

RECONFIGURING a LOT – REARRANGMENT OF BOUNDARIES (THREE LOTS INTO THREE LOTS AND OPEN ROAD RESERVE) – HALIFAX ROAD, INGHAM – LOT 4 on RP843432, LOT 361 on SP214657 and LOT 336 on CWL2184

Strategic Considerations

Reference to Hinchinbrook Shire Council Corporate Plan	Reference to Hinchinbrook Shire Council Operational Plan or Other Document
Strategic Direction <i>Built Environment</i> A. Provide Infrastructure for the Future Needs of the Community <i>Prosperity</i> B. Encourage Innovation and Attract New Investment to the Hinchinbrook Shire <i>Lifestyle</i> 4. Develop Hinchinbrook as a Destination	Action Hinchinbrook Shire Planning Scheme 2017

Budget, Financial and Resource Implications

The fees for the assessment of Reconfiguration of Land applications are established in the budget process and are reviewed annually. The applicable assessment fee has been paid in line with Council's 2022-2023 Schedule of Fees and Charges.

Asset Management

The aim of Council's Asset Management Plan is to determine the level of funding that provides the most cost effective outcomes for renewal and maintenance of Council's assets whilst maintaining desired levels of service. Council's Asset Management Plan is not affected by this proposal.

Executive Summary

The Proponent: Hansen Surveys Pty Ltd on behalf of Paul, Rita and Natal Cauchi and Lawrence Di Bella

The Property: 151 Halifax Road, Ingham (Lot 361 SP214657), 159 Halifax Road, Ingham (Lot 336 on CWL2184) and Halifax Road, Foresthome (Lot 4 on RP843432)

Council is in receipt of a Development Application from the proponent Hansen Surveys Pty Ltd on behalf of Paul, Rita and Natal Cauchi and Lawrence Di Bella, for Reconfiguring a Lot – Rearrangement of Boundaries (Three Lots into Three Lots and Open Road Reserve) at 151 Halifax Road, Ingham, 159 Halifax Road, Ingham and Halifax Road Foresthome, formally known as Lot 361 on SP214657, Lot 336 on CWL2184 and Lot 4 on RP843432.

The subject allotments are designated within the Rural Zone of the Hinchinbrook Shire Planning Scheme 2017 (the Planning Scheme). The subject allotments have frontage to Halifax Road, which is a State controlled and maintained road. The subject allotment is connected to Council's reticulated water network, however, is not connected to Council's reticulated sewerage service area. Both allotments (Lot 361 and 4) are improved with an existing dwellings and associated outbuildings, with Lot 361 being 32.62ha in size and Lot 4 being 43.48ha in size. Lot 336 on CWL2184 is Council owned land being 3.59ha in size, which is utilised as a road and sewerage treatment plant. The entry road area to the sewerage treatment plant which is approximately 5,026.7m² in area, is proposed to be opened to road reserve, while the residual 3.08ha of the allotment will remain for sewerage treatment plant purposes.

The applicant is seeking to Rearrange the Boundaries from three existing lots into three new lots and open road reserve. The proposed reconfiguration will result in:

- Lot 1 with an area of 1.174ha;
- Lot 2 with an area of 49.17ha;
- Lot 336 with an area of 3.08ha; and
- Open Road Reserve with an area of 5,026.7m². Being 10m wide and 502.67m in length.

The Development Application is Code Assessable and does not require Public Notification. The Development Application did not require referral to any referral agency, as the proposal does not include creation of new lots and change in access. Officers have assessed the Development Application and have determined it is generally consistent with, or able to be conditioned to be consistent with, the assessment benchmarks relevant to the Development Application.

