



## **HINCHINBROOK SHIRE COUNCIL**

Our Ref: MCU17/0009

05 February 2018

The Director  
U & i Town Plan  
PO Box 426  
Cooktown QLD 4895

Email: [ramon@uitownplanning.com](mailto:ramon@uitownplanning.com)

**Attention: Ramon Samanes**

Dear Sir,

### **DECISION NOTICE** *Planning Act 2016*

In relation to your recent request for material change of use, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on 30 JANUARY 2018.

#### **APPLICATION DETAILS**

Application Number: MCU17\0009  
Property ID Number: 104714

Applicant Details: U & i Town Plan  
PO Box 426  
Cooktown QLD 4895

Owner Details: Hinchinbrook Aboriginal & Islander Housing Corporation Society  
PO Box 1098  
Ingham QLD 4850

Property Description: 7 Rutledge Street, Ingham  
Lot 4 on RP713801, Parish of Trebonne

Proposal: Material Change of Use - Duplex Units  
(2 x 2 Bedroom Units)



Level of Assessment: Code Assessment

Assessment Benchmarks: Residential Zone Code

### **DEEMED APPROVAL**

The application has not deemed to be approved under s.64 of the *Planning Act 2016*.

### **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 a referral agency (if any) imposed them.

### **REFERRAL AGENCIES**

Not Applicable

### **PROPERTY NOTES**

Not Applicable

### **FURTHER DEVELOPMENT PERMITS REQUIRED**

Not Applicable

### **RIGHTS OF APPEAL**

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

### **APPROVAL CURRENCY PERIOD**

s.85 of the *Planning Act 2016* indicates when an approval lapses and this section is attached for your information.

### **APPROVED PLANS & SPECIFICATIONS**

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.

### **FURTHER INFORMATION**

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

This approval does not authorise any building work, 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 permits.



Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser  
Planning & Development Manager

Enclosed:      Approved Plans/Documents  
                    Appeal Rights



## **NOTICE ABOUT DECISION – STATEMENT OF REASONS**

### *PLANNING ACT 2016 & THE PLANNING REGULATION 2017*

This Notice is prepared in accordance with s.63(5) and s.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 the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts 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 meanings given them in the *Planning Act 2016*.

### REASONS FOR THE DECISION

Council resolve to issue a Development Permit for Material Change of Use – Duplex Units (2 x 2 bedrooms) on Lot 4 RP713801, Parish of Trebonne at 7 Rutledge Street, Ingham, subject to conditions.

The proposed development is considered to be consistent with the relevant overall outcomes of the current planning scheme and the draft planning scheme, in particular:

- Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity;
- The proposed development is residential in scale and will not detract from the streetscape or amenity of the surrounding locality;
- The proposed development is of scale and nature that aligns with the land use intent for the site in the context of the zone designation;
- The proposal for a material change of use for a duplex does not compromise the character and amenity of the surrounding area; and
- The proposed development does not compromise relevant State Planning Policy.



**CONDITIONS OF APPROVAL****Conditions of Development**

The conditions of development for this development permit are as follows

**Administration**

1. The developer is responsible to carry out the approved development in accordance with:
  - a) The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports;
  - b) The development must, unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards;
  - c) The conditions of approval and the requirements of Council's Planning Scheme and best practice engineering;
  - d) The conditions of the Infrastructure Charges Notice (if applicable); and
  - e) The conditions of the Referral Authority (if applicable).

**Approved Drawings**

2. The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Number	Date
Various Housing – Rutledge Street	17HA101	08.11.17

3. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
4. 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

**Timing of Effect**

5. Conditions of the Development Permit must be satisfied prior to the use being commenced, except where specified otherwise in these conditions of approval.

**Lawful Point of Discharge**

6. 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.

**Access**

7. The existing crossover access to Lot 4 on RP713801 must be removed with the kerb and channel reinstated.
8. 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.
9. 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.



