



Your Ref: Material Change of Use – Extension to Existing Hotel and Shop (New Car Park)
Our Ref: PC:AG MCU22\0001

27 October 2022

John O'Neill
c/- BNC Planning
PO Box 5493
TOWNSVILLE CITY QLD 4810

enquire@bncplanning.com.au

Dear Sir/Madam

Decision Notice

Material Change of Use – Extension to Existing Hotel and Shop (New Car Park)
6 and 8 Keast Street Lucinda – Lots 1 and 4 on SP186122 and Lot 2 on RP719629
Planning Act 2016

Receipt of your application deemed to be properly made on Tuesday 26 July 2022, seeking a Development Permit for Material Change of Use – Extension to Existing Hotel and Shop (New Car Park) at 6 and 8 Keast Street 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 October 2022.

Council resolved to approve the proposed application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice is attached for your perusal.

This Notice outlines aspects of the development's condition of approval, currency period, approved plans, referral agency response and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Should you require any further information or clarification concerning this matter, please contact Council's Planning and Development Coordinator, Aimee Godfrey on 4776 4600 for the necessary assistance.

Yours sincerely


Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice



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

HINCHINBROOK.QLD.GOV.AU

27 October 2022

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

This Decision Notice relates to the below Development Application:

Application Number	MCU22\0001
Property ID Number	6 Keast Street, Lucinda: 101801 8 Keast Street, Lucinda: 103863
Applicant Details	John O'Neill c/- BNC Planning PO Box 5493 TOWNSVILLE CITY QLD 4810
Owner Details	Jenking Holdings Pty Ltd PO Box 723 CANNONVALE QLD 4802
Property Description	6 and 8 Keast Street Lucinda Lots 1 and 4 on SP186122 and Lot 2 on RP719629
Proposal	Material Change of Use: Extension to Existing Hotel and Shop (New Car Park)
Level of Assessment	Impact assessment

DECISIONThe information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provisions of the *Planning Act 2016*:

Decision	The application was approved subject to conditions.
Decision Date	25 October 2022
Decision Type	Development Permit
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	No properly made submissions were made or received in respect to this development application during the public notification period.

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Conditions of Approval. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

State Assessment and Referral Agency (SARA)
Department of State Development, Infrastructure, Local Government and Planning
PO Box 5666
TOWNSVILLE QLD 4810

Pursuant to Section 56 of the *Planning Act 2016*, the SARA advises that it has no objection to Hinchinbrook Shire Council issuing a Development Approval for Material Change of Use – Educational Establishment (Refurbishment of Existing Educational Establishment), subject to the conditions, as attached.

FURTHER APPROVALS REQUIRED

This approval does not authorise any operational works (filling of land or civil works) or building work and a Development Permit for carrying out the above mentioned may require additional assessment.

This approval does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

INFRASTRUCTURE CHARGES

Not Applicable.

Infrastructure charges do not apply for this development proposal.

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*.

APPROVAL CURRENCY PERIOD

Pursuant to Section 85 of the *Planning Act 2016*, the Development Approval will lapse six years after the approval starts to have effect, unless otherwise conditioned.

APPROVED PLANS AND SPECIFICATIONS

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

Copies of the approved plans, specifications and/or drawings are attached.

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 Planning Scheme 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*.

