



**HINCHINBROOK
SHIRE COUNCIL**

Our Ref: SR17\0021

15 December 2017

Mr Travis Olivero
PO Box 147
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 12 December, 2017.

APPLICATION DETAILS

Application Number:	SR17\0021
Property ID Number:	104321
Applicant Details:	Travis Olivero PO Box 147 Ingham QLD 4850
Owner Details:	Travis Olivero PO Box 147 Ingham QLD 4850
Property Description:	37 Sir Arthur Fadden Parade, Ingham, Queensland, 4850 Lot 52 on RP727375, Parish of Cordelia
Proposal:	Residential Siting Relaxation – Front Boundary
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 street boundary siting relaxation from 6m to 2.5m for the construction of a proposed open carport on Lot 52 on RP727675, Parish of Cordelia, and located at 37 Sir Arthur Fadden Parade, Ingham, subject to conditions.

The reasons for approval are:

- The proposed location of the structure will not adversely impact on the amenity of neighbouring properties or compromise the aesthetics of the streetscape;
- The proposed structures' location, size and presence are similar to existing open carport structures and will not have a negative impact on the amenity of the street; and
- The neighbours 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 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.

Building Approvals

3. The proposed open carport 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.



HINCHINBROOK SHIRE COUNCIL

File Ref: Lot 52 RP727675



-  Proposed Carport
-  Site Location



Data Sources & Acknowledgments

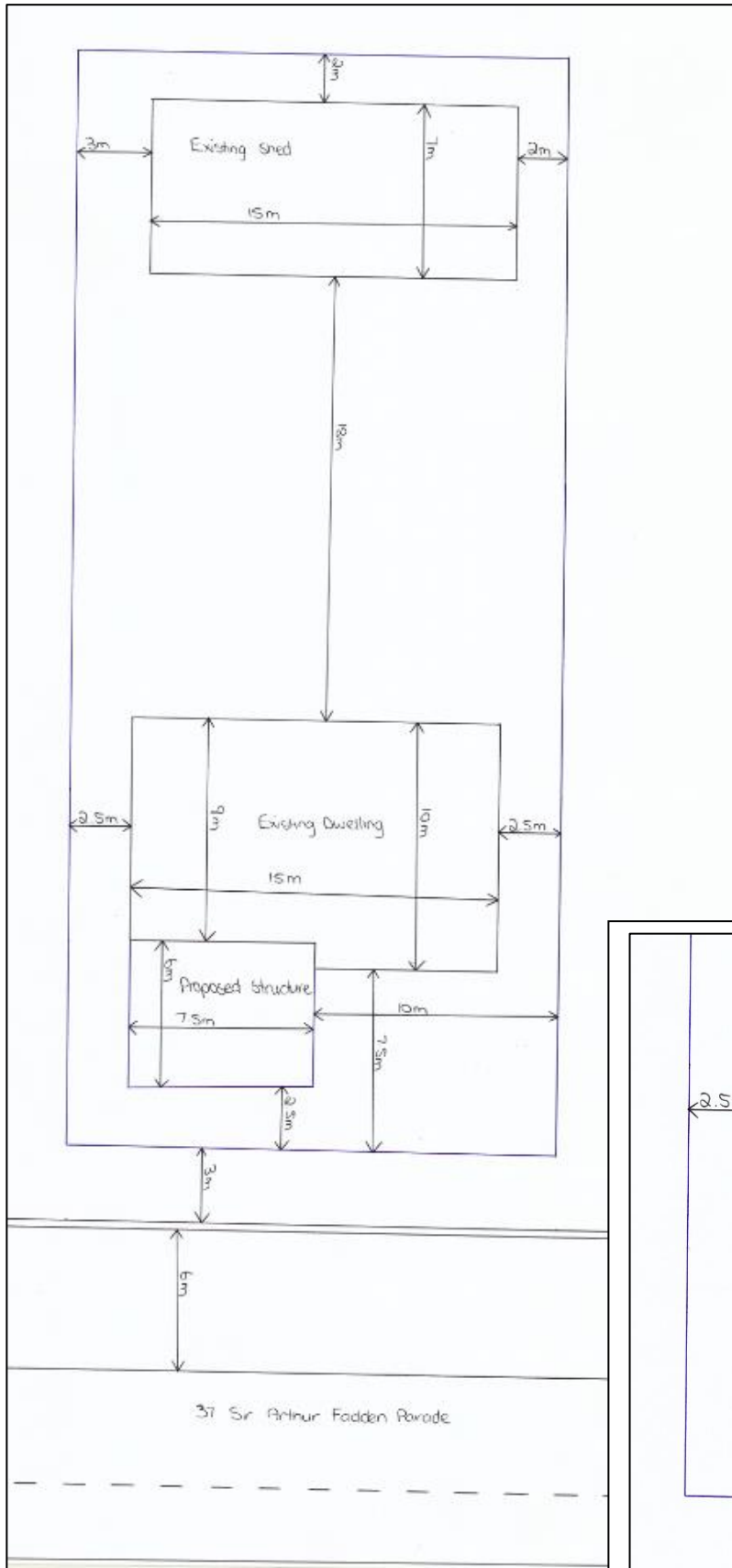
This map was prepared in accordance with the provisions of the Planning and Environment Act 2007. The Council has no liability for any errors or omissions in this map. The Council is not responsible for any loss or damage arising from the use of this map. The Council is not responsible for any loss or damage arising from the use of this map. The Council is not responsible for any loss or damage arising from the use of this map.

This map is not to be resold or re-made as part of a commercial product.



