



Your Ref: RC23\0011  
Our Ref: BE:VA

25 October 2023

Mr Geoff Hansen  
Hansen Surveys  
27 Palm Terrace  
INGHAM QLD 4850

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

Dear Geoff

#### Decision Notice

Reconfiguration of Land – Rearrangement of Boundaries (Three Lots into Three Lots)  
292 and 294 Sachs Lane Foresthome – Lots 1 and 2 on RP721903 and Lot 1 on RP706586  
*Planning Act 2016*

Receipt of your application deemed to be properly made on Thursday 3 August 2023, for Reconfiguration of Land – Rearrangement of Boundaries (Three Lots into Three Lots) at the above-mentioned land, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 24 October 2023.

Council resolved to approve the proposed Reconfiguring a Lot – Rearrangement of Boundaries (Three Lots into Three Lots) on land located at 292 and 294 Sachs Lane Foresthome, formally known as Lot 1 and Lot 2 on RP721903 and Lot 1 on RP706586, subject to conditions as set out in the attached Decision Notice.

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 Team on 4776 4600 for the necessary assistance.

Yours sincerely

Michelle Webster  
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](mailto:council@hinchinbrook.qld.gov.au)  
HinchinbrookShireCouncil





25 October 2023

SECTION 83 OF *PLANNING ACT 2016***APPLICATION DETAILS**

This Decision Notice relates to the below Development Application:

|                      |                                                                                      |
|----------------------|--------------------------------------------------------------------------------------|
| Application Number   | RC23\0011                                                                            |
| Property ID Number   | 101981                                                                               |
| Applicant Details    | Mr Geoff Hansen<br>Hansen Surveys<br>27 Palm Terrace<br>INGHAM QLD 4850              |
| Owner Details        | Angelina Lyon<br>88 Lannercost Street<br>INGHAM QLD 4850                             |
| Property Description | 292 and 294 Sachs Lane Foresthome<br>Lots 1 and 2 on RP721903 and Lot 1 on RP706586  |
| Proposal             | Reconfiguration of Land: Rearrangement of Boundaries<br>(Three Lots into Three Lots) |
| 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         | 24 October 2023                                                                                    |
| 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

Department of State Development, Manufacturing, Infrastructure and Planning  
PO Box 5666  
TOWNSVILLE QLD 4810

Pursuant to Section 56 of the *Planning Act 2016*, SARA advises that it has no objection to Hinchinbrook Shire Council issuing a Development Permit for Reconfiguration of Land – Subdivision (One Lot into Six Lots), subject to the conditions, as attached.

## 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 the Development Application.

## 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*.

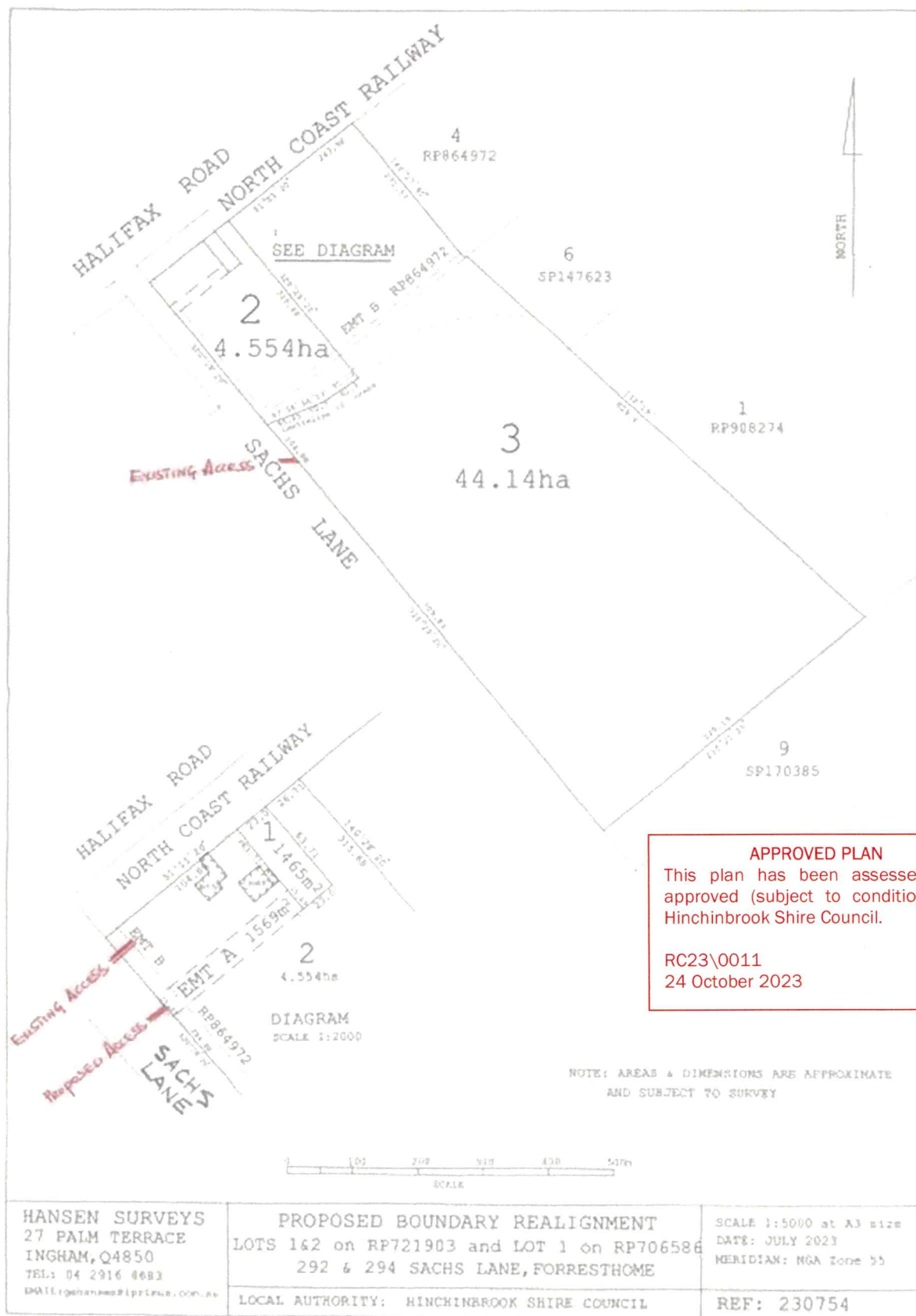
The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

