

2 September 2020

Our Ref: 1380505
File Ref: 05/APP/02
Enquiries: Prue Miller

Steven Matthew Merchant
Lot 2 Ellenvale Road
REID RIVER QLD 4816

Sent via email: smerchant1@hotmail.com

Dear Mr Merchant

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

The assessment manager wishes to advise that the application was approved under delegated authority on 2 September 2020. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

Applicant details

Applicant name: Steven Matthew Merchant

Location details

Street address: Lot 2 on Ellenvale Road, REID RIVER QLD 4816
Real property description: Lot 2 on SP289596
Current lawful use: Animal Husbandry

Application details

Application number: MC20/90
Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Code Assessment
Description of development: Outdoor Sport and Recreation Shooting Range and ancillary Camping (maximum 16 persons utilising a firearm at any one time and a total of 50 people onsite at any one time)
Definition of use: The use of premises for:
(a) a recreation or sporting activity that is carried on outdoors and requires areas of open space, or
(b) providing and selling food and drink, change room facilities or storage facilities, if the use is ancillary to the use in paragraph (a).



Categorising instrument: Charters Towers Regional Town Plan Version 2

1. Details of the approval

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

	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 Plans																	
1.	<div>Development is to be carried out generally in accordance with the submitted application including the following plans except where amendments are required to satisfy the conditions of this approval:</div> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Ref No:</th><th>Rev:</th></tr><tr><td>Site Plan</td><td>Steven Merchant</td><td>21/08/2020</td><td>1</td><td>1</td></tr><tr><td>Flood and Bushfire overlay</td><td>Steven Merchant</td><td>21/08/2020</td><td>2</td><td>1</td></tr></table> <div>a) Provide an amended Site Plan that demonstrates a second driveway crossover located West of the existing driveway crossover for the purposes of emergency evacuation.</div>	Drawing Title:	Prepared by:	Date:	Ref No:	Rev:	Site Plan	Steven Merchant	21/08/2020	1	1	Flood and Bushfire overlay	Steven Merchant	21/08/2020	2	1	At all times
Drawing Title:	Prepared by:	Date:	Ref No:	Rev:													
Site Plan	Steven Merchant	21/08/2020	1	1													
Flood and Bushfire overlay	Steven Merchant	21/08/2020	2	1													
Special																	
2.	Hours of operation are between 09:00 – 16:00 Friday to Sunday.	At all times															
3.	Subject to design approval by Council, erect and maintain emergency evacuation signage at both Shooting Ranges and all Camp sites in the event of bushfire and flood natural hazards.	At all times															
4.	A maximum of three fire pits per designated camping area is permitted.	At all times															
General																	
5.	<div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) in all instances</div> <div>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and</div> <div>a) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</div>	At all times															



Condition Number	Condition	Timing
Environmental		
6.	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
7.	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
8.	Ensure that: 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.	As part of construction works
9.	Where contaminated soils are evident, remedial works must be undertaken in accordance with <i>Environment Protection Act 1994</i> . Where contaminated soils are identified, Council must be notified and provided with an appropriate Contaminated Soil Remedial Plan.	As part of operational and/or building works
Operational Works		
10.	A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction in the event the works trigger assessable development in accordance with the Charters Towers Regional Town Plan Version 2. The Development Application for Operational Works is to include earthworks (including Stop Butt and Mounds).	Prior to the commencement of the use
Transport		
11.	Construct all internal access driveways having a minimum width of 4m. The internal access driveways must provide access through to the Western access and the main entrance access as per the approved Site Plan at the frontage of Ellenvale Road.	As part of construction
12.	Construct the Western access and the main entrance access as per the approved Site Plan at the frontage of Ellenvale Road in accordance with Council's standard drawing <i>CTRC-001 Roads rural and turnouts inverts</i> .	As part of construction
13.	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 construction within Councils road reserve
Water and Sewer		
14.	Install and/or provide Council with confirmation of the presence of a fire-resistant onsite water storage of no less than 5,000 litres.	As part of construction



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Condition Number	Condition	Timing
15.	Install an onsite water storage tank of no less than 5,000 litres for the purposes of potable water.	As part of construction
Waste Management		
16.	Waste storage area/s must be adequately sized to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned.	As part of construction
17.	Waste storage areas must be situated in locations not visible from the Ellenvale Road.	As part of construction
Lawful Commencement		
18.	Request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.	Prior to the commencement of the use
19.	Notify Council within 20 business days that this approved use has lawfully commenced.	Prior to the commencement of the use

Advisory Notes

Scale or Intensity of Use

- A. Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the relevant provisions.

