



HINCHINBROOK SHIRE COUNCIL

Our Ref: MCU 058/0288

08 March 2018

Hansen Surveys Pty Ltd
27 Palm Terrace
Ingham QLD 4850

Email: gehansen@iprimus.com.au

Dear Sir,

DECISION NOTICE *Planning Act 2016*

In relation to your recent request for reconfiguration of land, Council have assessed your application and it was APPROVED SUBJECT TO CONDITIONS. The decision was made on 27 February 2018.

APPLICATION DETAILS

| | |
|-----------------------|--|
| Application Number: | RC18\0001 |
| Property ID Number: | 101090 and 103166 |
| Applicant Details: | Hansen Surveys Pty Ltd 27 Palm Terrace Ingham QLD 4850 |
| Owner Details: | NA & PJ Cauchi PO Box 464 Ingham QLD 4850 |
| Property Description: | Orient Road, Blackrock Lots 2 & 3 on RP721034, Parish of Trebonne |
| Proposal: | Reconfiguration of Land Rearrangement of Boundaries |
| Level of Assessment: | Code Assessment |



Assessment Benchmarks: Reconfiguring a Lot Code
Flooding & Inundation Code

DEEMED APPROVAL

The application has not deemed to be approved under s.64 of the *Planning Act 2016*.

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 a referral agency (if any) imposed them.

REFERRAL AGENCIES

| Referral Agency and Address | Referral Trigger |
|-----------------------------|------------------|
| N/A | |

PROPERTY NOTES

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

RIGHTS OF APPEAL

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

APPROVAL CURRENCY PERIOD

s.85 of the *Planning Act 2016* indicates when an approval lapses and this section is attached for your information.

APPROVED PLANS & SPECIFICATIONS

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.

FURTHER INFORMATION

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

This approval does not authorise any building work, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land permits.



Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser
Planning & Development Manager

Enclosed: Approved Plans/Documents
 Appeal Rights



NOTICE ABOUT DECISION – STATEMENT OF REASONS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

This Notice is prepared in accordance with s.63(5) and s.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 the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts 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 meanings given them in the *Planning Act 2016*.

REASONS FOR THE DECISION

The proposed development is considered to be consistent with the relevant overall outcomes of the planning scheme, in particular:

- The development does not compromise the long term sustainability of agricultural use, given the proposal will result in rearrangement of boundaries increasing productive cane land and making provision for agricultural diversification on the smaller lot;
- The development will not result in a material change in the way the land is used;
- The development is not considered to result in an incompatible land use intruding on (or compromising) the development and continuation of the primary use of the lots;
- The development will not compromise riparian vegetation and stream bank stability or remnant areas of native vegetation;
- The development provides allotments that facilitate the existing uses at an intensity appropriate to the existing use of the land and local areas; and
- The proposal does not change the existing access arrangements to the allotments.



