

Your Ref: 191159  
Our Ref: AR:HR RC19/0009

30 June 2020

Geoff Hansen  
Hansen Surveys Pty Ltd  
27 Palm Terrace  
INGHAM QLD 4850

[gehansen@iprimus.com.au](mailto:gehansen@iprimus.com.au)

Dear Geoff

**Reconfiguring a Lot – Subdivision and Boundary Realignment (Two Lots into Three Lots)**  
*Planning Act 2016*

Receipt of your application dated 8 May 2020 seeking a Negotiated Development Permit for Reconfiguring a Lot along Beatts Road Allingham, is acknowledged and its contents noted.

Please be advised that your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 30 June 2020.

Council resolved to approve the proposed negotiated application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Negotiated 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 decision, 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 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](mailto:council@hinchinbrook.qld.gov.au)  
HinchinbrookShireCouncil

30 June 2020

## APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	RC19\0009
Property ID Number	100789
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace Ingham QLD 4850
Owner Details	Barry and Judith Beatts PO Box 126 Halifax QLD 4850
Property Description	Lot 1 on RP748469 and Lot 20 on SP293946 Beatts Road, Allingham
Proposal	Reconfiguring a Lot for Subdivision and Boundary Realignment (Two Lots into Three Lots)
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	The application is deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Nature of Change	In relation to the request to amend conditions under section 75 of the <i>Planning Act 2016</i> , Council decided under section 76 of the <i>Planning Act 2016</i> to approve a change to: <ul style="list-style-type: none"> <li>Condition 3 – Access Easement</li> <li>Condition 4 – Access</li> <li>Condition 5 – Water Supply</li> </ul>
Decision History	RC19/0009 – Original Decision Notice – 28 April 2020 RC19/0009 – Negotiated Decision Notice – 30 June 2020
Decision Type	Development Permit – Reconfiguring a Lot
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

Department of State Development, Manufacturing, Infrastructure and Planning  
North and North West Regional Office  
PO Box 5666  
TOWNSVILLE QLD 4810

Pursuant to Section 56 of the *Planning Act 2016*, the SARA advises that it has no objection to Hinchinbrook Shire Council issuing a Development Permit for Reconfiguring a Lot, subject to the conditions, as attached.

## 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.

## 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*).

Appeal by an applicant

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 within Four (4) 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 them in the *Planning Act 2016*.

## NOTICE ABOUT DECISION – STATEMENT OF REASONS

The proposed development is considered to be consistent with the relevant overall outcomes 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 necessary advice.

