

Your Ref: Material Change of Use Application
Our Ref: BE:HR MCU20\0008

28 October 2020

Nathan Henderson
c/- Port Bellbird Pty Ltd and Raeline Firth as Trustee
27 Palm Terrace
INGHAM QLD 4850

nathan.henderson@nh.com.au

Dear Nathan

Decision Notice
Material Change of Use for Dwelling Houses and Operational Work Approval for Civil Works
Planning Act 2016

Receipt of your application deemed to be properly made on Tuesday 6 October 2020 seeking a Development Permit for Material Change of Use for Dwelling Houses and Operational Work for Civil Works at 87 Cartwright Street Ingham, is acknowledged and its contents noted.

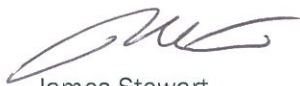
Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 27 October 2020.

Council resolved to approve the proposed application, 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 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 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
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil



28 October 2020

SECTION 63 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	MCU20\0008
Property ID Number	101465
Applicant Details	Nathan Henderson c/- Port Bellbird Pty Ltd and Raeline Firth as Trustee 27 Palm Terrace INGHAM QLD 4850
Owner Details	Port Bellbird Pty Ltd and Raeline Firth as Trustee The ESMA Family Trust PO Box 1475 INGHAM QLD 4850
Property Description	87 Cartwright Street, Ingham Lots 1 and 2 on RP731380
Proposal	Material Change of Use – Dwelling Houses Operational Works – Civil Works
Level of Assessment	Code Assessable

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	27 October 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	This Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	There were no submissions in relation to the development.

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 is required prior to works commencing on-site.

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

The Development Approval will lapse pursuant to section 85 of the *Planning Act 2016*, 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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary advice.

