

Your Ref: 058\0372
Our Ref: BE:AG

27 August 2020

Jessica Lavarini
Pendar Pty Ltd
PO Box 1687
INGHAM QLD 4850

officemanager@inghammedical.com.au

Dear Jessica

Decision Notice – Extension to Currency Period
Material Change of Use – Medical Centre, Coffee Shop and Pharmacy
Planning Act 2016

Receipt of your application dated 30 July 2020, requesting Council consent to an extension of the currency period associated with your material change of use development permit at 16 Halifax Road Ingham and 22 Heard Street Ingham, is acknowledged and its contents noted.

Your request for an extension to currency period was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 25 August 2020.

Council resolved to approve the proposed development, 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, Conditions of the Approval (if any), currency period, approved plans 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 Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Alan Rayment
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



27 August 2020

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	058\0372
Property ID Number	100200 – 16 Halifax Road Ingham 104117 – 22 Heard Street Ingham
Applicant Details	Pendar Pty Ltd C/- Milford Planning Consultants PO Box 5463 TOWNSVILLE QLD 4810
Owner Details	Pendar Pty Ltd C/- Brett Scott Family Trust 22 Heard Street INGHAM QLD 4850
Property Description	16 Halifax Road Ingham – Lot 2 on RP703690 Lot 1 on RP709083 Lot 2 on RP709083 22 Heard Street Ingham – Lot 20 on RP703690
Proposal	Material Change of Use: Medical Centre, Coffee Shop and Pharmacy
Level of Assessment	Code Assessment

DECISION

The 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 August 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i> <i>Sustainable Planning Act 2009</i>
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions	Not Applicable

CONDITIONS OF APPROVAL

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

REFERRAL AGENCIES

Not Applicable.

PROPERTY NOTES

Not Applicable.

FURTHER APPROVALS REQUIRED

This approval does not authorise any filling of land 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

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to this Development Permit will be issued to you as soon as practicable in accordance with Section 119 of the *Planning Act 2016*, if relevant to this development.

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 in **two years**, 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 the Decision Notice, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary advice.

Yours sincerely



Electronic

George Milford
Planning Consultant



HINCHINBROOK
SHIRE COUNCIL

Our Ref: 058/0372

07 November 2016

Milford Planning Consultants Pty Ltd
PO Box 5463
Townsville QLD 4810

CC: chay@milfordplanning.com.au

Attention: Christopher Hay

Dear Sir,

AMENDED DECISION NOTICE

Sustainable Planning Act 2009 S.335

1. **APPLICANT DETAILS**
Pendar Pty Ltd
c/- Milford Planning Consultants
PO Box 5463
Townsville QLD 4810
2. **PROPERTY DESCRIPTION**
Lot 2 on RP703690, Lot 20 on RP703690, Lot 1 on RP709083 and Lot 2 on RP709083
22 Heard Street, 13 & 15 Allingham Street and 16 Halifax Road, Ingham, Queensland, 4850
3. **OWNER/S DETAILS**
Pendar Pty Ltd
c/- Brett Scott Family Trust
22 Heard Street
Ingham QLD 4850
4. **DEVELOPMENT APPROVAL**
Development Permit for Material Change of Use
5. **DEFINITION OF USE**
Medical Centre, Coffee Shop and Pharmacy

All official correspondence should be addressed to the Chief Executive Officer

25 Lannertcost St. PO BOX 366 Telephone (07) 4776 4600 Email ceo@hinchinbrook.qld.gov.au
Ingham QLD 4850 Ingham QLD 4850 Facsimile (07) 4776 3233 Web www.hinchinbrook.qld.gov.au

FILE NO. 058/0372- DECISION NOTICE
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LOT 2 AND 20 ON RP703690 AND LOT 1 AND LOT 2 ON RP709083

6. ASSESSMENT TYPE
Impact Assessment

7. DECISION MADE

On Tuesday 20 May 2014 the application was:

- Approved in full subject to conditions (refer to Attachment A)

8. CONDITIONS OF APPROVAL

Refer to Attachment A

9. REFERRAL AGENCIES

The development application was subject to the following referral trigger as per the *Sustainable Planning Regulation 2009*.

REFERRAL TRIGGER
<p>Land relating to a state controlled road <i>Sustainable Planning Regulation 2009,</i> Schedule 7, Table 3, Item 1</p> <p><i>Development on land relating to a State-controlled road that is—</i> <i>(a) making a material change of use of premises that is assessable development under a</i> <i>planning scheme, temporary local planning instrument or preliminary approval to which</i> <i>section 242 of the Act applies;</i></p>

A copy of the Department of State Development, Infrastructure and Planning is attached (refer to Attachment C)

10. CURRENCY PERIOD

The relevant periods stated in section 341 of the *Sustainable Planning Act 2009* apply to each aspect of development in this approval, as outlined below:

- *Material Change of Use- 4 years*

11. APPROVED PLANS

Refer to Attachment B

12. INFRASTRUCTURE CHARGES

An adopted infrastructure charge notice has been issued on 28 May 2014 for this development approval and must be paid in full prior to the use commencing on-site.

13. OTHER NECESSARY DEVELOPMENT PERMITS

This approval does not authorise any operational works, building works, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land. If this is required the relevant application will need to be lodged with Council or other relevant authority. Application forms are available from Council's office at 25 Lannercost Street, Ingham or Council's website - www.hinchinbrook.qld.gov.au

The proposed development has been assessed against the relevant provisions of the *Hinchinbrook Shire Planning Scheme 2005*. Building work may be required for the proposed development and will need to be approved prior to any works commencing on the site.

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14. APPEAL RIGHTS

Appeals by Applicants: An Applicant for a development application may appeal to the Planning and Environment Court against the following:-

- the refusal, or refusal in part of the development application;
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the *Sustainable Planning Act 2009*;
- the decision to give a preliminary approval when a development permit was applied for;
- the length of a period mentioned in section 341;
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of the *Sustainable Planning Act 2009*. Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see the *Sustainable Planning Act 2009*, Chapter 7, Part 2.

For more information on appeal rights please refer to Attachment C.

15. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court;
- subject to the decision of the court, when the appeal is finally decided, if appeal is made to the court.

This approval will lapse unless substantially started within the above stated currency periods (Refer to section 10 of this decision notice).

Should you wish to discuss this matter further, or require any further information, please do not hesitate to contact Council's Development and Planning Services on telephone (07) 4776 4609.