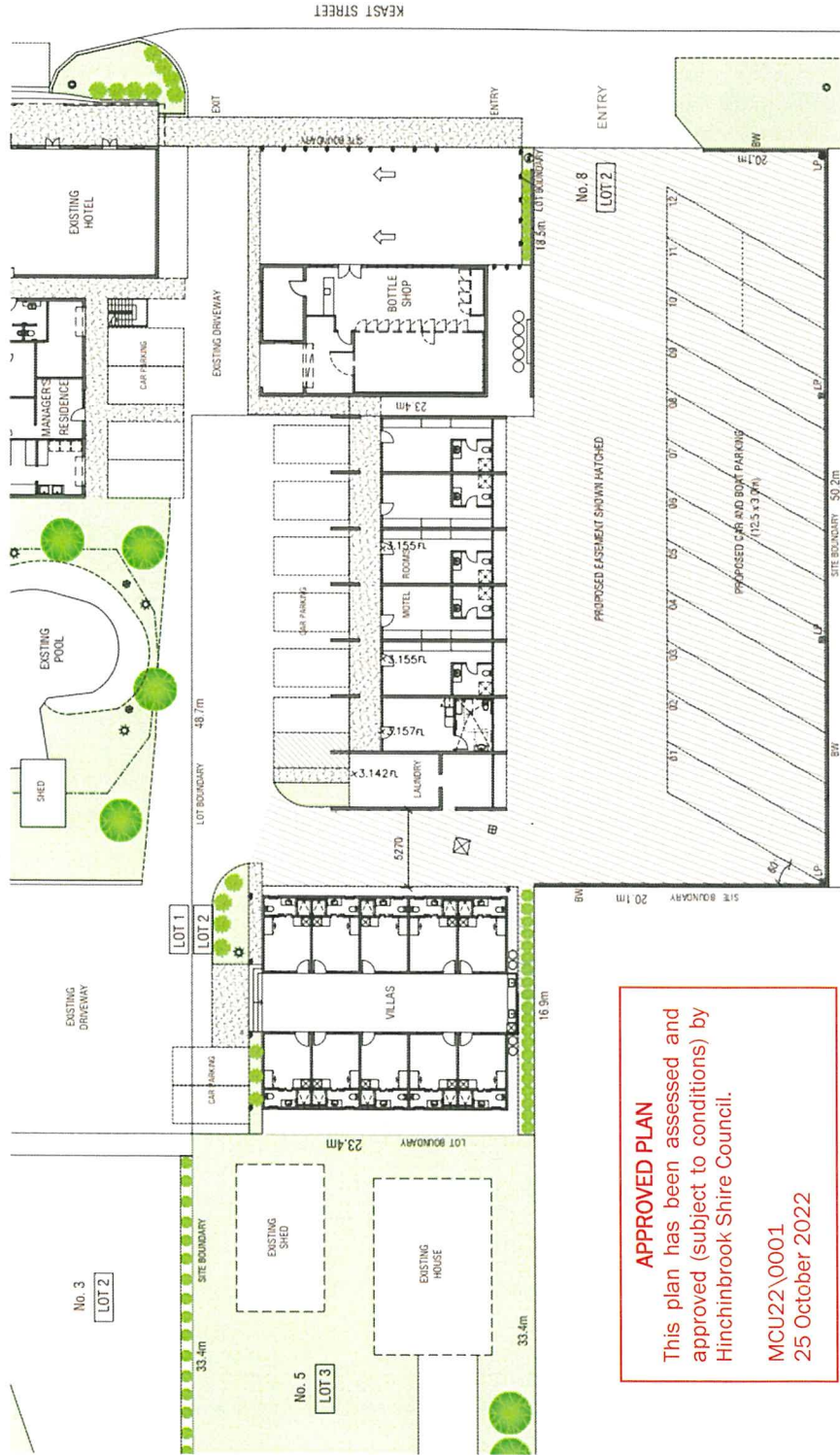
The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the Hinchinbrook Shire Planning Scheme 2017, in particular:

- 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 *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of Approval have been included to ensure that compliance with the Hinchinbrook Shire Planning Scheme 2017.

Should you require any further information or clarification concerning this matter, please contact Council's Planning and Development Coordinator, Aimee Godfrey on 4776 4600 for the necessary assistance.

