

Your Ref: Rearrangement of Boundaries and Easement Creation
Our Ref: PC:AG RC21\0007

21 October 2021

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

enquire@bncplanning.com.au

Dear Mr Collings

Decision Notice

**Reconfiguration of Land – Rearrangement of Boundaries and Easement Creation
6 and 8 Keast Street Lucinda – Lots 1 and 4 on SP186122 and Lot 2 on RP719629
Planning Act 2016**

Receipt of your application, deemed to be properly made on Tuesday 17 August 2021, seeking a Development Permit for Reconfiguration of Land – Rearrangement of Boundaries (Three Lots into Two Lots) and Easement Creation on the abovementioned premises, is acknowledged and its contents noted.

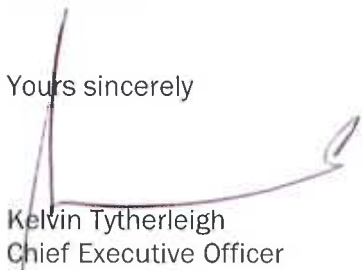
Please be advised that your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 19 October 2021.

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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice

21 October 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC21\0007
Property ID Number	101801 and 103863
Applicant Details	Benjamin Collings BNC Planning Pty Ltd PO Box 5493 TOWNSVILLE CITY QLD 4810
Owner Details	Jenk Holdings Pty Ltd PO Box 723 CANNONVALE QLD 4802
Property Description	6 and 8 Keast Street Lucinda QLD 4850 Lots 1 and 4 on SP186122 and Lot 2 on RP719629
Proposal	Reconfiguration of Land – Rearrangement of Boundaries (Three Lots into Two Lots) and Easement Creation
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	19 October 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 Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

CONDITION		TIMING						
1.	<p>Administration</p> <p>The applicant is responsible to ensure the approved development is carried out and complies with the following relevant requirements:</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>Plan of Subdivision</td><td>S01-01</td><td>August 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	Plan of Subdivision	S01-01	August 2021	At all times.
Plan / Document Name	Number	Date						
Plan of Subdivision	S01-01	August 2021						
3.	<p>Water Supply</p> <p>The development must be serviced by Council's reticulated water supply. In particular, a reticulated water supply must be provided to the frontage of each lot within the proposed development at no cost to Council.</p>	Prior to Council's endorsement of the survey plan.						
4.	<p>Sewerage Reticulation</p> <p>The development must be serviced by Council's reticulated sewerage network. In particular, each allotment must be provided with a single property service and must be connected directly and separately to Council's sewerage network at no cost to Council.</p>	Prior to Council's endorsement of the survey plan.						
5.	<p>Electricity and Telecommunications</p> <p>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.</p>	Prior to Council's endorsement of the survey plan.						

CONDITION	TIMING
<p>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.</p> <p>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.</p> <p>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.</p>	<p>Prior to Council's endorsement of the survey plan.</p>
<p>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.</p>	<p>Prior to Council's endorsement of the survey plan.</p>
<p>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.</p>	<p>At all times.</p>
<p>9. Stormwater 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>.</p> <p>An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater is conveyed legally and in an environmentally responsible manner where required by Council.</p>	<p>At all times.</p>
<p>10. Access and Utilities Easement Easements, identified as proposed Easement A and proposed Easement B on the Approved Plans of Development, to allow pedestrian and vehicle access, on-site manoeuvring and connection of services and utilities for benefited Lot 1 and Lot 2 overburdened Lot 1 and Lot 2 must be provided.</p> <p>The easement documents must be submitted to Council for signing at the time of lodgement of the survey plan and registered in accordance with the <i>Land Title Act 1994</i>.</p>	<p>Documents to be submitted to Council with lodgement of the survey plan.</p>

Survey
Exposures