

Your Ref: Application for Minor Change
Our Ref: BE:HR MCU17\0009

27 August 2020

Levelsie Bligh
Manager
Hinchinbrook Aboriginal and Islander Housing Corporation Society
PO Box 1098
INGHAM QLD 4850

levelsie@haihc.org.au

Dear Ms Bligh

Decision Notice – Minor Change to Development Permit for Material Change of Use – Duplex Units
Planning Act 2016

Receipt of your application, deemed to be properly made on Monday 17 August 2020 seeking a change to an existing Development Permit for Material Change of Use – Duplex Units at 7 Rutledge Street Ingham, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 25 August 2020.

Council resolved to approve the proposed change, 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 Built Environment Team Leader, Hayley Roy on 4776 4609 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	MCU17\0009
Property ID Number	104714
Applicant Details	Hinchinbrook Aboriginal and Islander Housing Corporation Society PO Box 1098 INGHAM QLD 4850
Owner Details	Hinchinbrook Aboriginal and Islander Housing Corporation Society PO Box 1098 INGHAM QLD 4850
Property Description	7 Rutledge Street Ingham Lot 4 on RP713801
Proposal	Material Change of Use – Duplex Units (2 x 2 bedroom units)
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	Original Decision Date – 30 January 2018 Minor Change Decision Date – 25 August 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	This 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

The following further approvals are required to undertake this approved development:

- 1) A Development Permit for building works is required prior to works commencing on-site.

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

A further adopted infrastructure charges notice will not be issued for this minor change to the development approval.

RIGHTS TO 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 Built Environment Team Leader, Hayley Roy on 4776 4609 for necessary assistance.

Yours sincerely


Electronic

George Milford
Planning Consultant

CONDITION	TIMING												
<p>(1) Administration</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> <p>1.4 The conditions of the Infrastructure Charges Notice (if applicable); and</p> <p>1.5 The conditions of the Referral Authority (if applicable)</p>	At all times.												
<p>(2) 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>Various Housing Rutledge Street</td><td>17HAI01</td><td>08/11/2017</td></tr><tr><td>Site Plan - Rutledge Stage 1</td><td>AA00.01</td><td>4/03/2019</td></tr><tr><td>Site Plan - Rutledge Stage 2</td><td>AA00.02</td><td>4/03/2019</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> <p>2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.</p>	Plan / Document Name	Number	Date	Various Housing Rutledge Street	17HAI01	08/11/2017	Site Plan - Rutledge Stage 1	AA00.01	4/03/2019	Site Plan - Rutledge Stage 2	AA00.02	4/03/2019	At all times.
Plan / Document Name	Number	Date											
Various Housing Rutledge Street	17HAI01	08/11/2017											
Site Plan - Rutledge Stage 1	AA00.01	4/03/2019											
Site Plan - Rutledge Stage 2	AA00.02	4/03/2019											
<p>(3) Currency Period</p> <p>3.1 This Material Change of Use Application in its entirety, including all referenced plans and documents, must be submitted with a building application to the relevant Assessment Manager within six (6) years of the date of this development approval.</p> <p>3.2 Conditions of the Development Permit must be satisfied prior to the use being commences, except where specified otherwise in these conditions of approval.</p>	As per condition.												

CONDITION	TIMING
<p>(4) Lawful Point of Discharge</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 proposed structure(s) must include guttering which directs stormwater to a legal point of discharge within the confines of the boundary; 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>(5) Access</p> <p>5.1 The existing crossover access to Lot 4 on RP713801 must be removed with the kerb and channel reinstated.</p> <p>5.2 The new access to the eastern side of the property is to be constructed in accordance with Council's standard engineering specifications and must be constructed to a minimum concrete standard from the kerb and channel to the property boundary.</p> <p>5.3 Rutledge Street to the kerb and channel is to be constructed to a sealed standard e.g. spray seal or asphalt. A Private Works in Road Reserve Permit must be obtained prior to commencing works.</p>	Prior to final building/plumbing certification.
<p>(6) Water and Sewerage Services</p> <p>6.1 Provide a single internal sewer connect to each unit which must be clear of any building or structures;</p> <p>6.2 Provide each individual tenancy or dwelling unit with separate system for the metering of water consumption;</p> <p>6.3 Water supply sub-meeting must be designed and installed in accordance with the <i>Plumbing and Drainage Act 2018</i> and <i>Water Act 2000</i> (applies to developments which will be reconfigured by Building Format Plan);</p> <p>6.4 No building or structure is to be built over a sewer manhole and if required the sewer manhole is to be raised to the surface.</p>	At all times and prior to final building/plumbing certification.
<p>(7) Plumbing and Drainage</p> <p>All plumbing and sanitary damage works must be accordance with regulated work under the <i>Plumbing and Drainage Act 2018</i> and Council's Plumbing and Drainage Policies and must be completely separate from each dwelling unit.</p>	Prior to final building/plumbing certification.

