

Your Ref: 191251
Our Ref: RC19/0008

30 January 2020

Orazia Di Bella, Salvatore Di Bella, Rock Elford and Gabriella Elford
c/- Hansen Surveys
27 Palm Terrace
INGHAM QLD 4850

gehansen@iprimus.com.au

Dear Geoff

Reconfiguring a Lot – Boundary Realignment Two Lots into Two Lots
Planning Act 2016

Receipt of your application dated 19 December 2019 seeking a Development Permit for Reconfiguring a Lot - Boundary Realignment Two Lots into Two Lots, 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 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, 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 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\0008	
Property ID Number	101492;101772	
Applicant Details	Orazia Di Bella, Salvatore Di Bella, Rock Elford and Gabriella Elford c/- Hansen Surveys 27 Palm Terrace INGHAM QLD 4850	
Owner Details	Orazia Di Bella and Salvatore Di Bella PO Box 41 MACKNADE QLD 4850	Rock Elford and Gabriella Elford PO Box 467 NHULUNBUY NT 0880
Property Description	109 Mill Road, MACKNADE QLD 4850 Lot 1 on RP739025 and Lot 2 on RP7065568	
Proposal	Reconfiguring a Lot for Boundary Realignment Two Lots into Two Lots	
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.

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, 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>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>Proposed Boundary Realignment – Lot 2 on RP706568 and Lot 1 on RP739025 109 Mill Road, Macknade</td><td>191251</td><td>December 2019</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	Proposed Boundary Realignment – Lot 2 on RP706568 and Lot 1 on RP739025 109 Mill Road, Macknade	191251	December 2019	At all times.
Plan/Document Name	Number	Date						
Proposed Boundary Realignment – Lot 2 on RP706568 and Lot 1 on RP739025 109 Mill Road, Macknade	191251	December 2019						
(3)	<p>Access</p> <p>3.1 Access driveways to each of the resultant allotments must be provided in accordance with Council’s standard engineering specifications.</p>	Prior to Council’s endorsement of the formal survey plan.						
(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 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.						
(5)	<p>Electricity and Telecommunications</p> <p>The resultant allotments must achieve separate connection to the reticulated electricity and telecommunication networks or evidence provided that suitable arrangements are in place wholly contained within the allotment served.</p>	Prior to Council’s endorsement of the formal survey plan.						
(6)	<p>Water Supply</p> <p>A potable water supply must be provided on each of the resultant allotments with connection to all potable water fixtures or evidenced provided that suitable arrangements are in place wholly contained within the allotment served.</p>	Prior to Council’s endorsement of the formal survey plan.						
(7)	<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.						
(8)	<p>Stormwater</p> <p>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>	At all times.						

