



Your Ref:
Our Ref: BE:AG RC24-0011

2 October 2024

John Francis Irvin
PO Box 69
INGHAM QLD 4850

paloma@irvinfarm.com.au

Dear John

Decision Notice
Reconfiguration of Land – Rearrangement of Boundaries (Two Lots into Two Lots)
449 Warrens Hill Road Blackrock (Lot 6 on SP239249 and Lot 7 on SP239249)
Planning Act 2016

Receipt of your application considered properly made on Tuesday 10 September 2024, for Reconfiguration of Land – Rearrangement of Boundaries (Two Lots into Two Lots) at 449 Warrens Hills Road Blackrock, described as Lot 6 on SP239249 and Lot 7 on SP239249, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered under delegated authority on Wednesday 1 October 2024.

Council resolved to approve the proposed Development Application for Reconfiguration of Land – Rearrangement of Boundaries (Two Lots into Two Lots), subject to conditions as set out in the attached Decision Notice. Please see the enclosed Decision Notice.

This Notice outlines aspects of the development's conditions of approval, currency period, approved plans, referral agency response (if any) 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

2 October 2024

SECTION 83 OF *PLANNING ACT 2016*

APPLICATION DETAILS

This Referral Agency Response relates to the below Development Application:

Application Number	RC24-0011
Property ID Number	Lot 4 on SP206015: 106484 Lot 5 on SP206015: 106771
Applicant Details	John Francis Irvin PO Box 69 INGHAM QLD 4850
Owner Details	John Francis Irvin PO Box 69 INGHAM QLD 4850
Property Description	449 Warrens Hill Road Blackrock Lot 6 on SP239249 and Lot 7 on SP239249
Proposal	Reconfiguration of Land – Rearrangement of Boundaries (Two Lots into Two Lots)
Level of Assessment	Code Assessment

DECISION

The information below outlines the specifics of the Referral Agency Response:

Decision	The application was approved subject to conditions.
Decision Date	1 October 2024
Decision Type	Development Permit
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Submissions	Not Applicable

CONDITIONS OF APPROVAL

The conditions of approval are set out in the Conditions of Approval. The conditions are identified to indicate whether the Assessment Manager or Referral Agency imposed them.

REFERRAL AGENCIES

The application did not require a referral to an external State Assessment Referral Agency.

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 are not applicable to this 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, specially 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 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 Reconfiguration Lots 6 & 7</td><td>P24-304_001.dwg</td><td>4/9/2024</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 Reconfiguration Lots 6 & 7	P24-304_001.dwg	4/9/2024	At all times.
Plan / Document Name	Number	Date						
Proposed Reconfiguration Lots 6 & 7	P24-304_001.dwg	4/9/2024						
(3) Access	Proposed reconfiguration must result in lots provided with lawful and practical point of access to Warrens Hill Road. 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.
(6) Water Supply and Wastewater Treatment Any new and existing water supply and onsite sewerage provisions are to be installed and maintained at no cost to Council, and must be wholly contained within each allotment/s.	At all times
(7) Electricity and Telecommunications Electricity and telecommunications must be provided, at no cost to Council, in accordance with Part 9.4.1 Infrastructure, Services and Works Code of the Hinchinbrook Planning Scheme. Where installation cannot be achieved, confirmation that supply can be provided must be obtained from the supplier and provided to council.	Prior to Council's endorsement of the survey plan.
(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.

APPROVED PLAN

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

RC24-0011
1 October 2024



This plan was prepared for the purposes and exclusive use of John Irvin
in accordance with 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 responsibility for any loss or damage suffered however arising in any person or corporation who may use or rely on this plan in connection with the land of this class or the class below.
The dimensions, area, site and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
This plan may not be reproduced unless the above notes are included.

**PROPOSED RECONFIGURATION
Lots 6 & 7**

Cancelling Lots 6 & 7 on SP239249

CLIENT John Irvin	
LOCAL GOVERNMENT HINCHINBROOK SHIRE COUNCIL	DATE 4/9/2024
SAP REF: 8180-42133	FILE N/A
SURVEYOR REF: 24-304	FILLBOOK N/A
	SCALE A5 SHOWN @ A3
	DRAWN SJ

LOCALITY: BLACKROCK

Atkinson
SURVEYS

33 Cullendine St, Green QLD 4817
Phone: (07) 47234886

CADAstral SURVEYS

P24-304_001.dwg

Sheet 1 of 1

Form 1.4