

Your Ref: Development Application
Our Ref: MCU20/0002

2 April 2020

Ian and Patricia Belcher
20 Blackbean Street
ALLINGHAM QLD 4850

belch5@bigpond.net.au

Dear Ian and Patricia

Decision Notice – Material Change of Use – Caretaker's Accommodation
Planning Act 2016

Receipt of your application lodged on 27 February 2020 seeking a Development Permit for a Material Change of Use – Caretaker's Accommodation on land located at 98-100 Wattle Street Allingham, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Friday 27 March 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 and the associated Infrastructure Charges Notice are attached for your perusal.

This Notice outlines aspects of the development's condition of approval, 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 Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

Yours sincerely



Alan Rayment
Chief Executive Officer

Encl - Decision Notice
Infrastructure Charges Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
ABN 46 291 971 168



4776 4600
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HinchinbrookShireCouncil

2 April 2020

DECISION NOTICE

SECTION 63 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	MCU20\0002
Property ID Number	100521
Applicant Details	Ian and Patricia Belcher 20 Blackbean Street ALLINGHAM QLD 4850
Owner Details	Ian and Patricia Belcher 20 Blackbean Street ALLINGHAM QLD 4850
Property Description	98-100 Wattle Street, Allingham Lots 5 and 6 on CWL3598
Proposal	Material Change of Use – Caretaker's Accommodation (Industry Zoned Land)
Level of Assessment	Code assessment

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	This Development Permit is not a deemed approval under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	27 February 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</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 to carry out building works 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

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 six (6) 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 the Decision Notice, please contact Council's Built Environment Team Leader, Hayley Roy on 4776 4609 for the necessary advice.

Yours sincerely



Electronic

George Milford
Planning Consultant

SCHEDULE OF CONDITIONS

CONDITION		TIMING						
1.	Administration The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with: <ul style="list-style-type: none"> 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; 1.2 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and 1.3 The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering. 	At all times.						
2.	Approved Plans 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 <table border="1" data-bbox="352 902 1173 1043"> <thead> <tr> <th>Plan / Document Name</th><th>Number</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Site Plan</td><td>N/A</td><td>Received by Council 27/02/2020</td></tr> </tbody> </table> 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.	Plan / Document Name	Number	Date	Site Plan	N/A	Received by Council 27/02/2020	At all times.
Plan / Document Name	Number	Date						
Site Plan	N/A	Received by Council 27/02/2020						
3.	Approved Use The approved use is to operate as a caretaker's residence associated with an industrial use on the subject premises.	At all times.						
4.	Access 4.1 Access to the caretaker's accommodation is to be provided from Wattle Street and may be separate to the access for any non-residential use on the premises. 4.2 Access to the caretaker's accommodation is to be provided in accordance with relevant standards.	Details to be submitted to Council as part of a Road Works Permit application and to be maintained at all times.						
5.	Stormwater All stormwater from the property must be directed to a lawful point of discharge or follow natural overland flow paths, such that it does not adversely affect surrounding properties or properties downstream from the development in accordance with Part 9.4.1.3 Infrastructure, Services and Works Code of the <i>Hinchinbrook Shire Planning Scheme 2017</i> .	At all times.						
6.	Water Supply The property must be provided a single connection point to Council's reticulated water network.	Prior to the commencement of use and maintained at all times.						

CONDITION		TIMING
7.	On-site Wastewater Disposal The caretaker's accommodation must be serviced by an on-site wastewater treatment system.	Details to be submitted to Council as part of a Plumbing and Drainage Works application and to be maintained at all times.
8.	Electricity and Telecommunications Electricity and telecommunication services must be provided to the caretaker's accommodation.	Prior to the commencement of use and maintained at all times.
9.	Damage to Infrastructure 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.	At all times.
10.	Relocation of Utilities Any relocation and/or alteration to 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.	Prior to the commencement of use.
11.	Car Parking The caretaker's accommodation must be provided a minimum of one car parking space.	Prior to the commencement of use and maintained at all times.
12.	Amalgamation of Lots 12.1 The amalgamation of Lot 5 and Lot 6 on CWL3598 into a single land parcel must be undertaken and the survey plan must be registered, in accordance with the <i>Land Title Act 1994</i> . 12.2 Any redundant service connections must be removed with the amalgamation of the lots.	Prior to the issuing of a Building Permit.
13.	Landscaping and Fencing 13.1 A 1 metre wide landscape strip is to be provided along the property frontage. 13.2 Any fencing to be installed as part of the proposed development must ensure that it does not create a damming effect.	Prior to the commencement of use and maintained at all times.
14.	Coastal Hazard 14.1 The caretaker's accommodation must be designed so that habitable floor levels are located 300mm above the defined 1% AEP stormtide event level. 14.2 The caretaker's accommodation must be designed with open ground floors that do not restrict the flow of storm tide water.	Prior to the issuing of a Building Permit.

2 April 2020

INFRASTRUCTURE CHARGES NOTICE

SECTION 119 OF PLANNING ACT 2016

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU20\0002
Property ID Number	100521
Applicant Details	Ian and Patricia Belcher 20 Blackbean Street ALLINGHAM QLD 4850
Owner Details	Ian and Patricia Belcher 20 Blackbean Street ALLINGHAM QLD 4850
Property Description	98-100 Wattle Street, Allingham Lots 5 and 6 on CWL3598
Proposal	Material Change of Use – Caretaker's Accommodation (Industry Zoned Land)
Level of Assessment	Code assessment
Approval Date	27 February 2020

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	\$0.00 + annual adjustments and/or reviews
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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 twenty (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	No
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 (1 or 2 bedroom)	Dwelling	1	4	\$4,500	\$3,600	\$3,600.00

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Industry	m ² GFA	180	-	\$20/m ²	-	\$3,600.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$3,600.00	\$3,600.00	\$0.00