Yours sincerely,



Gerhard Visser
Planning and Development Manager

Attachments

- Attachment A:** Conditions of Approval
Attachment B: Approved Plan/s
Attachment C: Concurrence Agency Conditions
Attachment D: Appeal Rights
Attachment E: Waiver of Appeal Rights

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PLEASE NOTE:

That under the provisions of the *Sustainable Planning Act 2009* you the Applicant may:-

- (i) Make representation to Council to discuss the decision and the conditions by contacting, Council's Chief Executive Officer. You must make these representations within 20 business days after the day you receive this notice. If Council alters the decision, you will be given a 'negotiated decision notice; or
- (ii) Advise Council that you do not intend to make representations, in which case Council can advise the submitters of this decision; and/or
- (iii) Appeal to the Planning and Environment Court against any conditions applied to this development, including the currency period, within twenty (20) business days after the day you receive this notice.

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ATTACHMENT A: CONDITIONS

Conditions of Development	Compliance timing
Approved Plans	
<p>(1) The development 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 this approval:</p> <p>(a) Site Development Plan + Identification Plans, Medical Centre Development on Corner of Halifax and Allingham Street, Ingham, Dwg. WD 1, Issue D, dated 15/01/2014</p> <p>(b) Ground Floor + Carpark Plan, Proposed Medical Centre Development, Corner of Halifax and Allingham Street, Ingham, Dwg. WD 2, Issue D, dated 15/01/2014</p> <p>(c) Floor Plan, Proposed Medical Centre Development on Corner of Halifax and Allingham Street, Ingham, Dwg. WD 3, Issue D, dated 15/01/2014</p> <p>(d) Elevations, Medical Centre Development on Corner of Halifax and Allingham Street, Ingham, Dwg. WD 5, dated 15/01/2014</p> <p>(a) Site Development + Identification Plans – Stage 1, Development at 16 Halifax Road & 13 Allingham Street, Ingham, Dwg SK1, dated 26/08/2016</p> <p>(b) Floor Plan – Stage 1, Development at 16 Halifax Road & 13 Allingham Street, Ingham, Dwg SK2, dated 26/08/2016</p> <p>(c) Roof Plan – Stage 1, Development at 16 Halifax Road & 13 Allingham Street, Ingham, Dwg SK3, dated 26/08/2016</p> <p>(d) Elevations Plan – Stage 1, Development at 16 Halifax Road & 13 Allingham Street, Ingham, Dwg SK4, dated 26/08/2016</p> <p>(e) Sections Plan – Stage 1, Development at 16 Halifax Road & 13 Allingham Street, Ingham, Dwg SK5, dated 26/08/2016</p> <p>(f) 3D Views – Development at 16 Halifax Road & 13 Allingham Street, Ingham, Dwg SK6, dated 26/08/2016</p> <p>(g) Site Development + Identification Plans – Stage 2, Development at 15 Allingham Street & corner of Halifax Road, Ingham, Dwg SK1, dated 26/08/2016</p> <p>(h) Floor Plan – Stage 2, Development at 15 Allingham Street & corner of Halifax Road, Ingham, Dwg SK2, dated 26/08/2016</p> <p>(i) Roof Plan – Stage 2, Development at 15 Allingham Street & corner of Halifax Road, Ingham, Dwg SK3, dated 26/08/2016</p> <p>(j) Elevations Plan – Stage 2, Development at 15 Allingham Street & corner of Halifax Road, Ingham, Dwg SK4, dated 26/08/2016</p> <p>(k) 3D Views, Development at 15 Allingham Street & corner of Halifax Road, Ingham, Dwg SK5, dated 26/08/2016</p>	At all times
Amalgamation of Lots	
<p>(2) Lot 2 on RP703690, Lot 20 on RP703690, Lot 1 RP709083 and Lot 2 on RP709083, Parish of Cordelia must be amalgamated as one (1) lot.</p>	Prior to the use commencing

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Conditions of Development		Compliance timing
Waste Management		
(3)	Onsite waste storage must be appropriately screened	At all times
Car parking		
(4)	<p>Off-street car parking</p> <p>Car parking layout must comply with Hinchinbrook Shire Council standards. In particular the parking shall include:</p> <ul style="list-style-type: none"> (a) A minimum of two ambulance parking bays/loading bays (b) A minimum of 40 off-street car parking spaces (c) The off-street parking adjacent to the south-eastern boundary with 11 Allingham Street must contain at least two shade trees, capable of reaching three metres within five years <p>All parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building works</p>	Prior to the use commencing
(5)	<p>Protection of landscaped areas from parking</p> <p>Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.</p>	Prior to the use commencing
External works		
(6)	<p>Undertake the following works external to the subject land at no cost to Council:</p> <ul style="list-style-type: none"> (a) Construct, bitumen seal and line mark vehicle parking spaces in front of the subject land (Allingham Street, Heard Street and Halifax Road). Such works must be in accordance with Hinchinbrook Shire Council Standards, Department of Transport and Main Roads Standards (where applicable) and in accordance with an on-street car parking plan endorsed by the Chief Executive Officer. In particular the plan must optimise on-street parking and: <ul style="list-style-type: none"> (i) reflect the landscaping requirements detailed in condition (7). (ii) provide a taxi/vehicle set down area to the site frontage with provision of disabled access to footpath levels. (iii) designate garbage collection site(s) (b) Construct a footpath of approved width, surface and street landscaping to the full frontage of the Allingham Street, Halifax Road and Heard Street frontages, generally in accordance with Hinchinbrook Shire Council standards. (c) Kerb ramps must be fitted with Tactile Ground Surface Indicators in accordance with Australian Standard AS1428.4: 2002 Design for Access and Mobility Part 4: Tactile Indicators. (d) Repair any damage to existing kerb and channel, footway or roadway including removal of concrete slurry from footways, road, kerb and channel and stormwater gullies and drain lines that may occur during 	<p>Prior to the issue of a development permit for operational works</p> <p>Prior to the use commencing</p>