- 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 Team on 4776 4600 for the necessary assistance

| CONDITION                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | TIMING                                                                                                                                                                          |        |      |                                                                                                                |        |           |               |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------|----------------------------------------------------------------------------------------------------------------|--------|-----------|---------------|
| 1.                                                                                                             | <p><b>Administration</b></p> <p>The applicant is responsible to ensure the approved development is carried out and complies with the following relevant requirements:</p> <p>(a) 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>(b) The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>(c) 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>(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</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Proposed Boundary Realignment Lots 1 and 2 on RP721903 and Lot 1 on RP706586 292 &amp; 294 SACHS LANE, FORRESTHOME</td><td>230754</td><td>July 2023</td></tr></table> <p>(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.</p>                                                                            | Plan / Document Name                                                                                                                                                            | Number | Date | Proposed Boundary Realignment Lots 1 and 2 on RP721903 and Lot 1 on RP706586 292 & 294 SACHS LANE, FORRESTHOME | 230754 | July 2023 | At all times. |
| Plan / Document Name                                                                                           | Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Date                                                                                                                                                                            |        |      |                                                                                                                |        |           |               |
| Proposed Boundary Realignment Lots 1 and 2 on RP721903 and Lot 1 on RP706586 292 & 294 SACHS LANE, FORRESTHOME | 230754                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | July 2023                                                                                                                                                                       |        |      |                                                                                                                |        |           |               |
| 3.                                                                                                             | <p><b>Access Easement</b></p> <p>(a) Existing Access Easement A on RP721903 is to be amended and provided generally in accordance with the approved plans referenced in Condition 2; and</p> <p>(b) The Access Easement must be maintained in a clear and tidy condition to ensure safe and efficient vehicle manoeuvrability 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 Title Act 1994</i> . |        |      |                                                                                                                |        |           |               |
| 4.                                                                                                             | <p><b>Water Supply and Wastewater Treatment</b></p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | At all times.                                                                                                                                                                   |        |      |                                                                                                                |        |           |               |
| 5.                                                                                                             | <p><b>Electricity and Telecommunications</b></p> <p>Electricity and telecommunications must be provided to each allotment, at no cost to Council.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | At all times.                                                                                                                                                                   |        |      |                                                                                                                |        |           |               |
| 6.                                                                                                             | <p><b>Confirmation of 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 licensed surveyor.</p> <p>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, at no cost to Council.</p> <p>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.</p> | Prior to Council’s endorsement of the survey plan.                                                                                                                              |        |      |                                                                                                                |        |           |               |

| CONDITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | TIMING                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <p>7. <b>Relocation of Utilities</b><br/>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 survey plan. |
| <p>8. <b>Damage to Infrastructure</b><br/>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.                                      |
| <p>9. <b>Access</b><br/>Each allotment must have a lawful point of access to a nominated road frontage. 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.<br/><br/>Any construction works associated with the access and driveway arrangements to the property from the road reserve is subject to a Private Works in a Road Reserve Application and approval, which must be submitted and approved by Council prior to the commencement of work.</p> | Prior to Council's endorsement of the survey plan. |





## REFERRAL AGENCY RESPONSE

RC23\0011

RA6-N



SARA reference: 2309-36584 SRA  
Council reference: RC23\0011  
Applicant reference: 230754

9 October 2023

Chief Executive Officer  
Hinchinbrook Shire Council  
PO Box 366  
Ingham QLD 4850  
council@hinchinbrook.qld.gov.au

Attention: Planning and Development Team

Dear Sir/Madam

### SARA referral agency response—292 & 294 Sachs Lane, Foresthorne

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 7 September 2023.