CONDITION		TIMING																											
1.	Administration The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with: 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; 1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; 1.3 The conditions of approval, the requirements of the Hinchinbrook Shire Planning Scheme 2017 and best practice engineering; and 1.4 The conditions of the Referral Agency Response.	At all times.																											
2.	Approved Plans a. The development and use of the site is to be generally in accordance with the following plans that are to be the Approved Development Plans, except as altered by any other condition of approval; and <table border="1" data-bbox="365 846 1182 1518"> <thead> <tr> <th>Plan / Document Name</th><th>Number</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposed Car Parking Plan</td><td>01</td><td>15/12/2021</td></tr> <tr> <td>Cover Sheet (Site Plan)</td><td>C01</td><td>05/05/2021</td></tr> <tr> <td>Roadworks and Driveway Layout Plan (Sheet 1 of 2)</td><td>C03</td><td>05/05/2021</td></tr> <tr> <td>Roadworks and Driveway Layout Plan (Sheet 2 of 2)</td><td>C03.1</td><td>05/05/2021</td></tr> <tr> <td>Site Levels and Stormwater Drainage Layout Plan (Sheet 1 of 2)</td><td>C04</td><td>05/05/2021</td></tr> <tr> <td>Site Levels and Stormwater Drainage Layout Plan (Sheet 2 of 2)</td><td>C04.1</td><td>05/05/2021</td></tr> <tr> <td>Earthworks Cut/ Fill and Section Plan</td><td>C04.2</td><td>05/05/2021</td></tr> <tr> <td>Carpark Layout and Traffic Signage Plan</td><td>C05</td><td>05/05/2021</td></tr> </tbody> </table> b. 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.	Plan / Document Name	Number	Date	Proposed Car Parking Plan	01	15/12/2021	Cover Sheet (Site Plan)	C01	05/05/2021	Roadworks and Driveway Layout Plan (Sheet 1 of 2)	C03	05/05/2021	Roadworks and Driveway Layout Plan (Sheet 2 of 2)	C03.1	05/05/2021	Site Levels and Stormwater Drainage Layout Plan (Sheet 1 of 2)	C04	05/05/2021	Site Levels and Stormwater Drainage Layout Plan (Sheet 2 of 2)	C04.1	05/05/2021	Earthworks Cut/ Fill and Section Plan	C04.2	05/05/2021	Carpark Layout and Traffic Signage Plan	C05	05/05/2021	At all times.
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3.	Works within Road Reserve Any works within the Road Reserve, including closure of areas, require a Private Works in Road Reserve Application and Approval, accompanied with a Traffic Management Plan, to reflect any alterations on pick-up locations (if any) or impact on foot traffic, during construction periods.	At all times.																											
4.	Stormwater All stormwater from the property must be directed to a lawful point of discharge or follow natural overland flow paths, such that it does not adversely affect surrounding properties or properties downstream from the development in accordance with Part 9.4.1.3 Infrastructure, Services and Works Code of the <i>Hinchinbrook Shire Planning Scheme 2017</i> .	Prior to the commencement of use and maintained at all times.																											

CONDITION	TIMING
5. Infrastructure Services a. The existing and re-connection to Council's reticulated water and sewerage network must be maintained for the proposed development, at no cost to Council; b. The proposed development must connect to the reticulated electricity and telecommunication network; and c. Any relocation and/or alteration to public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.	Prior to the commencement of use and maintained at all times.
6. Damage to Infrastructure In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.	At all times.
7. Landscaping a. A minimum 1 metre wide landscape strip shall be provided around the perimeter of the proposed development, consisting predominantly of plants providing a dense screen quality at maturity; b. The developer must submit a landscape design plan for Council endorsement; and c. All landscaping works shall be undertaken in accordance with the requirements of the Landscape Code of the Hinchinbrook Shire Planning Scheme 2017.	Prior to the commencement of use and maintained at all times.
8. Relocation of Utilities Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.	At all times.
9. Noise Attenuation During Works Any building works must be completed in accordance with the noise nuisance provisions of the <i>Environmental Protection Act 1994</i> .	At all times.
10. Car Park Design and Lighting a. The car park must be designed in accordance with <i>AS2890.1 – Off-street car parking</i> and <i>AS2890.6 – Parking facilities – off-street parking for people with disabilities</i> ; b. The car park shall be imperviously sealed and appropriately line-marked in accordance with <i>AS2890.1 – Off-street car parking</i> ; and c. The car park lighting to be installed, is to be installed in accordance with <i>AS4282 – 1997 Control of the Obstructive Effect of Outdoor Lighting</i> .	Details to be provided to Council as part of an application for operational work.



APPROVED PLAN
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.
MCU22\0001
25 October 2022

MIM ARCHITECT THE WHITSUNDAYS PO BOX 428 CANNOWALE QLD 4802 m 0417 990 874 e mandymathew22@gmail.com		PROJECT LUCINDA HOTEL RENOVATIONS 6 KEAST ST LUCINDA QLD CLIENT JENK HOLDINGS PTY LTD		DRAWING TITLE PROPOSED CAR PARKING PLAN		SHEET 01	
THIS DRAWING IS INDICATIVE ONLY ALL MEASUREMENTS TO BE CHECKED ON SITE		N		SCALE 1:250 @ A3		PRINT DATE 08 04 22	
LP - NEW LIGHT POLE Document Set ID: 2536159 Version: 1, Version Date: 01/08/2022		PRELIMINARY		REGION 4		DESIGN	

