

Your Ref: Referral Agency Response Application (Design and Siting)  
Our Ref: PC:HR SR21\0023

28 July 2021

Craig and Rose Lynch  
5 Balanda Street  
BOHLE PLAINS QLD 4817

crlynch@bigpond.com

Dear Mr and Mrs Lynch

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

Receipt of your application deemed to be properly made on Friday 9 July 2021 seeking a Development Permit for Referral Agency Response (Siting Variation) to facilitate the construction of an Open Boat Port (Class 10a) Structure at 135 John Dory Street Taylors Beach, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 27 July 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 27 July 2023, if 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



Kelvin Tytherleigh  
Chief Executive Officer

Encl - Referral Agency Response



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HinchinbrookShireCouncil

28 July 2021

**SECTION 83 OF PLANNING ACT 2016****APPLICATION DETAILS**

This Referral Agency Response relates to the below Development Application:

<b>Application Number</b>	SR21\0023
<b>Property ID Number</b>	105489
<b>Applicant Details</b>	Craig and Rose Lynch 5 Balanda Street BOHLE PLAINS QLD 4817
<b>Owner Details</b>	Craig Michael Lynch Rose Mary Lynch 135 John Dory Street TAYLORS BEACH QLD 4850
<b>Property Description</b>	135 John Dory Street, Taylors Beach Lot 4 on RP732206
<b>Proposal</b>	Referral Agency Response (Siting Variation)
<b>Statutory Environment</b>	<i>Planning Act 2016</i> ; <i>Building Act 1975</i> ; and Queensland Development Code.

**DECISION**

The information below outlines the specifics of the Referral Agency Response:

<b>Decision</b>	Hinchinbrook Shire Council as the relevant Referral Agency issues a Referral Agency Response – with Conditions.
<b>Decision Date</b>	27 July 2021
<b>Decision Type</b>	Referral Agency Response
<b>Assessment Instrument</b>	Queensland Development Code MP1.2

**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.

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>Site Plan – Proposed Open Boat Shed</td><td>CRL-01</td><td>Received 8.7.21</td></tr><tr><td>Front Elevation – Proposed Open Boat Shed (amended in red)</td><td>CRL-01</td><td>Received 6.5.21</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 – Proposed Open Boat Shed	CRL-01	Received 8.7.21	Front Elevation – Proposed Open Boat Shed (amended in red)	CRL-01	Received 6.5.21	At all times.
Plan / Document Name	Number	Date									
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Front Elevation – Proposed Open Boat Shed (amended in red)	CRL-01	Received 6.5.21									
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.									



<p><b>5. Building</b></p> <p>5.1 The proposed extension to the existing 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 proposed extension to the existing building must comply with the requirements of the relevant Fire Safety Regulations as reflected in s3.7.1.6 of the Building Code of Australia (Volume Two).</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.</p> <p>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 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>
<p><b>8. Location of Structure</b></p> <p>8.1 The proposed structure must retain a setback of a minimum of 500mm from the southern side boundary shared with Lot 5 on RP732206; and</p> <p>8.2 The set out of the approved structure must be surveyed prior to the ground slab and footings being poured to ensure the proposed structure including all fascia and guttering will be contained within the subject property.</p>	<p>At all times and confirmed prior to ground slab and footings being poured.</p>
<p><b>9. Unenclosed Structure</b></p> <p>The proposed Class 10a structure must be constructed and maintained as an open structure.</p>	<p>At all times.</p>
<p><b>10. Setback Clearance Area</b></p> <p>10.1 The area between the Class 10a structure and the southern side boundary shared with Lot 5 on RP732206 must not be utilised as storage space; and</p> <p>10.2 The area between the Class 10a structure and the southern side boundary shared with Lot 5 on RP732206 must be imperviously sealed and remain free of vegetation.</p>	<p>At all times.</p>



