



Your Ref: RC23\0010 Decision Notice
Our Ref: VA:AG

28 September 2023

Mrs Meredith Hutton
John Peebles C/-Northpoint Planning
PO Box 4
TOWNSVILLE QLD 4850

hello@northpointplanning.com.au

Dear Meredith

RC23\0010 – Decision Notice- Reconfiguration of Land – Subdivision (Two Lots into Six Lots) on land described as Lot 1 on RP732217 and Lot 2 on RP735015 situated at 49124 Townsville Road and 49098 Townsville Road Toobanna QLD 4850.

Receipt of your application deemed to be properly made on Friday 16 June 2023, for Reconfiguration of Land – Subdivision (Two Lots into Six Lots) at the above-mentioned land, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 26 September 2023.

Council resolved to approve the proposed Reconfiguration of Land – Subdivision (Two Lots into Six Lots) on land located at 49089 and 49124 Townsville Road Toobanna formally known Lot 1 on RP732217 and Lot 2 on RP735015, subject to conditions as set out in the attached Decision Notice and Infrastructure Charges Notice. Please see the enclosed Decision Notice and Infrastructure Charges Notice.

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

Yours sincerely

Brett Exelby
Director Corporate and Community Services

Encl - Decision Notice
Infrastructure Charges Notice



25 Lannercost Street
INGHAM QLD 4850



ABN

PO Box 366 INGHAM QLD 4850
46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au



HinchinbrookShireCouncil

HINCHINBROOK.QLD.GOV.AU

28 September 2023

The Development Application for **Development Permit – Reconfiguring a Lot (RC23\0010) Subdivision – Two Lots into Six Lots** was assessed and **APPROVED SUBJECT TO CONDITIONS**. The decision was made on Tuesday **26 September 2023**.

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC23\0010
Property ID Number	105458 – Lot 1 on RP732217 101698 – Lot 2 on RP735015
Applicant Details	John Peebles C/- Northpoint Planning PO Box 4 TOWNSVILLE QLD 4850
Owner Details	<u>105458 – Lot 1 on RP732217:</u> Matthew Di Mauro and Michaela Moschella PO Box 303 INGHAM QLD 4850 <u>101698 – Lot 2 on RP735015:</u> John Peebles PO Box 664 INGHAM QLD 4850 Rhona Press PO Box 912 INGHAM QLD 4850 Jaqueline Simpson PO Box 1330 INGHAM QLD 4850
Property Description	49124 Townsville Road and 49098 Townsville Road, Toobanna QLD 4850 Lot 1 on RP732217 and Lot 2 on RP735015
Proposal	Reconfiguration of Land – Subdivision (Two Lots into Six 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	26 September 2023
Decision Type	Development Permit
Assessment Instrument	Hinchinbrook Shire Planning Scheme 2017
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

Department of State Development, Manufacturing, Infrastructure and Planning
PO Box 5666
TOWNSVILLE QLD 4810

Pursuant to Section 56 of the *Planning Act 2016*, SARA advises that it has no objection to Hinchinbrook Shire Council issuing a Development Permit for Reconfiguration of Land – Subdivision (One Lot into Six Lots), subject to the conditions, as attached.

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 is enclosed in accordance with the *Hinchinbrook Shire Adopted Infrastructure Charges Resolution CR1-2018*.

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*.