<b>Water &amp; Sewer Services</b>
<ul style="list-style-type: none"> <li>10. Provide a single internal sewer connection to each unit which must be clear of any building or structures;</li> <li>11. Provide each individual tenancy or dwelling unit with separate system for the metering of water consumption;</li> <li>12. Water supply sub-metering must be designed and installed in accordance with the Plumbing and Drainage Act 2002 and the Water Act 2000 (applies to developments which will be reconfigured by Building Format Plan);</li> <li>13. 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.</li> </ul>
<b>Plumbing &amp; Drainage</b>
<ul style="list-style-type: none"> <li>14. All plumbing and sanitary drainage works must be accordance with regulated work under the Plumbing and Drainage Act and Council's Plumbing and Drainage Policies and must be completely separate from each dwelling unit.</li> </ul>
<b>Damage to Infrastructure</b>
<ul style="list-style-type: none"> <li>15. 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. All works must be completed prior to the issue of any Compliance Certificate or Plan of Survey.</li> </ul>
<b>Existing Services</b>
<ul style="list-style-type: none"> <li>16. Written confirmation of the location of existing electrical and telecommunication services for the land must be provided by with the applicant or a licensed surveyor. In any instance where existing services are contained within another lot, relocate the services to be contained within the respective lot or to within a reciprocal services easement.</li> </ul>
<b>Building</b>
<ul style="list-style-type: none"> <li>17. 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;</li> <li>18. The Applicant is to seek and comply with all relevant building approvals to be issued by a qualified Building Certifier;</li> <li>19. 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 obtrusive effects of outdoor lighting".</li> </ul>
<b>Landscaping</b>
<ul style="list-style-type: none"> <li>20. A landscaping plan must be submitted for approval;</li> <li>21. Any landscaped areas must be subject to an ongoing maintenance.</li> </ul>
<b>On-Site Parking</b>
<ul style="list-style-type: none"> <li>22. Sufficient on-site car parking for a single parking space per duplex unit, in accordance with the provisions of MP1.3, must be provided.</li> </ul>







Data Sources & Acknowledgements

While every care is taken to ensure the accuracy of the data used on this map, the Council nor any data providers make no representation or warranty about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability for all expenses, losses, damages and costs which you might incur as a result of the data being inaccurate or incomplete in any way for any reason.

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\*This map is not to be resold or re-made as part of a commercial product\*





# VARIOUS HOUSING - RUTLEDGE STREET



SHEET NUMBER	SHEET NAME
AA00.00	COVER SHEET - RUTLEDGE STREET
AA01.00	DEMOLITION PLAN - RUTLEDGE STREET
AA01.01	OVERALL SITE PLAN - RUTLEDGE STREET
AA02.01	FLOOR PLAN - RUTLEDGE STREET
AA02.02	ROOF PLAN - RUTLEDGE STREET
AA03.01	PLUMBING PLAN - RUTLEDGE STREET
AA03.02	ELECTRICAL PLAN - RUTLEDGE STREET
AA04.01	ELEVATION SHEET - RUTLEDGE STREET
AA04.02	SECTION SHEET - RUTLEDGE

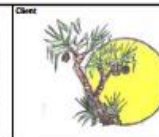


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**PRELIMINARY ISSUE**  
Scale  
0m 0m 0m 0m 0m 0m  
SCALE 1:0

Revision Schedule	Rev	Description	Date
P4 PRELIMINARY ISSUE	08.11.17		
P3 PRELIMINARY ISSUE	21.06.17		
P2 PRELIMINARY ISSUE	20.06.17		
P1 PRELIMINARY ISSUE	08.06.17		



