

Your Ref:
Our Ref: PC:HR RC24-0014

19 December 2024

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

gehansen@iprimus.com.au

Dear Mr Hansen

Decision Notice for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots)
72 Davidson Street and 50 McIlwraith Street Ingham – Lot 7 and Lot 8 on RP700457
Planning Act 2016

Receipt of your application, deemed to be properly made on Monday 14 October 2024, for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) at the above-mentioned land, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered under Instrument of Delegation on Tuesday 17 December 2024.

Council resolved to approve the proposed Reconfiguring a Lot – Boundary Realignment on land located at 72 Davidson Street and 50 McIlwraith Street, Ingham formally known as Lot 7 and Lot 8 on RP700457, 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



Paul Cohen
Development and Regulatory Services Manager

Encl - Decision Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
ABN 46 291 971 168



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4776 3233



council@hinchinbrook.qld.gov.au
HinchinbrookShireCouncil



19 December 2024

SECTION 83 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC24-0014
Property ID Number	101387 and 105304
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Eleanor J Pelleri PO Box 350 INGHAM QLD 4850
Property Description	72 Davidson Street and 50 McIlwraith Street, Ingham Lot 7 and Lot 8 on RP700457
Proposal	Reconfiguring a Lot – Boundary Realignment (Two Lots into Two 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	Tuesday 17 December 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 this 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.

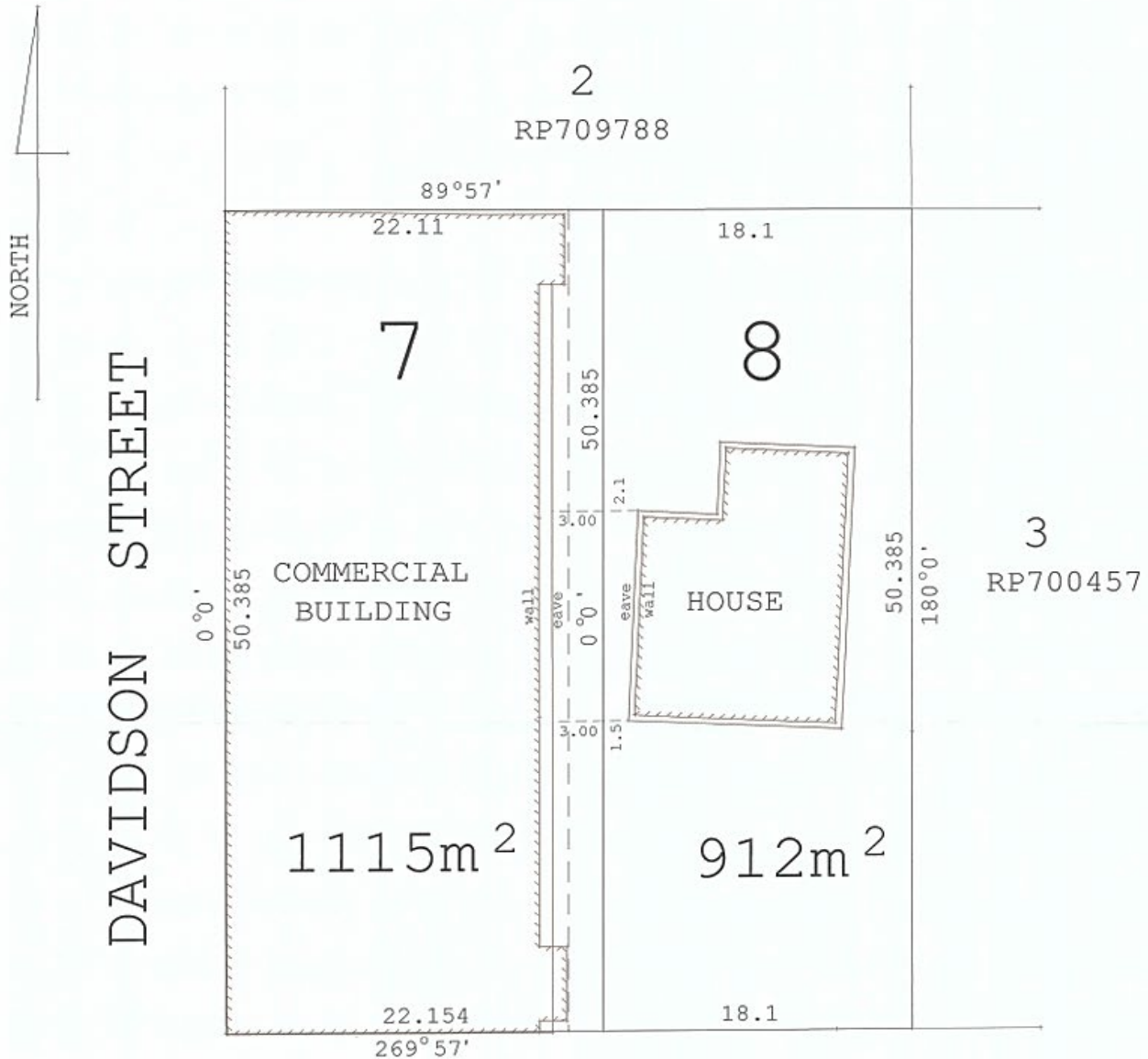
Should you require any further information or clarification concerning this matter, please contact Council's Planning and Development Team on 4776 4600 for the necessary assistance

