

7 May 2020

Our Ref: 1344577
File Ref: 05/APP/02
Enquiries: Prue Miller

Brooke Ward
PO Box 462
CHARTERS TOWERS QLD 4820

Sent via email: b94ward@hotmail.com and johnq@cadcon.com.au

Dear Ms Ward

Decision Notice – Approval
(Given under Section 63 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was assessed and decided under delegated authority on 8 May 2020 with a recommendation of approval. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below.

Applicant details

Applicant name: Brooke Ward

Location details

Street address: 117 Towers Street, CHARTERS TOWERS CITY QLD 4820
Real property description: Lot 1 on MPH1699
Current lawful use: Dwelling House and ancillary Outbuildings

Application details

Application number: RL20/12
Approval type: Development Permit
Development type: Reconfiguring a Lot
Category of assessment: Code Assessment
Description of development: One Lot into Two Lots
Categorising instrument: Charters Towers Regional Town Plan Version 1

1. Details of the approval

Details of the approval are listed below in accordance with the *Planning Regulation 2017*.

Date: 7 May 2020

Our Ref: 1344577

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Conditions of approval

Condition Number	Condition	Timing								
Approved Plan										
1.	<p>Development is to be carried out generally in accordance with the submitted application including the following plan except where amendments are required to satisfy the conditions of this approval:</p> <table><tr><td>Drawing Title:</td><td>Prepared by:</td><td>Date:</td><td>Reference No:</td></tr><tr><td>Proposed Reconfiguration of Lots 1 & 3 Cancelling Lot 1 on MPH1699</td><td>Atkinson & Booy Surveys</td><td>6-1-16</td><td>15-250</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Proposed Reconfiguration of Lots 1 & 3 Cancelling Lot 1 on MPH1699	Atkinson & Booy Surveys	6-1-16	15-250	At all times
Drawing Title:	Prepared by:	Date:	Reference No:							
Proposed Reconfiguration of Lots 1 & 3 Cancelling Lot 1 on MPH1699	Atkinson & Booy Surveys	6-1-16	15-250							
Special										
2.	Remove the Towers Street driveway crossover that is adjacent Lot 3 and reinstate the kerb and channel in accordance with <i>CTRC-012 Kerb and channel profiles & dimensions, including edge restrains, medium and invert.</i>									
General										
3.	<p>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan in all instances</p> <p>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and</p> <p>a) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</p>	At all times								
Environmental										
4.	Ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control is to be in accordance with <i>International Erosion Control Association – Best Practice Erosion & Sediment Control guidelines</i> and the <i>Queensland Urban Drainage Manual 2017</i> .	At all times								
5.	The construction of the development (not operation) must be limited to 0630—1830 Monday to Saturday and not at all on Sunday and public holidays as per Section 440R of the <i>Environmental Protection Act 1994</i> . Noise generated from construction must be within the limits set by the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 20019</i> .	At all times								
6.	Ensure that;	As part of construction works								

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charters Towers.qld.gov.au | **ABN.** 67 731 313 583

www.charters Towers.qld.gov.au

Date: 7 May 2020
Our Ref: 1344577

Condition Number	Condition	Timing
	a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants b) The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state, and c) All construction materials are contained wholly within the premises.	
Transport and Access		
7.	Construct a driveway crossover at the frontage of each proposed lot in accordance with Council's standard drawing <i>CTRC-003 Roads commercial driveway slab</i> .	Prior to the lodgement of survey plan for endorsement
8.	Lodge and obtain approval for an application to carry out public access/footpath work as part of works within the Council controlled road reserve.	Prior to works within Council's road reserve
Water and Sewer		
9.	Lodge and have approved, an application for connection to water supply for proposed Lot 3 as part of the development's connection into Council's controlled water service infrastructure.	Prior to works on Council's water infrastructure
10.	Pay the full cost of a 20mm water meter in the form of a bond for proposed Lot 3.	Prior to the lodgement of survey plan for endorsement
Electricity and Telecommunication		
11.	Submit to Council a Certificate of Electricity Supply demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider.	Prior to the lodgement of survey plan for endorsement
12.	Submit to Council a Provisioning of Telecommunication Services demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider.	Prior to the lodgement of survey plan for endorsement
Survey Plan Endorsement		
13.	Lodge to Council, for approval, an application for Survey Plan Endorsement which includes; a) Payment of application fee in accordance with Council's fees and charges at the time of lodgement b) All survey marks in their correct position in accordance with the Survey Plan c) A compliance report demonstrating compliance with all associated Development Permit(s) d) One copy of the survey plan fully executed for the lodgement with the Titles Office; and	As part of the lodgement of survey plan for endorsement



Date: 7 May 2020
Our Ref: 1344577

Condition Number	Condition	Timing
	e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i> .	