Yours sincerely

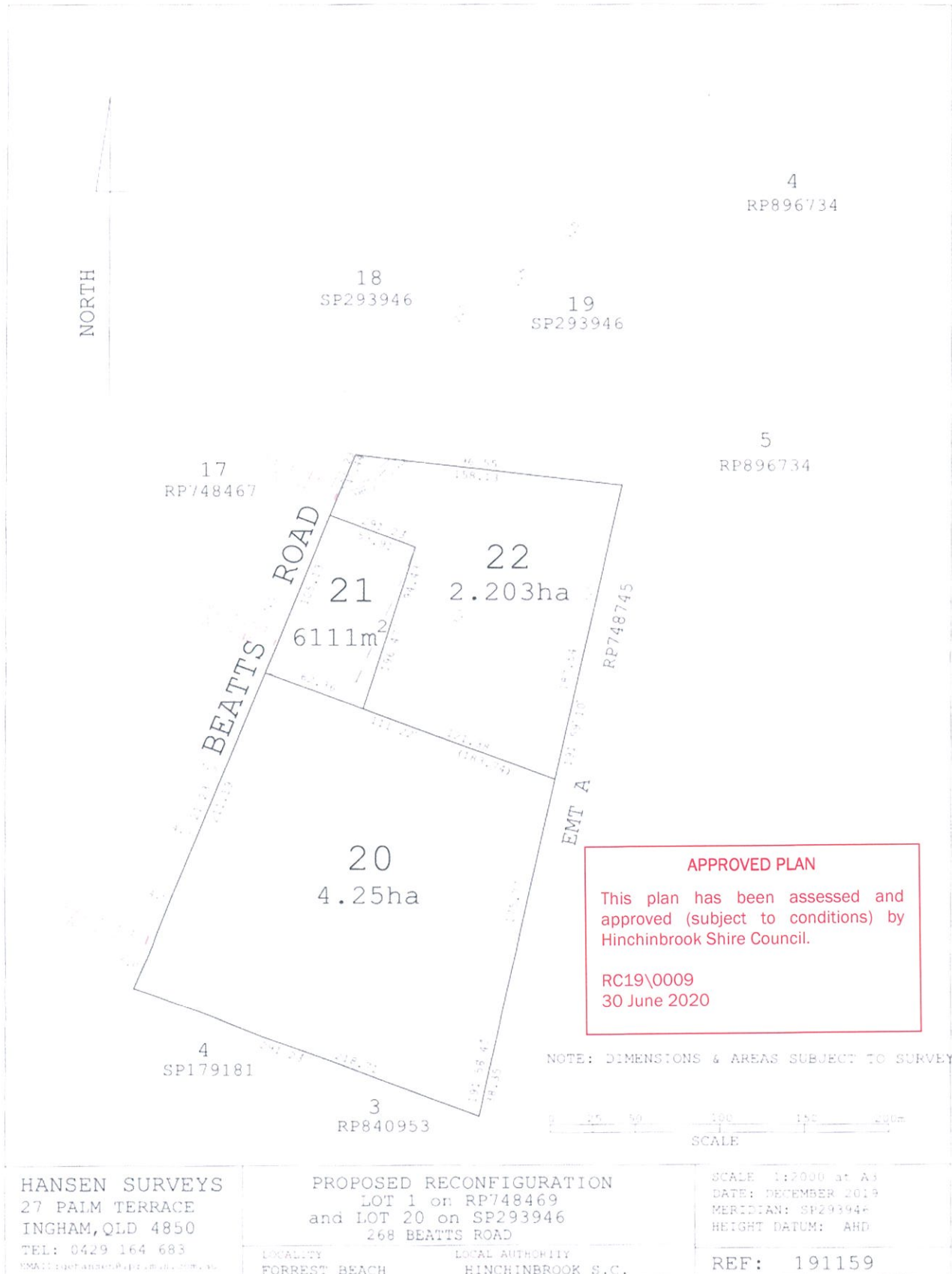


Electronic

George Milford  
Planning Consultant

CONDITION		TIMING						
1.	<p><b>Administration</b></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>	At all times.						
2.	<p><b>Approved Plans</b></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>Proposed Boundary Realignment prepared by Hansen Surveys</td><td>191159</td><td>December 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>	Plan / Document Name	Number	Date	Proposed Boundary Realignment prepared by Hansen Surveys	191159	December 2019	At all times.
Plan / Document Name	Number	Date						
Proposed Boundary Realignment prepared by Hansen Surveys	191159	December 2019						
3.	<p><b>Access-Existing Easement</b></p> <p>3.1 Easement A on SP293946 must be retained for the proposed development for access and services to Lot 19 on SP293946.</p> <p><del>3.2 The access driveway to Lot 19 on SP293946 must be relocated so that it is wholly contained within Easement A on SP293946.</del></p>	At all times and prior to Council's endorsement of the formal survey plan.						
4.	<p><b>Access</b></p> <p>4.1 The existing access from Beatts Road into proposed <del>Lot 20 and Lot 21</del> must be maintained for the proposed development. Confirmation is to be obtained from Council confirming the location of the accesses.</p> <p>4.2 <del>A new Access is to be provided for proposed Lot 20 and Lot 22 from Beatts Road and must be separate from the access provided by Easement A on SP293946.</del></p> <p>4.3 Access to each lot must be maintained to Council standards and where any works on an existing or proposed access is required within the road reserve, a road work permit must be obtained.</p>	At all times and prior to Council's endorsement of the formal survey plan.						
5.	<p><b>Water Supply</b></p> <p>5.1 Each lot must be connected to Council's reticulated water network at no cost to Council.</p> <p><b>Note: The reticulated public water network must be extended to the frontage of each proposed lot and a water metre installed at the frontage of each proposed allotment.</b></p>	At all times and prior to Council's endorsement of the formal survey plan.						
6.	<p><b>On-site Wastewater Treatment System</b></p> <p>6.1 The existing on-site wastewater treatment system on proposed Lot 21 must be retained.</p> <p>6.2 Proposed Lot 20 and 22 must be provided an on-site wastewater treatment system at the time of any future development.</p>	At all times and prior to the issuing of a building permit for any future development.						