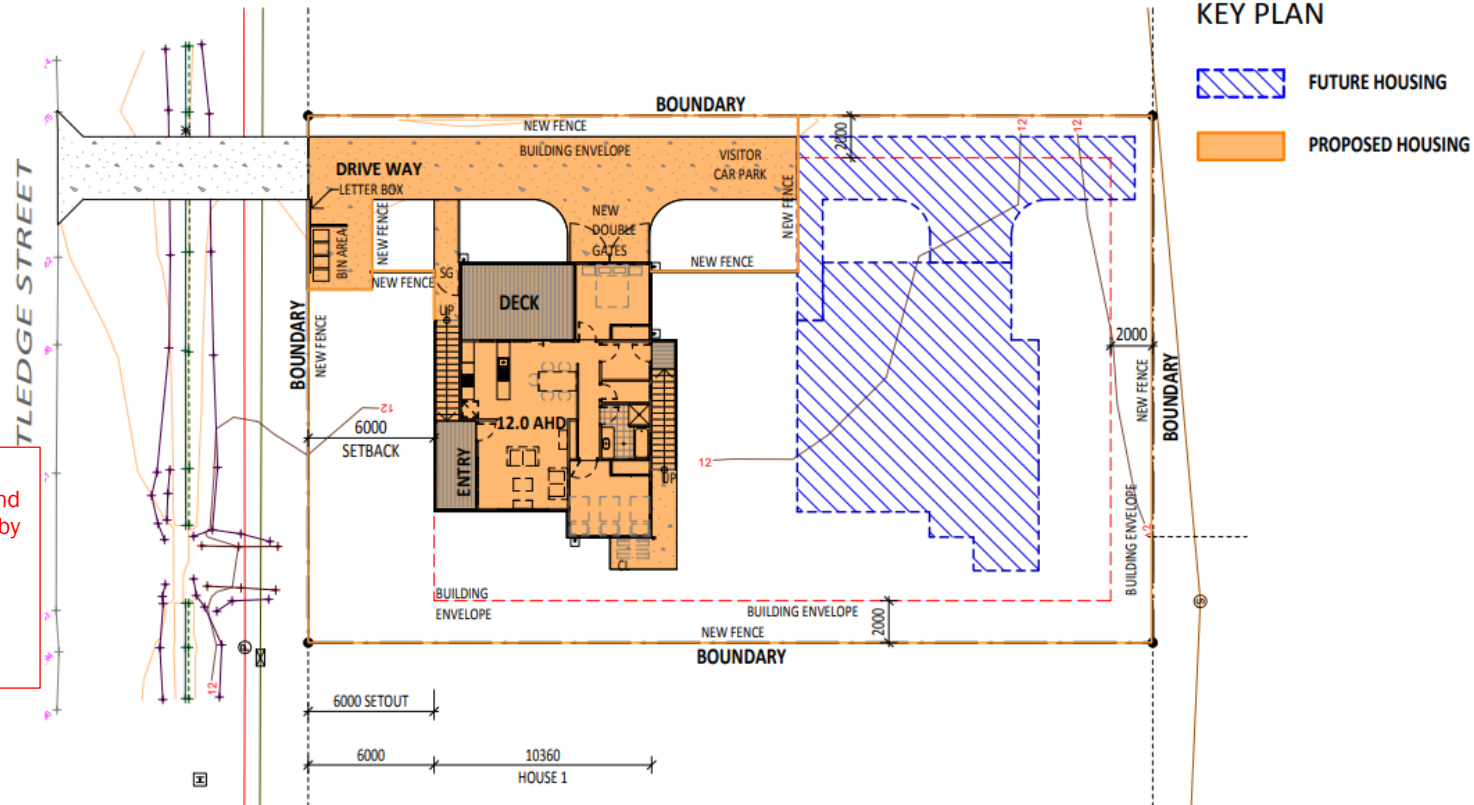
CONDITION	TIMING
<p>(8) Construction and Operation Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. 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>	At all times.
<p>(9) Damage to Infrastructure 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 1 building(s), 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>	At all times.
<p>(10) Existing Services Written confirmation of the location of existing electrical and telecommunication services for the land must be provided by with the applicant or licensed surveyor. In any instance where existing services are contained with another lot, relocate the services to be contained within the respective lot or to within a reciprocal services easement.</p>	Prior to commencement of use and final building/plumbing certification.
<p>(11) Building</p> <p>11.1 A demolition/removal/building permit need to be obtained prior to any removal of the existing structure on the site or construction of the new structures.</p> <p>11.2 The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier;</p> <p>11.3 Any lighting devices associated with the development, such as sensory lighting must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obstructive effect of outdoor lighting".</p>	Prior to commencement of use and final building/plumbing certification.
<p>(12) Landscaping</p> <p>12.1 A landscaping plan must be submitted for approval;</p> <p>12.2 Any landscaped areas must be subject to an ongoing maintenance.</p>	At all times and prior to the issuing of a building permit.