Author: Veronica Aster
Position: Development and Regulatory Services Manager
Date: 21 April 2023

Council Decision – Recommendation

That Council approve the proposed Reconfiguring a Lot – Rearrangement of Boundaries (Three Lots into Three Lots and Open Road Reserve) on land located at 151 Halifax Road, Ingham, 159 Halifax Road, Ingham and Halifax Road Foresthome, formally known as Lot 361 on SP214657, Lot 336 on CWL2184 and Lot 4 on RP843432, subject to conditions, as set out in Attachment A

Officers Summary

Council is in receipt of a Development Application from the proponent Hansen Surveys Pty Ltd on behalf of Paul, Rita and Natal Cauchi and Lawrence Di Bella, for Reconfiguring a Lot – Rearrangement of Boundaries (Three Lots into Three Lots and Open Road Reserve) at 151 Halifax Road, Ingham, 159 Halifax Road, Ingham and Halifax Road Foresthome, formally known as Lot 361 on SP214657, Lot 336 on CWL2184 and Lot 4 on RP843432.

The subject allotments are designated within the Rural Zone of the Hinchinbrook Shire Planning Scheme 2017 (the Planning Scheme). The subject allotments have frontage to Halifax Road, which is a State controlled and maintained road. The subject allotment is connected to Council's reticulated water network, however, is not connected to Council's reticulated sewerage service area. Both allotments (Lot 361 and 4) are improved with an existing dwellings and associated outbuildings, with Lot 361 being 32.62ha in size and Lot 4 being 43.48ha in size.

Lot 336 on CWL2184 is Council owned land being 3.59ha in size, which is utilised as a road and sewerage treatment plant. The entry road area to the sewerage treatment plant which is approximately 5,026.7m² in area, is proposed to be opened to road reserve, while the residual 3.08ha of the allotment will remain for sewerage treatment plant purposes.

The applicant is seeking to rearrange the boundaries from three lots into three lots and open road reserve. The proposed reconfiguration will result in:

- Lot 1 with an area of 1.174ha;
- Lot 2 with an area of 49.17ha;
- Lot 336 with an area of 3.08ha; and
- Open Road Reserve with an area of 5,026.7m². Being 10m wide and 502.67m in length.

Lot 1 is proposed to retain all improvements currently located within Lot 361 on SP214657, including the existing dwelling, associated outbuildings, Lot 2 is proposed to retain all improvements currently located within Lot 4 on RP843432, and Lot 336 is proposed to retain all improvements currently located within Lot 336.

It is noted that the proposed Lot 1 is below the prescribed minimum lot size of 30ha of the Rural Zone Code, however, the proposed allotment sizes are consistent with the surrounding allotments in the immediate locality, which are utilised for rural residential uses. The proposed Lot 1 will not impact on agricultural activities or create fragmentation of the agricultural land. Lot 336 is also below the prescribed minimum lot size of 30ha of the Rural Zone Code, however, it is noted by Council that this allotment has historically been utilised for sewerage treatment plant purposes, and not rural based activities, therefore, not impacting on any current or historical agricultural uses.

Lot 1 is proposed to be retained for rural residential based purposes, while Lot 2 is proposed to be utilised primarily for agricultural and cropping use.

The application also involves the opening road reserve for an area approximately 5,026.7m² in area, being 10m in width and 502.67m in length to service Lot 336. This will also provide opportunities for additional access points for proposed Lot 2, should it be required. It will also facilitate the lawful reconfiguration between existing Lot 361 and Lot 4 to occur, without the access handle of Lot 336 on CWL2184 between the allotments. The opening of the road reserve will be processed through the sealing of the survey plan for registration through the Land Title Office (following the approval of the subject reconfiguration of land and Council plan sealing) which will include the new section of road to be created.

Should Council open road reserve over the allocated portion, Council will maintain control over the local government road under Section 60 of the *Local Government Act 2009* (the Act); however, the underlying tenure of Road, will be with the State.

Following registration of the survey plan including the rearranged allotment boundaries and new section of road reserve, Council will proceed to complete a Temporary Road Closure over the road portion for a period of ten years, in accordance with the Act, subject to the road closure application approval process. This will restrict traffic access to the general public but allow continued access for adjoining landowners.

The Development Application is Code Assessable and does not require Public Notification. The Development Application did not require referral to any referral agency, as the proposal does not include creation of new lots and change in access. Officers have assessed the Development Application and have determined it is generally consistent with, or able to be conditioned to be consistent with, the assessment benchmarks relevant to the Development Application.

