

Your Ref: 18-183  
Our Ref: RC19\0007

30 January 2020

Wallis Skinner  
PO Box 64  
TREBONNE QLD 4850

wrskinner@bigpond.com

Dear Wally

**Reconfiguring a Lot- Boundary Realignment Three Lots into Three Lots and Easement Creation**  
*Planning Act 2016*

Receipt of your application dated 6 December 2019 seeking a Development Permit for Reconfiguring a Lot - Boundary Realignment Three Lots into Three Lots and Easement Creation, is acknowledged and its contents noted.

Please be advised that your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday, 28 January 2020.

Council resolved to approve the proposed boundary realignment, 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, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decision, 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 Development and Planning Administration Officer, Hayley Roy on 4776 4609 for necessary assistance.

Yours sincerely



Alan Rayment  
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  
HinchinbrookShireCouncil

30 January 2020

### Application Details

Particulars of the development proposal are listed below:

Application Number	RC19\0007
Property ID Number	105392
Applicant Details	Wallis Skinner PO Box 64 TREBONNE QLD 4850
Owner Details	Wallis Skinner and Rhonda Skinner PO Box 64 TREBONNE QLD 4850
Property Description	Abergowrie Road, TREBONNE QLD 4850 Lot 4 on RP720697, Lot 1 on RP712569 and Lot 1 on RP715987
Proposal	Reconfiguring a Lot for Boundary Realignment Three Lots into Three Lots and Easement Creation
Level of Assessment	Code Assessment

### Decision

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application was not a deemed approval under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	28 January 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</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.



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**Referral Agencies**

Not Applicable.

**Property Notes**

Not Applicable.

**Further Approvals Required**

No further approvals are required in association with this Development Permit.

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, infrastructure 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.

**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*).

Appeal by an applicant

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 within Four (4) 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 them in the *Planning Act 2016*.

### **Notice about Decision – Statement of Reasons**

The proposed development is considered to be consistent with the relevant overall outcomes 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 Decision Notice, please contact Council's Development and Planning Administration Officer, Hayley Roy on 4776 4609 for necessary advice.