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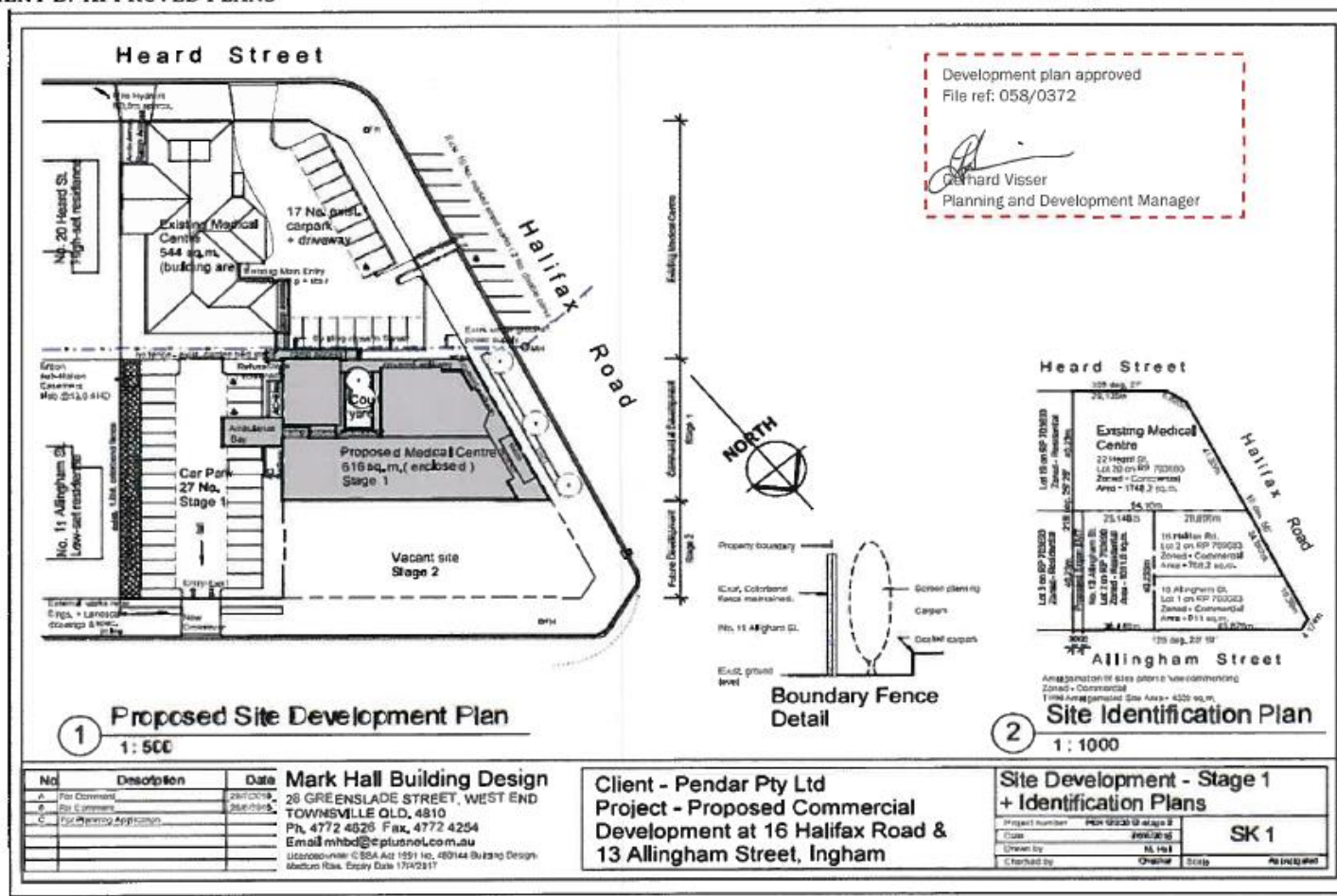
Conditions of Development	Compliance timing
<p>works carried out in association with the construction of the approved development.</p> <p>(e) Reinstate kerb in the location of any redundant crossovers.</p> <p>All work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive.</p>	
Landscaping	
<p>(7) The Applicant/Owner must landscape the subject land and street frontage in accordance with Hinchinbrook Shire Council standards <i>and</i> in accordance with a landscape plan endorsed by the Chief Executive Officer. In particular, the plan must show:</p> <p>(a) Landscaping of a three metre setback between the car parking and boundary to 11 Allingham Street</p> <p>(b) The location and species of all proposed plants (species used are to be approved by the Chief Executive Officer)</p> <p>(c) Planting of the footpath with trees, using appropriate species</p> <p>(d) The provision of shade trees adjacent to car parking areas:</p> <p>(i) One tree set in sufficient growing space is required for every six -eight parking spaces on the common boundary with 11 Allingham Street</p> <p>(ii) One street tree in a blister island between the site and 11 Allingham Street and between 20 Heard Street. The tree/blister island is to act as a delineation between residential and commercial and discourage (commercial use related) on street parking in front of residential dwellings</p> <p>(iii) Three blister islands containing street trees, approximately one every 25m for the frontage to Halifax Road</p> <p>(iv) One blister island containing a street tree between the Allingham on street parking</p> <p>(e) Inclusion of all landscaping requirement as detailed in other relevant conditions included in this development permit.</p>	Prior to the issue of a development permit for building works
<p>(8) One (1) A1 copy of the landscaping plan must be endorsed by the Chief Executive Officer prior to the issue of a development permit for building works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.</p>	As per condition
Stormwater works and drainage works	
<p>(9) The applicant must submit a stormwater plan for Council's consideration and approval. The stormwater plan must demonstrate that existing drainage catchments are not altered and that increased or concentrated flows resulting from the proposed development can be catered adequately for by the existing drainage systems.</p>	Prior to any site works commencing
<p>(10) All stormwater is to be directed to either kerb and channel; or underground systems, as applicable; or otherwise legal point of discharge, as approved by Council</p>	At all times

