

Your Ref:
Our Ref: BE:HR RC24-0005

28 May 2024

Frances Venturato
661 Four Mile Road
BRAEMEADOWS QLD 4850

fventurato@bigpond.com

Dear Mrs Venturato

Decision Notice – Reconfiguration of Land – Boundary Realignment and Easements
Four Mile Road Braemeadows – Lots 3-4 on SP211126, Lot 1 on RP730055 and Lot 197 on CWL385
Planning Act 2016

Receipt of your application, deemed to be properly made on Friday 19 April 2024, for Reconfiguration of Land – Boundary Realignment (4 Lots into 4 Lots) and Easements at the above-mentioned land, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered under Instrument of Delegation Thursday 23 May 2024.

Council resolved to approve the proposed Reconfiguring a Lot – Boundary Realignment and Easements on land located along Four Mile Road, Braemeadows, formally known as Lots 3 & 4 on SP211126, Lot 1 on RP730055 and Lot 197 on CWL385, 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



Brett Exelby
Director Corporate and Community Services

Encl - Decision Notice



25 Lannercost Street
INGHAM QLD 4850



ABN

PO Box 366 INGHAM QLD 4850
46 291 971 168



4776 4600
4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil



28 May 2024

SECTION 83 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC24-0005	
Property ID Number	107449 107450 101140	
Applicant Details	Frances Venturato 661 Four Mile Road BRAEMEADOWS QLD 4850	
Owner Details	Albert Angelo Venturato Frances Doreen Venturato 661 Four Mile Road BRAEMEADOWS QLD 4850	Matthew Venturato 649 Four Mile Road BRAEMEADOWS QLD 4850
Property Description	Four Mile Road, Braemeadows Lot 3 and Lot 4 on SP211126, Lot 1 on RP730055 and Lot 197 on CWL385	
Proposal	Reconfiguration of Land – Boundary Realignment (4 Lots into 4 Lots) and 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 approved subject to conditions.
Decision Date	Tuesday 28 May 2024
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 referrals apply to the 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 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 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. 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 Access Reconfiguration Lots 1 -4 and Easements A-C Cancelling Lot 1 on RP730055, Lot 197 on CWL385 and Lots 3 & 4 on SP211126</td><td>P24-078b.dwg</td><td>16/4/2024</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 Access Reconfiguration Lots 1 -4 and Easements A-C Cancelling Lot 1 on RP730055, Lot 197 on CWL385 and Lots 3 & 4 on SP211126	P24-078b.dwg	16/4/2024	At all times.
Plan / Document Name	Number	Date					
Proposed Access Reconfiguration Lots 1 -4 and Easements A-C Cancelling Lot 1 on RP730055, Lot 197 on CWL385 and Lots 3 & 4 on SP211126	P24-078b.dwg	16/4/2024					
3. Access Easement Prepare for lodgement for registration at the Department of Resources (Titles Registry) the following Access Easements, as identified on the Approved Plan(s) – Proposed Access Rearrangement, at no cost to Council: (a) A reciprocal 5m wide, 1918m² long Access Easement over the existing cane headland in favour of Lot 3, over Lot 2 as shown as EMT A on the approval plan(s) of development; (b) A 10m wide, 4780m² long Drainage Easement over the existing drain in favour of Lots 2 and 3, over Lot 3 as shown as EMT B on the approval plan(s) of development.; and (c) A reciprocal 5m wide 1036m² long Access Easement over the existing driveway and cane headland in favour of Lot 2, over Lot 3 as shown as EMT C on the approval plan(s) of development. A copy of the easement documents must be submitted to Council for endorsement at no cost to Council.	Prior to Council's endorsement of the survey plan.						

CONDITION	TIMING
4. Easements or Relocation of Services 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. 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.
5. 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.



This plan was prepared for the purpose and exclusive use of Frances Venturato to accompany application to HINCHINBROOK SHIRE COUNCIL for approval to rezone/subdivide the land described in this plan. This does not infer in any way that council will approve this subdivision. This plan is not to be used for any other purpose or by any other person or corporation without the written approval of the producer. Atkinson & Surveys accepts no

PROPOSED RECONFIGURATION

**Lots 1-4
& Easements A-C**

Cancelling Lot 1 on RP730055, Lot 197 on CWL385,
Lots 3 & 4 on SP211126

CLIENT

VENTURATO

LOCAL GOVERNMENT

HINCHINBROOK SHIRE COUNCIL

DATE

16/4/2024

MAP REF:

B160-13444

FILE

N/A

SCALE

AS SHOWN @ A3

SURVEYOR REF:

24-078

FIELDBOOK

N/A

DRAWN:

IBF

LOCALITY: BRAEMEADOWS

Atkinson
SURVEYS

33 Castlemaine St, Kiraiah QLD 4817
Phone: (07) 47234885

CADASTRAL SURVEYS

P24-078b.dwg

Sheet 1 of 1

Form 1.4

APPROVED PLAN
This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

RC24-0005
28 May 2024