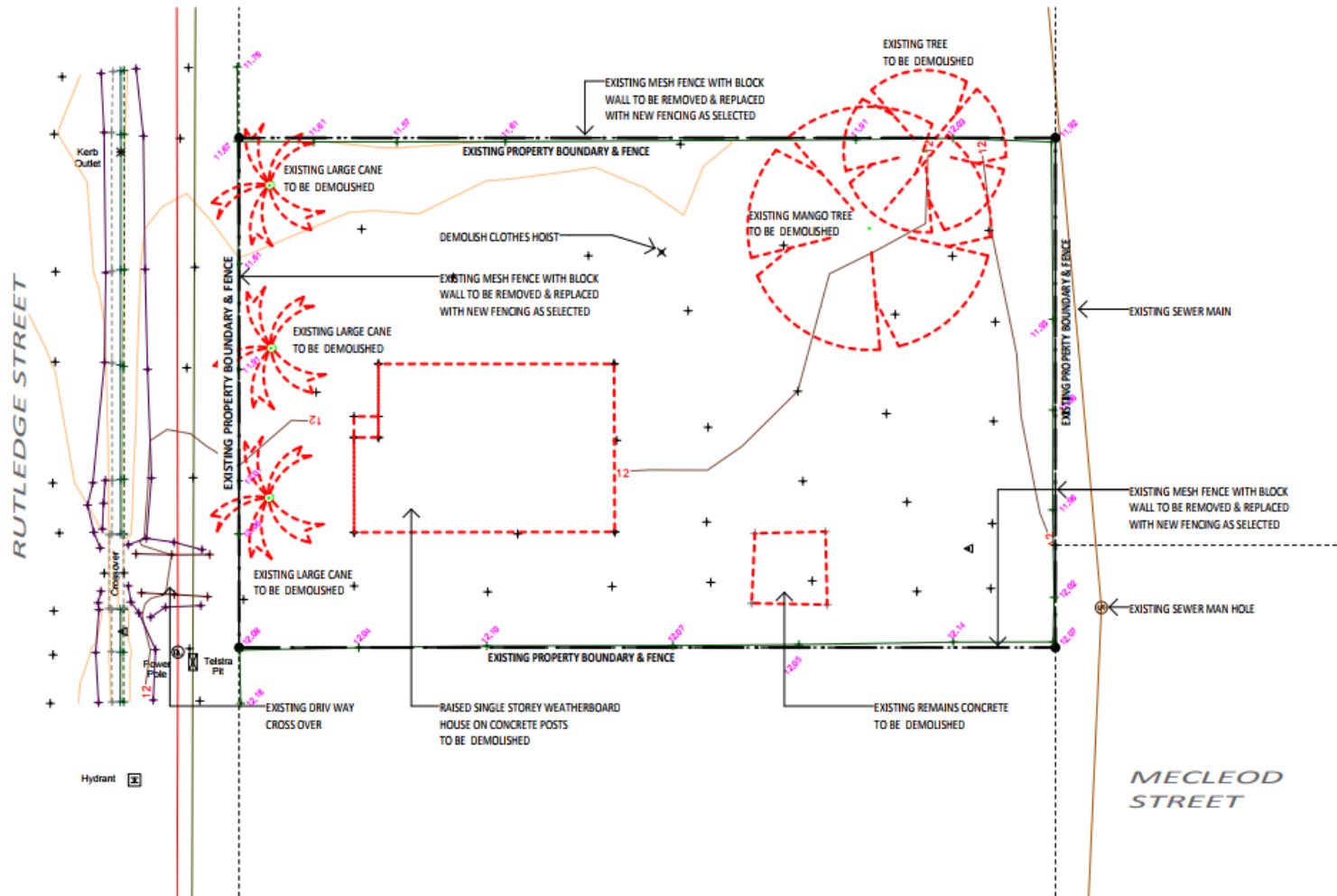
Project Manager /  
Structural Engineer:  
LAMBERT & REIDEN  
DESIGN - ARCHITECTURE - INTERIOR

Drawn  
PR  
Date  
08.11.17  
Verification  
BB  
Partner  
DB

Site Information

Project Description VARIOUS HOUSING		
Drawing Title COVER SHEET - RUTLEDGE STREET		Scale @ A3
Master Site Number 17HAI01	Drawing Number AA00.00	Revision P 4





**1 SITE PLAN - DEMOLITION RUTLEDGE**  
AA04.01 1:200

<b>db</b> ARCH dbARCH 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  Scale 0m 2m 4m 6m 8m 10m SCALE 1:200	<b>PRELIMINARY ISSUE</b> Drawing Status Revision Schedule P4 PRELIMINARY ISSUE 08.11.17 P3 PRELIMINARY ISSUE 21.06.17 P2 PRELIMINARY ISSUE 20.06.17 P1 PRELIMINARY ISSUE 08.06.17 Rev Description Date	Client  Project Manager / Structural Engineer: <b>LAMBERT &amp; REIDEN</b> CIVIL ENGINEERS ARCHITECTS	Drawing PR Date 08.11.17 Verification BB Partner DB	Site Information Project Description <b>VARIOUS HOUSING</b> Drawing Title <b>DEMOLITION PLAN - RUTLEDGE STREET</b> Master Site Number 17HAI01 Drawing Number AA01.00 Scale 1:200 @ Revision A3 P 4
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# REAL PROPERTY DESCRIPTION

