

Your Ref: Application for Extension to Currency Period
Our Ref: PC:AG 065\0157

30 June 2021

Mr Peter O'Brien
Medalcliff Pty Ltd
PO Box 63
SOUTHPORT BC QLD 4215

peter@medalgroup.com.au

Dear Mr O'Brien

Decision Notice – Extension to Currency Period for Reconfiguration of Land (Subdivision)
1 Martin Street Ingham – Lot 2 on CP903860
Planning Act 2016

Receipt of your Request to Extend Application received on Tuesday 25 May 2021, seeking an extension of time to complete the aforementioned existing approval at 1 Martin Street Ingham, 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 approve the proposed extension of time for an additional two years, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice and Infrastructure Charges Notice is attached for your perusal.

This Notice outlines aspects of the development's conditions 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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice
Infrastructure Charges Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

30 June 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	065\0157
Property ID Number	102468
Applicant Details	Peter O'Brien Medalcliff Pty Ltd PO Box 63 SOUTHPORT BC QLD 4215
Owner Details	Peter O'Brien Medalcliff Pty Ltd PO Box 63 SOUTHPORT BC QLD 4215
Property Description	1 Martin Street, Ingham QLD 4850 Lot 2 on CP903860
Proposal	Extension to Currency Period Reconfiguration of Land (Subdivision of One Lot into Two Lots)
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	29 June 2021
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	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

Department of Infrastructure, Local Government and Planning – Completed in 2015 (Attached).

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*.

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 two 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*.

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.

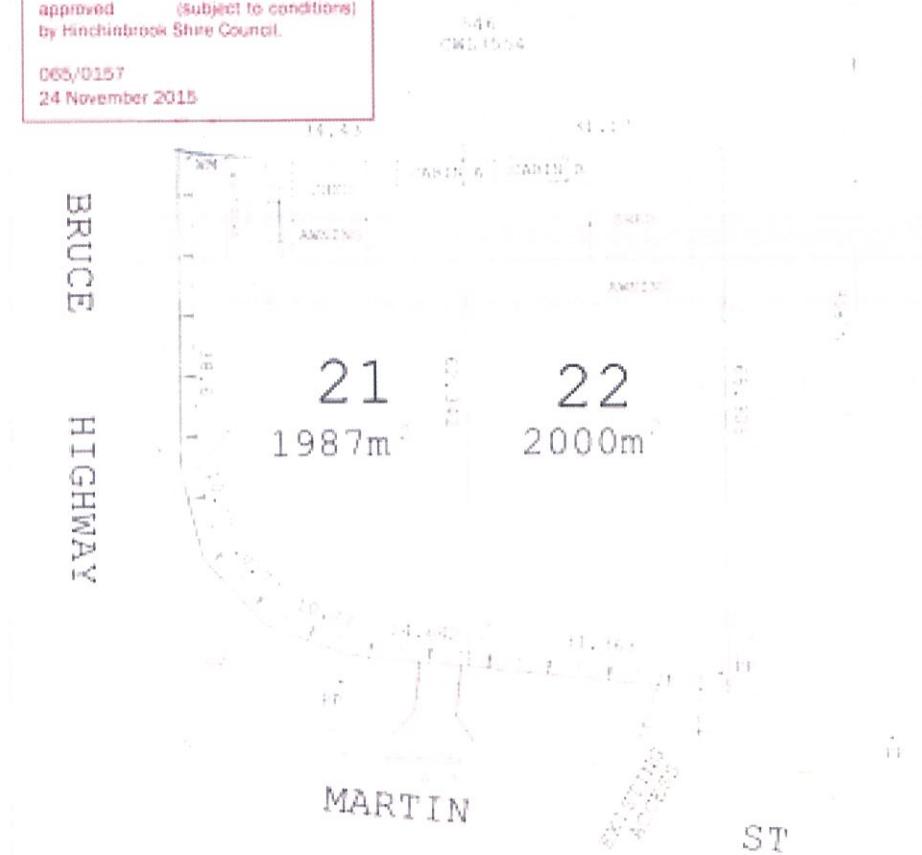
Condition	Timing
Approved Plans 1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s) and in accordance with a. The specifications, facts and circumstances as set out in the application submitted to Council; and b. The following conditions of approval and the requirements of Council's Planning Scheme and best practice engineering.	At all times
Timing of Effect 2. Conditions of the Development Permit must be satisfied prior to the commencement of use, except where specified otherwise in these conditions or approval.	At all times
Demolish Structures 3. All existing buildings and/or structures located over the proposed common boundary between proposed Lots 21 and 22 must be relocated or removed prior to the issue of a Compliance Certificate for the Plan of Survey.	At all times
Lawful Point of Discharge 4. 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.	At all times
Water Supply and Sewerage Works Internal 5. Undertake the following water supply and sewerage works internal to the subject land: a. Provide a single internal water and sewer connection to each lot; b. Any redundant sewer infrastructure must be decommissioned and removed; and c. Existing water connections and private water service pipes must be located within the lot it serves. In any instances where an existing service is contained on or through another lot, the service must be relocated to comply with this requirement. The plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.	Prior to the issue of a Compliance Certificate for the Plan of Survey.
Damage to Infrastructure 6. In the event that any part of Council's existing sewer/water 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. All works must be completed prior to the issue of a Compliance Certificate for the Plan of Survey.	Prior to the issue of a Compliance Certificate for the Plan of Survey.
External Works 7. Undertake the following external works: a. Provision of a concrete industrial crossover and access driveway into the new allotment; and b. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.	Prior to the issue of a Compliance Certificate for the Plan of Survey.