CONDITION	TIMING
<p><b>7. Existing Services</b> Written confirmation of the location of any existing services for the land must be provided by either the applicant or licensed surveyor. In any instance where existing services to be contained within the respective lot or within a reciprocal services easement.</p>	<p>Prior to Council's endorsement of the formal survey plan.</p>
<p><b>8. Damage to Infrastructure</b> 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.</p>	<p>At all times.</p>
<p><b>9. Stormwater</b></p> <p>8.1 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>.</p> <p>8.2 Any future fencing associated with the new lot boundaries must be designed so as not to impede the free flow of flood waters.</p>	<p>At all times.</p>
<p><b>10. Relocation of Utilities</b> Any relocation and/or alteration to any 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.</p>	<p>Prior to Council's endorsement of the formal survey plan.</p>



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Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

SARA reference: 2002-15302 SRA  
Council reference: RC19/0009  
Applicant reference: 191155

25 March 2020

Chief Executive Officer  
Hinchinbrook Shire Council  
PO Box 388  
Ingham Qld 4850  
council@hinchinbrook.qld.gov.au

Attention: Ms Hayley Roy

Dear Hayley

## **SARA response—Development Permit for Reconfiguring a Lot for Boundary Realignment and Subdivision at Beatts Road, Allingham QLD 4850**

(Referral agency response given under section 58 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 14 February 2020.

### **Response**

Outcome:	Referral agency response – with conditions.	
Date of response:	25 March 2020	
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.	
Advice:	Advice to the applicant is in <b>Attachment 2</b> .	
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .	

### **Development details**

Description:	Development permit	Reconfiguring a lot for Boundary Realignment and Subdivision (1 Lot into 2 Lots)
SARA role:	Referral Agency	



2002-15302 SRA

SARA trigger: Schedule 10, Part 17, Division 3, Table 5, Item 1  
(Planning Regulation 2017)

Development application for reconfiguring a lot within a Coastal  
Management District

SARA reference: 2002-15302 SRA

Assessment Manager: Hinchinbrook Shire Council

Street address: Beatts Road, Allingham QLD 4850

Real property description: Lot 1 on RP748469 and Lot 20 on SP293946

Applicant name: Hansen Surveys

Applicant contact details: 27 Palm Terrace  
Ingham QLD 4850  
gehansen@iprimus.com.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Monica Pollock, Senior Planning Officer, on 4758 3471 or via email [NQSARA@dsdmip.qld.gov.au](mailto:NQSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

Graeme Kenna  
Manager (Planning)

cc Hansen Surveys, [gehansen@iprimus.com.au](mailto:gehansen@iprimus.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

2002-15302 SRA

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Development Permit for Reconfiguring a lot</b>		
Schedule 10, Part 17, Division 3, Table 5, Item 1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>The reconfiguration of the lot must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>Proposed Reconfiguration Lot 1 on RP748469 and Lot 20 on SP293946 268 Beatts Road, prepared by Hansen Surveys, dated December 2019, reference 191159.</li> </ul>	Prior to submitting the Plan of Survey to the local government for approval.

2002-15302 SRA

## Attachment 2—Advice to the applicant

### General advice

- |    |   |
|----|---|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.5]. If a word remains undefined it has its ordinary meaning. |
|----|---|

## **Attachment 3—Reasons for referral agency response**

(Given under section 58(7) of the *Planning Act 2016*)

### **The reasons for the department's decision are:**

The development complies with the State Development Assessment Provisions, State code 8: Coastal development and tidal works. Specifically, the development is appropriately designed and located to:

- protect life, buildings and infrastructure from impacts of coastal erosion
- maintain and conserve coastal processes and resources

### **Material used in the assessment of the application:**

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

2002-15302 SRA

## **Attachment 4—Change representation provisions**

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## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding representations about a referral agency response

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 28.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## Part 7: Miscellaneous

