless otherwise shown)

CONSULTANT: D.JAYRIS

DRAWN BY: CR

SHEET: 1 of 4

**PROPOSED RE-DECKING, STAIRS AND LANDINGS FOR ALLEN RAWLINSON**  
28 ATZINIS LANE  
INGHAM QLD 4850

DESIGN WIND SPEED: C2

LOT No. 3

PLAN NO: RP713795

DATE: 01-09-2017

REV. DATE: -

JOB NO.: T2225

REV. -

**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.