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>

Workplace Health and Safety

- C. 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



Advisory Notes

D.	<p>Ensure compliance with the <i>Environmental Protection Act 1994</i>. 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.</p> <p>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 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.</p>
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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 six years.

4. Further development permits

Please be advised that a Development Application for Operational Works may be required to be obtained before the development can be carried out if the earthworks exceed thresholds for assessable development within the Charters Towers Regional Town Plan Version 2.

5. Referral agencies

There are no referral agencies for this application.

6. Submission(s)

Properly made submissions were not made in relation to 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 Material Change of Use of premises for Outdoor Sport and Recreation Shooting Range and ancillary Camping (maximum 16 persons utilising a firearm at any one time and a total of 50 people onsite at any one time).
Reasons for the decision:	The proposal seeks the utilisation of land within the Rural Zone for the purposes of an Outdoor Sport and Recreation facility. The proposal will not significantly detract from the adjoining agricultural land uses given the use involves limited infrastructure and will capitalise on the rural surroundings for the purposes of ancillary camping.



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Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan Version 2 including the: a) Bushfire Hazard Overlay Code b) Flood Hazard Overlay Code c) Natural Environmental Overlay Code d) Rural Zone Code, and e) 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:
	Development Works Code Performance Outcome 5	Due to the applicant not being able to provide certainty regarding the level of earthworks required for the Stop Butt and Mounds, compliance against Performance Outcome 5 was not achieved. The proposal has been conditioned to ensure an Operational Works Development Application is lodged in the event the works exceed thresholds for assessable development within the Charters Towers Regional Town Plan Version 2.
Matters raised in submissions:	Submission Point:	Council Response:
	Not applicable	Not applicable

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*.

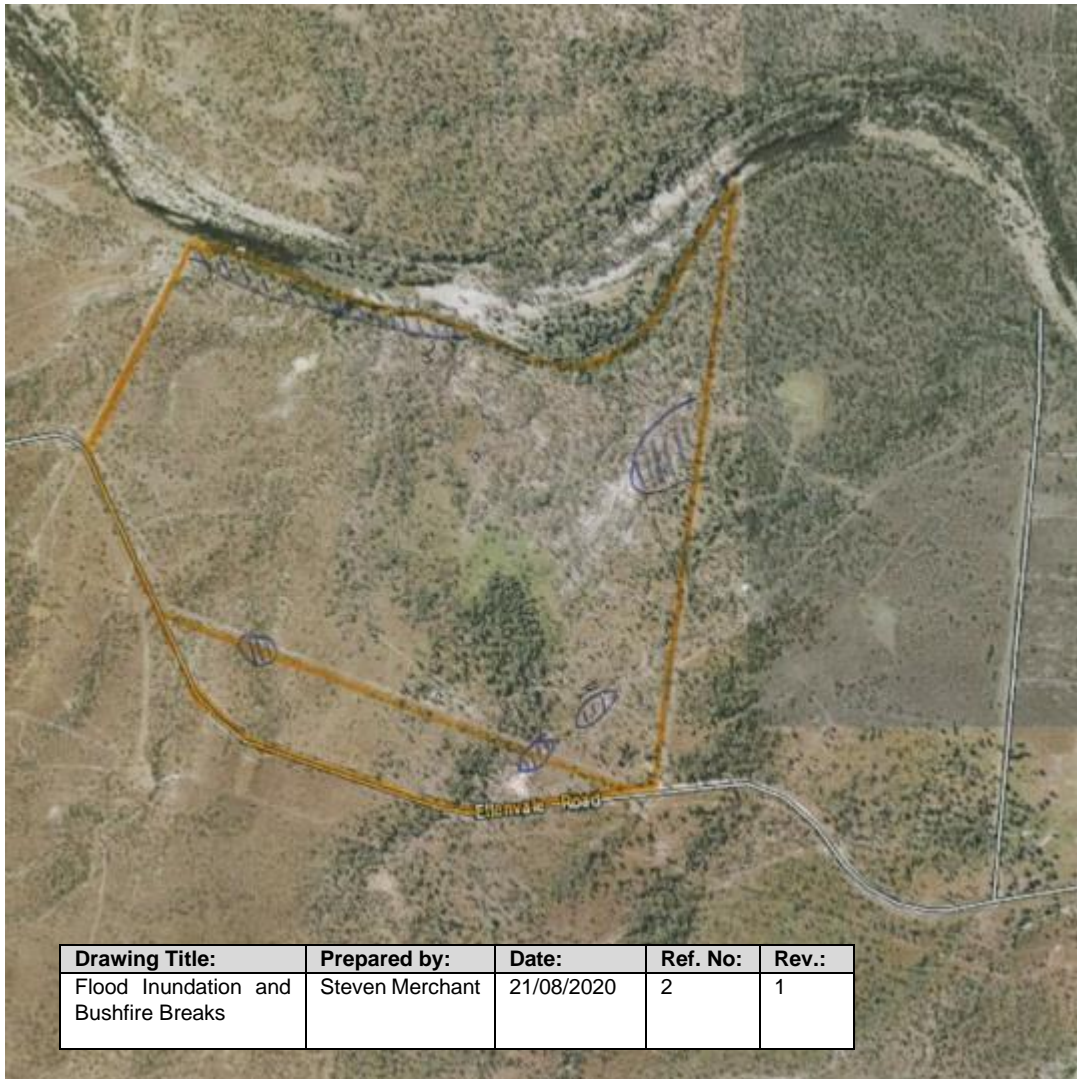
Should you wish to discuss this matter, please contact Prue Miller, Planner on (07) 4761 5300.