Yours sincerely



Electronic

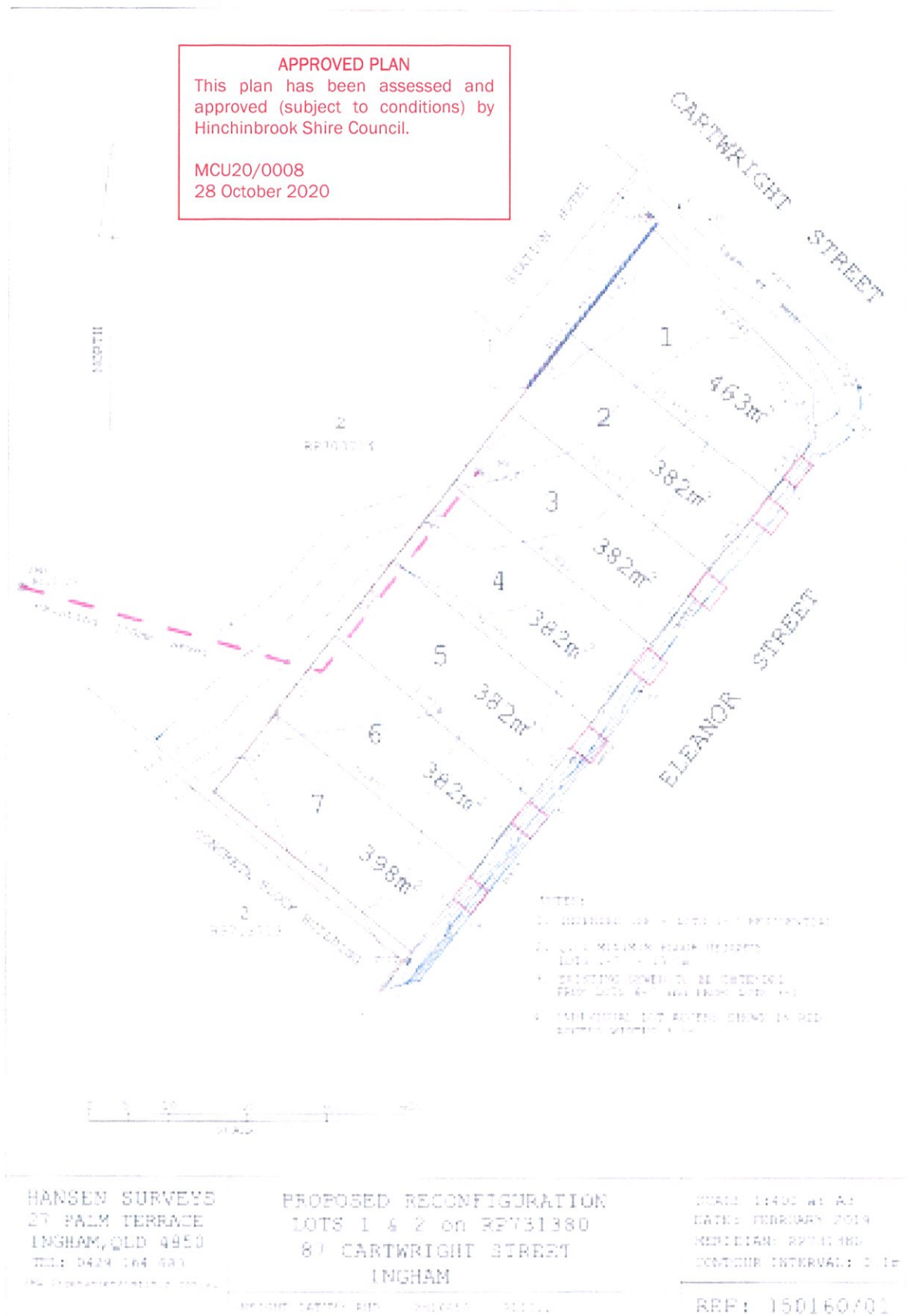
George Milford
Planning Consultant

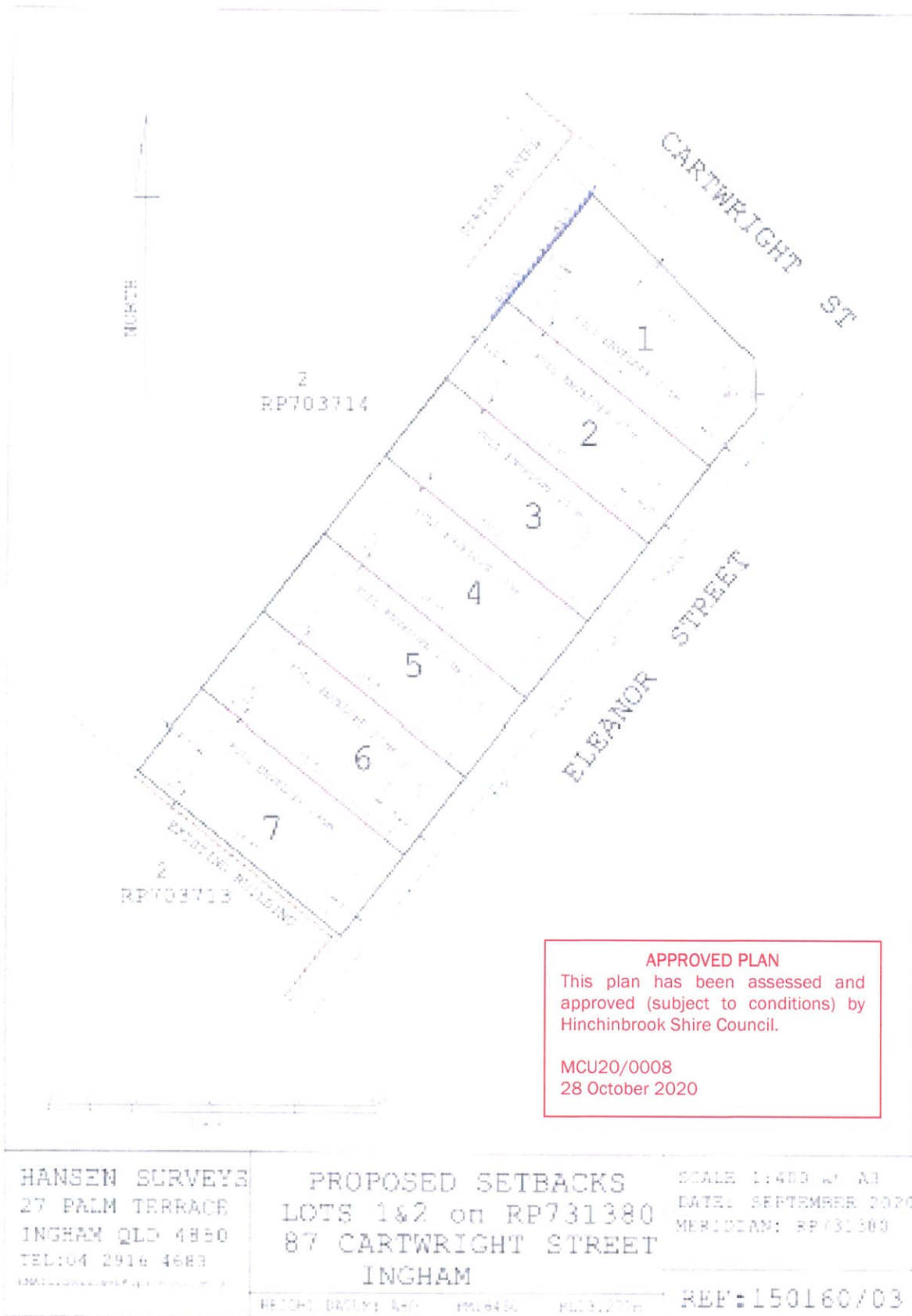
CONDITION		TIMING						
1.	Administration The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings 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 Development Plans, except as altered by any other Condition of Approval; and <table border="1"> <thead> <tr> <th>Plan / Document Name</th><th>Number</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposed Setbacks prepared by Hansen Surveys</td><td>150160/03</td><td>September 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	Proposed Setbacks prepared by Hansen Surveys	150160/03	September 2020	At all times.
Plan / Document Name	Number	Date						
Proposed Setbacks prepared by Hansen Surveys	150160/03	September 2020						
3.	Class 1 Buildings and Building Envelopes 3.1 Any future Class 1 building shall be provided generally in accordance with the building envelopes detailed in the approved plan 3.2 The front boundary setback for any future Class 1 building will have a maximum setback of 3 metres, unless otherwise approved by Council. <i>Note: the Hinchinbrook Shire Planning Scheme 2017 establishes alternative building provisions to the Queensland Development Code in accordance with s33 of the Building Act 1975.</i>	At all times and prior to the issuing of a building permit.						
4.	Development Timing A Development Permit for any future Class 1 building can only occur following the registration of the corresponding lot approved under Development Permit RC19/0001.	Prior to the issuing of a building permit.						
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>.	Prior to the commencement of use and maintained at all times.						
6.	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.						

CONDITION		TIMING
7.	Floor Levels The floor level of any future Class 1 building shall be 300mm above the defined 1% AEP flood level.	Prior to the issue of a building permit.
8.	Fencing The rear and side property boundaries shall be installed with fencing (except where obstructed by built form) that has a minimum height of 1.5 metres and does not impede the free flow of stormwater.	Prior to the commencement of use and maintained at all times.
9.	Clothes Drying and Bin Storage The proposed Class 1 buildings shall be provided with an outdoor clothes drying area and a bin storage area screened from public view.	Prior to the commencement of use and maintained at all times.
10.	Relocation of Utilities 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.	At all times.