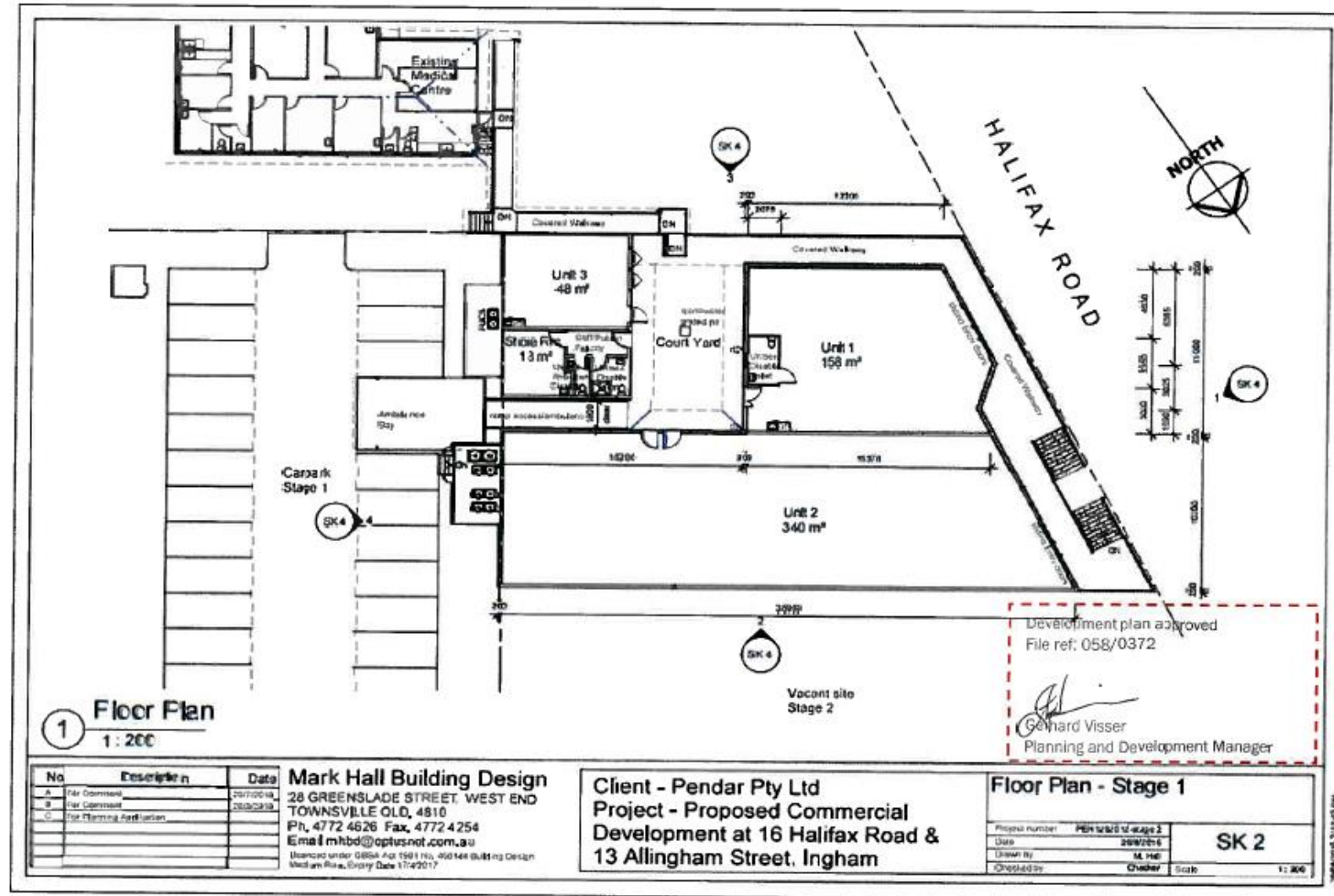
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Conditions of Development	Compliance timing
Lighting	
(11) The vertical illumination resulting from direct, reflected or incidental light coming from the site must not exceed 8 lux when measured at any point 1.5m outside of the boundary at any level from ground level up	At all times

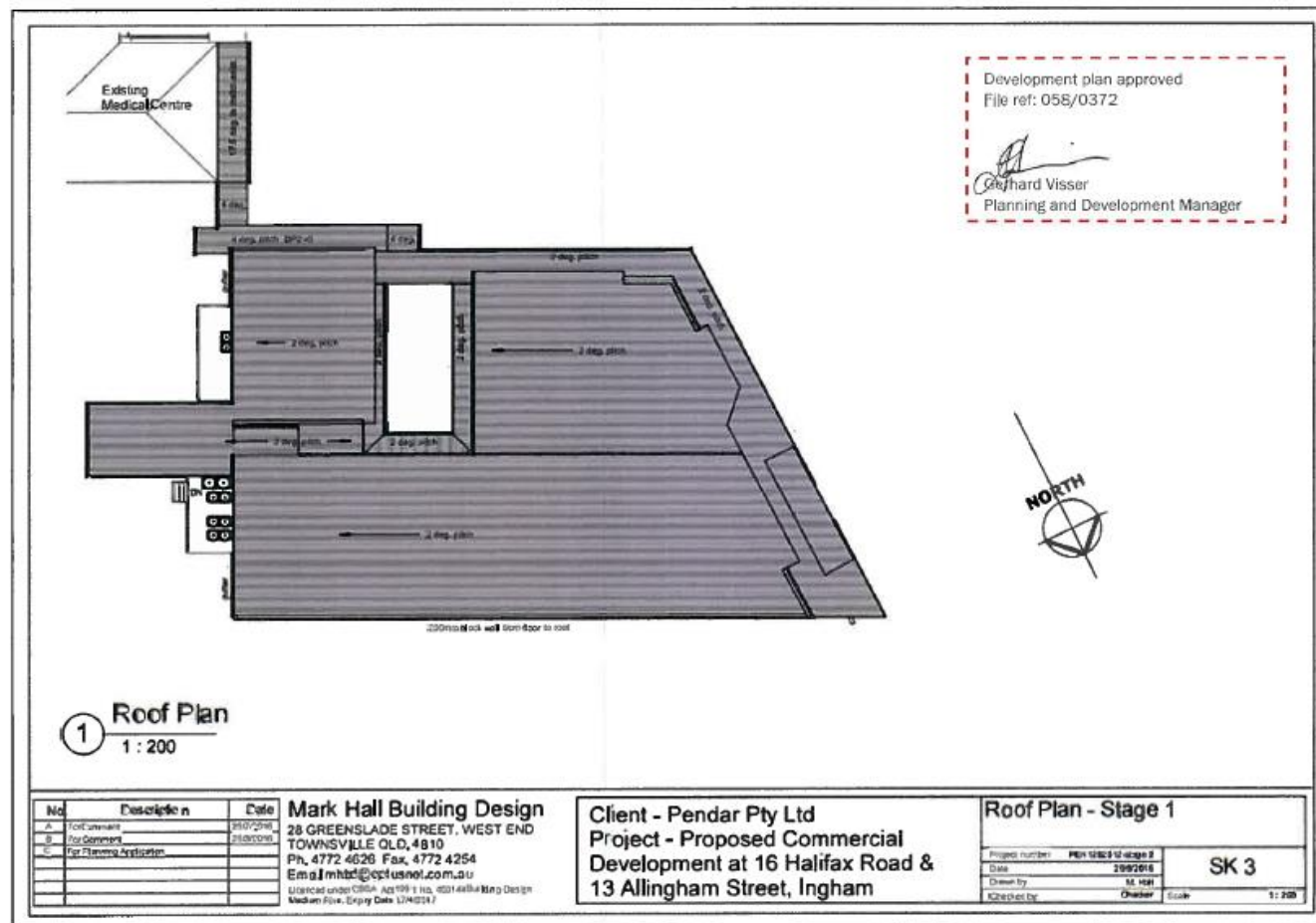
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ATTACHMENT B: APPROVED PLANS