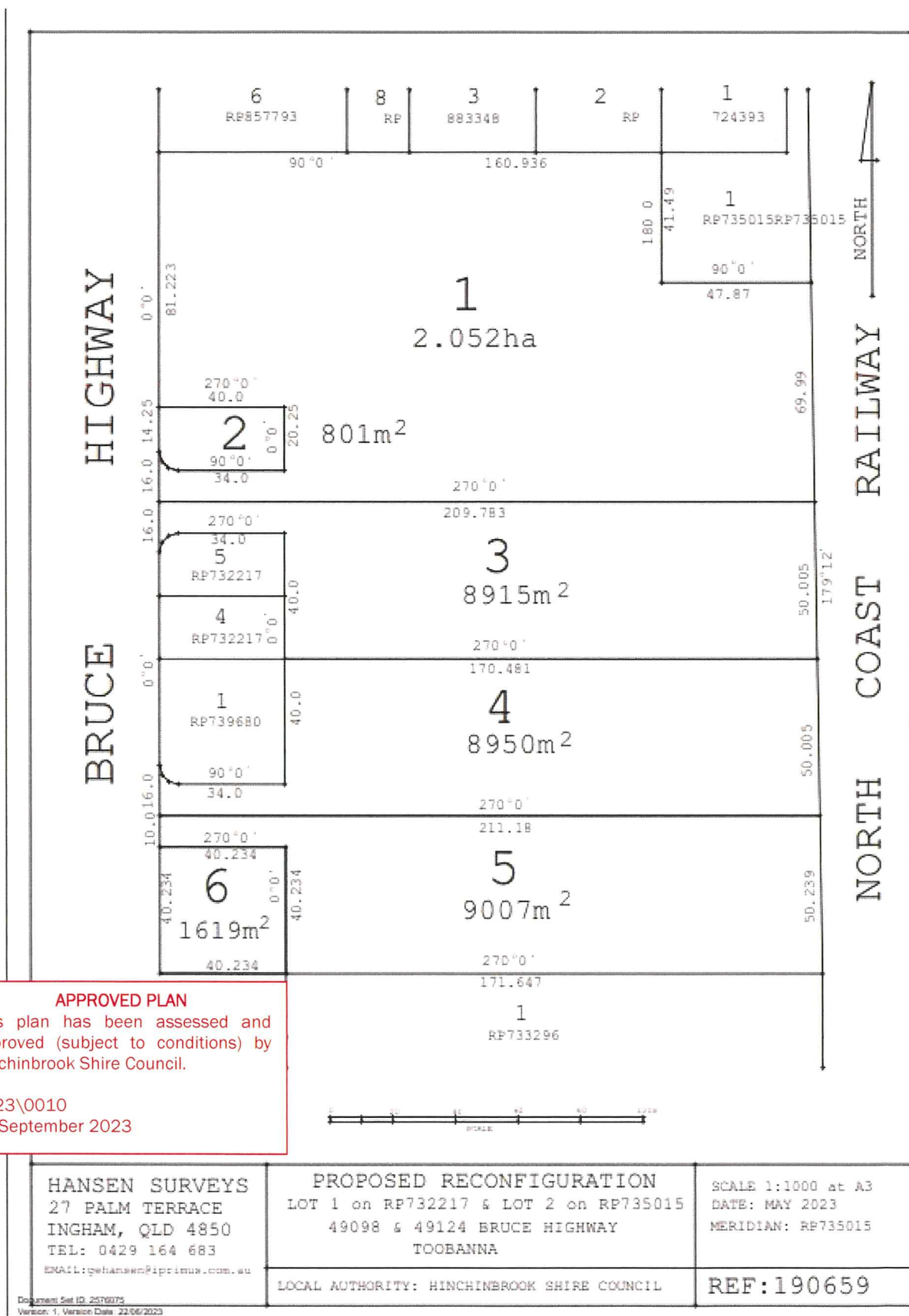
The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

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

CONDITION		TIMING						
1.	Administration The applicant is responsible to ensure the approved development is carried out and complies with the following relevant requirements: (a) The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; (b) The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and (c) The Conditions of Approval, the requirements of Council's Planning Scheme and best practice engineering.	At all times.						
2.	Approved Plans (a) 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 border="1" data-bbox="375 784 1204 907"> <thead> <tr> <th>Plan/Document Name</th><th>Number</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposed Reconfiguration - Lot 1 on RP732217 & Lot 2 on RP735015</td><td>Ref: 190659</td><td>May 2023</td></tr> </tbody> </table> (b) 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 - Lot 1 on RP732217 & Lot 2 on RP735015	Ref: 190659	May 2023	At all times.
Plan/Document Name	Number	Date						
Proposed Reconfiguration - Lot 1 on RP732217 & Lot 2 on RP735015	Ref: 190659	May 2023						
3.	Water Supply Each proposed lot must be serviced by water reticulation services which are to be installed and maintained at no cost to Council. All services must be wholly contained within the frontage of each individual allotment.	Prior to Council's endorsement of the survey plan.						
4.	Onsite Wastewater Treatment Any new and existing onsite wastewater treatment systems are to be installed and maintained at no cost to Council and must be wholly contained within each allotment.	At all times.						
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.						
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, at no cost to Council. 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.						

CONDITION	TIMING
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, 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. Access Each allotment must have a lawful point of access to a nominated road frontage. Any new access driveway and crossover from the existing edge of the formed road to the property boundary, must be constructed in accordance with relevant standards. Any construction works associated with the access and driveway arrangements to the property from the road reserve is subject to Transport and Main Roads approval, in accordance with a Road Corridor Permit, prior to commencement of works.	At all times.



RA6-N



SARA reference: 2307-35706 SRA
Council reference: RC23\0010
Applicant reference: NP23.053

17 August 2023

Chief Executive Officer
Hinchinbrook Shire Council
PO Box 366
Ingham QLD 4850
council@hinchinbrook.qld.gov.au

Dear Sir/Madam

**SARA referral agency response—49124 Bruce Highway,
Toobanna; 49098 Bruce Highway, Toobanna**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 17 July 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	17 August 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Reconfiguration a Lot - two lots into six lots
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (Planning Regulation 2017)	
	Development application for a Reconfiguring of a Lot within 25m of a state-controlled road and a railway corridor	

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North and North West regional office
Level 4, 445 Flinders Street, Townsville
PO Box 5666, Townsville QLD 4810

2307-35706 SRA

SARA reference: 2307-35706 SRA
Assessment manager: Hinchinbrook Shire Council
Street address: 49124 Bruce Highway, Toobanna; 49098 Bruce Highway, Toobanna
Real property description: 2RP735015; 1RP732217
Applicant name: John Peebles C/- Northpoint Planning
Applicant contact details: PO Box 4
Townsville QLD 4810
hello@northpointplanning.com.au

Human Rights Act 2019 considerations: Consideration of the 23 fundamental human rights protected under the Human Rights Act 2019 has been undertaken as part of this decision.
It has been determined that this decision does not limit human rights.

