



Your Ref: Reconfiguring a Lot – Rearrangement of Boundaries
Our Ref: PC:VR RC22\0005

20 December 2022

Mr Geoff Hansen
Hansen Surveys Pty Ltd
27 Palm Terrace
INGHAM QLD 4850

gehansen@iprimus.com.au

Dear Mr Hansen

Decision Notice

Reconfiguring a Lot – Subdivision (One Lot into Two Lots) and Access Easement
218 El Almein Road, Abergowrie – Lot 88 on CWL2321
Planning Act 2016

Receipt of your application deemed to be properly made on Monday 14 March 2022, for Reconfiguring a Lot – Subdivision (One Lot into Two Lots) and Access Easement at 218 El Almein Road, Abergowrie, is acknowledged and its contents noted.

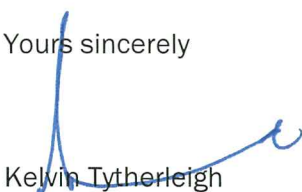
Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 13 December 2022.

Council resolved to approve the proposed Reconfiguring a Lot – Subdivision (One Lot into Two Lots) and Access Easement on land located at 218 El Almein Road, Abergowrie, formally known as Lot 88 on CWL2321, subject to conditions.

This Notice outlines aspects of the development's condition of approval, currency period, approved plans, referral agency response 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 Planning and Development Coordinator, Aimee Godfrey on 4776 4600 for the necessary assistance.

Yours sincerely


Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice



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HinchinbrookShireCouncil



DECISION NOTICE

RC22\0005

14 December 2022

SECTION 83 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC22\0005
Property ID Number	102585
Applicant Details	Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Robert and Margaret Carey PO Box 1012 INGHAM QLD 4850
Property Description	218 El Almein Road, Abergowrie – Lot 88 on CWL2321
Proposal	Subdivision (One Lot into Two Lots) and Access Easement
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	13 December 2022
Decision Type	Development Permit
Assessment Instrument	Hinchinbrook Shire Planning Scheme 2017
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 Conditions of Approval. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

No Referral Agencies apply to this development application.

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

No Infrastructure Charges apply to this development application, as no new lots are created.

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 Planning and Development Coordinator, Aimee Godfrey on 4776 4600 for the necessary assistance.

CONDITION	TIMING						
1. Administration The applicant is responsible to ensure the approved development is carried out and complies with the following relevant requirements: a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; b. The development must, unless stated, be designed, constructed and maintained in accordance with 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.						
2. Approved Plans a. 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 <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Proposed Reconfiguration Lot 88 on CWL2321</td><td>210862/A</td><td>July 2022</td></tr></table> b. 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.	Plan / Document Name	Number	Date	Proposed Reconfiguration Lot 88 on CWL2321	210862/A	July 2022	At all times.
Plan / Document Name	Number	Date					
Proposed Reconfiguration Lot 88 on CWL2321	210862/A	July 2022					
3. Water Supply and Sewerage Reticulation Any new and existing water supply and sewerage reticulation provisions are to be installed and maintained at no cost to Council, and must be wholly contained within each allotment/s.	At all times.						
4. Confirmation of Existing Services Written confirmation of the location of any existing services for the land must be provided by either the applicant or licensed surveyor. The existing services for each lot must be contained within the individual allotments. Any existing water meters must be contained within the individual lot which they service, at the property road frontage. Where the development does not allow existing services to be contained within the individual lot, then such services must be relocated or easement obtained. Such easements must be registered in accordance with the <i>Land Title Act 1994</i>, in conjunction with registration of the Plan of Survey.	Prior to Council’s endorsement of the survey plan.						
5. Relocation of Utilities 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.	Prior to Council’s endorsement of the survey plan.						
6. Damage to Infrastructure 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.	At all times.						



CONDITIONS OF APPROVAL

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CONDITION	TIMING
7. Access Any new access driveway and crossover from the existing edge of the formed road to the property boundary, must be constructed in accordance with relevant standards. An application for a Roadworks Permit for work in the road reserve must be submitted and approved by Council prior to the commencement of work.	At all times.
8. Access Easement The Access Easement area must: a. Be kept clean, tidy and maintained; b. Not be utilised for storage purposes; and c. Must not be utilised as standing area.	At all times.



