

13 November 2020

Our Ref: 1398645 File Ref: 05/APP/02 Enquiries: Lachlan Deon

Benjamin B and Sarah J North 42 Gordon Street RICHMOND HILL QLD 4820

Sent via email: <u>sarahnorth7@bigpond.com.au</u>

Dear Mr and Mrs North

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 13 November 2020. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

Applicant details

Applicant name: Benjamin B and Sarah J North

Location details

Street address: 1 Alabama Road, ALABAMA HILL QLD 4820

Real property description: Lot 1 on SP308549

Current lawful use: Vacant land

Application details

Application number: MC20/108

Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Code Assessment

Description of development: Multiple Dwelling (Three Units)

Definition of use: A residential use of premises involving three or more Dwellings, whether

attached or detached, for separate households

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.





Date: 13 November 2020 Our Ref: 1398645

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	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			

2. Conditions of approval

Condition	Condition					Timing
Number						
	lans/Documents					
1.	Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:					At all times
	Drawing Title:	Prepared by:	Date:	Ref:	Rev:	
	Site Plan	Superior Steel Homes	24/10/2020	02	А	
	Ground Floor Plan	Superior Steel Homes	24/10/2020	03	А	
	First Floor Plan	Superior Steel Homes	24/10/2020	04	А	
	Elevations 1 and 2	Superior Steel Homes	24/10/2020	05	А	
	Elevations 3 and 4	Superior Steel Homes	24/10/2020	06	А	
	3D Views	Superior Steel Homes	24/10/2020	07	А	
	Site Based Stormwater Management Plan	Northern Consulting Engineers	30/10/2020	MJ2177/01	P1	
General						
2.	 a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) in all instances b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard. 					
Environmen	ntal					
3.	mental					At all times

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	Our Ref: 139864	5
Condition Number	Condition	Timing
	Queensland Urban Drainage Manual 2017.	
4.	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
5.	 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
Building, Pl	umbing and Drainage Works	
6.	Obtain a Development Permit and Building Final for Building Works in accordance with the <i>Planning Act 2016</i> . Construction is to comply with the <i>Building Act 1975</i> , the <i>National Construction Code</i> and the requirements of other relevant authorities.	Prior to construction
7.	Obtain a Permit for Plumbing and Drainage Works and Final Inspection Certificate in accordance with the <i>Plumbing and Drainage Act 2018</i> and the <i>Plumbing and Drainage Regulation 2019</i> . Construction is to comply with the <i>National Construction Code: Volume Three – Plumbing Code of Australia 2019</i> , the <i>Queensland Plumbing and Waste Water Code 1: 2019</i> and the requirements of other relevant authorities.	Prior to construction
8.	Any existing/new retaining walls which are visible from the road reserve, must receive a surface treatment such as rendering or cladding to maintain the visual amenity of the streetscape. The treatments must complement with the existing/proposed colour pallet of the proposed building.	As part of construction
9.	All plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.	As part of construction
10.	The development is to incorporate a variety of at least four different textures, colours and designs within the external façade of the building. Details of the proposed colour scheme, materials and finishes for all external areas of the building are to be submitted to Council for approval.	As part of construction
11.	Outdoor lighting is to comply with <i>Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting</i> . All lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.	As part of construction
12.	A mailbox (for each Dwelling) is to be constructed a maximum of 6m from the front property boundary. The mailbox is to be easily identifiable for	As part of construction





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emergency services from the frontage of the site.







	Our Ref: 139864	5
Condition Number	Condition	Timing
13.	A fence no less than 1.2m in height and no more than 1.8m in height is to be constructed around the entire property boundary. The fence is to be constructed using timber or Colourbond unless otherwise approved by Council.	As part of construction
14.	 Where a habitable room window is within 9m of another habitable room window or private open space of another Dwelling either on the premises or an adjacent premise: a) Windows are provided with fixed translucent glazing, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level, or b) Windows are provided with fixed with permanent external screens that are: i) Solid translucent screens, or ii) Perforated panels or trellises that have a maximum of 50% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable, and iii) Offset a minimum of 300mm from the wall of the building. 	As part of construction
Transport 15.	Prior to the commencement of the use, a total of six car parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with and AS2890.1 Off-Street Car Parking and the Manual of Design Vehicles and Turning Path Templates SAA HB 72 (AUSTROADS 1995).	As part of construction
16.	Construct two driveway crossovers at the frontage of Alabama Road in accordance with Council's standard drawing CTRC-002 Roads urban concrete driveway.	As part of construction
17.	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 S	Sewer	<u> </u>
18.	Lodge and have approved, an application for connection to water supply as part of the development's connection into Council's controlled water service infrastructure.	Council's water infrastructure
19.	Provide a 25mm water meter service connection from Council's water supply infrastructure to the front property boundary at no cost to Council.	As part of construction
20.	Lodge and have approved an application for sewer main cut-in for connection to sewer supply as part of connection to Council's controlled sewer service infrastructure.	Prior to works on Council's sewer infrastructure
21.	Provide a sewer service connection from Council's sewer supply infrastructure to each proposed lot with the location and size of the sewer service determined in consultation with Council.	As part of construction
O1 1		