Yours faithfully



Matthew Kelly
Manager Regional Development



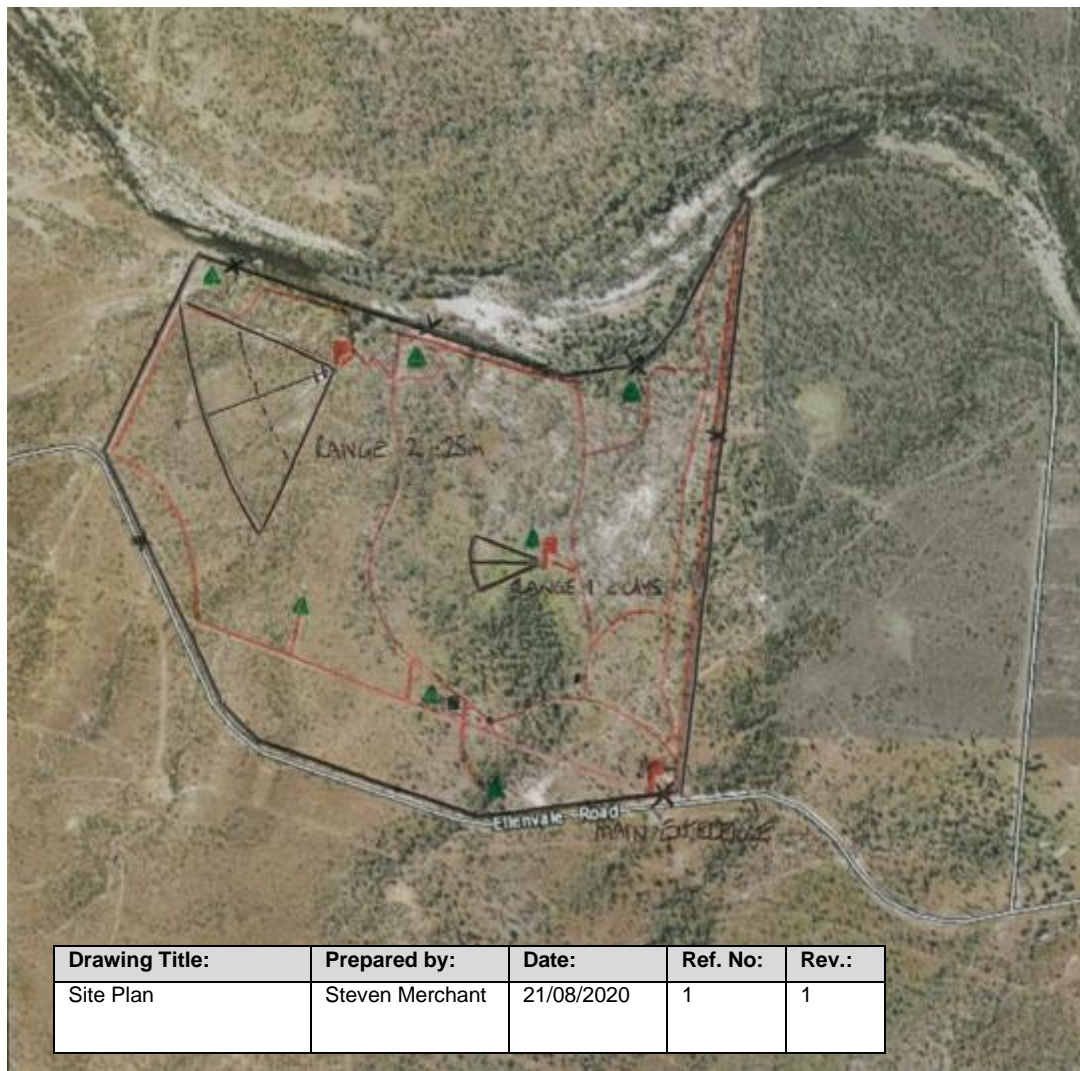


This plan and/or document has been approved by the Charters Towers Regional Council in accordance with the conditions stated within the attached Decision Notice,

App Ref: MC20/90

Date: 2 September 2020

Signed: 



This plan and/or document has been approved by the Charters Towers Regional Council in accordance with the conditions stated within the attached Decision Notice,

App Ref: MC20/90

Date: 2 September 2020

Signed: 

3 September 2020

Our Ref: 1380797
File Ref: 05/APP/02
Enquiries: Prue Miller

Steven Matthew Merchant
Lot 2 Ellenvale Road
REID RIVER QLD 4816

Sent via email: smerchant1@hotmail.com

Dear Mr Merchant

Infrastructure Charges Notice
(Given under Section 119 of the *Planning Act 2016*)

Reference is made to the decision notice which was issued by Council on 2 September 2020. As a result, Council hereby provides this infrastructure charges notice.

Applicant details

Applicant name: Steven Matthew Merchant

Location details

Street address: Lot 2 Ellenvale Road, REID RIVER QLD 4816
Real property description: Lot 2 on SP289596

Application details

Application number: MC20/90
Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Code Assessment
Description of development: Outdoor Sport and Recreation Shooting Range and ancillary Camping (maximum 16 persons utilising a firearm at any one time and a total of 50 people onsite at any one time)
Categorising instrument: Charters Towers Regional Town Plan Version 2

Total levied charge payable

The total amount payable is \$00.00. The levied charge will not be subject to an automatic increase and no offset or refund applies.



Date: 3 September 2020