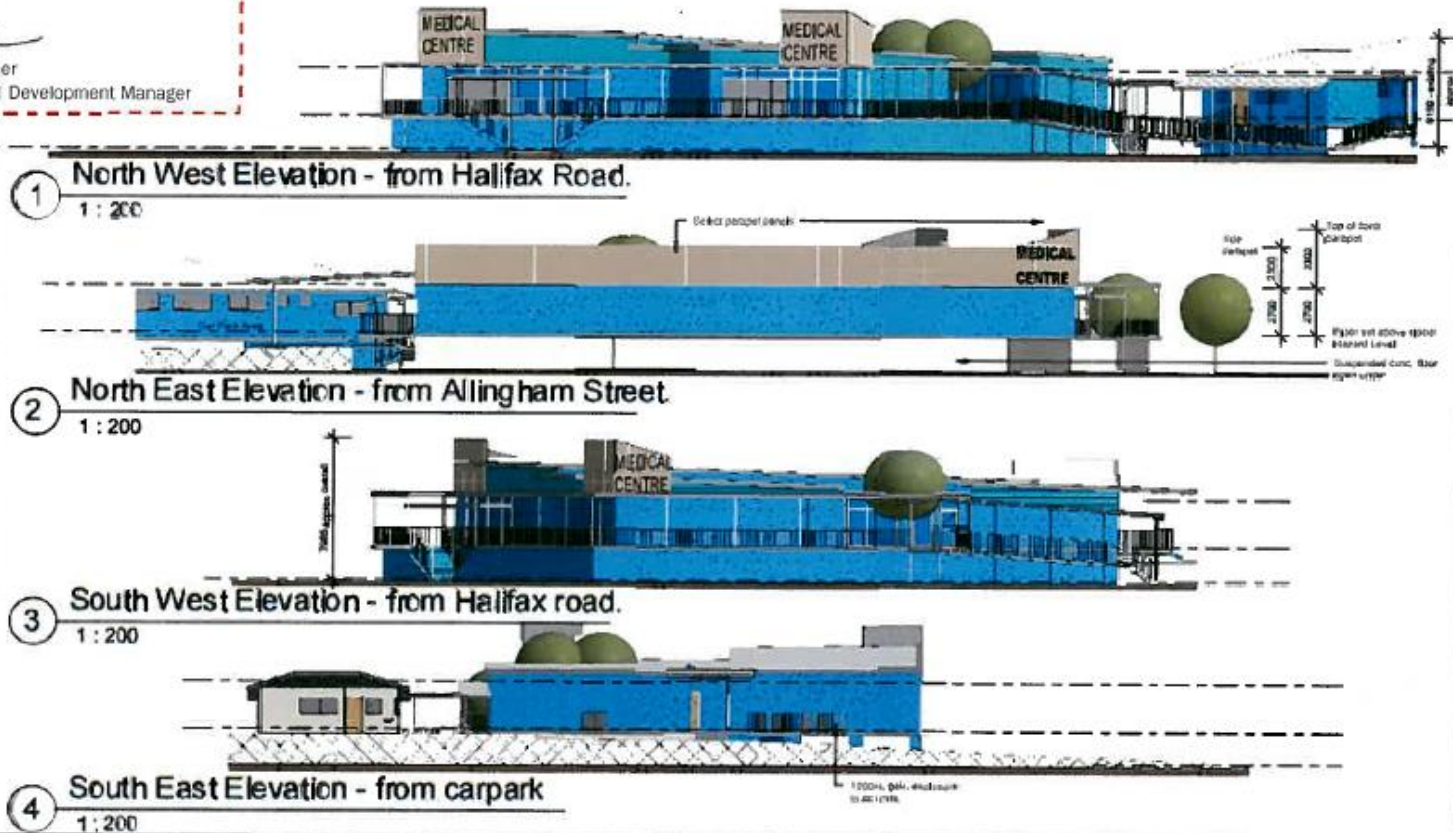


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Development plan app, rev 0
File ref: 058\0372

Gerhard Weier
Planning and Development Manager



No	Description	Date
A	For Consent	29/02/16
B	For Consent	29/02/16
C	For Planning Application	

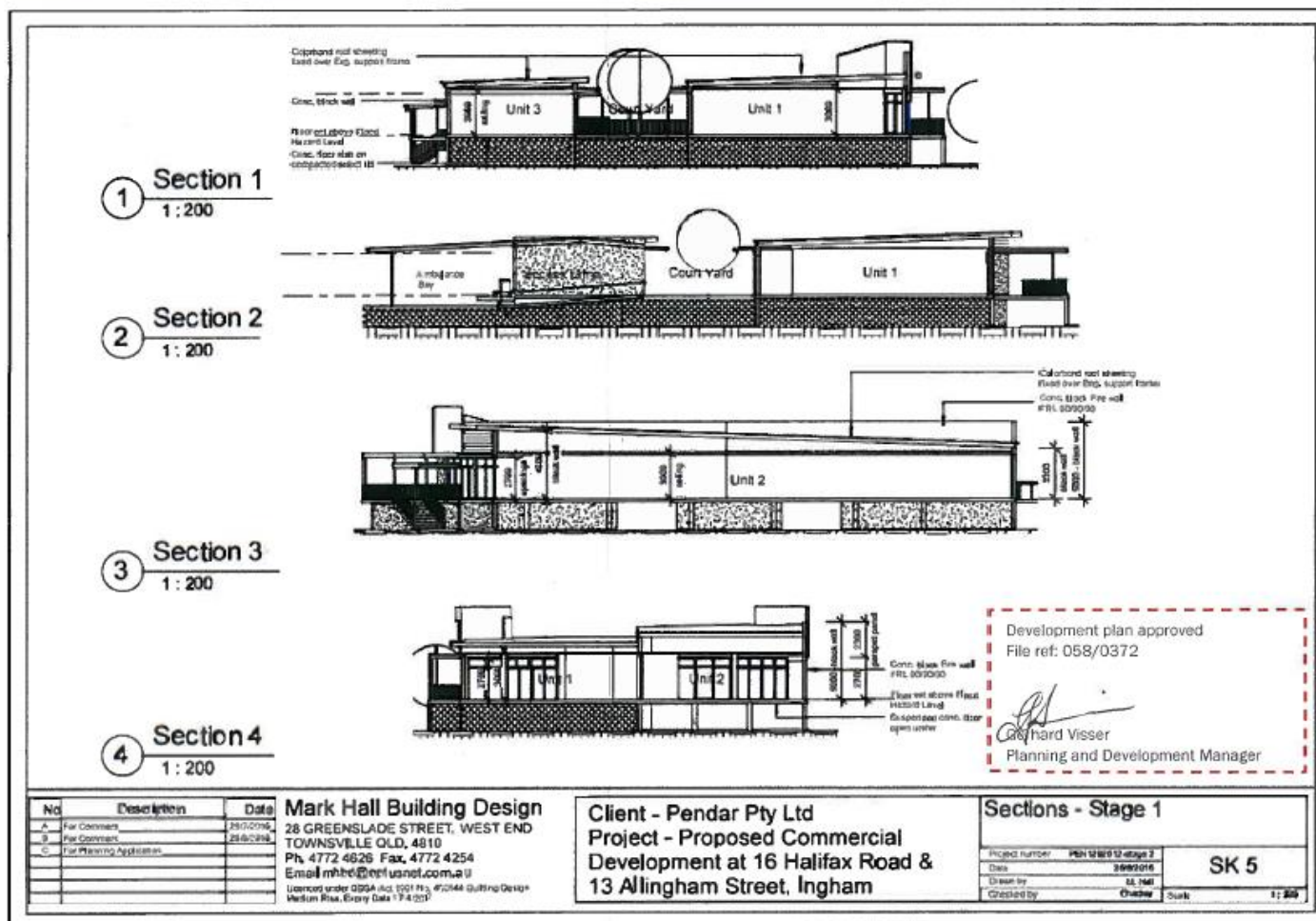
Mark Hall Building Design
28 GREENSLADE STREET, WEST END
TOWNSVILLE OLD, 4810
PH, 4772 4526 Fax, 4772 4254
Email mhbd@cptusnet.com.au
Licensed under CDSA Act 1991 No. 460144 Building Design
Medium Risk. Expiry Date 17/10/2017