CONDITION		TIMING																					
1.	Administration The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with: 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><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Erosion and Sediment Control Detail</td><td>9671-151-CI-1001 Rev B</td><td>1/10/2020</td></tr><tr><td>Existing Contours and Services</td><td>9671-151-CI-1002 Rev B</td><td>1/10/2020</td></tr><tr><td>Sediment Control Plan</td><td>9671-151-CI-1003 Rev B</td><td>1/10/2020</td></tr><tr><td>Earthworks Plan</td><td>9671-151-CI-1004 Rev B</td><td>1/10/2020</td></tr><tr><td>Stormwater Drainage</td><td>9671-151-CI-1005 Rev B</td><td>1/10/2020</td></tr><tr><td>Water and Sewerage Plan</td><td>9671-151-CI-1006 Rev B</td><td>1/10/2020</td></tr></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	Erosion and Sediment Control Detail	9671-151-CI-1001 Rev B	1/10/2020	Existing Contours and Services	9671-151-CI-1002 Rev B	1/10/2020	Sediment Control Plan	9671-151-CI-1003 Rev B	1/10/2020	Earthworks Plan	9671-151-CI-1004 Rev B	1/10/2020	Stormwater Drainage	9671-151-CI-1005 Rev B	1/10/2020	Water and Sewerage Plan	9671-151-CI-1006 Rev B	1/10/2020	At all times.
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3.	Contamination of Land The proposed works must ensure any material used as fill is free from contaminants. Works must also ensure no contaminated material is excavated or disturbed. If works do involve the excavation or disturbance of any contaminated material, a management plan is to be prepared by a suitably qualified person and submitted to Council for endorsement prior to the commencement of work.	At all times and prior to the commencement of works.																					
4.	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.																					
5.	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.																					

CONDITION		TIMING
6.	Soil Erosion Minimisation, Sediment Control Erosion and sediment control management must be installed and maintained throughout construction and maintained for the life of the development to ensure that receiving waters during construction of the development are protected from the effects of increased sediment run-off.	During construction and at all times.
7.	Pre-construction Prior to commencement of work, the developer shall notify Council that works have commenced.	Prior to commencement of construction works.
8.	Hours of Work Construction works are permitted between the hours of 6.30am and 6.30pm Monday to Saturday.	At all times.
9.	Sewer Inspection Sewer extension works shall be inspected by Council prior to any backfilling.	Prior to backfilling of the sewer works.
10.	Completion of Works 10.1 The developer shall provide 'as constructed drawings' to Council upon completion of the works. 10.2 A site inspection shall be carried out by Council to confirm all works are completed in accordance with the 'as constructed drawings'.	Prior to Council's endorsement of the 'as constructed drawings'.
11.	Access and Stormwater Drainage Reinforced concrete box culverts and corresponding asphalt ramps are to be constructed for Lots 2 to 7 generally in accordance with approved plan 9671-151-CI-1005 Rev B Stormwater Drainage to enable future accesses to be constructed.	Prior to Council's endorsement of the plan of survey.

