

Your Ref: RC20\0007
Our Ref: PC: AG

28 January 2021

Barry J Bosworth
PO Box 1703
INGHAM QLD 4850

bmbosworth@itnq.com.au

Dear Barry

Decision Notice – Reconfiguring a Lot (Boundary Realignment)
Planning Act 2016

Receipt of your Development Application on Monday 7 December 2020 seeking a Development Permit for Reconfiguration of Land – Boundary Realignment along Strids Road, Legges Road and Maskells Road Braemeadows is acknowledged and its contents noted.

Your Application was assessed by relevant staff and considered at Council's General Meeting held on Wednesday 27 January 2021.

Council resolved to approve the proposed development, 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, Conditions of the Approval (if any), currency period, approved plans 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 Acting Built Environment Team Leader, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice



25 Lannercost Street
INGHAM QLD 4850



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council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil

27 January 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	RC20\0007	
Property ID Number	103377 and 102645	
Applicant Details	Barry J Bosworth and Mizzi Farming Pty Ltd c/- Barry Bosworth PO Box 1703 INGHAM QLD 4850	
Owner Details	Barry J Bosworth PO Box 1703 INGHAM QLD 4850	Mizzi Farming Pty Ltd PO Box 444 INGHAM QLD 4850
Property Description	Strids Road, Legges Road and Maskells Road, Braemeadows Lot 1 on RP750129, Lot 153 on CWL1564 and Lot 1 on SP299629	
Proposal	Reconfiguration of Land – Boundary Realignment	
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	27 January 2021
Decision Type	Development Permit
Planning 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 Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

Not Applicable.

PROPERTY NOTES

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 will be issued to you as soon as practicable in accordance with Section 119 of the *Planning Act 2016*, if relevant to this development.

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 the Decision Notice, please contact Council's Acting Built Environment Team Leader, Aimee Godfrey on 4776 4658 for the necessary advice.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

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 border="1"><thead><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr></thead><tbody><tr><td>Proposal Reconfiguration</td><td>20-253</td><td>25/11/2020</td></tr></tbody></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	Proposal Reconfiguration	20-253	25/11/2020	At all times.
Plan / Document Name	Number	Date						
Proposal Reconfiguration	20-253	25/11/2020						
3.	<p>Access</p> <p>Physical access to proposed Lot 2 and proposed Lot 3 is to be maintained, and where any works are proposed to improve the standard of access these works must be subject to a relevant road work permit and in accordance with Council's standards.</p>	At all times.						
4.	<p>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>	Prior to Council's endorsement of the formal survey plan.						
5.	<p>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>	Prior to Council's endorsement of the formal survey plan.						
6.	<p>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, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.</p>	At all times.						
7.	<p>Stormwater</p> <p>All stormwater from the property must be directed to a lawful point of discharge or 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>	At all times.						

