

Your Ref:
Our Ref: BE:HR RC24-0008

22 July 2024

Lenette Gilbert
As Personal Representative for Ross Buonaccorso
PO Box 1364
INGHAM QLD 4850

wlgilbert4@bigpond.com

Dear Lenette

Decision Notice

RC24-0008 Reconfiguring a Lot (Boundary Realignment) – 2 Lots into 2 Lots
22 Fulton Drive, Bemerside – Lot 3 on RP709351 and Lot 26 on RP705331
Planning Act 2016

Receipt of your application, deemed to be properly made on Wednesday 19 June 2024, for Reconfiguration of Land – Boundary Realignment at the above-mentioned land, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered under Instrument of Delegation Monday 15 July 2024.

Council resolved to approve the proposed Reconfiguring a Lot – Boundary Realignment on land located at 22 Fulton Drive, Bemerside, formally known as Lot 3 on RP709351 and Lot 26 on RP735331, 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



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HinchinbrookShireCouncil

22 July 2024

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

This Decision Notice relates to the below Development Application:

Application Number	RC24-0008
Property ID Number	100078
Applicant Details	Lenette Gilbert As Personal Representative for Ross Buonaccorso PO Box 1364 INGHAM QLD 4850
Owner Details	Lenette Gilbert As Personal Representative for Ross Buonaccorso PO Box 1364 INGHAM QLD 4850
Property Description	22 Fulton Drive, Bemerside QLD 4850 Lot 3 on RP709351 and Lot 26 on RP705331
Proposal	Reconfiguration of Land – Boundary Realignment
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	Monday 15 July 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

Infrastructure Charges DO NOT 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 Boundary Rearrangement Lot 3 on RP709351 and Lot 26 on RP705332 22 Fulton Drive, Bemerside</td><td>240454</td><td>April 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 Boundary Rearrangement Lot 3 on RP709351 and Lot 26 on RP705332 22 Fulton Drive, Bemerside	240454	April 2024	At all times.
Plan / Document Name	Number	Date						
Proposed Boundary Rearrangement Lot 3 on RP709351 and Lot 26 on RP705332 22 Fulton Drive, Bemerside	240454	April 2024						
3.	Water Supply and Wastewater Treatment 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.	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.	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.						

CONDITION	TIMING
6. Access 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. 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.	Prior to Council's endorsement of the survey plan.