Advisory Notes

Local and State Heritage

- A. The Charters Towers Regional Council local government area contains significant Local and State heritage features including stone pitch kerbing and channels and footbridges. Persons damaging or removing Local or State heritage features may be prosecuted and fined with the maximum penalty under the *Planning Act 2016*. Please contact Council prior to commencing any works, to determine if there are any Local or State heritage features within or adjacent to the premises.

Aboriginal and Cultural Heritage

- B. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care>

Abandoned Mine Shafts

- C. The city of Charters Towers is subject to a significant number of abandoned mine shafts due to the former gold rush era. It is recommended that all searches be undertaken through the Queensland State Government's Department of Natural Resources Mines and Energy (DNRME) to ensure that the development is not unduly impacted upon by these shafts. The DNRME can be contacted on 13 74 68.

Workplace Health and Safety

- D. Ensure compliance with the *Work Health and Safety Act 2011*. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the *Work Health and Safety Act 2011*. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

Environmental nuisance

- E. Ensure compliance with the *Environmental Protection Act 1994*. It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment



Date: 7 May 2020
Our Ref: 1344577

Advisory Notes	
	or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.
Ergon Energy and Telstra Corporation Contact Details	
F.	Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below: a) Ergon Energy Connection Solution's Team – (07) 4931 1012, and/or b) NBN Co – 1800 687 626.
Council Forms, Policies and Drawings	
G.	In achieving compliance with conditions, the below Council forms will need to be completed for this development: a) F0227/RI - Application to carry out works on a road or interfere with a road or its operation b) F0374/U&F – Application for sewer main cut-in, and c) F0313/IS – Request for water supply connection. In addition, Council's Standard Drawings for roads, driveways and grids can be found at www.charterstowers.qld.gov.au/drawings-specifications .

3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of four years.

4. Further development permits

Please be advised that no other development permits are required to be obtained before the development can be carried out.

5. Referral agencies

There were no referral agencies for this application.

6. Submission(s)

Properly made submissions were not made in relation this development.

7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

Description of the development:	The proposed development is for a Reconfiguration of a Lot (One Lot into Two Lots).
--	---



Date: 7 May 2020

Our Ref: 1344577

Reasons for the decision:	The proposal results in a reconfiguration that provides variable sized lots close to the Charters Towers Central Business District. The reconfiguration will capitalise on Council's existing reticulated water and sewer services as well as sealed roads and parks and gardens.	
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan including the:	
	1) General Residential Zone Code 2) Reconfiguration of a Lot Code, and 3) Development Works Code.	
	The proposed development was assessed against all the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	Reconfiguring a Lot Code Acceptable Outcome 1	The applicant has provided additional information (building footprint plan) that demonstrates compliance with the Queensland Development Code thereby supporting the proposed lot size. This demonstrates the ability of the lot to accommodate a Dwelling House with compliant setbacks, private open space, vehicle parking as well as lawful access to both Lots 1 Lot 3.
	Development Works Code Acceptable Outcomes 9, 12, 18, 19 and 32	Because the proposal is for a one lot into two lot subdivision, it is considered that an approval be recommended irrespective of the non-compliances identified. This is because if Council were to impose conditions to the extent required to meet compliance, the conditions would be considered an unreasonable imposition of the development and therefore unlawful.

8. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, 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*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