Yours sincerely



Electronic

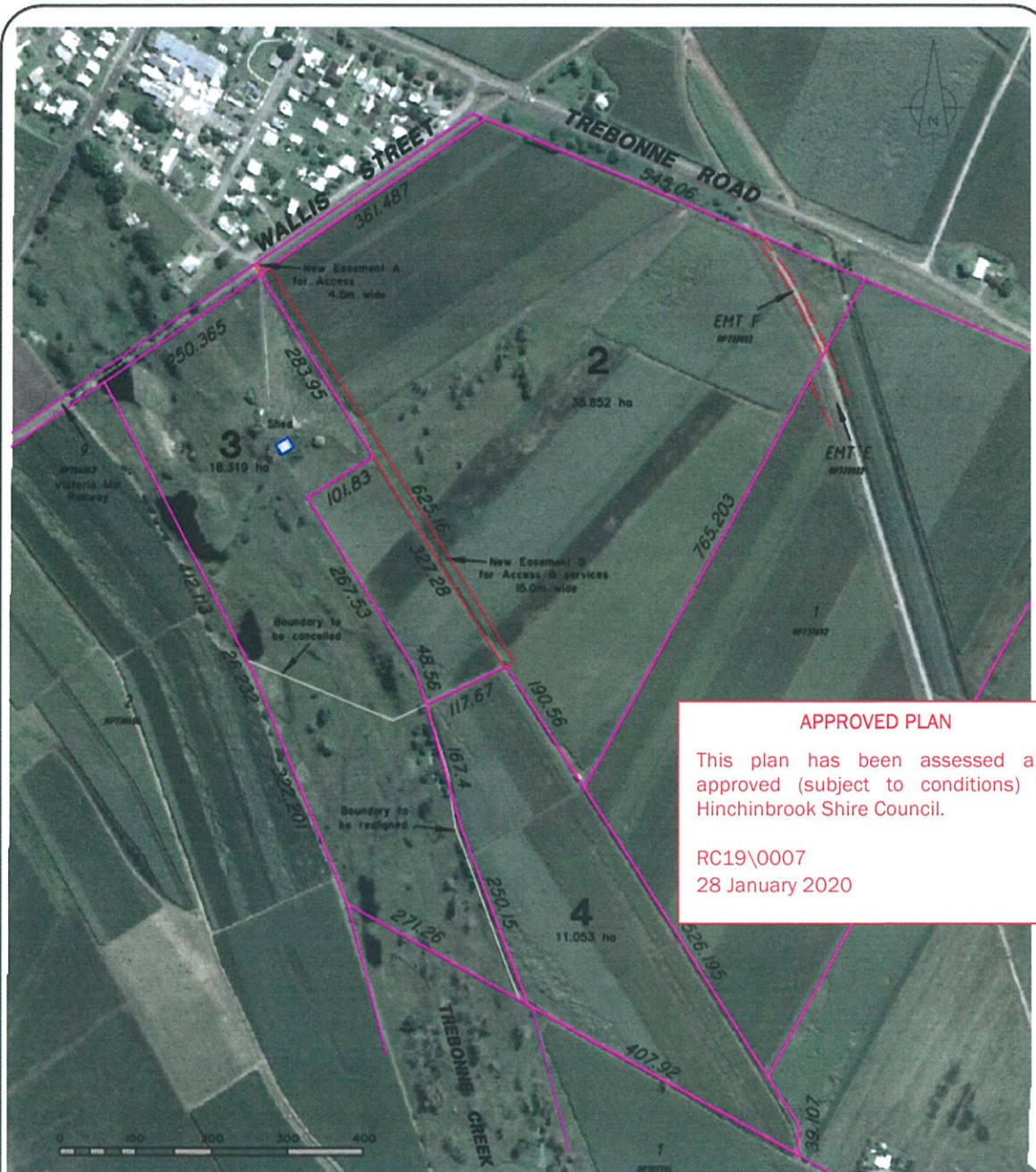
George Milford  
Planning Consultant



CONDITION		TIMING						
(1)	<p><b>Administration</b></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><b>Approved Plans</b></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 Reconfiguration Lots 2-4 &amp; Easement A in Lot 9 on RP706343 &amp; Easement B in Lot 2</td><td>18-183</td><td>17/01/2019</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 Reconfiguration Lots 2-4 & Easement A in Lot 9 on RP706343 & Easement B in Lot 2	18-183	17/01/2019	At all times.
Plan/Document Name	Number	Date						
Proposed Reconfiguration Lots 2-4 & Easement A in Lot 9 on RP706343 & Easement B in Lot 2	18-183	17/01/2019						
(3)	<p><b>Access Easement</b></p> <p>3.1 An access easement (proposed Easement A) to allow pedestrian access, vehicle access and services burdened to Lot 9 on RP706343 and benefitting proposed Lots 2, 3 and 4 is to be provided for lawful access from Wallis Street in accordance with the approved plans; and</p> <p>3.2 An access easement (proposed Easement B) to allow pedestrian access, vehicle access and service connections burdened to proposed Lot 2 and benefitting proposed Lot 3 and 4 is to be provided for lawful access and service provision in accordance with the approved plans.</p>	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 Act 1994</i> .						
(4)	<p><b>Easement B</b></p> <p>Easement B must achieve a minimum frontage of 5 metres where adjoining proposed Lot 4 to allow for adequate access and provision of any future services.</p>	Prior to Council’s endorsement of the formal survey plan.						
(5)	<p><b>Access</b></p> <p>5.1 Access to the lots must be provided from Wallis Street and via Easement A and Easement B; and</p> <p>5.2 Access from Wallis Street must be maintained to Council standards.</p>	At all times.						
(6)	<p><b>Water Supply</b></p> <p>6.1 Proposed Lot 2, 3 and 4 are to be connected to Council’s reticulated water network or provided an on-site water supply.</p>	At all times.						
(7)	<p><b>Existing Services</b></p> <p>Written confirmation of the location of any existing 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 the respective lot or to within a reciprocal services easements.</p>	Prior to Council’s endorsement of the formal survey plan.						