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ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

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Stormwater





	Our Ref: 139864	5
Condition Number	Condition	Timing
22.	All stormwater runoff must be piped from roofed areas and discharged to a kerb and channel drainage system in a Council controlled road, or an approved inter allotment stormwater drainage system, in accordance with Queensland Urban Drainage Manual 2016 and AS3500.3:2018 Plumbing and Drainage - Stormwater Drainage.	At all times
Waste Mana	agement	
23.	Waste storage area/s are to be sufficient in size 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.	Prior to the commencement of the use
24.	Waste storage areas shall be: a) Situated in locations not visible from the street front, and b) Provided with a 1.8m solid screen fence located around storage areas.	Prior to the commencement of the use
Landscapin	ng	
25.	Construct all landscaping on site in accordance with the approved Site Plan in Condition 1. The landscaping must be provided with an irrigation system appropriate for the species proposed to be planted.	As part of construction
Electrical a	nd Telecommunications	
26.	Submit to Council a Certificate of Electricity Supply demonstrating that supply is provided and available to the premises.	Prior to the commencement of the use
27.	Submit to Council a Provisioning of Telecommunication Services demonstrating that supply is provided and available to the premises.	Prior to the commencement of the use
Lawful Con	nmencement	
28.	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
29.	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.

Local and State Heritage

B. 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.

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Advisory Notes

Aboriginal and Cultural Heritage

C. 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

D. 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

E. 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

F. 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 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

- G. 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

H. In achieving compliance with conditions, the below Council forms will need to be completed for this development:





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Advisory Notes

- a) F0227 Application to carry out works on a Council road (including pathways)
- b) Standard drawings and specifications for driveways and roads
- c) F0371 Application for building works where Council is a referral agency
- d) F0313 Request for water supply connection or disconnection, and
- e) F0347 Application for sewer main cut-in.

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 the following development permits are required to be obtained before the development can be carried out:

- 1) Building Works, and
- 2) Plumbing and Drainage Works.

5. Referral agencies

There are 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		Permit for a Material Change of Use of Premises for		
the	Multiple Dwellings (three units).			
development:				
Reasons for the	The proposal seeks to use a vacant lot in the General Residential Zone for the purpose of a			
decision:	Multiple Dwellings (three units) which	is supported within the zone. The proposal is of a scale		
	and design which is generally supp	orted by the assessment benchmarks of the Charters		
	Towers Regional Town Plan Version	2 and as such, is recommended for approval.		
Assessment	The proposal was assessed against the relevant assessment benchmarks of the North			
benchmarks:	Queensland Regional Plan 2020 and the Charters Towers Regional Town Plan Version 2			
	including the:			
	1) General Residential Zone Code			
	2) Development Works Code, and			
	3) Landscaping Code.			
	The proposed development was assessed against all the assessment benchmarks listed			
	about and complies with all with the e	xceptions listed and responded to below.		
	Assessment Reasons	for the approval despite non-compliance with		





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	Our Ref: 1398645
benchmark:	benchmark:
General Residential Zone Code Acceptable Outcome AO2	In response, as the proposed setbacks are proportionate to the road frontage of 56.12m, it is considered that the location of the proposed Carports on the Alabama Road frontage will not adversely impact on the residential character of the immediate and surrounding area thereby being partially complaint with Performance Outcome PO2.
General Residential Zone Code Acceptable Outcome AO4	In response, whilst each individual Unit will not be fenced, the Applicant as part of this development will fence the entire property boundary which will allow for security and a significant amount of open space for the future residents to enjoy. As such, it is considered that the proposal generally complies with Acceptable Outcome AO4.
General Residential Zone Code Acceptable Outcome AO5	In response, given the design incorporates Carports fronting Alabama Road and a shared driveway is associated with Unit 1 and Unit 2, the proposal does not comply with the requirements Acceptable Outcome AO5. However, due to the design of the proposal, width of the frontage and topography of the land, the design is considered reasonable based on the circumstances of the proposal and is considered to comply with Performance Outcome PO5.
General Residential Zone Code Acceptable Outcome AO16 Development Works Code Acceptable Outcome	In response, as the size of the lot and the orientation for the Units is situated to minimise the impacts on amenity, it is considered that Acceptable Outcome AO16 is partially met with conditions also recommended to ensure further compliance is achieved. In response, as the proposal is for residential development, each Unit will have a Carport for cycling storage and bathroom for cleaning. As such, is considered that the outcomes of Acceptable
Development Works Code Acceptable Outcome AO12	Outcome AO9 are not relevant in this instance. In response, the applicant will be constructing a driveway crossover to connect the property from the carports to Alabama Road in accordance with CTRC-002 Roads urban concrete driveway which will cross into the road reserve. As the frontage of the surrounding properties do not have paths on the frontage of Alabama Road, it is unreasonable to enforce the applicant to incorporate a path on the frontage of Alabama Road.
Landscaping Code Performance Outcome PO4	In response, the development will result in an improved amenity and usability of the streetscape along the frontage of Alabama Road. Additionally, as the development will incorporate lighting on the frontage of Alabama Road in relation to the carports it will further improve the usability of the street. Whilst no street trees or street furniture is proposed, it is considered that this is not required as the subject site is located outside of the Charters Towers Central Business District.
Landscaping Code Performance Outcome PO7	In response, each of the vehicle parking areas are provided with a double Carport, as such, the outcomes of Performance Outcome PO7 are unable to be achieved which is considered