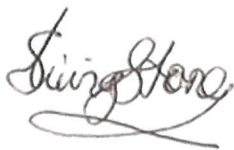
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Helena Xu, Senior Planning Officer, on 073452 6724 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Duncan Livingstone
A/Manager (Planning)

cc John Peebles C/- Northpoint Planning, hello@northpointplanning.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Reconfiguring of a Lot (2 into 6)		
10.9.4.2.1.1 – Reconfiguring a lot near state transport corridors—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	(a) The stormwater and flooding management of the development must not cause worsening to the operating performance of the State-controlled road or railway corridor such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the State-controlled road or railway corridor; (ii) concentrate or increase the velocity of flows to the State-controlled road or railway corridor; (iii) interfere with and/or cause damage to the existing stormwater drainage on the State-controlled road or railway corridor; (iv) surcharge any existing culvert or drain on the State-controlled road or railway corridor; (v) reduce the quality of stormwater discharge onto the State-controlled road or railway corridor; (vi) impede or interfere with overland flow and/or hydraulic conveyance on the State-controlled road or railway corridor; (vii) reduce the floodplain immunity of the State-controlled road or railway corridor. (b) Submit RPEQ certification, with supporting documentation, to the Program Delivery and Operations Unit, North Queensland Region (North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition. The RPEQ certification must at least identify the discharge points or drainage connections for each allotment.	(a) At all times (b) Within 20 business days of the completion of works
2.	Provide trespass proof fencing along the site boundary with the railway corridor which is sufficient to prevent unauthorised access by people, animals and vehicles.	Prior to submitting the Plan of Survey to the local government for approval

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	Works on or interfering with a railway Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations. The applicant should consult with the railway manager prior to installing fencing on the site boundary with the railway corridor. The applicant should provide an as-constructed survey, prepared by a registered surveyor, demonstrating that the fencing, including footings, has been constructed on the site and not in the railway corridor. Please be advised that this referral agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager. The applicant should contact the Queensland Rail at QRPropertyWayleaves@qr.com.au in relation to the above.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

The proposed development is considered to achieve the relevant assessment benchmarks of State code 1 of SDAP. Specifically the development

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled road;
- does not adversely impact road transport infrastructure, public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the function and efficiency of state-controlled road;
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure; and,
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

The proposed development is considered to achieve the relevant assessment benchmarks of State code 2 of SDAP. Specifically the development

- does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway;
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor;
- does not compromise the operating performance of railway corridors;
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors and associated rail transport infrastructure or other rail infrastructure;
- does not significantly increase the cost to the state to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors, rail transport infrastructure or other rail infrastructure;
- Does not compromise pedestrian or cycle access to public passenger transport infrastructure or active transport infrastructure associated with railways.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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REFERRAL AGENCY RESPONSE

RC23\0010

2307-35706 SRA



INFRASTRUCTURE CHARGES NOTICE

RC23\0010

28 September 2023

SECTION 119 OF PLANNING ACT 2016

APPLICATION DETAILS

This Infrastructure Charges Notice relates to the below development application:

Application Number	RC23\0010
Property ID Number	105458 – Lot 1 on RP732217 101698 – Lot 2 on RP735015
Applicant Details	John Peebles C/- Northpoint Planning PO Box 4 TOWNSVILLE QLD 4850
Owner Details	<u>105458 – Lot 1 on RP732217:</u> Matthew Di Mauro and Michaela Moschella PO Box 303 INGHAM QLD 4850 <u>101698 – Lot 2 on RP735015:</u> John Peebles PO Box 664 INGHAM QLD 4850 Rhona Press PO Box 912 INGHAM QLD 4850 Jaqueline Simpson PO Box 1330 INGHAM QLD 4850
Property Description	49124 Townsville Road and 49098 Townsville Road, Toobanna QLD 4850 – Lot 1 on RP732217 and Lot 2 on RP735015
Proposal	Reconfiguration of Land – Subdivision (Two Lots into Six 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	\$13,000.00 + 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 and/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

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	No
Public parks and community facilities	No

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	6	2	\$6,500.00	\$2,600.00	\$15,600.00

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	2	\$6,500.00	\$2,600.00	\$2,600.00

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$15,600.00	\$2,600.00	\$13,000.00

*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'.