

Your Ref: Referral Agency Response Application (Design and Siting)  
Our Ref: BE:HR SR20\0015

28 October 2020

Nathan Henderson  
c/- Port Bellbird Pty Ltd and Raeline Firth as Trustee  
27 Palm Terrace  
INGHAM QLD 4850

*nathan.henderson@nh.com.au*

Dear Nathan

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

Receipt of your application deemed to be properly made on Tuesday 6 October 2020 seeking a Development Permit for Referral Agency Response (Siting Variation) to facilitate the potential construction of seven (7) new dwellings and garages within a nominated building envelope at 87 Cartwright Street Ingham, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 27 October 2020.

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 27 October 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 the necessary assistance.

Yours sincerely



James Stewart  
Acting Chief Executive Officer

Encl - Referral Agency Response



25 Lannercost Street  
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850  
ABN 46 291 971 168



4776 4600  
4776 3233



council@hinchinbrook.qld.gov.au  
HinchinbrookShireCouncil

28 October 2020

**SECTION 83 OF PLANNING ACT 2016**

## APPLICATION DETAILS

This Referral Agency Response relates to the below development application:

Application Number	SR20\0015
Property ID Number	101465
Applicant Details	Nathan Henderson c/- Port Bellbird Pty Ltd and Raeline Firth as Trustee 27 Palm Terrace INGHAM QLD 4850
Owner Details	Port Bellbird Pty Ltd and Raeline Firth as Trustee The ESMA Family Trust PO Box 1475 INGHAM QLD 4850
Property Description	87 Cartwright Street, Ingham Lots 1 and 2 on RP731380
Proposal	Referral Agency Response (Siting Variation)
Statutory Environment	<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:

Decision	Hinchinbrook Shire Council as the relevant Referral Agency issues a Referral Agency Response – with Conditions.
Decision Date	27 October 2020
Decision Type	Referral Agency Response
Assessment Instrument	<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 Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

Yours sincerely



Electronic

George Milford  
Planning Consultant

CONDITION		TIMING						
1.	<p><b>Administration</b></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><b>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>Proposed Setbacks prepared by Hansen Surveys</td><td>150160/03</td><td>September 2020</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	Proposed Setbacks prepared by Hansen Surveys	150160/03	September 2020	At all times.
Plan / Document Name	Number	Date						
Proposed Setbacks prepared by Hansen Surveys	150160/03	September 2020						
3.	<p><b>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.						
4.	<p><b>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 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.						

CONDITION	TIMING
<p><b>5. Building</b></p> <p>5.1 The Class 1a buildings require 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 1a buildings require compliance to relevant Fire Safety regulations as reflected in s3.7.1.6 of the Building Code of Australia (Volume Two), as required.</p>	<p>At all times and prior to the issuing of a building permit.</p>
<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>	<p>At all times and prior to the issuing of a building permit.</p>
<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 Class 1 or Class 10a 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>	<p>At all times.</p>
<p><b>8. Building Height</b></p> <p>Any portion of a future Class 1 or Class 10a structure on the subject land within 1.4 metres of a side boundary shall not exceed 4.5 metres in height, unless otherwise approved by Council.</p>	<p>At all times.</p>
<p><b>9. Setback Clearance Areas</b></p> <p>The area between the Class 1 building and side property boundary shall be kept clear of any vegetation.</p>	<p>At all times.</p>
<p><b>10. Building Maintenance</b></p> <p>10.1 Any wall within 750mm of the side property boundary must be constructed of and treated with materials that is maintenance free.</p> <p>10.2 The Class 1 building must not include any windows or openings within 750mm of a side property boundary.</p>	<p>At all times.</p>
<p><b>11. Development Timing</b></p> <p>A Development Permit for any future Class 1 building can only occur following the registration of the corresponding lot approved under Development Permit (RC19\0001).</p>	<p>Prior to the issue of a building permit.</p>



HANSEN SURVEYS  
27 PALM TERRACE  
INGHAM, QLD 4850  
TEL: 0429 164 580  
FAX: 0429 164 580

PROPOSED RECONFIGURATION  
LOTS 1 & 2 on RP731380  
87 CARTWRIGHT STREET  
INGHAM

SCALE: 1:1000 W1 A1  
DATE: FEBRUARY 2019  
MERIDIAN: RP731380  
CONTOUR INTERVAL: 0.1m

REF: 150160/01



HANSEN SURVEYS  
27 PALM TERRACE  
INGHAM QLD 4850  
TEL:04 2916 4683  
12501\CONTRACTS\Hansen\Ingham\Ingham 2020

PROPOSED SETBACKS  
LOTS 1&2 on RP731380  
87 CARTWRIGHT STREET  
INGHAM

SCALE 1:400 AT A3  
DATE: SEPTEMBER 2020  
MERIDIAN: RP/31380

REF:150160/03

RECORD DRAWING NO: PML6450 PLS 3.2/2020