Client - Pendar Pty Ltd
Project - Proposed Commercial
Development at 16 Halifax Road &
13 Allingham Street, Ingham


Elevations - Stage 1

Project Number	PCH13020 Stage 1	SK 4
Date	29/02/2016	
Drawn by	ML, RL	
Checked by	Chadler	


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① 3D View 1 from Halifax Rd




② 3D View 2 from Allingham Rd.



③ 3D View 3 from Allingham Rd.

Development plan approved
File ref: 058/0372

Gerhard Visser
Planning and Development Manager



⑤ 3D View 5 from Halifax Rd.

No	Description	Date
A	Per Consultant	28/10/2016
B	Per Council	28/10/2016
C	Per Planning Associates	

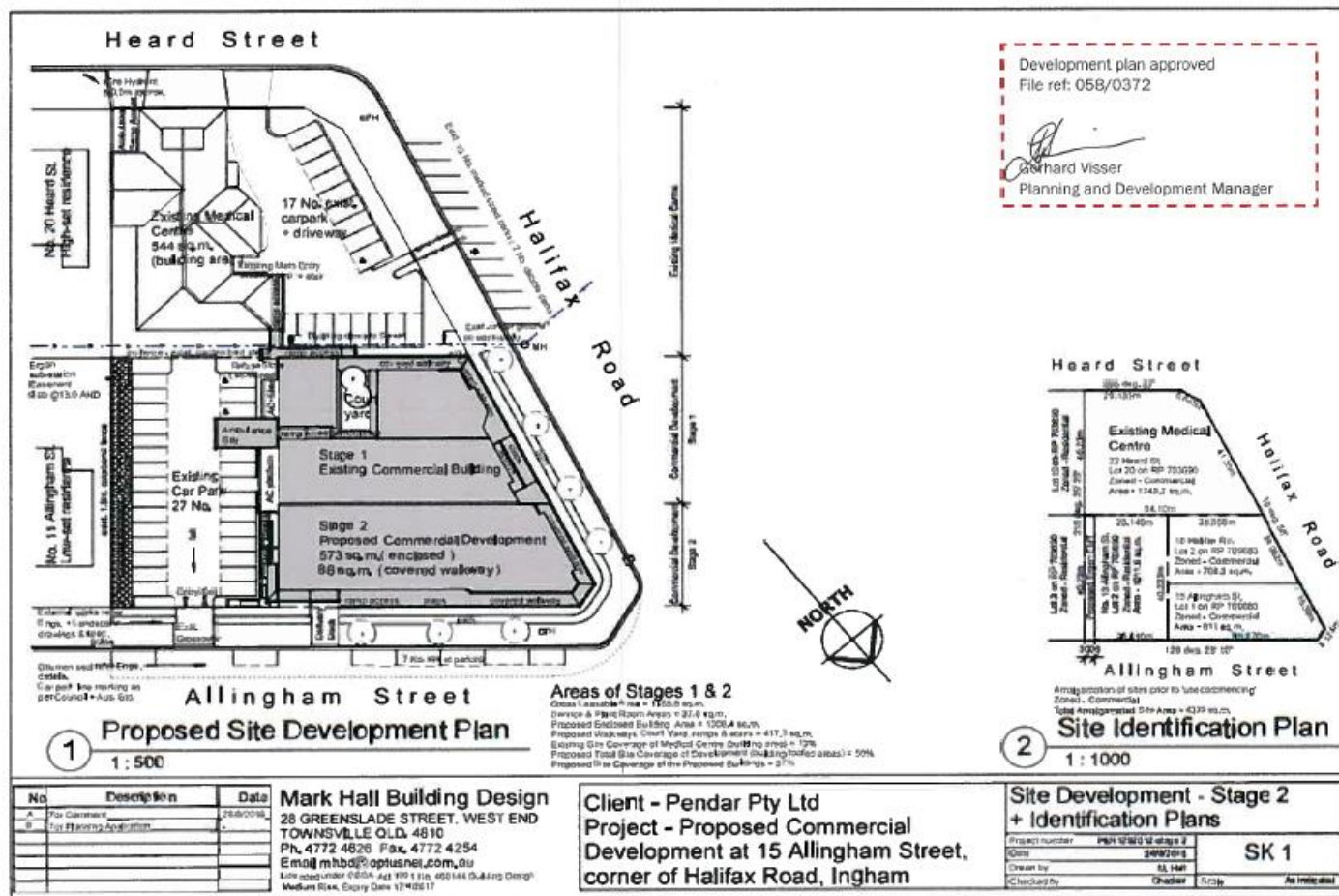
Mark Hall Building Design
28 GREENSLADE STREET, WEST END
TOWNSVILLE QLD, 4810
Ph. 4772 4626 Fax. 4772 4254
Email mhbdd@optusnet.com.au
Licensed under QRTSA Act 1991 No. 4831 44 Building Design
Medium Risk, Expiry Date 12/4/2017

