

Your Ref: Reconfiguring a Lot – Subdivision Application
Our Ref: PC:AG RC21\0004

5 July 2021

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

gehansen@iprimus.com.au

Dear Mr Hansen

Decision Notice

Reconfiguring a Lot – Subdivision of Land (One Lot into Two Lots and Access Easement)
151 Halifax Road Ingham – Lot 361 on SP214657
Planning Act 2016

Receipt of your application deemed to be properly made on Tuesday 9 March 2021 seeking a Development Permit for Reconfiguring a Lot – Subdivision of Land (One Lot into Two Lots and Access Easement) at 151 Halifax Road 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 refuse the proposed application, subject to reasoning outlined within the Decision Notice attached.

This Notice outlines aspects of the refusal, extracts from the *Planning Act 2016*, appeal period and lodging an appeal information, 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



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision 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

5 July 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC21\0004
Property ID Number	107131
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Paul, Natal and Rita Cauchi PO Box 464 INGHAM QLD 4850
Property Description	151 Halifax Road, Ingham QLD 4850 Lot 361 on SP214657
Proposal	Reconfiguring a Lot – Subdivision of Land (One Lot into Two Lots and Access Easement)
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 refused .
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

REASONS FOR REFUSAL

The application to Reconfiguring a Lot – Subdivision of Land (One Lot into Two Lots and Access Easement) was refused for the following reasons:

- a) The proposed development is not consistent with the purpose and overall outcomes sought for the Rural Zone Code, in particular:
 - i. The proposed development, due to the size and configuration of the proposed lots, does not protect the productive capacity of the land for rural uses and associated value adding industry;
 - ii. The proposed development, due to the size and configuration of the proposed lots, does not provide for the protection of Class A and B agricultural land for sustainable agricultural use;
 - iii. The proposed development, due to the size and configuration of the proposed lots, does not maintain the capacity of the land for rural uses and activities by protecting and managing significant natural resources and processes;
 - iv. The proposed development, due to the size and configuration of the proposed lots, does not maintain the rural and landscape character, scale and amenity of the zone; and
 - v. The proposed development, due to its location and the flood hazard that affects the land, will not result in people and property being located in accessible areas for emergency management.
- b) The proposed development is not consistent with purpose and overall outcomes of the Reconfiguring a Lot Code, in particular:
 - i. The proposed development results in allotment sizes which are half the 30ha minimum area intended for the Rural Zone, and therefore not of sufficient area to be suitable for the rural uses or activities sought for the Rural Zone;
 - ii. The proposed development results in an irregular shaped allotment joined at a vertex that is not rectangular in shape;
 - iii. The proposed development includes irregular shaped allotments with areas that are not consistent with the purpose and overall outcomes of the zone;
 - iv. The proposed development results in the creation of a new allotment within the high hazard flood area and therefore increases the potential to increase the risk to life or property;
 - v. The proposed development does not result in lots with suitable areas, dimensions and shapes for the intended rural uses when taking into account the environmental constraints of the site; and
 - vi. The proposed development will result in a net increase in the number of allotments in the Rural Zone.
- c) The proposed development results in allotments of a size that is likely to contribute to a net loss in overall agricultural productivity and will impact the future use of land within the Priority Agricultural Area, which is inconsistent with the assessment benchmarks under Regional Outcome 1.1 of the *North Queensland Regional Plan*.

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*.

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*.

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.