



Your Ref: Reconfiguring a Lot – Subdivision
Our Ref: PC:AG RC22\0001

27 January 2022

Mr Nathan Henderson
Port Bellbird Pty Ltd
27 Palm Terrace
INGHAM QLD 4850

nathan.henderson@judina.com.au

Dear Mr Henderson

Decision Notice

Reconfiguration of Land – Subdivision (One Lot into Four Lots)
74-80 Beatts Road Allingham – Lot 2 on RP903855
Planning Act 2016

Receipt of your application deemed to be properly made on Friday 7 January 2022, seeking a Development Permit for Reconfiguration of Land – Subdivision (One Lot into Four Lots) at the aforementioned premises, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 25 January 2022.

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 and Infrastructure Charged Notice is attached for your perusal.

This Notice outlines aspects of the development's condition of approval, currency period, approved plans, referral agency response 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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice
Infrastructure Charges 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





DECISION NOTICE

RC22\0001

27 January 2022

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC22\0001
Property ID Number	105300
Applicant Details	Nathan Henderson Port Bellbird Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Port Bellbird Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Property Description	74-80 Beatts Road Allingham QLD 4850 Lot 2 on RP903855
Proposal	Reconfiguration of Land – Subdivision (One Lot into Four 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	25 January 2022
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



CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Conditions of Approval. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

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 can be found attached, 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

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:

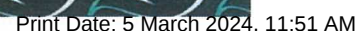
- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of Approval have been included to ensure that compliance with the *Hinchinbrook Shire Planning Scheme 2017*.

Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

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>Proposed Reconfiguration</td><td>211167</td><td>December 2021</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	Proposed Reconfiguration	211167	December 2021	At all times.
Plan / Document Name	Number	Date						
Proposed Reconfiguration	211167	December 2021						
3.	Water Supply The development must be serviced by a private on-site water supply. In particular, the water supply must include provisions for potable water and must be wholly contained within each lot within the proposed development at no cost to Council. Any extension to the water network infrastructure must be detailed in a Development Application for Operational Works and carried out in accordance with any approval granted for those works.	Prior to Council's endorsement of the survey plan.						
4.	Sewerage The development must be serviced by a private on-site sewage disposal system. In particular, the sewage disposal system must be wholly contained within each lot within the proposed development at no cost to Council. Prospective purchasers of the land must be notified of the on-site sewage disposal requirements.	Prior to issue of a Final Inspection Certificate.						
5.	Electricity and Telecommunications Electricity and telecommunications must be provided to each allotment. Where installation cannot be achieved, confirmation that supply can be provided must be obtained from the supplier and provided to Council.	Prior to Council's endorsement of the survey plan.						

CONDITION	TIMING
6. Confirmation of Existing Services Written confirmation of the location of any existing services for the land must be provided by either the applicant or licensed surveyor. The existing services for each lot must be contained within the individual allotments. Any existing water meters must be contained within the individual lot which they service, at the property road frontage. Where the development does not allow existing services to be contained within the individual lot, then such services must be relocated or easement obtained. Such easements must be registered in accordance with the <i>Land Title Act 1994</i>, in conjunction with registration of the Plan of Survey.	Prior to Council's endorsement of the survey plan.
7. 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.	Prior to Council's endorsement of the survey plan.
8. Damage to Infrastructure In the event that any part of Council's Infrastructure is damaged as a result of work associated with the development or operation of the Access Easement, 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.
9. Lawful Point of Discharge All stormwater must be directed to a lawful point of discharge of 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>.	

CONDITION	TIMING
10. Stormwater 10.1 A localised Stormwater Management Plan must be prepared by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) outlining at a minimum: a. The stormwater levels anticipated over the site in the 50%, 20%, 5%, 2% and 1% AEP events; b. Primary and secondary flow paths; c. Works necessary to provide for appropriate inter-allotment drainage to provide carriage of concentrated stormwater to a lawful point of discharge; d. The capacity of the stormwater easement to have carriage of additional concentrated stormwater; and e. Any works external to the site necessary to ensure a no worsening effect on upstream and downstream properties. 10.2 Works identified in the Stormwater Management Plan must be designed and detailed in a Development Application for Operational Works and carried out in accordance with any approval granted for those works. 10.3 An RPEQ must certify that stormwater is conveyed legally and in an environmentally responsible manner where required by Council.	Prior to Council's endorsement of the survey plan.
11. Access A new access driveway and crossover from the existing kerb and channel or edge of the formed road to the property boundary must be constructed in accordance with relevant standards. A Development Application for Operational Works must be submitted and approved by Council prior to the commencement of work.	Prior to Council's endorsement of the survey plan.





INFRASTRUCTURE CHARGES NOTICE

RC22\0001

27 January 2022

SECTION 119 OF PLANNING ACT 2016

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	RC22\0001
Property ID Number	105300
Applicant Details	Nathan Henderson Port Bellbird Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Port Bellbird Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Property Description	74-80 Beatts Road Allingham QLD 4850 Lot 2 on RP903855
Proposal	Reconfiguration of Land – Subdivision (One Lot into Four Lots)
Level of Assessment	Code Assessment

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	\$15,600 + 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.

Payment can be made in person at Council's main office, 25 Lannercost Street, Ingham, or via post PO Box 366, INGHAM QLD 4850.



INFRASTRUCTURE CHARGES NOTICE

RC22\0001

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 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 NOTICE

RC22\0001

INFRASTRUCTURE CHARGES

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

* Not applicable to non-residential development

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	4	4	\$6,500.00	\$5,200.00	\$20,800.00

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	4	\$6,500.00	\$5,200.00	\$5,200.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$20,800.00	\$5,200.00	\$15,600