Lot 4 on RP713801  
7 Rutledge Street  
INGHAM  
Local Govt: Hinchinbrook Shire

100 YEAR FLOOR ARI : 13.9m  
FREE BOARD : 0.3m  
MINIMUM FFL : 14.2m AHD

BOTH RESIDENCES FINISHED FLOOR LEVEL  
GROUND LEVEL : 12.0 AHD  
LEVEL 1 : 14.8 AHD

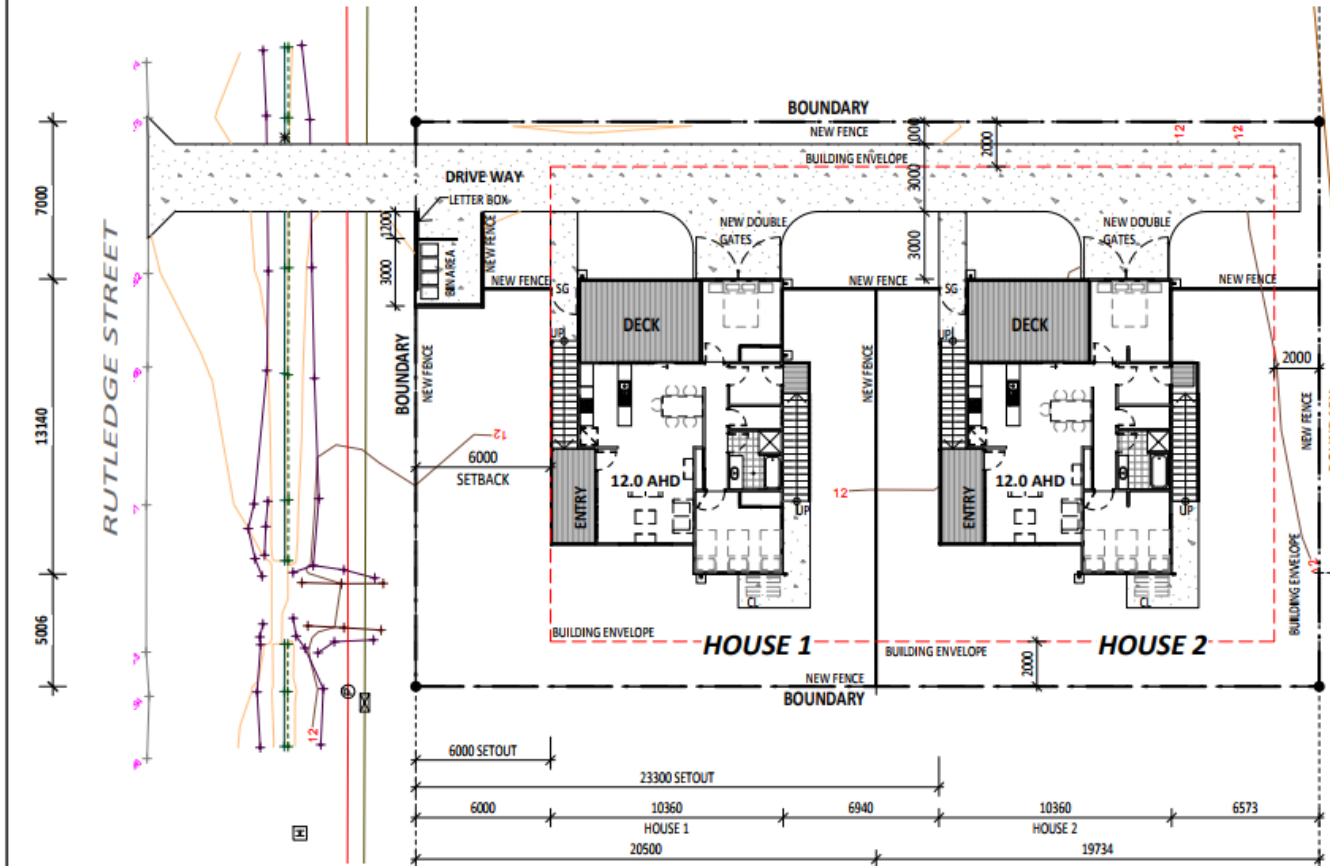
## AREA CALCULATIONS

RESIDENCE (SINGLE)	ACHIEVED sqm	REQUIRED
INDOOR	90	90
PATIO	20	20

110sqm GROSS BUILDING AREA

SITE	REQUIRED
RESIDENCE (COMBINED)	220
SITE	1011
SITE COVERAGE %	21.7 %

Number	Name	Area	REQUIRED AREA*	DIFFERENCE
A00	PORCH	9 m <sup>2</sup>		
A02	DECK	20 m <sup>2</sup>	20 m <sup>2</sup>	0 m <sup>2</sup>
A03	DINING	16 m <sup>2</sup>		
A04	LOUNGE	15 m <sup>2</sup>		
A05	KITCHEN	7 m <sup>2</sup>		
A06	BED 1	11 m <sup>2</sup>	11 m <sup>2</sup>	0 m <sup>2</sup>
