

Your Ref: Reconfiguring a Lot - Boundary Realignment
Our Ref: PC:HR RC21\0008

29 September 2021

Mr Geoff Hansen
Hansen Surveys Pty Ltd
27 Palm Terrace
INGHAM QLD 4850

gehansen@iprimus.com.au

Dear Mr Hansen

Decision Notice

**Reconfiguration of Land – Boundary Realignment (Two Lots into Two Lots) and Access Easement
275 Hawkins Creek Road, Hawkins Creek – Lot 9 on SP124627 and Lot 22 on SP284860
*Planning Act 2016***

Receipt of your application deemed to be properly made on Monday 23 August 2021 seeking a Development Permit for Reconfiguration of Land – Rearrangement of Boundaries (Two Lots into Two Lots) and Access Easement 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 28 September 2021.

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'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 Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
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
Hinchinbrook Shire Council



28 September 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC21\0008
Property ID Number	106366 and 107348
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Kerry Russo 275 Hawkins Creek Road HAWKINS CREEK QLD 4850 Frank and John Russo PO Box 374 INGHAM QLD 4850
Property Description	275 Hawkins Creek Road, Hawkins Creek Lot 9 on SP124627 and Lot 22 on SP284860
Proposal	Reconfiguration of Land – Rearrangement of Boundaries (Two Lots into Two Lots) and Access Easement
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	28 September 2021
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

Not Applicable.

Infrastructure charges do not apply for this development proposal given it does not result in the creation of any additional allotments and only relates to the rearrangement of the boundary between two existing allotments.

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 Team Leader, Hayley Roy on 4776 4609 for the necessary assistance.

CONDITION		TIMING						
1.	<p>Administration</p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>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;</p> <p>1.2 The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>1.3 The Conditions of Approval, the requirements of Council's Planning Scheme and best practice engineering.</p>	At all times.						
2.	<p>Approved Plans</p> <p>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</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Proposed Boundary Rearrangement</td><td>210658</td><td>July 2021</td></tr></table> <p>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.</p>	Plan / Document Name	Number	Date	Proposed Boundary Rearrangement	210658	July 2021	At all times.
Plan / Document Name	Number	Date						
Proposed Boundary Rearrangement	210658	July 2021						
3.	<p>Access</p> <p>3.1 The existing accesses shall be maintained generally in accordance with the approved plan referenced in Condition 2.</p>	At all times.						
4.	<p>Access Easement</p> <p>4.1 An access easement to allow pedestrian and vehicle access burdened to proposed Lot 23 and benefitting proposed Lot 22 must be provided generally in accordance with the approved plans referenced in Condition 2; and</p> <p>4.2 The access easement must be maintained in a clear and tidy condition to ensure safe and efficient vehicle manoeuvrability at all times.</p>	Easement documents are to be provided to Council for endorsement at the time of lodgement of the survey plan and registered in accordance with the <i>Land Title Act 1994</i> .						

CONDITION	TIMING
<p>5. Infrastructure Services</p> <p>5.1 Each lot must be provided a potable on-site water supply located wholly within the respective allotment and at no cost to Council; and</p> <p>5.2 Proposed Lot 23 must be provided an on-site wastewater treatment system wholly contained within the allotment and at no cost to Council; and</p> <p>5.3 Each lot must be provided connected to the reticulated electricity network at no cost to Council or suitable evidence provided to demonstrate that connection to electricity services can be achieved.</p>	<p>Prior to Council's endorsement of the survey plan.</p>
<p>6. Existing Services</p> <p>Written confirmation of the location of any existing services for the land must be provided by either the applicant or licensed surveyor. In any instance where existing services to be contained within the respective lot or within a reciprocal services easement.</p>	<p>Prior to Council's endorsement of the survey plan.</p>
<p>7. Damage to Infrastructure</p> <p>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.</p>	<p>At all times.</p>
<p>8. Relocation of Utilities</p> <p>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.</p>	<p>Prior to Council's endorsement of the survey plan.</p>

