

Your Ref: Referral Agency Response Application (Design and Siting)
Our Ref: BE:HR SR20\0005

29 April 2020

Diane Taylor
PO Box 1214
INGHAM QLD 4850

Dear Diane

Referral Agency Response for Design and Siting
Planning Act 2016

Receipt of your application dated 26 March 2020 seeking a referral agency response for design and siting for a Class 1a building (dwelling house) Hinchinbrook Court Halifax is acknowledged and its content noted.

In accordance with the *Planning Act 2016*, your request was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 28 April 2020.

Council resolved to approve the proposed application, subject to conditions. Attached is a copy of the Referral Agency Response for the application which outlines the conditions of approval, matters considered in the assessment of the application and the rights that you have to appeal Council's decision, should you wish to do so.

Please note, this approval will lapse in 24 months' time on 29 April 2022 if it is not acted upon.

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 necessary assistance.

Yours sincerely



Alan Rayment
Chief Executive Officer

Encl - Referral Agency Response Decision Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

29 April 2020

Application Details

Particulars of the development proposal are listed below:

| | |
|-----------------------|--|
| Application Number | SR20\0005 |
| Property ID Number | 106913 |
| Applicant Details | Diane Sue Taylor PO Box 1214 INGHAM QLD 4850 |
| Owner Details | Diane Sue Taylor PO Box 1214 INGHAM QLD 4850 |
| Property Description | 2 Hinchinbrook Court, Halifax Lot 12 on SP214756 |
| Proposal | Referral Agency Response (Siting Variation) |
| Statutory Environment | <i>Planning Act 2016;</i> <i>Building Act 1975; and</i> <i>Queensland Development Code</i> |

Referral Triggers

The application was referred to Council under the provision of the *Planning Regulation 2017* for design and siting (Schedule 9, Part 3, Division 2, Table 3).

Decision

Council resolved to approve the development application, subject to conditions of approval, under delegated authority on the 28 April 2020. The conditions of this approval are set out within the Schedule of Conditions.

Reason for Decision

Under section 56(1) of the *Planning Act 2016*, Council must set out reasons for its decision.

The reasons for this decision are that:

- 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 *Queensland Development Code MP1.2* and the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of approval have been included to ensure that compliance with the *Queensland Development Code MP1.2* is achieved and *Hinchinbrook Shire Planning Scheme 2017*.

Approval Currency Period

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

- You submit this referral agency response in its entirety, including all referenced plans and documents, when making the application to the Assessment Manager;
- There are no changes to the proposal that was present to Council with this referral; and
- The development application to the Assessment Manager is made within 24 months of the date of this referral agency response.

Rights of Appeal

You may appeal against any matter stated in the Referral Agency Response. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the Applicant to the Planning and Environment Court or Development Tribunal.

Further Information

Should you require any further information or clarification concerning this Decision Notice, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for necessary advice.

Yours sincerely


Electronic

George Milford
Planning Consultant

| CONDITION | | TIMING | | | | | | | | | |
|---|--|---|--------|------|---|------|------------|---|------|------------|---------------|
| (1) | <p>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. | | | | | | | | | |
| (2) | <p>Approved Plans</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 and Floor Plan prepared by Robert F Colefax</td><td>WD01</td><td>05/11/2019</td></tr><tr><td>Elevations prepared by Robert F Colefax</td><td>WD02</td><td>05/11/2019</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 and Floor Plan prepared by Robert F Colefax | WD01 | 05/11/2019 | Elevations prepared by Robert F Colefax | WD02 | 05/11/2019 | At all times. |
| Plan / Document Name | Number | Date | | | | | | | | | |
| Site Plan and Floor Plan prepared by Robert F Colefax | WD01 | 05/11/2019 | | | | | | | | | |
| Elevations prepared by Robert F Colefax | WD02 | 05/11/2019 | | | | | | | | | |
| (3) | <p>Currency Period</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. | | | | | | | | | |
| (4) | <p>Lawful Point of Discharge</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 boundary to which the attached dwelling resides; and</p> <p>4.3 Where retaining walls, fences, buildings or other barriers which would cause a 'damaging 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. | | | | | | | | | |
| (5) | <p>Building</p> <p>5.1 The Class 10a building 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 Class 10a building requires compliance to relevant Fire Safety regulations as reflected in s3.7.1.6 of the Building Code of Australia (Volume Two), as required.</p> | At all times and prior to the issuing of a building permit. | | | | | | | | | |

| CONDITION | TIMING |
|---|--|
| <p>(6) Construction and Operation 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> | <p>At all times and prior to the issuing of a building permit.</p> |
| <p>(7) Damage to Infrastructure 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 Class 1 building, 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> | <p>At all times.</p> |