A07	ROBE 1	1 m <sup>2</sup>		
A08	LAUNDRY	4 m <sup>2</sup>		
A09	WC	2 m <sup>2</sup>		
A10	BATH	6 m <sup>2</sup>		
A11	CORR.	6 m <sup>2</sup>		
A12	PATIO	27 m <sup>2</sup>		
A13	BED 2	12 m <sup>2</sup>	12 m <sup>2</sup>	0 m <sup>2</sup>
A14	ROBE 2	1 m <sup>2</sup>		
A15	ENTRY/HALL	4 m <sup>2</sup>		
A16	PORCH	8 m <sup>2</sup>		
A26	L	1 m <sup>2</sup>		



1 SITE PLAN - RUTLEDGE  
AA04.01/ 1 : 200

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Drawing Status  
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SCALE 1:200

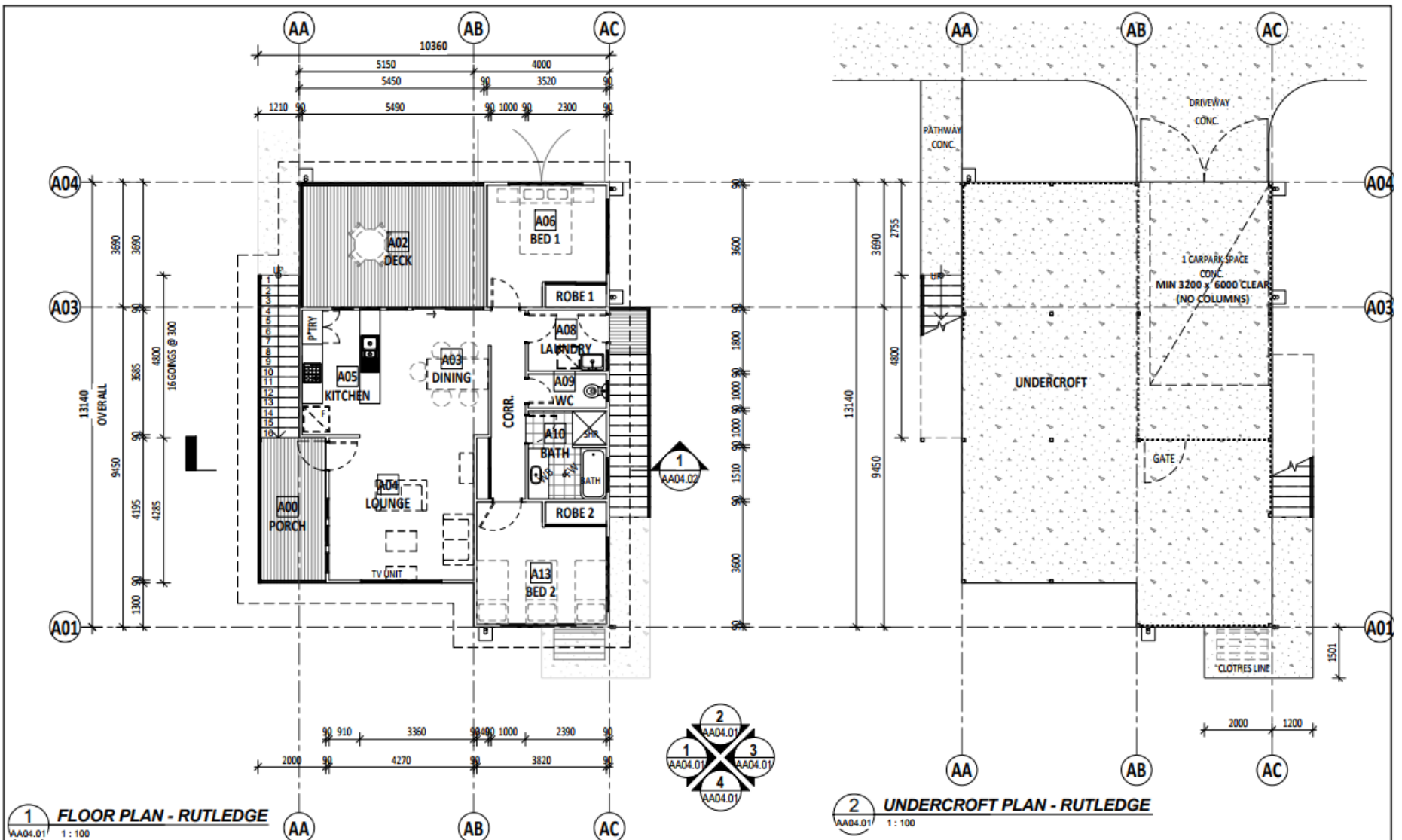
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P7 AREA CALCULATIONS	04.11.17
P6 PRELIMINARY ISSUE	08.11.17
P5 PRELIMINARY ISSUE	17.08.17
P4 PRELIMINARY ISSUE	17.07.17
Rev Description	Date



