



Your Ref: Reconfiguring a Lot – Boundary Realignment
Our Ref: AG:HR RC22\0006

28 April 2022

Ms Tania Black
Tobin King Lateef Lawyers
GPO Box 713
BRISBANE QLD 4001

tblack@tobinking.com.au

Dear Tania

Decision Notice
Reconfiguration of Land – Reconfiguring a Lot for Access Easement
Long Pocket Road Long Pocket – Lot 2 on RP705198
Planning Act 2016

Receipt of your application deemed to be properly made on Wednesday 23 March 2022, seeking a Development Permit for Reconfiguration of Land – Access Easement at the aforementioned premises, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 26 April 2022.

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'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 Acting Built Environment Support Officer, Hayley Roy on 4776 4600 for the necessary assistance.

Yours sincerely

Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice



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INGHAM QLD 4850



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28 April 2022

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

This Decision Notice relates to the below Development Application:

Application Number	RC22\0006
Property ID Number	100869
Applicant Details	Wilmar Sugar (Herbert) Pty Ltd c/- Tobin King Lateef Lawyers GPO Box 713 BRISBANE QLD 4001
Owner Details	Wilmar Sugar (Herbert) Pty Ltd PO Box 642 TOWNSVILLE QLD 4810
Property Description	Long Pocket Road Long Pocket Qld 4850 Lot 2 on RP705198
Proposal	Reconfiguration of Land – Access Easement
Level of Assessment	Code Assessment

DECISIONThe 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	26 April 2022
Decision Type	Development Permit
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
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

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

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 Acting Built Environment Support Officer, Hayley Roy 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: 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; 1.2 The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and 1.3 The Conditions of Approval, the requirements of Council's Planning Scheme and best practice engineering.	At all times.						
2. Approved Plans 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 <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Plan of Easement A in Lot 2 on RP705198</td><td>SP324927</td><td>21/08/2021</td></tr></table> 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.	Plan / Document Name	Number	Date	Plan of Easement A in Lot 2 on RP705198	SP324927	21/08/2021	At all times.
Plan / Document Name	Number	Date					
Plan of Easement A in Lot 2 on RP705198	SP324927	21/08/2021					
3. Access Easements 3.1 An Access Easement to allow pedestrian and vehicle access burdening Lot 2 on RP705198 and benefitting Lot 2 on RP708287. 3.2 The Access Easement must be maintained in a clear and tidy condition to ensure safe and efficient vehicle circulation at all times. 3.3 The Access Easement must be kept clear at all times to ensure it does not impede on Wilmar Sugar (Herbert) Pty Ltd operations or functions.	Prior to Council's endorsement of the survey plan.						
4. 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.						
5. Access Installation Any future access construction or installation within the easement area is the responsibility of the landowner to which the easement benefits and not the responsibility of Council.	At all times.						