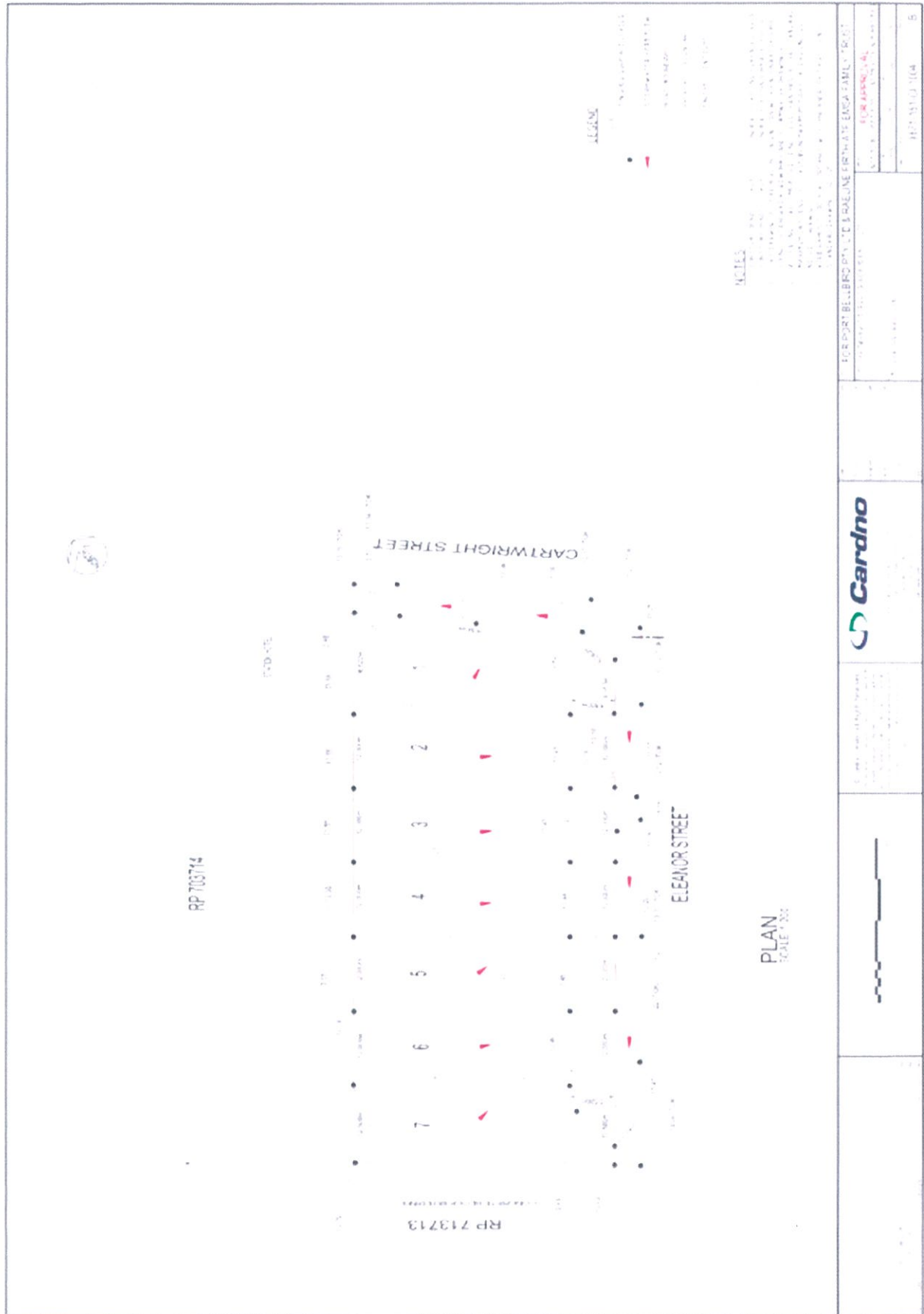
















28 October 2020

SECTION 119 OF PLANNING ACT 2016

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	MCU20\0008
Property ID Number	101465
Applicant Details	Nathan Henderson c/- Port Bellbird Pty Ltd and Raeline Firth as Trustee 27 Palm Terrace INGHAM QLD 4850
Owner Details	Port Bellbird Pty Ltd and Raeline Firth as Trustee The ESMA Family Trust PO Box 1475 INGHAM QLD 4850
Property Description	87 Cartwright Street, Ingham Lots 1 and 2 on RP731380
Proposal	Material Change of Use – Dwelling Houses Operational Works – Civil Works
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	\$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	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	Dwelling (3 bedroom)	7	5	\$6,500	N/A	\$45,500

CREDIT LAND USE						
Charge Category	Unit of Measure	Unit Quantity	Network Quantity	Adopted Rate	Network Adjustment	Applicable Credit
Residential	Dwelling (3 bedroom)	7	5	\$6,500	N/A	\$45,500

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$45,500	\$45,500	\$0.00