Project Manager / Structural Engineer:	Drawn PR
Date	04.11.17
Verification BB	
Former DB	

Site Information:
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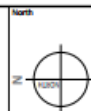
Project Description VARIOUS HOUSING
Drawing Title OVERALL SITE PLAN - RUTLEDGE STREET
Master Site Number 17HAI01
Drawing Number AA01.01
Scale 1 : 200 @ A3 Revision P 7



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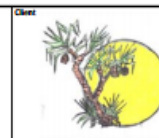
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**PRELIMINARY ISSUE**

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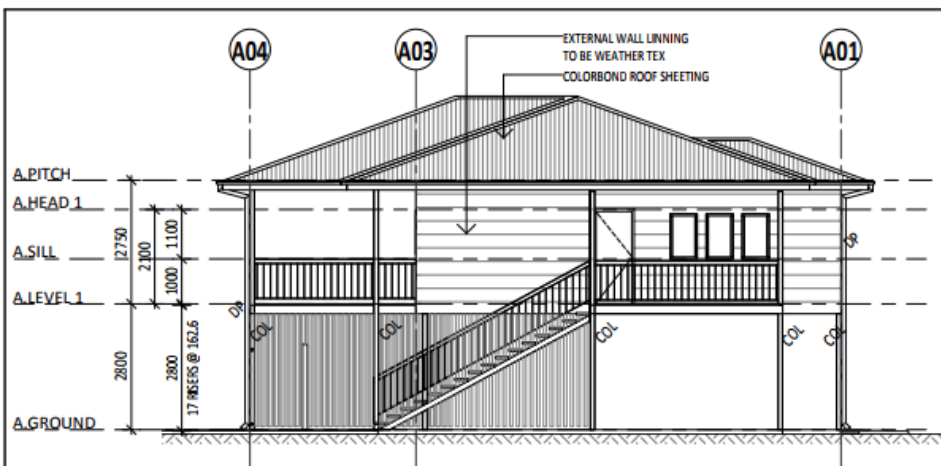
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P6	PRELIMINARY ISSUE	08.11.17
P5	PRELIMINARY ISSUE	17.08.17
P4	PRELIMINARY ISSUE	21.06.17
P3	PRELIMINARY ISSUE	20.06.17
Rev	Description	Date



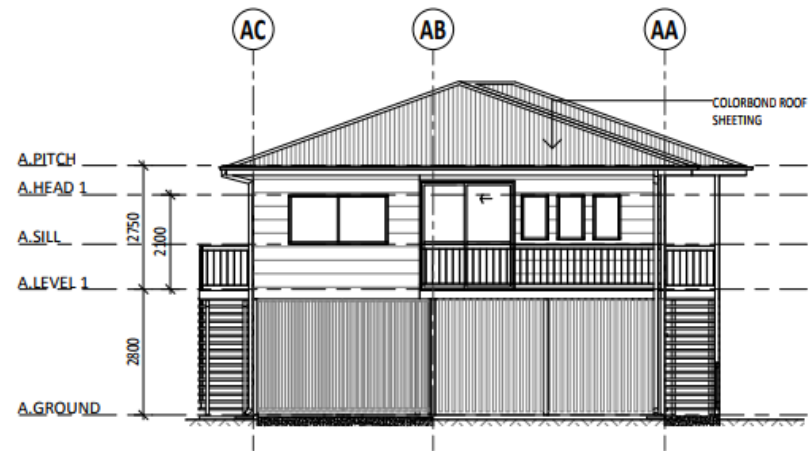
Project Manager / Structural Engineer:	Drawn PR
	Date 08.11.17
	Verification BB
	Partner DB

Site Information:
Project Description VARIOUS HOUSING
Drawing Title FLOOR PLAN - RUTLEDGE STREET
Master Site Number 17HAI01
Drawing Number AA02.01
Revision P 6