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 Realignment Lots 7 & 8 on RP700457 72 Davidson Street and 50 McIlwraith Street, Ingham</td><td>REF: 240861</td><td>September 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 Realignment Lots 7 & 8 on RP700457 72 Davidson Street and 50 McIlwraith Street, Ingham	REF: 240861	September 2024	At all times.
Plan / Document Name	Number	Date						
Proposed Boundary Realignment Lots 7 & 8 on RP700457 72 Davidson Street and 50 McIlwraith Street, Ingham	REF: 240861	September 2024						
3. External Works (a) Undertake the following works external to the site, at no cost to Council: (i) new access crossover and driveway in accordance with Council’s Standard Drawing A001 Rev. B Residential & Commercial Invert Accesses to Proposed Lot 8; and (ii) remove on-street parking spaces in front of proposed Lot 8 to facilitate the new access required in this condition, ensuring that no car parking space, or part thereof, is located within one (1) metre of the new access crossover, measured perpendicular to the kerb and channel. Removal of the line marking must be undertaken by mechanical or chemical means without compromising the road surface. (b) The works within the road reserve identified in (a), must be carried out in accordance with a Permit for Works in a Road Reserve pursuant to Subordinate Local Law No. 1.15 (Carrying out Works on a Road or interfering with a Road or its Operation) 2012. (c) The applicant must submit the necessary to and obtain approval from Council prior to the commencement of any works.		Prior to Council’s endorsement of the survey plan.						

CONDITION	TIMING
4. Access The existing access to McIlwraith Street must be retained and wholly contained in the frontage of Proposed Lot 7.	Prior to Council's endorsement of the survey plan.
5. Offsets of Driveway The edge of a new driveway (inclusive of access aprons), must be no closer than 1.0m to any power pole, street light pole or electrical junction box.	At all times
6. 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.
7. 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.
8. 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, at no cost to Council. 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.



NOTE: DIMENSIONS AND AREAS ARE APPROXIMATE AND SUBJECT TO SURVEY



APPROVED PLAN

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

RC24-0014
17 December 2024

MCILWRAITH STREET



HANSEN SURVEYS
27 PALM TERRACE
INGHAM, Q 4850
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PROPOSED BOUNDARY REALIGNMENT
LOTS 7 & 8 on RP700457
72 DAVIDSON STREET and
50 MCILWRAITH STREET, INGHAM

SCALE 1: 250 at A3
DATE: SEPTEMBER 2024
MERIDIAN: IS265201

LOCAL AUTHORITY: HINCHINBROOK SHIRE COUNCIL

REF: 240861