Assessment Summary

Based on the assessment of the Development Application, Council Officers have determined that the proposed development can comply or is able to be conditioned to comply with the assessment benchmarks relevant to the proposed development. In particular, it should be noted that:

- Proposed Lot 1 and 336 is below the prescribed 30ha minimum lot size prescribed for the Rural Zone of the Planning Scheme, however it is considered to be consistent with the Rural Zone Code and Reconfiguring a Lot Code overall outcomes;
- The proposed rearrangement of boundaries will not impact upon agricultural activities or reduce productive capacity of rural land;
- The proposed rearrangement will not impact on adjacent allotments, and will not alter the current buffer between the rural cropping use and the existing residential uses within the locality;
- The proposed rearrangement does not conflict with the surrounding land uses, given the locality;
- The proposal is considered to be generally consistent with allotment sizes within the immediate locality; and
- All proposed lots have existing lawful access to Halifax Road, via direct access to road frontage.

Based on the assessment of the development application, Council Officers have determined that the proposed development can comply or is able to be conditioned to comply with the assessment benchmarks relevant to the proposed development.

Historical Information

Lot 361 SP214657 was subject to a refusal on 29 June 2021, in relation to Reconfiguring a Lot – Subdivision of Land (One Lot into Two Lots and Access Easement) due to the proposed development not being consistent with the purpose and overall outcomes sought for the Rural Zone Code and Reconfiguring a Lot Code.

Policy Implications

Not applicable concerning acceptance of this Report.

Risk Management Implications including consideration of Environmental Sustainability Principles

Risk has been managed by undertaking a thorough assessment against the assessment benchmarks relevant to this application and identifying conditions that should apply to the approval.

Statutory Environment

Council is required to deal with and assess the Development Application in the context of:

- *Planning Act 2016*;
- North Queensland Regional Plan; and
- Hinchinbrook Shire Planning Scheme 2017.

Consultation

- Utility Services Manager;
- Infrastructure Assets Manager; and
- Infrastructure Operations Manager.

Communication

Decision Notice will be issued to the applicant by the end of the week of the General Meeting, outlining the Decision and any associated Conditions of Approval.

