

Your Ref: Referral Agency Response Application (Design and Siting)  
Our Ref: PC:AG SR21\0013

26 May 2021

Mr Benjamin Collings  
BNC Planning Pty Ltd  
PO Box 5493  
TOWNSVILLE QLD 4810

[enquire@bncplanning.com.au](mailto:enquire@bncplanning.com.au)

Dear Mr Collings

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

Receipt of your application deemed to be properly made on Thursday 15 April 2021 seeking a Development Permit for Referral Agency Response (Siting Variation) to facilitate the construction of a Shed (Class 10a) Structure at 192 Patterson Parade Lucinda, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 25 May 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 25 May 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



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HinchinbrookShireCouncil

26 May 2021

SECTION 83 OF *PLANNING ACT 2016*

## APPLICATION DETAILS

This Referral Agency Response relates to the below Development Application:

Application Number	SR21\0013
Property ID Number	101510
Applicant Details	Benjamin Collings BNC Planning Pty Ltd PO Box 5493 TOWNSVILLE QLD 4810
Owner Details	Melanie Hemmett 3 Starcross Court ANNANDALE QLD 4814
Property Description	192 Patterson Parade, Lucinda QLD 4850 Lot 22 on L46922
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	25 May 2021
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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

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 otherwise, 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>Site Plan</td><td>20-090 Sheet 1</td><td>22/03/2021</td></tr><tr><td>Proposed Floor Plan (as amended in red)</td><td>20-090 Sheet 2</td><td>22/03/2021</td></tr><tr><td>Elevations (as amended in red)</td><td>20-090 Sheet 3</td><td>22/03/2021</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	20-090 Sheet 1	22/03/2021	Proposed Floor Plan (as amended in red)	20-090 Sheet 2	22/03/2021	Elevations (as amended in red)	20-090 Sheet 3	22/03/2021	At all times.
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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.												