CONDITIONS OF APPROVAL

| Conditions of Development | | | | | | | | | | | | | | | | | | | |
|---|----------------------|------|-----|----|--------|--------|----------|-----------------|------|-----|----|--------|---------------------------------|--|--|--|--|--|--|
| The conditions of development for this development permit are as follows | | | | | | | | | | | | | | | | | | | |
| Administration | | | | | | | | | | | | | | | | | | | |
| (1) The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:- a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the technical reports; b. The development must unless otherwise stated, be designed, constructed and maintained in accordance with the 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 | | | | | | | | | | | | | | | | | | |
| Currency Period | | | | | | | | | | | | | | | | | | | |
| (2) The currency period applicable to this approval. • Reconfiguration of a Lot – 4 Years until 5 March 2022 | As per condition | | | | | | | | | | | | | | | | | | |
| Approved Plans | | | | | | | | | | | | | | | | | | | |
| (3) The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit: | At all times | | | | | | | | | | | | | | | | | | |
| <table><tr><th colspan="5">Plan / Document Name</th><th>Number</th></tr><tr><td>Proposed</td><td>Reconfiguration</td><td>Lots</td><td>2&3</td><td>on</td><td>171053</td></tr><tr><td colspan="5">RP721034 Orient Road, Blackrock</td><td></td></tr></table> | Plan / Document Name | | | | | Number | Proposed | Reconfiguration | Lots | 2&3 | on | 171053 | RP721034 Orient Road, Blackrock | | | | | | |
| Plan / Document Name | | | | | Number | | | | | | | | | | | | | | |
| Proposed | Reconfiguration | Lots | 2&3 | on | 171053 | | | | | | | | | | | | | | |
| RP721034 Orient Road, Blackrock | | | | | | | | | | | | | | | | | | | |
| (4) Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail. | At all times | | | | | | | | | | | | | | | | | | |
| (5) Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a request for approval of the Survey Plan or within 20 business days of this approval. | As per condition | | | | | | | | | | | | | | | | | | |
| Lawful Point of Discharge | | | | | | | | | | | | | | | | | | | |
| (6) All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer. | At all times | | | | | | | | | | | | | | | | | | |
| (7) That any works as a result of the reconfiguration must not interfere with stormwater flow over or through the land. | | | | | | | | | | | | | | | | | | | |