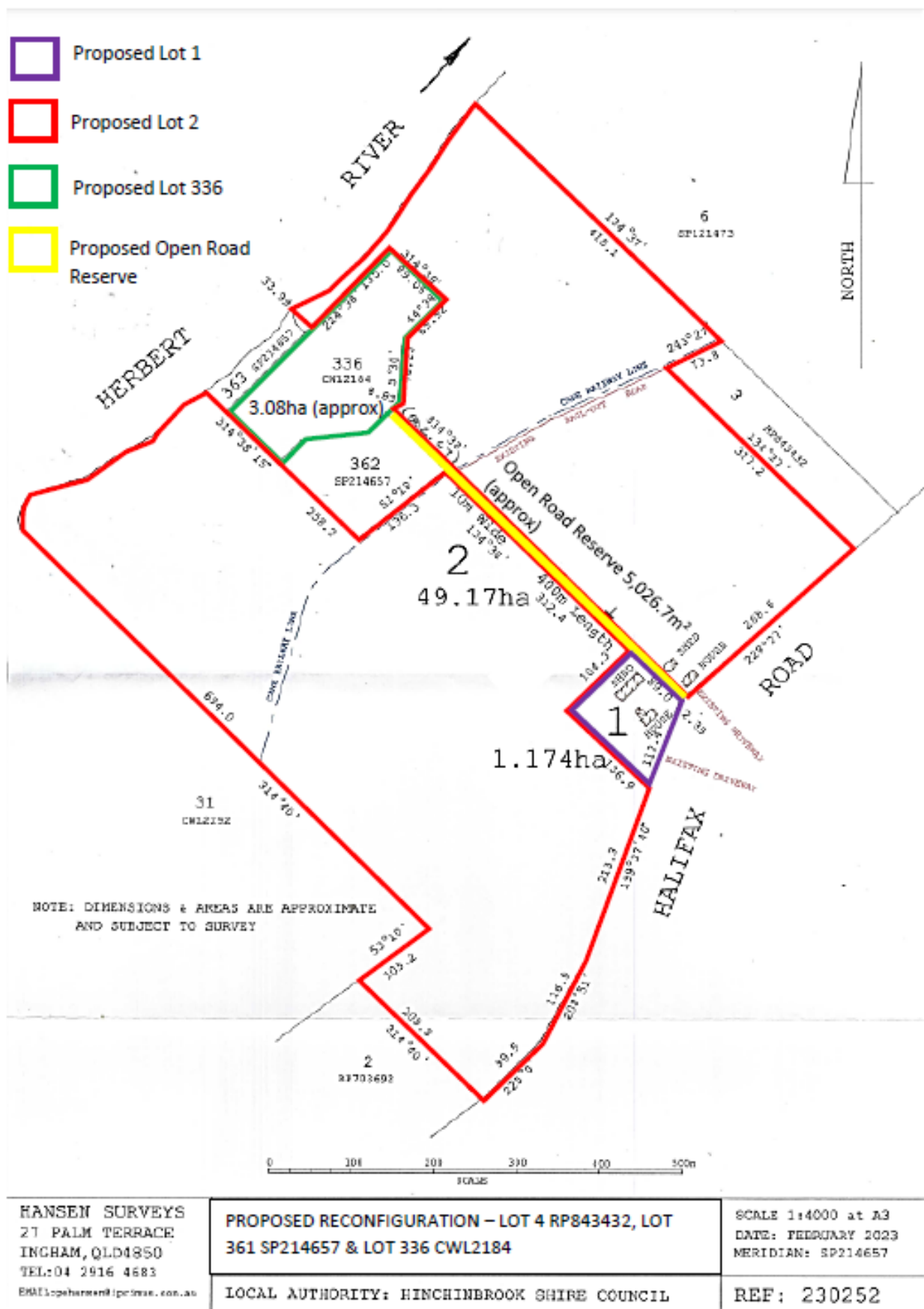
Attachments

- A. Recommended Conditions of Approval;
- B. Locality Plan;
- C. Development Plans; and
- D. Detailed Assessment.

CONDITION		TIMING						
1.	<p>Administration</p> <p>The applicant is responsible to ensure the approved development is carried out and complies with the following relevant requirements:</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>Approved Plans</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 Reconfiguration - Lot 4 RP843432, Lot 361 SP214657 & Lot 336 CWL2184</td><td>230252</td><td>February 2023</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 Reconfiguration - Lot 4 RP843432, Lot 361 SP214657 & Lot 336 CWL2184	230252	February 2023	At all times.
Plan / Document Name	Number	Date						
Proposed Reconfiguration - Lot 4 RP843432, Lot 361 SP214657 & Lot 336 CWL2184	230252	February 2023						
3.	<p>Water Supply</p> <p>Each proposed lot must be serviced by water reticulation provisions and are to be installed and maintained at no cost to Council. All services must be wholly contained within each individual allotment.</p>	Prior to Council’s endorsement of the survey plan.						
4.	<p>Wastewater Treatment</p> <p>Any new and existing onsite sewerage reticulation provisions and are to be installed and maintained at no cost to Council and must be wholly contained within each individual allotment.</p>	At all times.						
5.	<p>Electricity and Telecommunications</p> <p>Electricity and telecommunications must be provided to each allotment. Where installation cannot be achieved, confirmation that supply can be provided must be obtained from the supplier and provided to Council.</p>	Prior to Council’s endorsement of the survey plan.						
6.	<p>Confirmation of Existing Services</p> <p>Written confirmation of the location of any existing services for the land must be provided by a licensed surveyor.</p> <p>The existing services for each lot must be contained within the individual allotments. Any existing water meters must be contained within the individual lot which they service, at the property road frontage, at no cost to Council.</p> <p>Where the development does not allow existing services to be contained within the individual lot, then such services must be relocated or easement obtained. Such easements must be registered in accordance with the <i>Land Title Act 1994</i>, in conjunction with registration of the Plan of Survey.</p>	Prior to Council’s endorsement of the survey plan.						
7.	<p>Relocation of Utilities</p> <p>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.</p>	Prior to Council’s endorsement of the survey plan.						
8.	<p>Damage to Infrastructure</p> <p>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.</p>	At all times.						