Client - Pendar Pty Ltd
Project - Proposed Commercial
Development at 16 Halifax Road &
13 Allingham Street, Ingham

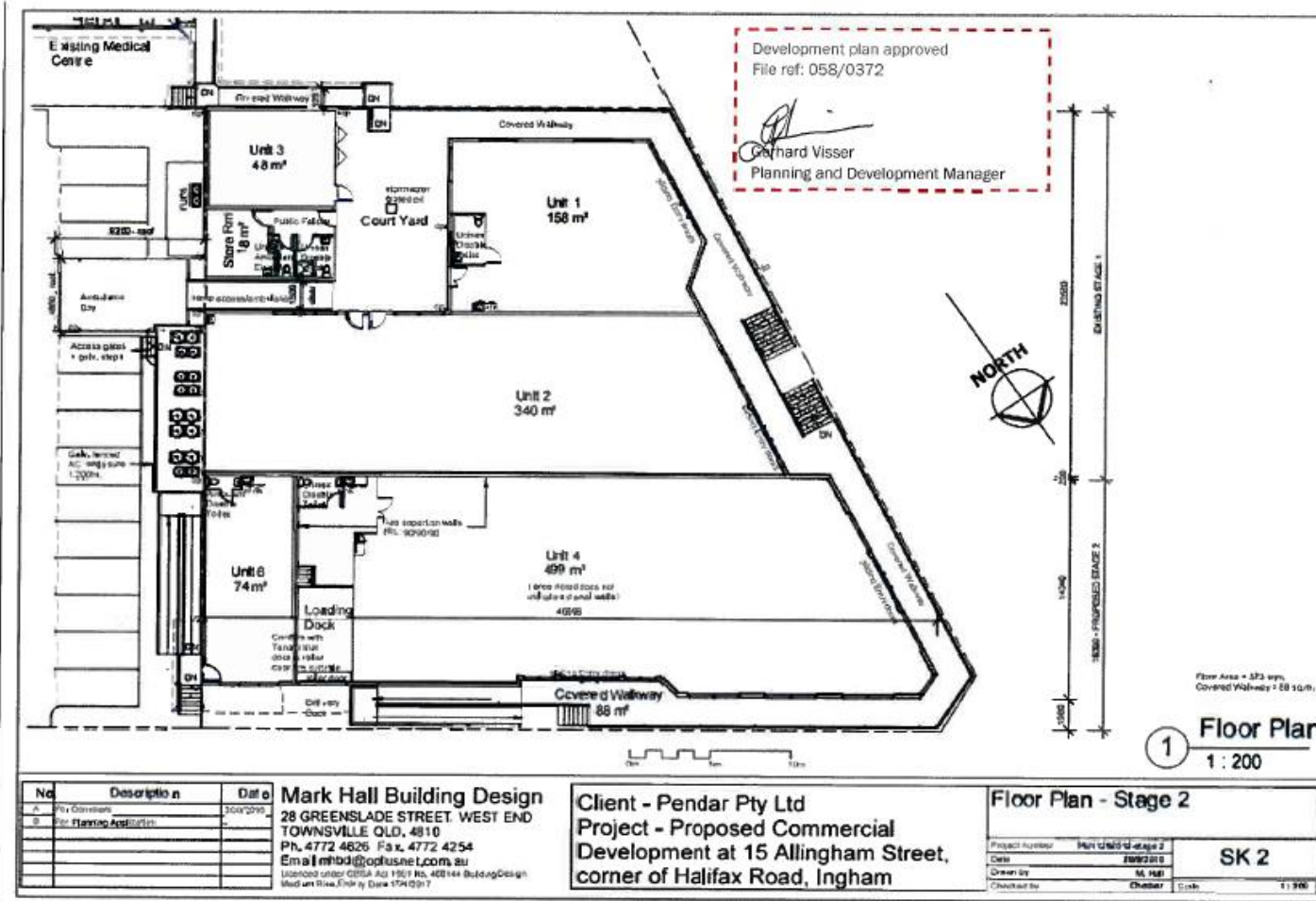
3D Views

Project Number	MDM 058/0372	SK 6
Date	28/10/2016	
Drawn by	M. Hall	
Checked by	Checker	