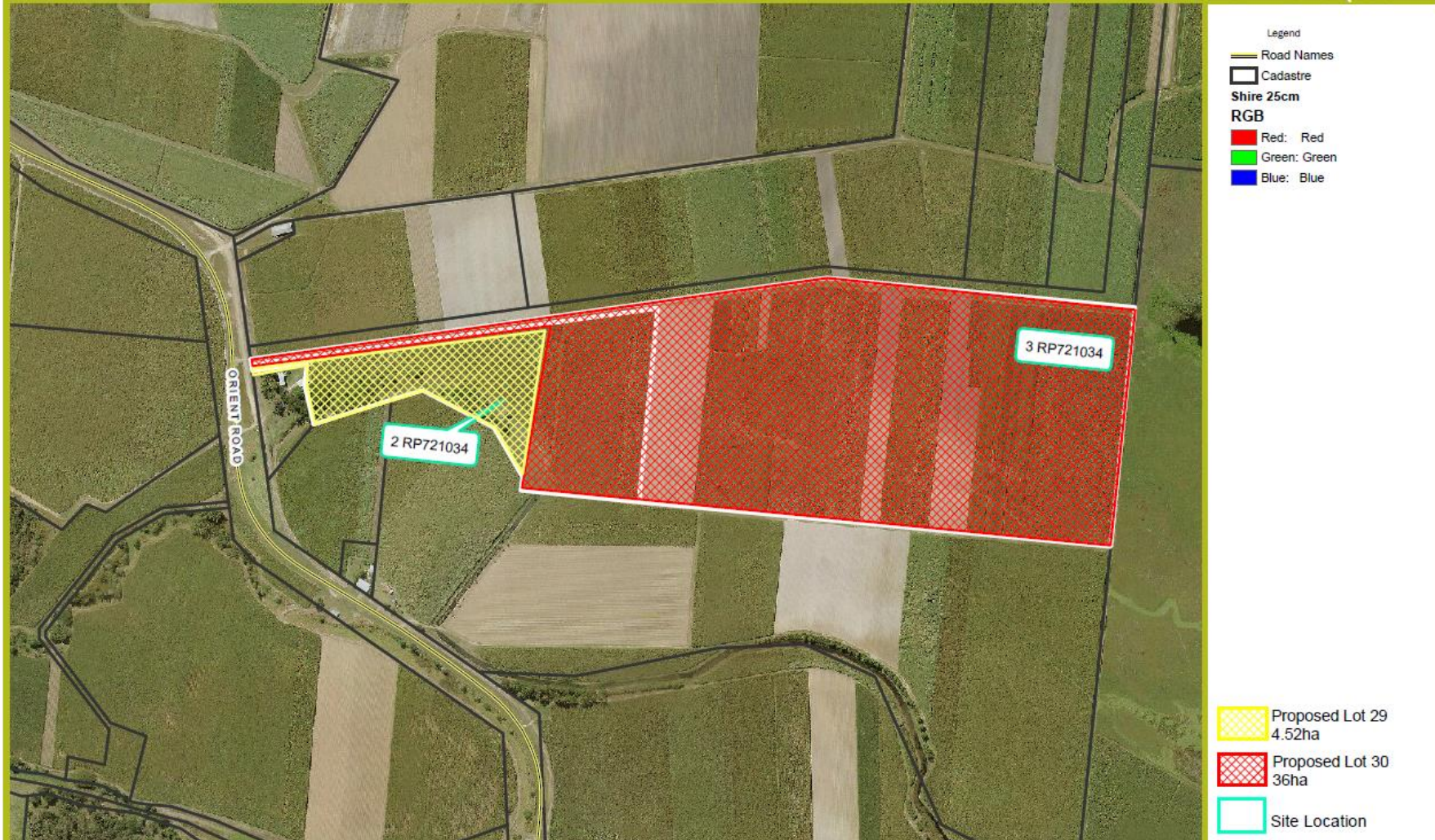


| Existing Creek and Drainage System | | |
|------------------------------------|---|--|
| (8) | All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation, unless consented to in writing by the Chief Executive Officer. | At all times |
| Access | | |
| (9) | The applicant must demonstrate that the existing access to the proposed allotments is located to the confines of the property frontage along the road reserve and provides access to each allotment as per section 5.2.4 of Council’s Vehicle Access Policy. | Prior to the issue of a Compliance Certificate for the Survey Plan |
| (10) | In this instance, one dual rural property access turnout on Orient Road is acceptable, but the applicant must ensure an access road from the turnout is provided to each property frontage. | |
| (11) | If the existing access does not meet the above requirements, access provision must be constructed in accordance with Council’s standard engineering specifications and to the satisfaction of the Chief Executive Officer. | |
| (12) | Future maintenance of all accesses is the responsibility of the landowner. | At all times |
| Existing Services | | |
| (13) | Written confirmation of the location of existing electrical, water, sewer and telecommunication services for the land must be provided by either the applicant or a licensed surveyor. In any instance where existing services are contained within another lot, relocate the services to be contained within each respective lot or to within a reciprocal services easements. | Prior to the issue of a Compliance Certificate for the Survey Plan |
| (14) | Location of services must be detailed on a plan of survey to be submitted to the Council. | |
| Construction and Operations | | |
| (15) | Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage. Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety. | At all times |
| Damage to Infrastructure | | |
| (16) | In the event that any part of Council’s existing sewer, water, channel and kerbing, or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/ owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer’s cost. | At all times |