CONDITION	TIMING
<p>9. Access</p> <p>Each allotment must have a lawful point of access to Halifax Road. Any new access driveway and crossover from the existing edge of the formed road to the property boundary, must be constructed in accordance with relevant standards.</p> <p>Any construction works associated with the access and driveway arrangements to the property from the road reserve is subject to Transport and Main Roads approval, in accordance with a Road Corridor Permit, prior to commencement of works.</p>	<p>Prior to Council's endorsement of the survey plan.</p>
<p>10. Land Dedication – Road Reserve</p> <p>10.1 The proposed Open Road Reserve within Lot 336 on CWL2184 (Road Number 7523) identified in the approved plans (Ref: 230252), must be applied for by Hinchinbrook Shire Council to the Department of Resources, to open the road reserve portion; and</p> <p>10.2 Any costs associated with dedication of land for Road Reserve are to be paid by the Applicant and at no cost to Council.</p>	<p>Prior to Council's endorsement of the survey plan.</p>





Detailed Assessment

Decision Making Period

The timeframes for assessing and deciding applications is set in the *Planning Act 2016* and Development Assessment Rules (s.60 and 61(3)). The timeframes applicable to this application are as follows:

- 10 business days to issue a Confirmation Notice from date after receiving a properly made application;
- 10 business days to issue an Information Request (if required) after issuing a Confirmation Notice;
- 35 business days to assess decide the application (minus the period between issuing a Confirmation Notice and using an Information Request); and
- 5 business days to issue a Decision Notice once a Council decision is made.

Note: Public holidays and close down periods are excluded from business days.

If no decision has been made within the relevant decision-making period, the application can be deemed approved by the applicant with standard conditions imposed.

Application Process	Date
Application lodged with Hinchinbrook Shire Council	5 April 2023
Action Notice issued	13 April 2023
Amended Application Lodged	17 April 2023
Confirmation Notice issued	19 April 2023
Council Information Request	N/A
Application referred (properly referred)	N/A
Referral agency response	N/A
Response to Information Request	N/A
Public Notification Commences	N/A
Public Notification Complete	N/A
Decision making period starts	20 April 2023
Council General Meeting	26 April 2023
Decision making period ends	4 May 2023

Level of Assessment

The development proposal is assessable under the Planning Scheme in accordance with Section 43(1) of the *Planning Act 2016*. The Assessment Manager is the Hinchinbrook Shire Council as determined by Schedule 8 of the Planning Regulation 2017.

Council as the Assessment Manager is required to undertake assessment of the application against the planning scheme making the decision pursuant to s. 60 of the *Planning Act 2016*, are outlined in s. 45(3) and s.26 to 28 of the Planning Regulation 2017.

An assessment against the relevant provisions of the Planning Scheme has been undertaken as reflected hereunder.

Development	Zone	Overlays	Assessment Benchmarks
Reconfiguring a Lot – Rearrangement of Boundaries (Three Lots into Three Lots and Open Road Reserve)	Rural Zone	<p>The following overlays are applicable to the assessment of the proposed development:</p> <ul style="list-style-type: none"> Flood Hazard Overlay Code 	<p>The following assessment benchmarks are applicable in the assessment of the development application:</p> <ul style="list-style-type: none"> Rural Zone Code; Reconfiguring a Lot Code; Infrastructure Services and Works Code; Landscaping Code; Parking and Access Code; and Flood Hazard Overlay Code.

An assessment against the applicable provisions of the Planning Scheme has been undertaken as reflected hereunder.