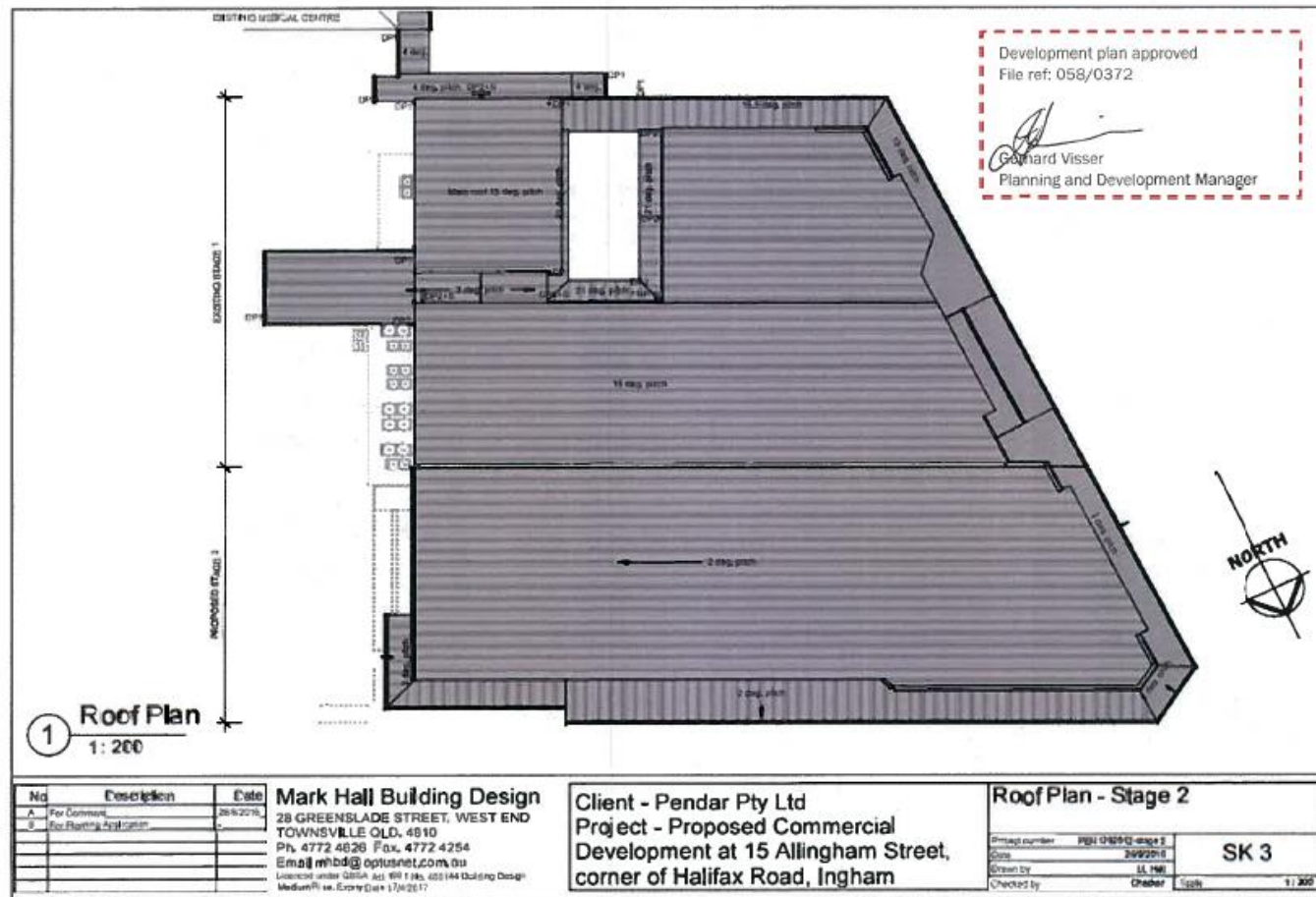
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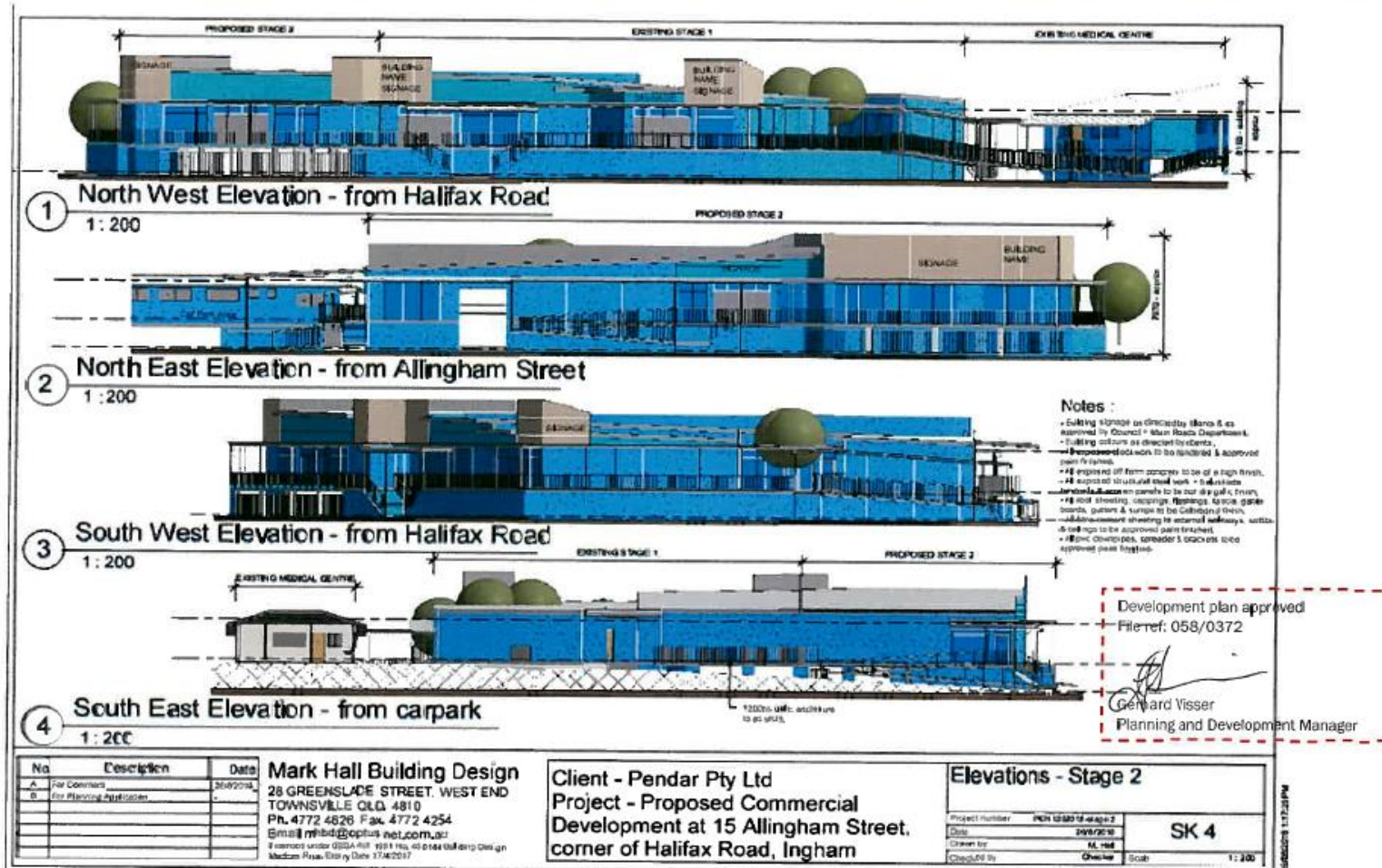
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① 3D View 1 - from Halifax Road



② 3D View 2 - from Allingham Street



③ 3D View 3 - corner of Halifax Rd. & Allingham St.

Development plan approved
File ref: 058/0372


Gerhard Visser
Planning and Development Manager

No	Description	Date
A	For Comments	21/6/2016
B	For Planning Application	

Mark Hall Building Design
28 GREENSLADE STREET, WEST END
TOWNSVILLE QLD 4810
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Licence under QDA Act 1997 No. 401664 (B) Bldg Design
Medium Risk, Expiry Date 17/6/2017

Client - Pendar Pty Ltd
Project - Proposed Commercial
Development at 15 Allingham Street,
corner of Halifax Road, Ingham

3D Views		
Project number	058/0372-Stage 3	SK 5
Date	21/6/2016	
Drawn by	SL HSB	
Checked by	Checker	