

Your Ref: 200957
Our Ref: BE:HR RC20\0006

25 November 2020

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

gehansen@iprimus.com.au

Dear Geoff

Decision Notice – Reconfiguring a Lot for Subdivision (One Lot into Two Lots)
Planning Act 2016

Receipt of your application deemed to be properly made on Wednesday 7 October 2020 seeking a Development Permit for Reconfiguring a Lot to facilitate a subdivision into two lots at 1 Vass Street Lucinda, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 24 November 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 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 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



James Stewart
Acting 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
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council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil



25 November 2020

SECTION 119 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	RC20\0006
Property ID Number	100494
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Francesco Di Bartolo and Salvatore Di Bartolo 3 Atkinson Street INGHAM QLD 4850
Property Description	1 Vass Street Lucinda Lot 613 on L46913
Proposal	Reconfiguration of Land – Subdivision (One Lot into Two Lots)
Level of Assessment	Code Assessable

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
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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	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

* 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'.

25 November 2020

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	RC20\0006
Property ID Number	100494
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Francesco Di Bartolo and Salvatore Di Bartolo 3 Atkinson Street INGHAM QLD 4850
Property Description	1 Vass Street Lucinda Lot 613 on L46913
Proposal	Reconfiguring a Lot – Subdivision (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	24 November 2020
Decision Type	Development Permit
Planning 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

Not Applicable.

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.

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*, if relevant to this development.

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 four 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

CONDITION		TIMING						
1.	<p>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>	At all times.						
2.	<p>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>Proposed Reconfiguration prepared by Hansen Surveys</td><td>200957</td><td>September 2020</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 Reconfiguration prepared by Hansen Surveys	200957	September 2020	At all times.
Plan / Document Name	Number	Date						
Proposed Reconfiguration prepared by Hansen Surveys	200957	September 2020						
3.	<p>Access</p> <p>3.1 Each lot must be provided access from the road pavement to the property boundary generally in accordance with Part 9.4.3.4 Parking and Access Code of the <i>Hinchinbrook Shire Planning Scheme 2017</i> and the locations identified on the Approved Plan.</p> <p>3.2 Access to each lot must be provided and maintained to Council standards and where any works are 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.						
4.	<p>Water Supply</p> <p>Each lot must be connected to Council's reticulated water network at no cost to Council.</p>	At all times and prior to Council's endorsement of the formal survey plan.						
5.	<p>Sewerage Reticulation</p> <p>5.1 Each lot must be connected to the reticulated sewer network at no cost to Council.</p> <p>5.2 The developer must submit detailed design plans to Council and notify Council prior to undertaking any works on Council's reticulated sewer network.</p> <p>5.3 The developer shall arrange an inspection of the sewer works with Council prior to undertaking backfilling of the sewer works.</p>	At all times and prior to Council's endorsement of the formal survey plan.						

CONDITION	TIMING
<p>6. Electricity and Telecommunications</p> <p>6.1 Each lot must be serviced by electricity and telecommunication services at no cost to Council.</p> <p>6.2 The connection to each lot is to be achieved prior to Council's endorsement of the survey plan or suitable evidence provided demonstrating that connection to electricity and telecommunication services can be achieved.</p>	<p>At all times and prior to Council's endorsement of the survey plan.</p>
<p>7. Existing Services</p> <p>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>8. Damage to Infrastructure</p> <p>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>9. Stormwater</p> <p>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>At all times.</p>
<p>10. Relocation of Utilities</p> <p>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>
<p>11. Existing Buildings</p> <p>11.1 Any existing building must be wholly contained within a proposed allotment and must not be located across the common boundary of the proposed lots.</p> <p>11.2 Any existing building located across the boundary of the proposed lots must be demolished and all relevant permits obtained.</p>	<p>Prior to Council's endorsement of the formal survey plan.</p>

CONDITION	TIMING
<p>12. Coastal Hazard Prospective purchasers of the proposed allotments must be informed of coastal hazard design requirements for future residential built form on the land, including:</p> <ul style="list-style-type: none"> Habitable floor levels are to be provided 300mm above the defined 1% AEP stormtide level (5.42m AHD). Buildings shall be designed with open ground floors that allow for the flow of storm tide water and are not designed as slab on ground. <p><i>Note: any future residential development that does not achieve the above requirement must apply for a Development Permit for Material Change of Use.</i></p>	<p>Prior to the sale of an allotment.</p>