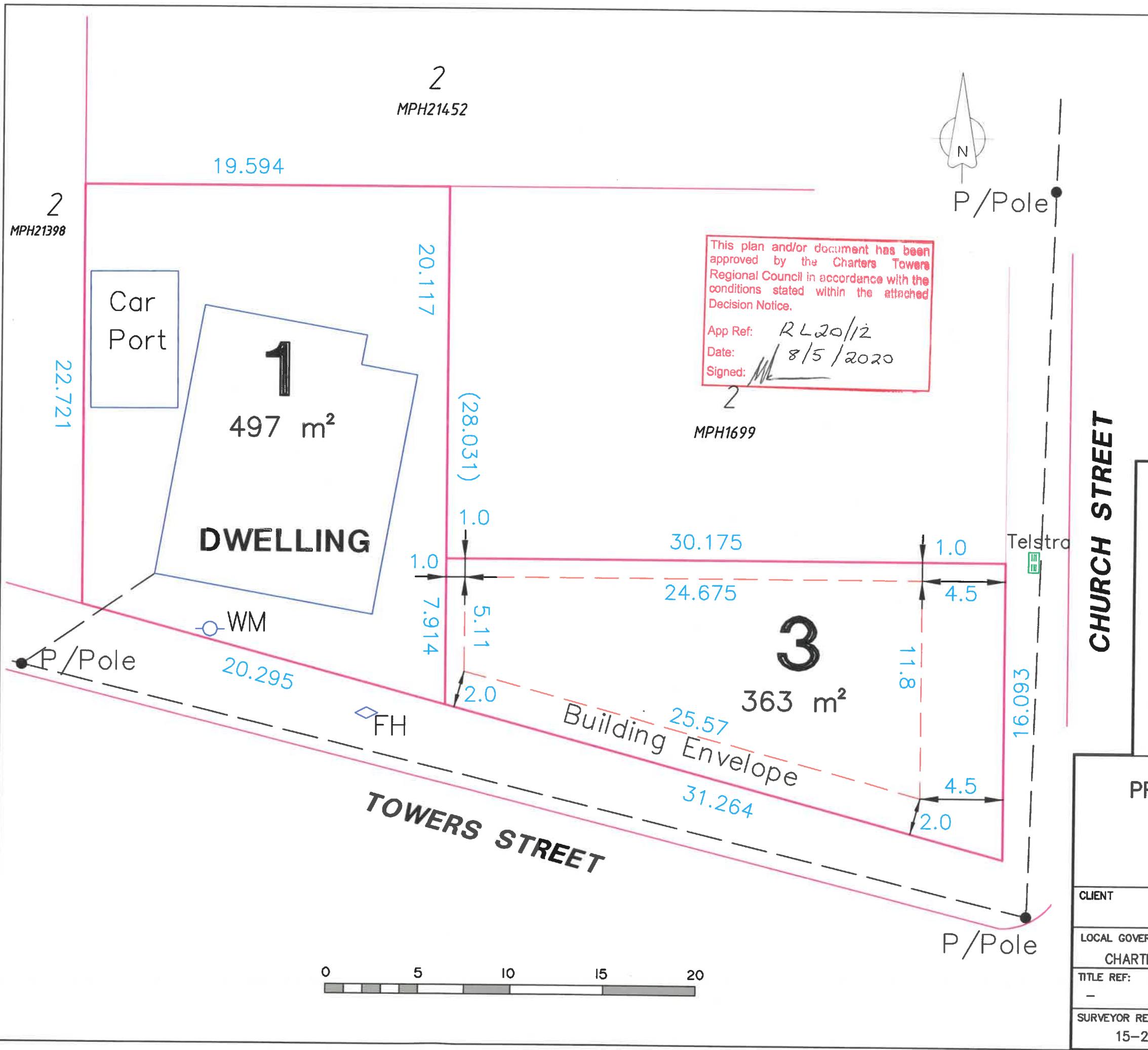
Should you wish to discuss this matter, please contact Matthew Kelly, Manager Regional Development on (07) 4761 5300.

Yours faithfully



Matthew Kelly
Manager Regional Development

Date: 7 May 2020
Our Ref: 1344577



PARISH : CHARTERS TOWERS		
COUNTY : DAVENPORT		
LOCALITY: CHARTERS TOWERS CITY		
Atkinson & BOOY SURVEYS		
56 Thuringowa Drive, Kirwan QLD 4817 Phone: (07) 47234885		
CADASTRAL SURVEYS		
P15-250.dwg		
Sheet 1 of 1		
Form 1.4		
This plan was prepared for the purpose and exclusive use of BROOKE WARD to accompany application to CHARTERS TOWERS REGIONAL 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 & Booy Surveys accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or the clauses below.		
The dimensions, area, size 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 OF LOTS 1 & 3		
Cancelling LOT 1 on MPH1699		
CLIENT BROOKE WARD		
LOCAL GOVERNMENT CHARTERS TOWERS CITY COUNCIL		DATE 6-1-16
TITLE REF: -	FILE P15-250.dwg	SCALE 1:200 @ A3
SURVEYOR REF. 15-250	FIELDBOOK Toughbook	DRAWN: IWF