

Your Ref:
Our Ref: PC:HR RC24-0015

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)
1385 Stone River Road, Peacock Siding – Lot 2 on RP735957 and Lot 4 on CWL2058
Planning Act 2016

Receipt of your application, deemed to be properly made on Tuesday 19 November 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 Monday 16 December 2024.

Council resolved to approve the proposed Reconfiguring a Lot – Boundary Realignment on land located at 1385 Stone River Road, Peacock Siding formally known as Lot 2 on RP735957 and Lot 4 on CWL2058, 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



4776 4600
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	RC24-0015	
Property ID Number	105484	
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850	
Owner Details	Vincenzo and Helene Bertone 141 Malanda Atherton Road MALANDA QLD 4885	Joyce Libera as Trustee Carmela Bonaccorsi as Trustee Louise Panzenbock as Trustee Estate of Gaetano Di Giacomo 11 Atkinson Street INGHAM QLD 4850
Property Description	1385 Stone River Road, Peacock Siding Lot 2 on RP735957 and Lot 4 on CWL2058	
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:

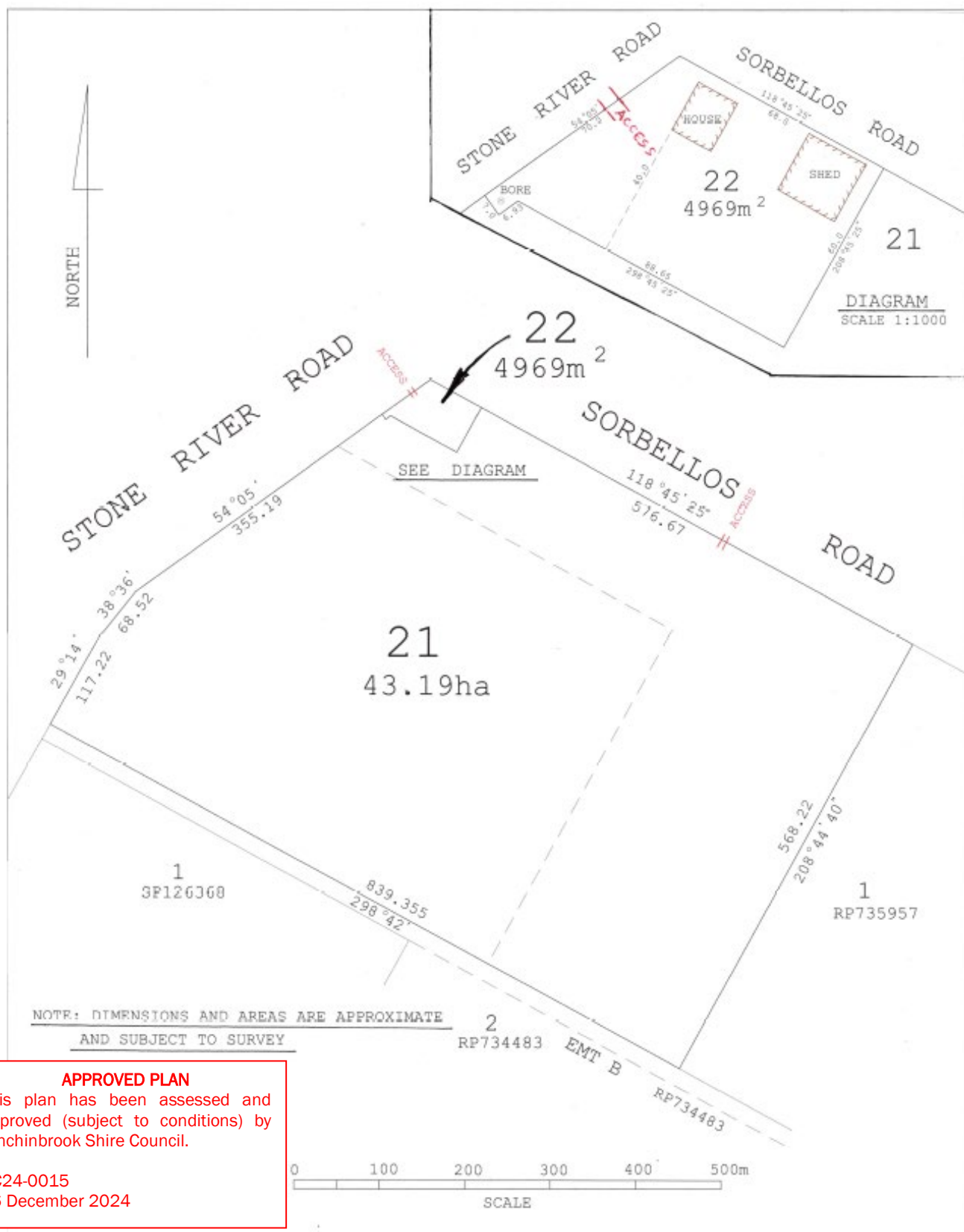
- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the Hinchinbrook Shire Planning Scheme 2017; and
- Conditions of Approval have been included to ensure compliance with the Hinchinbrook Shire Planning Scheme 2017.

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 Lot 2 on RP735957 & Lot 4 on CWL2058 1385 Stone River Road Peacock Siding</td><td>REF: 240851A</td><td>November 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 Lot 2 on RP735957 & Lot 4 on CWL2058 1385 Stone River Road Peacock Siding	REF: 240851A	November 2024	At all times.
Plan / Document Name	Number	Date						
Proposed Boundary Realignment Lot 2 on RP735957 & Lot 4 on CWL2058 1385 Stone River Road Peacock Siding	REF: 240851A	November 2024						
3.	Access Proposed reconfiguration must result in lots provided with lawful and practical point of access to Stone River Road and/or Sorbellos Road, Peacock Siding. Evidence of existing access or any new proposed Access must be constructed in accordance with HSC Standard Drawing A005 Typical Rural Access, unless provided for in an Access Easement. 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 pursuant to Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2012, which must be submitted and approved by Council prior to the commencement of work.	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.





APPROVED PLAN

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

RC24-0015
16 December 2024

HANSEN SURVEYS
27 PALM TERRACE
INGHAM, QLD 4850
TEL: 04 2916 4683
EMAIL: gehansen@iprimus.com.au

PROPOSED BOUNDARY REALIGNMENT
LOT2 on RP735957 & LOT4 on CWL2058
1385 STONE RIVER ROAD
PEACOCK SIDING

LA: HINCHINBROOK SHIRE COUNCIL

SCALE 1: 4000 at A3
DATE: NOVEMBER 2024
MERIDIAN: CWL 2058

REF: 240851A