#### Response

|                   |                                                                                   |
|-------------------|-----------------------------------------------------------------------------------|
| Outcome:          | Referral agency response – with condition                                         |
| Date of response: | 9 October 2023                                                                    |
| Condition:        | The condition in <b>Attachment 1</b> must be attached to any development approval |
| Advice:           | Advice to the applicant is in <b>Attachment 2</b>                                 |
| Reasons:          | The reasons for the referral agency response are in <b>Attachment 3</b>           |

#### Development details

|               |                                                                                                                                    |                                                                                                |
|---------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Description:  | Development permit                                                                                                                 | Reconfiguration of Land - Rearrangement of Boundaries (3 lots into 3 lots and access easement) |
| SARA role:    | Referral agency                                                                                                                    |                                                                                                |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot within 25m of a railway (Planning Regulation |                                                                                                |

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North and North West regional office  
Level 4, 445 Flinders Street, Townsville  
PO Box 5666, Townsville QLD 4810

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2309-36584 SRA

2017)  
Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 –  
Reconfiguring a lot within 100m of a state-controlled road  
intersection (Planning Regulation 2017)

SARA reference: 2309-36584 SRA

Assessment manager: Hinchinbrook Shire Council

Street address: 292 & 294 Sachs Lane, Foresthome

Real property description: Lot 1 on RP706586 and Lots 1 & 2 on RP721903

Applicant name: Hansen Surveys

Applicant contact details: 27 Palm Terrace  
Ingham QLD 4850  
gehansen@iprimus.com.au

*Human Rights Act 2019*  
considerations: A consideration of the 23 fundamental human rights protected under  
the *Human Rights Act 2019* has been undertaken as part of this  
decision. It has been determined that this decision does not limit  
human rights.

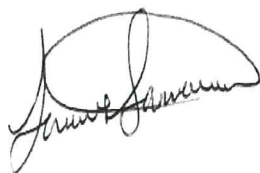
## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Helena Xu, Senior Planning Officer, on 07 3452 6724 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes  
A/Manager (Planning)

cc Hansen Surveys, gehansen@iprimus.com.au

enc Attachment 1 - Referral agency condition  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions

2309-36584 SRA

## Attachment 1—Referral agency condition

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

| No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Condition timing |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Boundary Realignment – 3 lots into 3 lots with an access easement</b>                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |
| 10.9.4.2.1.1—Reconfiguring a lot within 25m of a railway and 10.9.4.2.3.1—Reconfiguring a lot within 100m of a state-controlled road intersection—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s): |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |
| 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The stormwater and flooding management of the development must not cause worsening to the operating performance of the railway corridor such that any works on the land must not:</p> <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the railway corridor;</li> <li>(ii) concentrate or increase the velocity of flows to the railway corridor;</li> <li>(iii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor;</li> <li>(iv) surcharge any existing culvert or drain on the railway corridor;</li> <li>(v) reduce the quality of stormwater discharge onto the railway corridor;</li> <li>(vi) impede or interfere with overland flow and/or hydraulic conveyance on the railway corridor; and</li> <li>(vii) reduce the floodplain immunity of the railway corridor.</li> </ul> | At all times     |

2309-36584 SRA

**Attachment 2—Advice to the applicant**

| General advice |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.             | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2.             | <p><b>Works on or interfering with a railway</b></p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>Please be advised that this referral agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact the Queensland Rail at <a href="mailto:QRPropertyWayleaves@qr.com.au">QRPropertyWayleaves@qr.com.au</a> in relation to the above.</p> |

2309-36584 SRA

### Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

**The reasons for the SARA's decision are:**

The proposed development is considered to achieve the relevant assessment benchmarks of State code 1: Development in a state-controlled road environment of SDAP. Specifically the development

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled road
- does not adversely impact the function and efficiency of state-controlled road.

The proposed development is considered to achieve the relevant assessment benchmarks of State code 2: Development in a railway environment of SDAP. Specifically the development

- does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
- does not compromise the operating performance of railway corridors.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

### Attachment 4—Representations about a referral agency response provisions

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