<p><b>(8) Relocation of Utilities</b> 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 formal survey plan.</p>
<p><b>(9) Damage to Infrastructure</b> 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><b>(10) Stormwater</b> 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 in accordance with the Infrastructure, Services and Works Code.</p>	<p>At all times.</p>
<p><b>(11) Electricity Supply</b> An adequate electricity supply standard or renewable energy is to be provided prior to any new development work on any of the proposed lots.</p>	<p>Prior to issuing a development permit for building work (other than a Class 10b structure).</p>





**APPROVED PLAN**

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

RC19\0007  
28 January 2020

This plan was prepared for the purpose and exclusive use of Wally Skinner

to accompany application to  
HINCHINBROOK SHIRE COUNCIL

for approval to rezone/subdivide the land described in this plan. This does not infer in any way that council will approve this subdivision. This plan is not to be used for any other purpose or by any other person or corporation without the written approval of the producer. Atkinson & Booy Surveys accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or the clauses below.

The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.

This plan may not be reproduced unless the above notes are included.

**PROPOSED RECONFIGURATION**  
Lots 2 - 4 &  
Easement A in Lot 9 on RP706343  
& Easement B in Lot 2  
Cancelling Lot 1 on RP712569, Lot 1 on RP715987 &  
Lot 4 on RP720697

CLIENT Wally Skinner	
LOCAL GOVERNMENT HINCHINBROOK SHIRE COUNCIL	DATE 17/1/2019
SURVEYOR REF. 18-183	FIELDBOOK Toughbook
	SCALE 1:5000 @ A3
	DRAWN: IWF

LOCALITY: TREBONNE

**Atkinson & Booy SURVEYS**  
56 Thuringowa Drive, Kirwan QLD 4817  
Phone: (07) 47234885

**CADASTRAL SURVEYS**

P18-183b.dwg

Sheet 1 of 1  
Form 1.4



Reconfiguring a Lot is a development type which triggers infrastructure charges under Council's Adopted Infrastructure Charges Resolution 2018 (AICR) CR1-2018.

In accordance with section 3.2 of CR1-2018 the proposal triggers the adopted charges for reconfiguring a lot. The calculated charge is as reflected hereunder:

ADOPTED INFRASTRUCTURE CHARGE (CR1-2018)				
DEVELOPMENT CHARGE				
RESIDENTIAL DEVELOPMENT				
Column 1	Column 2	Column 3		Column 4
Development Category	Networks	1 or 2 bedroom dwelling	3 or more bedroom dwelling	Unit
Residential	3 (road, stormwater and parks)			
Charge Category		\$2,700.00	\$3,900.00	
Development		-	2	\$7,800
RESIDENTIAL DEVELOPMENT				
Column 1	Column 2	Column 3		Column 4
Development Category	Networks	1 or 2 bedroom dwelling	3 or more bedroom dwelling	Unit
Residential	4 (road, water stormwater and parks)			
Charge Category		\$3,600.00	\$5,200.00	
Development		-	1	\$5,200
Adopted Infrastructure Charge (Residential)				\$13,000
EXISTING DEVELOPMENT CREDIT				
RESIDENTIAL DEVELOPMENT				
Column 1	Column 2	Column 3		Column 4
Development Category	Networks	1 or 2 bedroom dwelling	3 or more bedroom dwelling	Unit
Residential	3 (road, stormwater and parks)			
Charge Category		\$2,700.00	\$3,900.00	
Development		-	2	\$7,800
RESIDENTIAL DEVELOPMENT				
Column 1	Column 2	Column 3		Column 4
Development Category	Networks	1 or 2 bedroom dwelling	3 or more bedroom dwelling	Unit
Residential	4 (road, water stormwater and parks)			
Charge Category		\$3,600.00	\$5,200.00	
Development		-	1	\$5,200
Adopted Infrastructure Charge Credit				\$13,000
NET ADOPTED INFRASTRUCTURE CHARGE CR1-2018				
Gross Charge		Applied Credit		Net Charge
\$13,000		\$13,000		\$0