Hinchinbrook Shire Planning Scheme 2017		
Assessment Benchmark	Purpose	Assessment
Rural Zone Code	The relevant purpose of the Rural Zone Code is to provide for rural uses and activities.	<p>The proposed development is considered generally compliant with the Rural Zone Code and the assessment benchmarks that are relevant to this proposal, given:</p> <ul style="list-style-type: none"> Proposed Lot 1 and 336 is below the prescribed 30ha minimum lot size prescribed for the Rural Zone of the Planning Scheme, however it is considered to be consistent with the Rural Zone Code and Reconfiguring a Lot Code overall outcomes; The proposed rearrangement of boundaries will not impact upon agricultural activities or reduce productive capacity of rural land; The proposed rearrangement will not impact on adjacent allotments, and will not alter the current buffer between the rural cropping use and the existing residential uses within the locality; The proposed rearrangement does not conflict with the surrounding land uses, given the locality; The proposal is considered to be generally consistent with allotment sizes within the immediate locality; and Both proposed lots have existing lawful access to Halifax Road, via direct access to road frontage.

Reconfiguring a Lot Code	To ensure that lots are suitable for their intended use.	<p>The proposed development is considered generally compliant with the Reconfiguring a Lot Code given:</p> <ul style="list-style-type: none"> Proposed Lot 1 and 336 is below the prescribed 30ha minimum lot size prescribed for the Rural Zone of the Planning Scheme, however it is considered to be consistent with the Rural Zone Code and Reconfiguring a Lot Code overall outcomes; Proposed Lot 2 is above the minimum lot size and is considered to be consistent with the Rural Zone Code and Reconfiguring a Lot Code overall outcomes; The proposed development does not create any increased risk of exposure people or property to natural hazards; and The proposal is considered to be consistent with the overall outcomes and applicable assessment benchmarks of the Reconfiguring a Lot Code.
Infrastructure, Services & Works Code	To ensure development is provided with a level of infrastructure which maintains or enhances community health, safety and amenity, and that works occur in a manner that does not adversely impact upon character and amenity, environmental values, and flooding and drainage.	<p>The proposed development is considered generally compliant with the Infrastructure, Services & Works Code given:</p> <ul style="list-style-type: none"> The proposed development does not involve any filling or excavation works; The proposal does not impact on sewerage reticulation infrastructure, as it is located outside of the reticulated area; Both allotments have existing connection to water reticulation; and The proposed development does not negatively impact on influence on community health, safety and amenity.
Landscaping Code	To ensure development is landscaped to enhance the appearance of the development, the amenity and environmental values of the site, the streetscape and the local environs.	<p>The proposed development is considered generally compliant with the Landscaping Code given:</p> <ul style="list-style-type: none"> The proposed development does not result in any physical change to the land that will trigger a requirement for new landscaping; and Existing landscaping can be retained on the land following the subdivision realignment.
Parking and Access Code	To ensure that parking and access infrastructure and loading/service and manoeuvring areas are provided to service the demand of the development.	<p>The proposed development is considered generally compliant with the Parking and Access Code given:</p> <ul style="list-style-type: none"> The existing access arrangements for both lots will be retained, which have a lawful point of access to the road frontage of Halifax Road; and All existing internal access and parking arrangements remain relevant for the proposed lots and internal vehicle manoeuvring within each allotment.
Flood Hazard Overlay Code	To ensure that development avoids unacceptable exposure of people to flood hazard.	The proposed development is considered compliant with the Flood Hazard Overlay Code given the proposed development does not involve any physical change to the land that will result in increased risk or exposure of people and property to flood hazard.

The Planning Scheme appropriately integrates all State interests identified in the SPP as identified by the Minister. The SPP resulted in refinements that emphasise the guiding principles behind the State's interests. It is considered that the Planning Scheme appropriately integrates the SPP and therefore assessment against the Planning Scheme will address the relevant State interests.

The North Queensland Regional Plan (NQRP) establishes strategic planning framework intended to guide the region's development and grow the local economy. The NQRP introduces assessment benchmarks for the assessment of proposed development within a Priority Agriculture Area (PAA) and also applies as a 'matter to have regard to' under the Planning Regulation 2017, where the NQRP or aspects of the NQRP are identified as having not been appropriately integrated in a local planning instrument.

The proposed development is located in a PAA and therefore the development assessment benchmarks for PAAs are applicable. The proposed development is considered to comply with the relevant assessment benchmarks given:

- ## Assessment Summary

Based on the assessment of the Development Application, Council Officers have determined that the proposed development can comply or is able to be conditioned to comply with the assessment benchmarks relevant to the proposed development.