SCHEDULE OF CONDITIONS

31/03/2015, 12:00 PM, 10/03/2020, 10/03/2020
10/03/2020, 10/03/2020, 10/03/2020, 10/03/2020

All works must be to the satisfaction of the Chief Executive Officer and completed prior to the issue of a Compliance Certificate for the Plan of Survey.	
Access 8. Access provision to all proposed allotments must be constructed in accordance with the Councils Standards or demonstrate that such is already in already in existence. 9. All accesses must be sealed to the property boundary.	Prior to the issue of a Compliance Certificate for the Plan of Survey.
Referral Agency 10. Development must be carried out in accordance with any referral agency conditions. To the extent any inconsistencies applicable, the referral agency conditions prevail.	At all times
Adopted Infrastructure Charges 11. All Infrastructure Charges as per Adopted Infrastructure Charges Notice dated 07 December 2015 must be paid prior to the issue of a Compliance Certificate for the Plan of Survey.	Prior to the issue of a Compliance Certificate for the Plan of Survey.

APPROVED PLAN
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.
065/0157
24 November 2015



NOTE: CABIN A to be relocated within Proposed Lot 21

HANSEN SURVEYS
27 QUEEN STREET
NORTH WARD, QLD
POSTAL CODE 4874
PHONE: 07 4771 1111
MOBILE: 0428 4400
WWW.HANSEN.SURVEYS.COM

PROPOSED RECONFIGURATION
LOT 2 on CP903860
1 MARTIN STREET, INGHAM

MERIDIAN: GDA - 1984
HEIGHT DATUM: AHD - BM4254
CONTOUR INTERVAL: 0.20

SCALE: 1:1000
DATE: 10/11/2015

REF:150951



Department of Infrastructure,
Local Government and Planning

Our reference: SDA 0915 024075
Your reference: 065\0157

27 October 2015

The Chief Executive Officer
Hinchinbrook Shire Council
PO Box 366
Ingham QLD 4850

For the attention of Leon Doure

Dear Leon

Concurrence agency response—with conditions

1 Martin Street, Ingham, Hinchinbrook Shire - QLD - Lot 2 on CP903860

(Given under section 285 of the Sustainable Planning Act 2009)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the Sustainable Planning Act 2009 on 24 September 2015.