### 30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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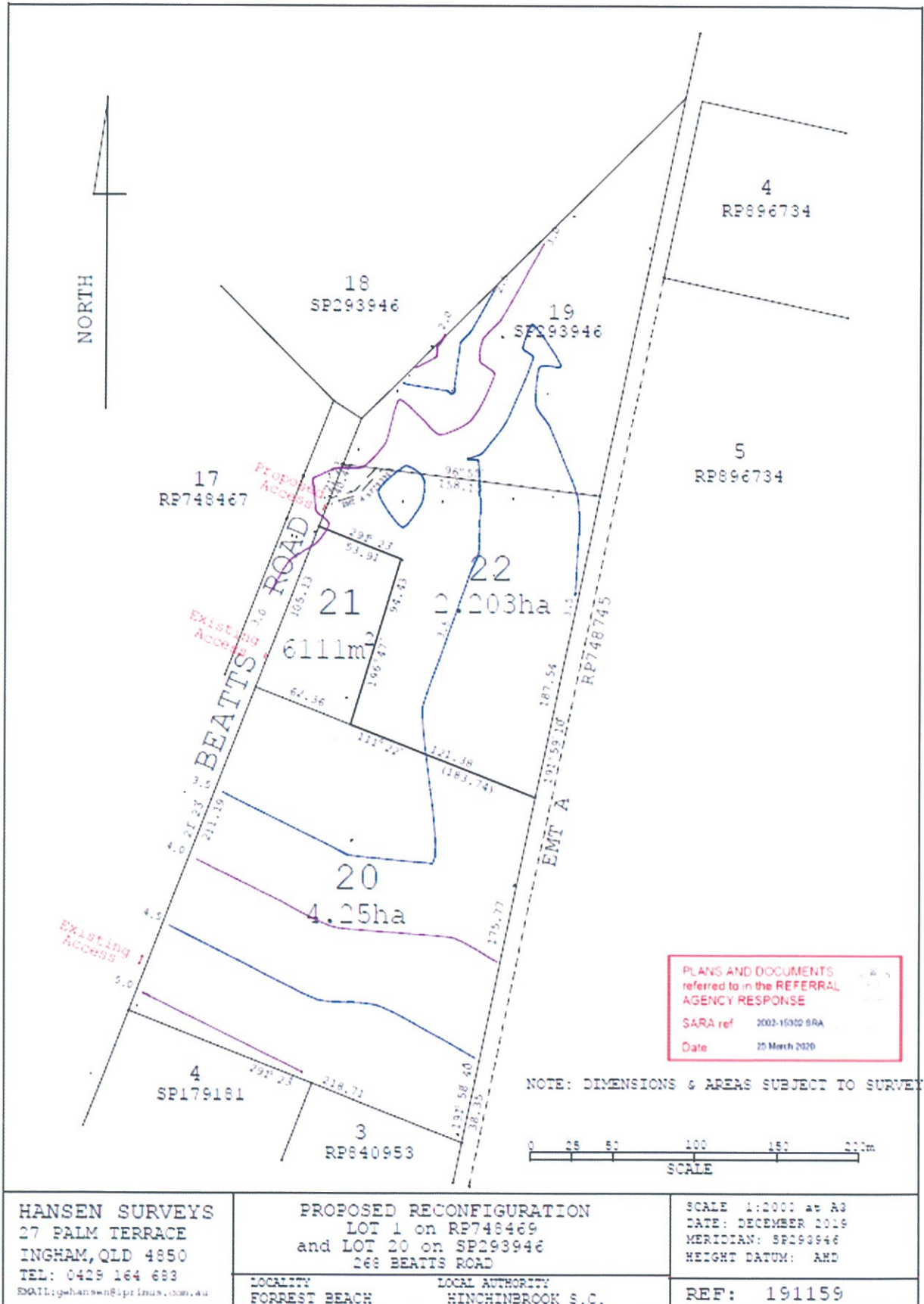
<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

2002-15302 SRA

## **Attachment 5—Approved plans and specifications**

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30 June 2020

**SECTION 119 OF PLANNING ACT 2016****APPLICATION DETAILS**

This Infrastructure Charges Notice relates to the below development application:

Application Number	RC19\0009
Property ID Number	100789
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace Ingham QLD 4850
Owner Details	Barry and Judith Beatts PO Box 126 Halifax QLD 4850
Property Description	Lot 1 on RP748469 and Lot 20 on SP293946 Beatts Road, Allingham
Proposal	Reconfiguring a Lot for Subdivision and Boundary Realignment (Two Lots into Three Lots)
Level of Assessment	Code assessment
Approval Date	30 June 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****\$5,200.00 + 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 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 – 3 or more bedroom dwelling house*	Lot	3	4	\$6,500.00	\$5,200.00	<b>\$15,600.00</b>

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	2	4	\$6,500.00	\$5,200.00	<b>\$10,400.00</b>

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$15,600.00	\$10,400.00	<b>\$5,200.00</b>

\* In accordance with Section 3.2 on CR1-2018 the adopted charges for reconfiguring a lot for residential or non-residential purposes are the adopted charges for the development category 'Residential – 3 or more bedroom dwelling house'