



Your Ref:
Our Ref: BE:AG 058\0225

24 September 2024

Mr Scott Barrett
Director and Principal Planner
Elevated Development Solutions
Suite 5, Level 2
21 Crombie Avenue
BUNDALL QLD 4217

scott@elevateds.com.au

Dear Sir

Decision Notice

Extension to Currency Period associated with Development Permit for Material Change of Use Undefined Use (Over 50's Lifestyle Accommodation – 150 Dwelling Units) - Beatts Road Allingham (Lot 11 on SP164492 Planning Act 2016

Receipt of your application made on Thursday 1 August 2024, to extend the currency period for a Development Permit for Material Change of Use for an Undefined Use (Over 50s Lifestyle Accommodation – 150 Dwelling Units) at Beatts Road Allingham, described as Lot 11 on SP164492, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 24 September 2024.

Council resolved to refuse the proposed Application to Extend the Relevant Period over land described as Lot 11 on SP164492 for the Material Change of Use for an Undefined Use (Over 50s Lifestyle Accommodation – 150 Dwelling Units) subject to the reasoning as set out in the attached Decision Notice.

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.

It is noted that the Development Permit remains valid for an additional seven months, until 30 April 2025. It is recommended that independent advice be sought regarding this matter, as there are several options available. The Applicant may choose to lodge a new application for a Material Change of Use for the same or a similar residential development under the current Planning Scheme, as the proposed use is not classified as prohibited development under the *Planning Act 2016*. Alternatively, the Applicant may submit a change application in conjunction with a request for an extension of the currency period, provided this is done prior to the lapse of the original Development Approval.

Should you require any further information or clarification concerning this matter, please contact Council's Planning and Development Team on 4776 4600 for the necessary assistance.

Yours sincerely

Brett Exelby
Director Corporate and Community Services

Encl - Decision Notice



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24 September 2024

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Referral Agency Response relates to the below Development Application:

Application Number	058\0225
Property ID Number	106440
Applicant Details	Elevated Development Solutions Suite 5, Level 2 21 Crombie Avenue BUNDALL QLD 4217
Owner Details	Beatts Road Holdings Unit Trust PO Box 1707 BROADBEACH QLD 4217
Property Description	Beatts Road Allingham – Lot 11 on SP164492
Proposal	Extension to Currency Period associated with Development Permit for Material Change of Use Undefined Use (Over 50's Lifestyle Accommodation – 150 Dwelling Units)
Level of Assessment	Original Development Application: Impact Assessment Application to Extend the Relevant Period: Code Assessment

DECISION

The information below outlines the specifics of the Referral Agency Response:

Decision	The application was refused subject to conditions.
Decision Date	24 September 2024
Decision Type	Development Permit
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Submissions	Not Applicable

REASONS FOR REFUSAL

The Application to Extend the Relevant Period over land described as Lot 11 on SP164492 for the Material Change of Use for an Undefined Use (Over 50s Lifestyle Accommodation – 150 Dwelling Units) was refused for the following reasons:

- a. Since the issue of the Development Permit, the Hinchinbrook Shire Planning Scheme 2005 has been superseded by new planning controls. The assessment and determination of the original approval was dependent on particular provisions of a superseded Scheme. These considerations no longer apply;
- b. The existing approval and the conditions therein are outdated having regard to current planning considerations;
- c. The Development Approval under the Development Permit is inconsistent with the current planning considerations and the 2017 Planning Scheme;
- d. The extension to the Development Permit is contrary to community expectation that development should meet the current Planning Scheme and planning considerations;
- e. Based on the information provided in the Applicant's request to extend the Relevant Period of the Development Permit, it is not considered that the request has sufficient merit, having regard to section 87(1) of the *Planning Act 2016*, to support an extension to the relevant period; and
- f. Having regard to the *Planning Act 2016* and the Council's 2017 Planning Scheme, the request is unable to be supported.

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 Planning and Development Team on 4776 4600 for the necessary assistance.