CONDITION	TIMING
<p>(13) On-Site Parking Sufficient on-site car parking to be provided for a Dual Occupancy in accordance with the Table 9.4.3.4c – Parking Rates, of the <i>Hinchinbrook Shire Planning Scheme 2017</i>, being:</p> <p>i) 1 covered space per dwelling unit.</p>	<p>Prior to commencement of use and final building/plumbing certification.</p>



APPROVED PLAN
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

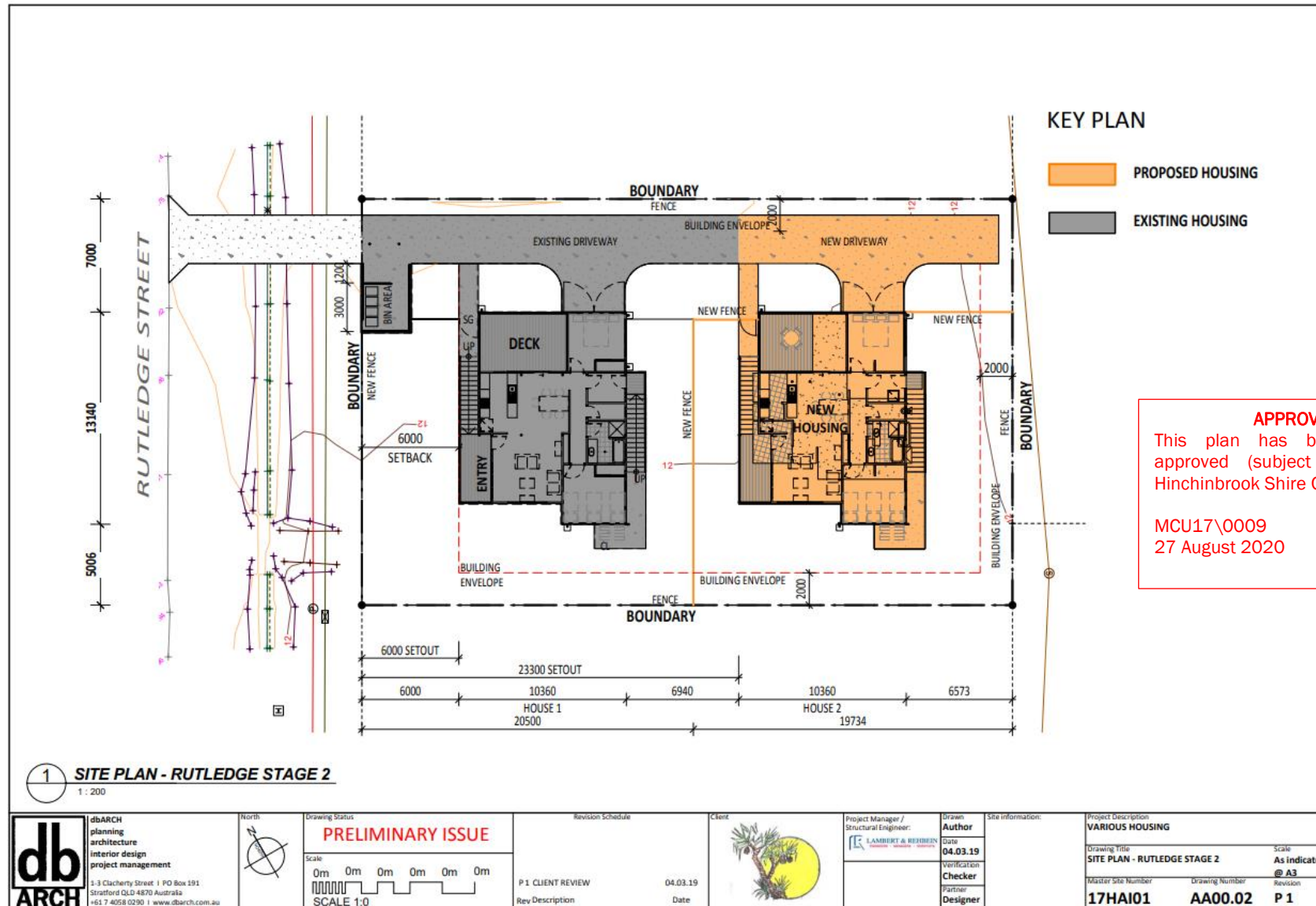
MCU17\0009
August 2020



1 SITE PLAN - RUTLEDGE STAGE 1
1:200

db ARCH planning architecture interior design project management 1-3 Clacherty Street PO Box 191 Stratford QLD 4870 Australia +61 7 4058 0290 www.dbarch.com.au	North Drawing Status PRELIMINARY ISSUE Scale 0m 0m 0m 0m 0m SCALE 1:0	Revision Schedule P 1 CLIENT REVIEW Rev Description Date 04.03.19	Client Project Manager / Structural Engineer: LAMBERT & REHBEIN Date 04.03.19 Verification Checker Partner Designer	Site Information: Drawing Title SITE PLAN - RUTLEDGE STAGE 1 Master Site Number 17HAI01 Drawing Number AA00.01 Scale As indicated @ A3 Revision P 1
---	--	---	---	--

NOTE: This drawing is the property of dbARCH and must not be used without written authorisation. DO NOT SCALE THIS DRAWING. All dimensions are to be verified onsite and any discrepancies reported before commencement of any work.



APPROVED PLAN
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU17\0009
27 August 2020