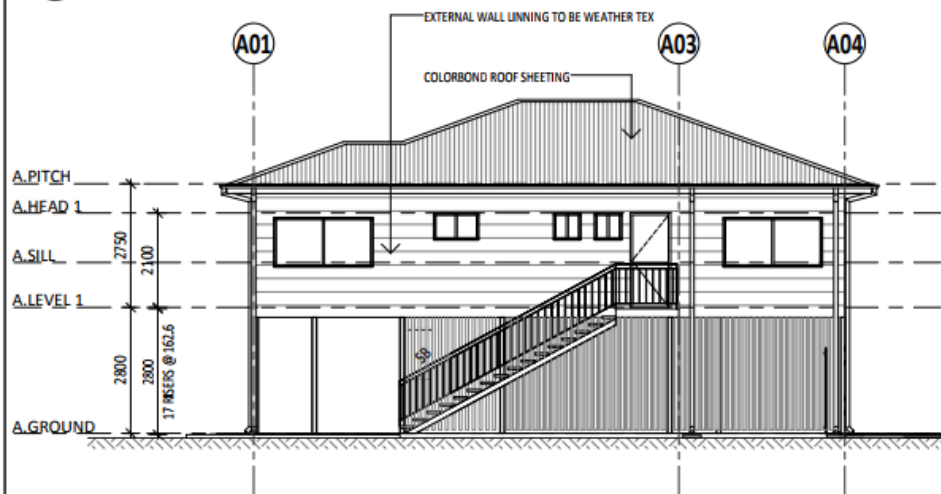
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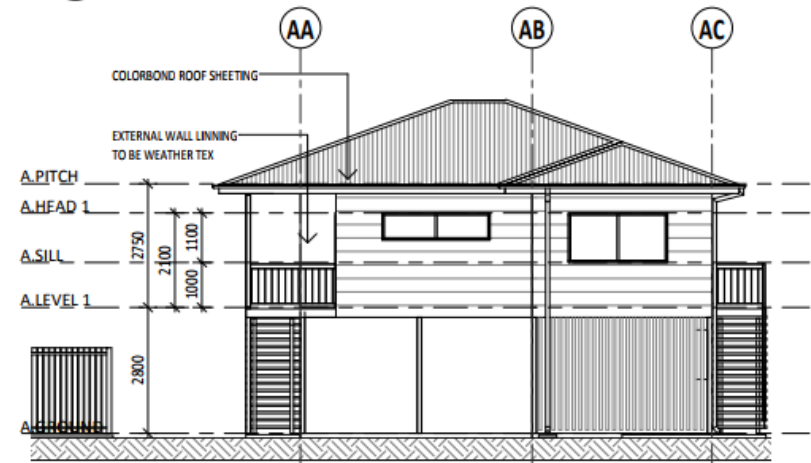
**1 ELEVATION 1 - RUTLEDGE**  
AA02.01 1:100



