



Your Ref:
Our Ref: BE:HR RC24-0002

18 June 2024

Benjamin Collings
BNC Planning Pty Ltd
PO Box 5493
TOWNSVILLE QLD 4810

enquire@bncplanning.com.au

Dear Mr Collings

Decision Notice – Reconfiguration of Land – Subdivision (1 into 2 Lots)
587 Barrilgie Road, Coolbie – Lot 4 on SP284274
Planning Act 2016

Receipt of your application, deemed to be properly made on Wednesday 16 February 2024, for Reconfiguration of Land – Subdivision (1 Lot into 2 Lots) at the above-mentioned land, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered under Instrument of Delegation Monday 17 June 2024.

Council resolved to approve the proposed Reconfiguring a Lot – Subdivision on land located at 587 Barrilgie Road, Coolbie, formally known as Lot 4 on SP284274, subject to conditions as set out in the attached Decision 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



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

18 June 2024

SECTION 83 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC24-0002
Property ID Number	105242
Applicant Details	Benjamin Collings BNC Planning Pty Ltd PO Box 5493 TOWNSVILLE QLD 4810
Owner Details	Rodney M Cronin Susan W Connolly 3 Mutarnee School Road MUTARNEE QLD 4816
Property Description	587 Barrilgie Road, Coolbie Lot 4 on SP284274
Proposal	Reconfiguration of Land – Subdivision (1 Lot into 2 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	Monday 17 June 2024
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

No referrals apply to the Development Application.

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

Infrastructure Charges apply to the Development Application. A copy of the Infrastructure Charges Notice has been attached.

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 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><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Plan of Reconfiguration</td><td>S01-01 A</td><td>Jan. 24</td></tr></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	Plan of Reconfiguration	S01-01 A	Jan. 24	At all times.
Plan / Document Name	Number	Date					
Plan of Reconfiguration	S01-01 A	Jan. 24					
3. Maintain the Approved Development Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval.	At all times.						
4. Damage to Infrastructure and Land Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council.	At all times.						
5. Access Construct access to proposed Lot 1 to a rural driveway standard suitable for the use of the premises. The driveway must be wholly contained in the Amos Road reserve. Details of the above works must be identified on a plan prepared by an RPEQ and submitted as part of an application for Private Works on Road Reserves pursuant to Hinchinbrook Shire Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2012. Note: HSC Standard Drawing A005 Typical Rural Access provides supporting details and dimensions for access and associated driveways in rural areas.	Prior to Council's endorsement of the Plan of Survey.						

CONDITION	TIMING
6. Electricity Supply Development is serviced by: (a) an electricity supply approved by the relevant energy authority; or (b) an independent energy system with sufficient capacity to service the development where connection to electricity supply is not available. Evidence of the either (a) or (b) to provide electricity supply to each lot must be provided to Council for acceptance prior to the endorsement of the Plan of Survey.	Prior to Council's endorsement of the Plan of Survey.
7. Building Envelope Plan Provide a Building Envelope Plan for each lot incorporating the following: (a) The location of the Building Envelope that encompasses existing cleared areas or Category X vegetation only; (b) Is readily serviced by road access; (c) All earthworks and vegetation clearing associated with any use of the premises must be wholly contained within the Building Envelope; The Building Envelope Plan must be provided to and endorsed by Council.	Prior to Council's endorsement of the Plan of Survey.
8. Building Envelope Plan Future development on Lot 1 and Lot 2 must be in accordance with the Building Envelope Plan identified on the approved plan(s) of development. Any building, earthworks or vegetation clearing outside the Building Envelope Area must be approved by Council prior to the works or structures being constructed or undertaken. <i>Note: A Rates Notation to this effect will be placed on the property file.</i>	At all times.
9. Fire Fighting Water Tank On-site water storage tank must be installed to service proposed Lot 1 for fire fighting purposes, and must include the following: (a) Have a minimum capacity of 30,000 litres, or 5,000 litres where a 20-metre firebreak is maintained to all sides of future buildings at all times; (b) A minimum pressure and flow of 10 litres per second at 200kPa at all times; (c) Are to be fitted with a 50mm ball valve with a camlock fitting; and (d) Must be easily accessible by a fire truck	Prior to Council's endorsement of the Plan of Survey and at all times.



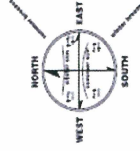
APPROVED PLAN

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

RC24-0002
17 June 2024



Office 7 / Ground Floor / 41 Denham Street
TOWNSVILLE CITY QLD 4810
PO BOX 5441 TOWNSVILLE QLD 4810
(07) 4724 1765 or 0418 769 612 - enquire@bocolining.com.au



0	100	200	300	400

Months

Weiland protection area trigger mapping

Property Details	
Site Address:	187 Barrigade Road COO, BVI QLD 4BVG Lot 6 on SP282/4 Freehold 194.6 ha Barrigade Road & Avera Road North Zone MA
Road Frontage:	
Paving Scheme:	Zoning
Tenure:	
Size Area:	
Built Property Description:	
Site Address:	
Lot Size:	
Building Footprint:	
Land Use:	
Planning Scheme:	
Zone:	

- **Notes**
- **Yes** and **debate is not for construction purposes**
- **All** dimensions to be confirmed by detailed survey
- **New** boundaries to be set by lot not lot dimension
- **No** new road reserves
- **No** existing or proposed public open space
- **No** new retaining walls or retaining structures
- **No** land to be dedicated for community purposes
- **No** building setbacks required
- **Existing** setbacks as shown

Data Source

- DCEM as taken from unconfirmed survey source
- Queensland Globe
- Site Detail Survey

PLAN OF RECONFIGURATION
One (1) into Two (2) Lots Subdivision

[illegible]

18 June 2024

SECTION 119 OF *PLANNING ACT 2016*

APPLICATION DETAILS	
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Proposal	Reconfiguration of Land – Subdivision (1 Lot into 2 Lots)
Level of Assessment	Code Assessment

APPLICABLE INFRASTRUCTURE CHARGE	
The applicable infrastructure charge has been calculated in accordance with Hinchinbrook Shire Council's <i>Adopted Infrastructure Charges Resolution CR1-2018</i> , and makes allowances for any imposed waiver or dispensation issued by the relevant authority:	
LEVIED CHARGE	\$2,600 + annual adjustments and/or reviews

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	No
Sewerage	No
Transport	Yes
Stormwater	No
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 – 3 or more bedroom dwelling house*	Lot	2	2	\$6,500	\$2,600	\$5,200

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	\$2,600	\$2,600

LEVIED CHARGE		
Total Applicable Charge	Total Applicable Credit	Net Levied Charge
\$5,200	\$2,600	\$2,600

* 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'.