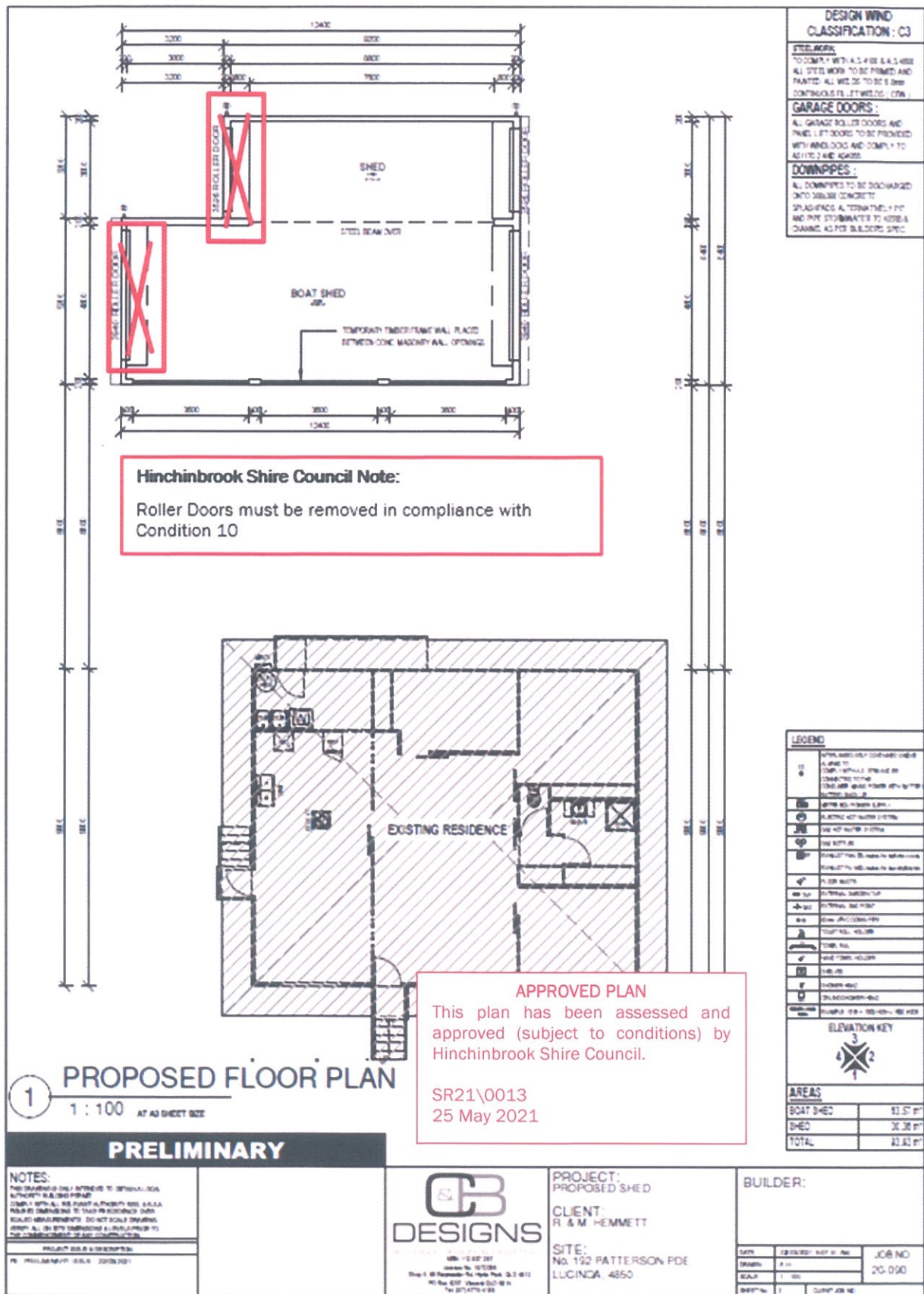


CONDITION	TIMING
<p><b>5. Building</b></p> <p>5.1 The Class 10a structure requires a Development Permit for Building Works;</p> <p>5.2 The applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier; and</p> <p>5.3 The dwelling requires compliance to relevant Fire Safety regulations as reflected in s3.7.1.6 of the <i>Building Code of Australia</i> (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 practices. 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 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. Setback Clearance Area</b></p> <p>The area between the Class 10a structure and the side and rear boundary shared with Lot 34 on AP20143 must not be utilised as storage space.</p>	<p>At all times.</p>
<p><b>9. Structure Material</b></p> <p>9.1 Any part of the Class 10a structure within 750mm of the side or rear property boundary must be constructed of and treated with material that is maintenance free; and</p> <p>9.2 Any part of the Class 10a structure within 750mm of the side or rear property boundary must not include windows.</p>	<p>At all times.</p>

CONDITION	TIMING
<p><b>10. Access</b></p> <p>10.1 Unless formal agreement in writing has been obtained from the landowner, or appropriate tenure secured, permitting access via Lot 34 on AP20143, the Class 10a structure must:</p> <ul style="list-style-type: none"> <li>a. Not be accessed via Lot 34 on AP20143; and</li> <li>b. Be designed to not include roller doors on the southern portion of the structure adjacent to Lot 34 on AP20143, as identified in the approved plans amended in red; and</li> </ul> <p>10.2 The landowner must provide to Council the confirmation of the agreement or appropriate tenure secured permitting access via Lot 34 on AP20143.</p>	<p>At all times and confirmed prior to the issuing of a building permit.</p>
<p><b>11. Location of Structure</b></p> <p>11.1 The Class 10a structure, its footings and facia, guttering and any projections must be entirely contained in the property boundary; and</p> <p>11.2 The setout of the Class 10a structure must be surveyed prior to the ground slab and footings being poured to ensure that the facia and guttering will not encroach onto Lot 34 on AP20143 having regard to the location of the corner truncation.</p>	<p>At all times and confirmed prior to ground slab and footings being poured.</p>









**APPROVED PLAN**

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

SR21\0013  
25 May 2021