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Goods and Services Tax (GST) does not apply to payments or contributions made by applicants to Government which relate to an application for the provision, retention, or amendment of a permission, exemption, authority or licence (however described) under the *Planning Act 2016*.

Calculation of charge

The levied charge has been calculated against the Infrastructure Charges Resolution (No. 2) 2020 which took effect from 10 February 2020 as follows:

Table One: Gross Charge

Charge	Quantity	Rate	Gross Charge Amount
Outdoor Sports and Recreation	120m ²	\$9 per m ² (calculated using Place of Assembly)	\$1080
Impervious Area	-	-	-
		Gross Charge Amount	\$1080

Table Two: Applied Credit

Credit	Quantity	Rate	Gross Credit Amount
Lot	1	\$3,667	\$3,667
Existing Lawful Use	Animal Husbandry		
Impervious Area	-	-	-
		Gross Credit Amount	\$3,667

Table Three: Total Charge

Charge	(Minus) Credit	Net Charge Amount
\$1,080	\$3,667	\$0

When the charge is payable

As per Section 122 of the *Planning Act 2016* the charge is payable when:

- 1) For a Reconfiguration of a Lot – prior to Council executing a plan of survey
- 2) For a Material Change of Use – prior to commencement of use, or
- 3) For Building Work – prior to issue of final inspection certificate or issue of building classification.

Notwithstanding the above, this notice stops having effect to the extent that the development approval stops having effect pursuant to Section 85 of the *Planning Act 2016*.

Methods of payment

Payment can be made either over the counter, via telephone or through Council's nominated bank account.

Other details

Pursuant to Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* a person may appeal against an infrastructure charges notice.



Date: 3 September 2020

Our Ref: 1380797

Should you wish to discuss this matter, please contact Prue Miller, Planner on (07) 4761 5300.

Yours faithfully



Matthew Kelly
Manager Regional Development