Applicant details

Applicant name:	Hansen Surveys
Applicant contact details:	27 Palm Terrace Ingham Qld 4850 gehansen@oprimus.com.au

Site details

Street address:	1 Martin Street, Ingham, Hinchinbrook Shire - QLD
Lot on plan:	Lot 2 on CP903860
Local government area:	Hinchinbrook Shire

Application details

Proposed development:	Development Permit for Reconfiguration of a Lot - Subdivision of One (1) Lot into Two (2) Lots
-----------------------	---

Aspects of development and type of approval being sought

Page 1

North Queensland Regional Office
Floor 4 - Verge Building
425 Flinders Street
PO Box 999, Townsville QLD 4810

Page 4 of 5

504-0915-024878



Graeme Kenna
Manager (Planning)

cc Hansen Surveys: gehansen@optusnet.com.au
enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Approved Plans and Specifications

Our reference: SDA 0915 024079
Your reference: 065\0157

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Reconfiguration of a Lot – Subdivision of One (1) Lot into Two (2) Lots		
Schedule 7 Table 2, Item 2 – State-controlled roads — Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of the Department of Transport & Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s)		
1	The development must be carried out generally in accordance with the following plan: · Proposed Reconfiguration Lot 2 on CP903860 1 Martin Street Ingham, prepared by Hansen Surveys, Sept 2015. Ref: 150951	At all times

Our reference SDA-0915-024079
Your reference 065\0157

Attachment 3—Approved plans and specifications



30 June 2021

SECTION 119 OF PLANNING ACT 2016

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	065\0157
Property ID Number	102468
Applicant Details	Peter O'Brien Medalcliff Pty Ltd PO Box 63 SOUTHPORT BC QLD 4215
Owner Details	Peter O'Brien Medalcliff Pty Ltd PO Box 63 SOUTHPORT BC QLD 4215
Property Description	1 Martin Street, Ingham QLD 4850 Lot 2 on CP903860
Proposal	Extension to Currency Period Reconfiguration of Land (Subdivision of One Lot into Two Lots)
Level of Assessment	Code Assessment

APPLICABLE INFRASTRUCTURE CHARGE

The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*, and makes allowances for any imposed waiver or dispensation issued by the relevant authority:

LEVIED CHARGE	\$6,500.00 + annual adjustments and/or reviews
---------------	--

PAYMENT DETAILS

The adopted infrastructure charge must be made to Hinchinbrook Shire Council prior to the commencement of use or local government endorsement of a survey plan.

Payment can be made in person at Council's main office, 25 Lannercost Street, Ingham, or via post PO Box 366, INGHAM QLD 4850.

ADJUSTMENTS TO THE CHARGE

The amount of the levied charge will be recalculated at time of payment using the adopted infrastructure charges stated in the resolution in use at that time.

GOODS AND SERVICES TAX (GST)

The Federal Government has determined that Rates and Utility Charges levied by Local Government will be GST free. Accordingly, no GST is included in this Infrastructure Charges Notice.

FAILURE TO PAY

An Infrastructure Charge levied by a Local Government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 10% calculated daily is to be applied to an overdue charge.

APPEAL RIGHTS

You may appeal against any matter stated in the Adopted Infrastructure Charges Notice.

Under the provisions of the *Planning Act 2016*, the Applicant may –

- i. Make representation to Council to discuss the Adopted Infrastructure Charges Notice 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 Adopted Infrastructure Charges Notice'; or
- ii. Appeal to the *Planning and Environment Court* or *Development Tribunal*.

Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the Applicant to the *Planning and Environment Court* or *Development Tribunal*.

INFRASTRUCTURE CHARGES CALCULATION

The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's *Adopted Infrastructure Charges Resolution CR1-2018*.

Detail of the calculated infrastructure charge is as reflected hereunder.

APPLICABLE NETWORKS	
Network	Provided to Subject Land
Water supply	Yes
Sewerage	Yes
Transport	Yes
Stormwater	Yes
Public parks and community facilities*	Yes

PROPOSED LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Charge
Residential – 3 or more bedroom dwelling house*	Lot	2	5	\$6,500.00	\$6,500.00	\$13,000.00

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Residential – 3 or more bedroom dwelling house*	Lot	1	5	\$6,500.00	\$6,500.00	\$6,500.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$13,000.00	\$6,500.00	\$6,500.00