

Your Ref: Referral Agency Response Application (Design and Siting)
Our Ref: PC:AG SR21\0016

5 July 2021

Mr Craig and Mrs 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 7 May 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 29 June 2021.

Council resolved to refuse the proposed application, subject to reasoning outlined within the Referral Agency Response Notice attached.

This Notice outlines aspects of the refusal, extracts from the *Planning Act 2016*, appeal period and lodging an appeal information, should you wish to do so.

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



25 Lannercost Street
INGHAM QLD 4850



ABN

PO Box 366 INGHAM QLD 4850
46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

5 July 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Referral Agency Response relates to the below Development Application:

Application Number	SR21\0016
Property ID Number	105489
Applicant Details	Craig and Rose Lynch 5 Balanda Street BOHLE PLAINS QLD 4817
Owner Details	Craig and Rose Lynch 5 Balanda Street BOHLE PLAINS QLD 4817
Property Description	135 John Dory Street, Taylors Beach QLD 4850 Lot 4 on RP732206
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	The application was refused .
Decision Date	29 June 2021
Decision Type	Referral Agency Response
Assessment Instrument	<i>Queensland Development Code MP1.2</i>

REASONS FOR REFUSAL

The application to for Referral Agency Response (Siting Variation) to facilitate the construction of an Open Boat Port (Class 10a) was refused for the following reasons:

1. The proposed Class 10a structure is not consistent with the Purpose of the *Queensland Development Code MP1.2* which is to “*To provide good residential design that promotes the efficient use of a lot, an acceptable amenity to residents, and to facilitate off street parking*”; and
2. The proposed Class 10a structure is not consistent with performance criteria specified by Performance Outcome 2 of the *Queensland Development Code MP1.2*, in particular:
 - a. The scale of the proposed structure, being 20 metres in length, immediately adjoins 40% of the boundary which will adversely impact on the amenity of the current and future residents of the neighbouring property.

RIGHTS OF APPEAL

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the Development Application;
- A provision of the development approval;
- The decision to give a preliminary approval when a Development Permit was applied for; and
- A deemed refusal of the Development Application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with section 63(5) and section 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 this Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- The relevant part of the *Queensland Development Code* 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 meaning given to them in the *Planning Act 2016*.

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.