37 Sir Arthur Fadden Pde

Path: G:\Sandbox\Gernard\Wesen\GIG_Nov_2017_3.mxd
Compiled By: Gernard 17/36 Date: 27/11/2017



HINCHINBROOK SHIRE COUNCIL

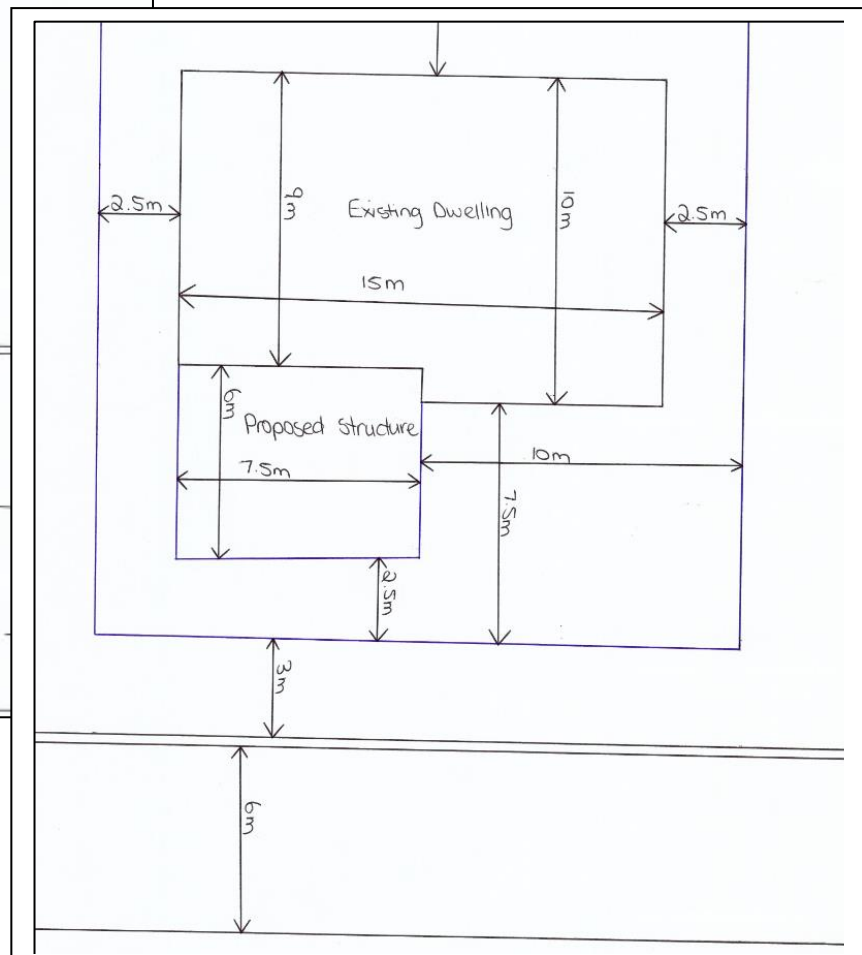
Reconfiguration of Land Application

APPROVED

Resolution No: 121217-27

Gerhard Visser

15 December 2017





www.xpressdraft.com.au
info@xpressdraft.com.au

Copyright © Xpressdraft Pty Ltd
All rights reserved. This document is the property of Xpressdraft Pty Ltd. It is to be used only for the project and site specified. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Xpressdraft Pty Ltd.

1. ALL CONSTRUCTION SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND COUNCIL BY-LAWS.
2. EXISTING BUILDINGS DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORK.
3. EXISTING FOOTINGS AND ANY BUILDING STRUCTURE MUST BE CHECKED BY STRUCTURAL ENGINEER FOR ADEQUACY.
4. EXISTING SERVICES LOCATION TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.
5. CONCRETE CONSTRUCTION TO COMPLY WITH AS3600.
6. ALL BRICKWORK (INCLUDING BRICK VENEER) SHALL BE IN ACCORDANCE WITH AS3700- MASONRY CODE.
7. TIMBER CONSTRUCTION TO COMPLY WITH AS1684.2.
8. TRAFFIC MANAGEMENT SYSTEM REQUIRED TO CONFORM WITH AS1680.1.
9. ALL STRUCTURAL WORK SHALL COMPLY WITH ENGINEER DETAILS.
10. THIS DRAWING IS TO BE READ AND UNDERSTOOD IN CONJUNCTION WITH STRUCTURAL, MECHANICAL, ELECTRICAL AND OR ANY OTHER CONSULTANTS DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO START OF WORK & ITS DURATION.
11. ELECTRICIAN TO SUPPLY AND INSTALL APPROVED HARD WIRED SMOKE ALARMS IN ACCORDANCE WITH AS3786.
12. DO NOT SCALE DRAWING - USE FIGURED DIMENSIONS.
13. POSITION OF DOWNPIPES APPROX ONLY AND TO BUILDERS DISCRETION.
14. BALUSTRADES SHALL COMPLY WITH BCA SECTION C. ACCESS AND EGRESS / HAVE 1000mm HIGH MIN ADJACENT TO THE STAIR WELL / OPENINGS IN BALUSTRADE MUST NOT ALLOW SPHERE OVER 125mm WIDE.
15. NEW ROOF-SARKING & NEW CEILING-BATTS - R2.
16. WHEN IN DOUBT, ASK.

NO.	REVISIONS	DATE

PLANNING APPROVAL
Xpressdraft - QBCC: 1131941

TREVIS OLIVERO
STREET VIEW PERSPECTIVE

DATE: 15/03/17 DRAWN BY: BAJ CHECKED BY: AS

DRAWING NO: XDFT001 SHEET NO: BA 02.01 A

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.

