

Your Ref: 191151  
Our Ref: BE:AG RC20\0004

27 May 2020

Nerina Dametto, Sonia Pedersoli, Christopher and Jamie Butler  
c/- Hansen Surveys Pty Ltd  
27 Palm Terrace  
INGHAM QLD 4850

[gehansen@iprimus.com.au](mailto:gehansen@iprimus.com.au)

Dear Geoff

**Decision Notice – Reconfiguring a Lot (Access Easements)**  
*Planning Act 2016*

Receipt of your application deemed to be properly made on Tuesday 28 April 2020 seeking a Development Permit for Reconfiguring a Lot to facilitate access easements at 11 and 13 John Dory Street Taylors Beach, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered at Council's General Meeting held on Tuesday 26 May 2020.

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's condition of approval, 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.

Please note, this approval will lapse in four years' time on Monday 27 May 2024 if it is not acted upon.

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



Alan Rayment  
Chief Executive Officer

Encl - Decision Notice



25 Lannercost Street  
INGHAM QLD 4850



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4776 4600  
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HinchinbrookShireCouncil

27 May 2020

# DECISION NOTICE

## SECTION 63 OF PLANNING ACT 2016

### APPLICATION DETAILS

This Decision Notice relates to the below development application:

Application Number	RC20\0004	
Property ID Number	101828 105732	
Applicant Details	Nerina Dametto, Sonia Pedersoli, Christopher and Jamie Butler C/- Hansen Surveys 27 Palm Terrace INGHAM QLD 4850	
Owner Details	Christopher and Jamie Butler 931 Stone River Road UPPER STONE QLD 4850	Nerina Dametto and Sonia Pedersoli MS 154 667 Hawkins Creek Road INGHAM QLD 4850
Property Description	11 and 13 John Dory Street Taylors Beach Lot 104 and 105 on T8582	
Proposal	Reconfiguring a Lot (Access Easements)	
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 <b>approved</b> subject to conditions.
Decision Date	26 May 2020
Decision Type	Development Permit
Planning Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	This 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) impose 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 this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for necessary assistance.

Yours sincerely



Electronic

George Milford  
Planning Consultant

## SCHEDULE OF CONDITIONS

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 Access Easements prepared by Hansen Surveys</td><td>191151</td><td>November 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 Access Easements prepared by Hansen Surveys	191151	November 2019	At all times.
Plan / Document Name	Number	Date						
Proposed Access Easements prepared by Hansen Surveys	191151	November 2019						
3.	<p><b>Access Easements</b></p> <p>3.1 An access easement (proposed Easement A) to allow pedestrian and vehicle access burdened to Lot 105 on T8582 and benefitting Lot 104 on T8582.</p> <p>3.2 An access easement (proposed Easement B) to allow pedestrian and vehicle access burdened to Lot 104 on T8582 and benefitting Lot 105 on T8582.</p> <p>3.3 The access easement is not to be used for the provision of services and all services are to be provided within the respective allotments, unless otherwise approved by Council.</p> <p>3.4 Each access easement must be maintained in a clear and tidy condition to ensure safe and efficient vehicle circulation at all times.</p>	Easement documents are to be provided to Council for endorsement at the time of lodgement of the survey plan and registered in accordance with the <i>Land Act 1994</i> .						
4.	<p><b>Existing Services</b></p> <p>4.1 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> <p>4.2 Any existing on-site wastewater treatment system contained within the proposed easement must be removed and relocated to an alternative on-site location and contained wholly within the allotment, unless otherwise approved by Council.</p>	Prior to Council's endorsement of the formal survey plan.						



CONDITION	TIMING
<p><b>5. 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 or operation of the access easement, 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.
<p><b>6. Stormwater</b></p> <p>6.1 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> <p>6.2 The access easement must be maintained in manner that ensures that the lawful discharge of stormwater from the lands is not altered or impeded as per pre-existing conditions.</p>	At all times.
<p><b>7. 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>	Prior to Council's endorsement of the formal survey plan.

## APPROVED PLANS