**2 ELEVATION 2 - RUTLEDGE**  
AA02.01 1:100



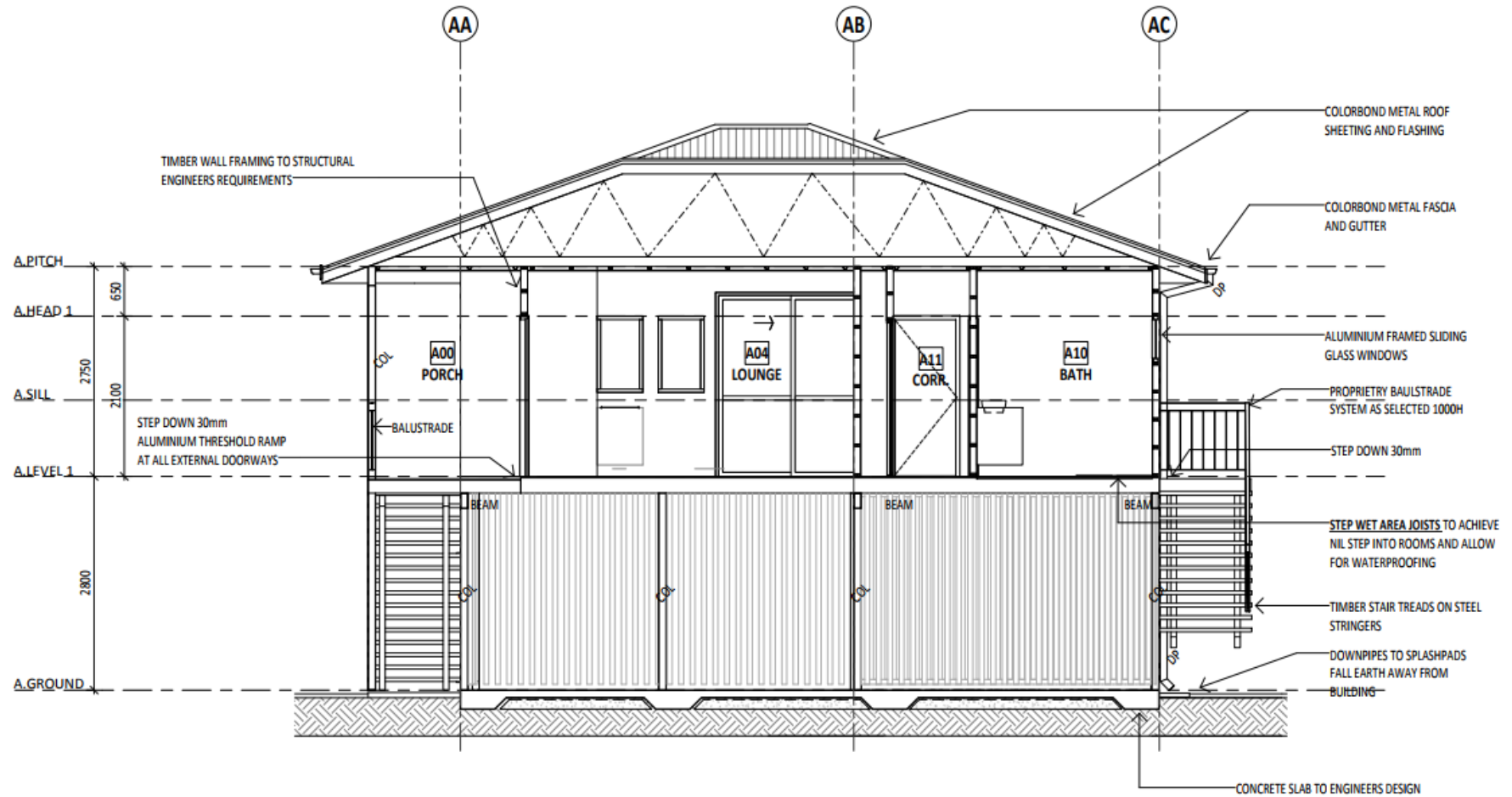
**3 ELEVATION 3 - RUTLEDGE**  
AA02.01 1:100





**4 ELEVATION 4 - RUTLEDGE**  
AA02.01 1:100

<div><div>db</div><div>ARCH</div></div> <div>dbARCH 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</div>	North	Drawing Status	Revision Schedule		Client	Project Manager / Structural Engineer: <div><div>LAMBERT &amp; RISHBETH</div><div>DESIGNERS • ARCHITECTS • ENGINEERS</div></div>	Drawn	Site Information:	Project Description VARIOUS HOUSING
		<div>PRELIMINARY ISSUE</div> <div>Scale: 0m 1m 2m 3m 4m 5m  SCALE 1:100</div>	<div><div>P4 PRELIMINARY ISSUE</div><div>08.11.17</div></div> <div><div>P3 PRELIMINARY ISSUE</div><div>21.06.17</div></div> <div><div>P2 PRELIMINARY ISSUE</div><div>20.06.17</div></div> <div><div>P1 PRELIMINARY ISSUE</div><div>08.06.17</div></div> <div><div>Rev Description</div><div>Date</div></div>	<div>PR</div> <div>Date</div> <div>08.11.17</div> <div>Verification</div> <div>BB</div> <div>Partner</div> <div>DB</div>			<div>Drawing Title</div> <div>ELEVATION SHEET - RUTLEDGE STREET</div> <div>Scale</div> <div>1:100 @</div> <div>A3</div> <div>Revision</div> <div>17HAI01</div> <div>AA04.01</div> <div>P 4</div>		





1 SECTION - RUTLEDGE  
AA02.01 1:50

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## APPEAL RIGHTS

### PLANNING ACT 2016 & THE PLANNING REGULATION 2017

#### Chapter 6 Dispute resolution

##### Part 1 Appeal rights

##### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
  - (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
  - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

##### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –  
*decision* includes-
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or failure to make a decision; and
  - (d) a purported decision ; and
  - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter-
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