HINCHINBROOK SHIRE COUNCIL

File Ref: RC18\0001



Data Sources & Acknowledgments

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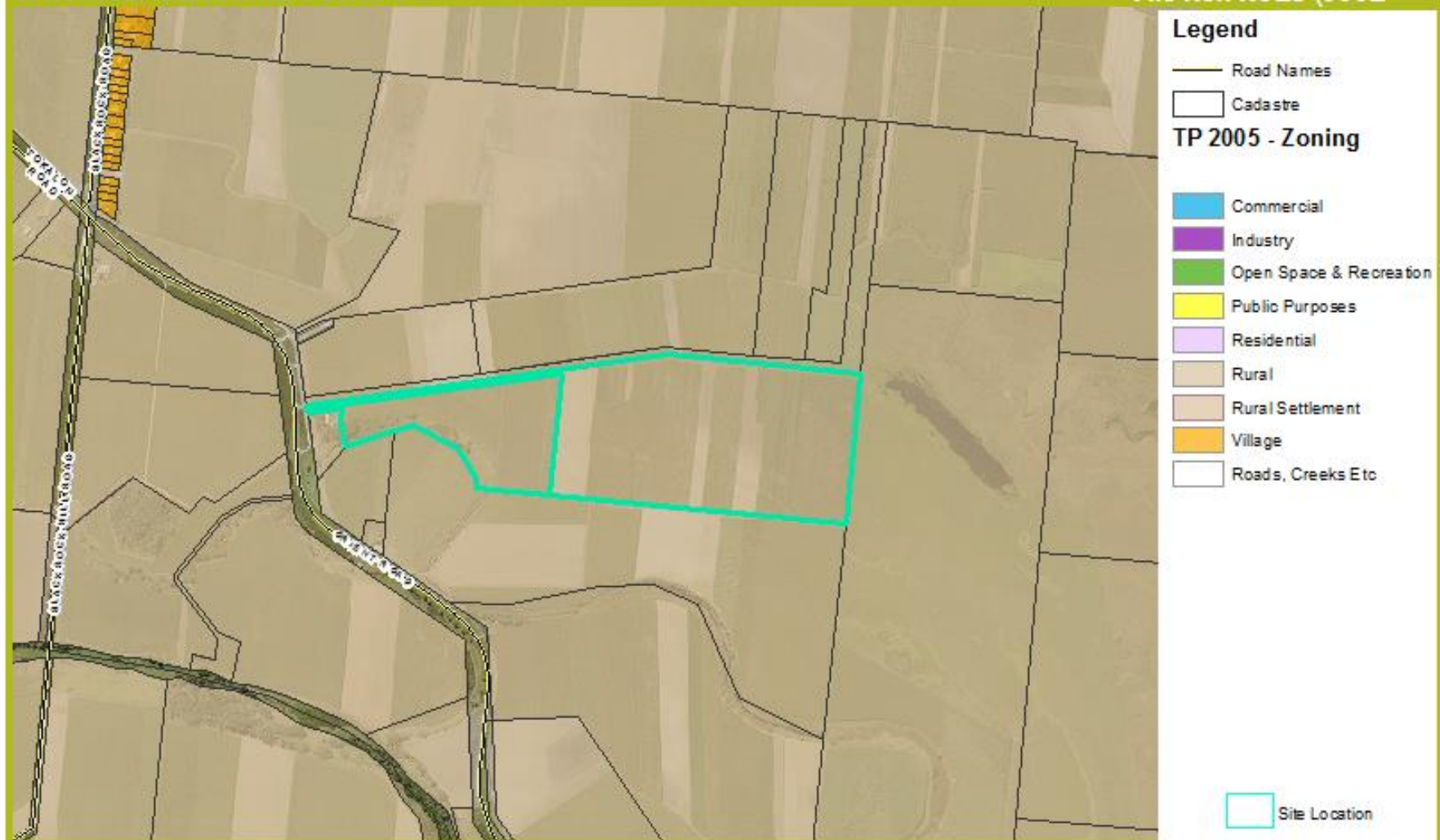
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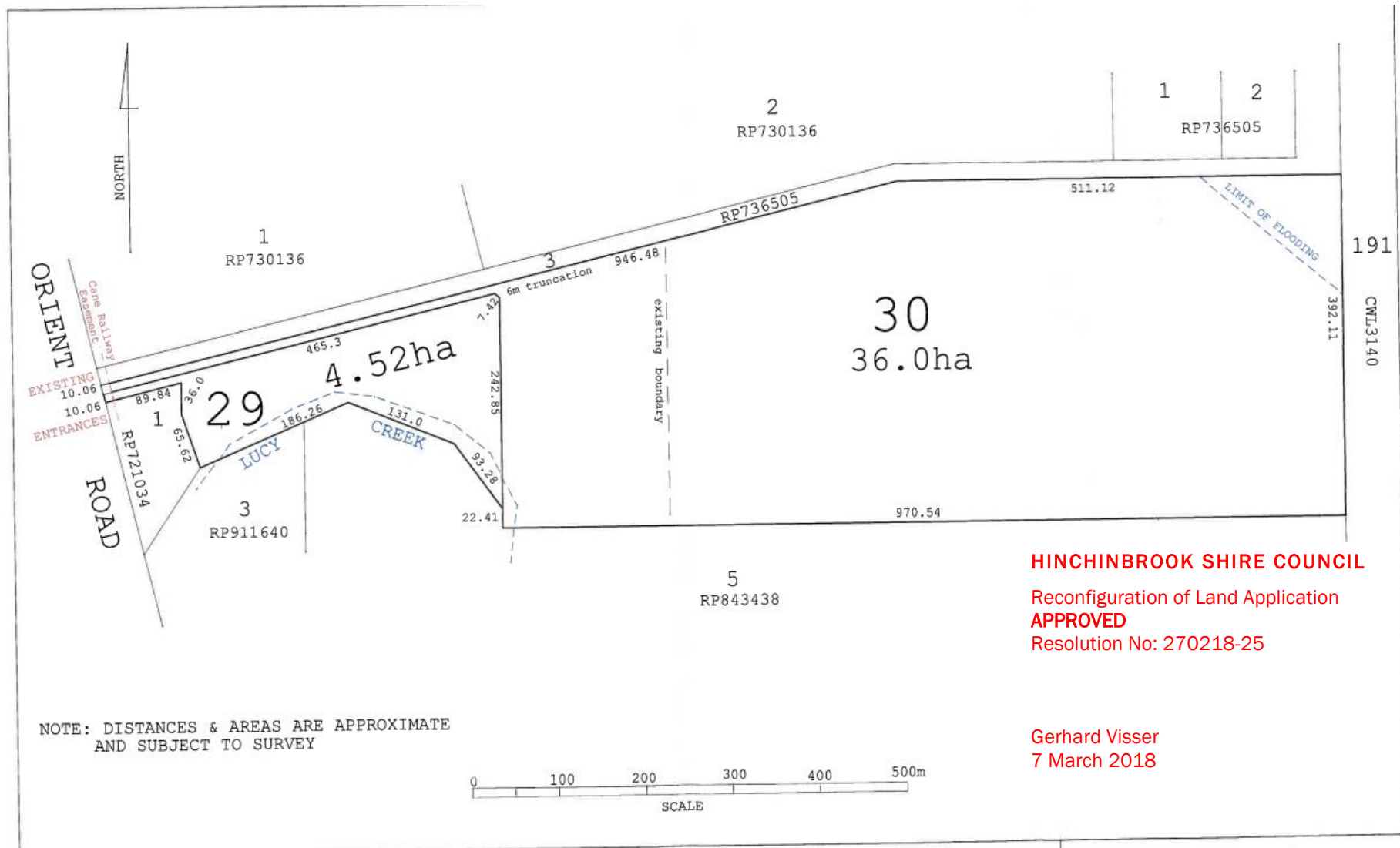
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Application for Reconfiguration of Land - Rearrangement of Boundaries

Path: G:\Sandpitt\HayleyRoy\HAYLEY_APRIL_2017.mxd
Compiled By: Hayley1667 Date: 05/02/2018





HINCHINBROOK SHIRE COUNCIL

Reconfiguration of Land Application

APPROVED

Resolution No: 270218-25

Gerhard Visser

7 March 2018

HANSEN SURVEYS
27 PALM TERRACE
INGHAM QLD 4850
TEL: 04 2916 4683
EMAIL: gehansen@iprimus.com.au

PROPOSED RECONFIGURATION
LOTS 2&3 on RP721034
ORIENT ROAD, BLACKROCK
AUTHORITY : HINCHINBROOK SHIRE COUNCIL

SCALE 1:4000 at A3
DATE: JANUARY 2018
MERIDIAN: RP721034

REF: 171053

APPEAL RIGHTS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