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Date: 13 November 2020 Our Ref: 1398645

		Cai 1(c): 1000010		
		acceptable in this instance.		
Relevant	Not applicable for this development.			
matters:				
Matters raised	Submission Point: Council Response:			
in	Not applicable for this development.			
submissions:				

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.gld.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 Lachlan Deon, Graduate Planner on (07) 4761 5300.

Yours faithfully

Matthew Kelly

Manager Regional Development

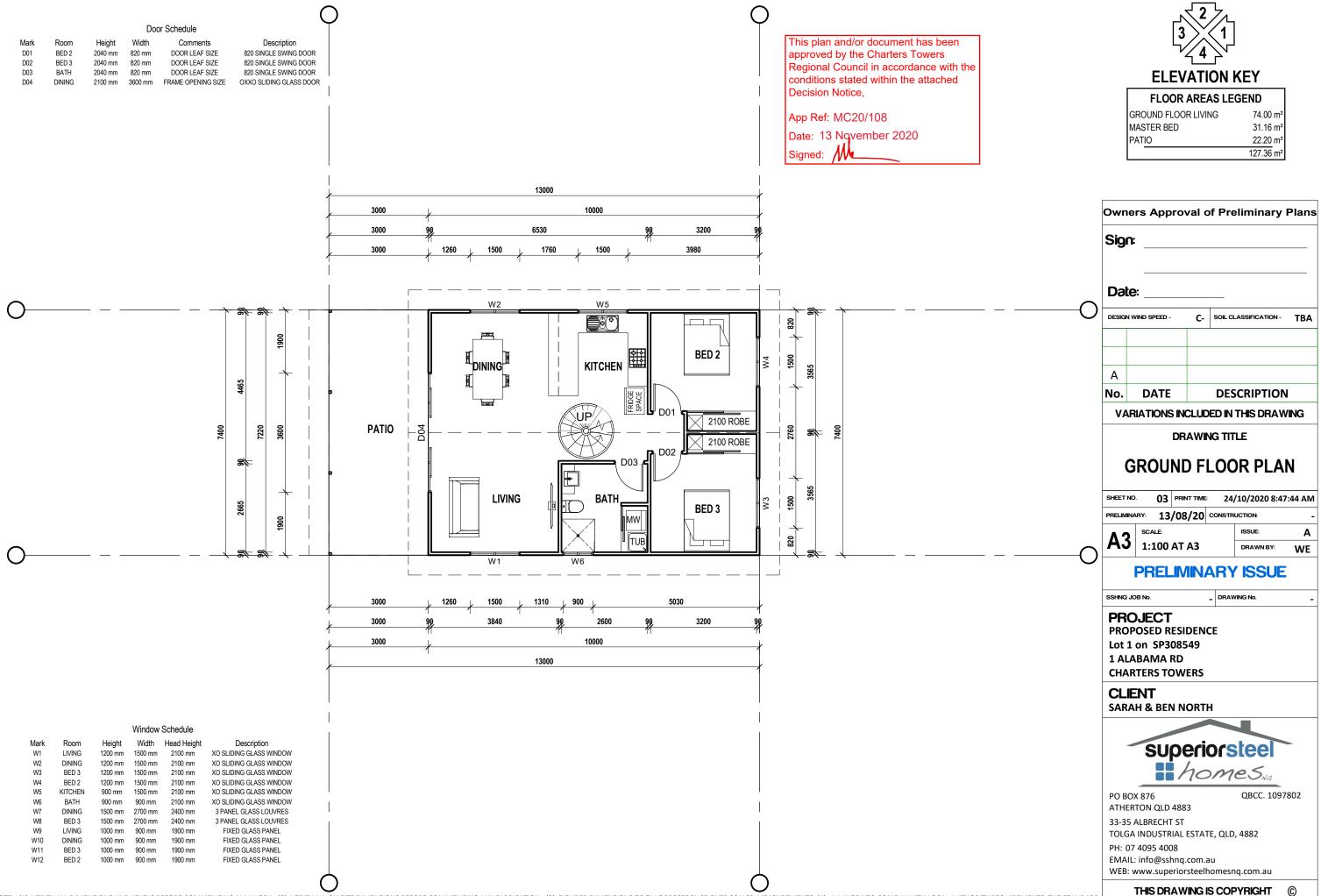


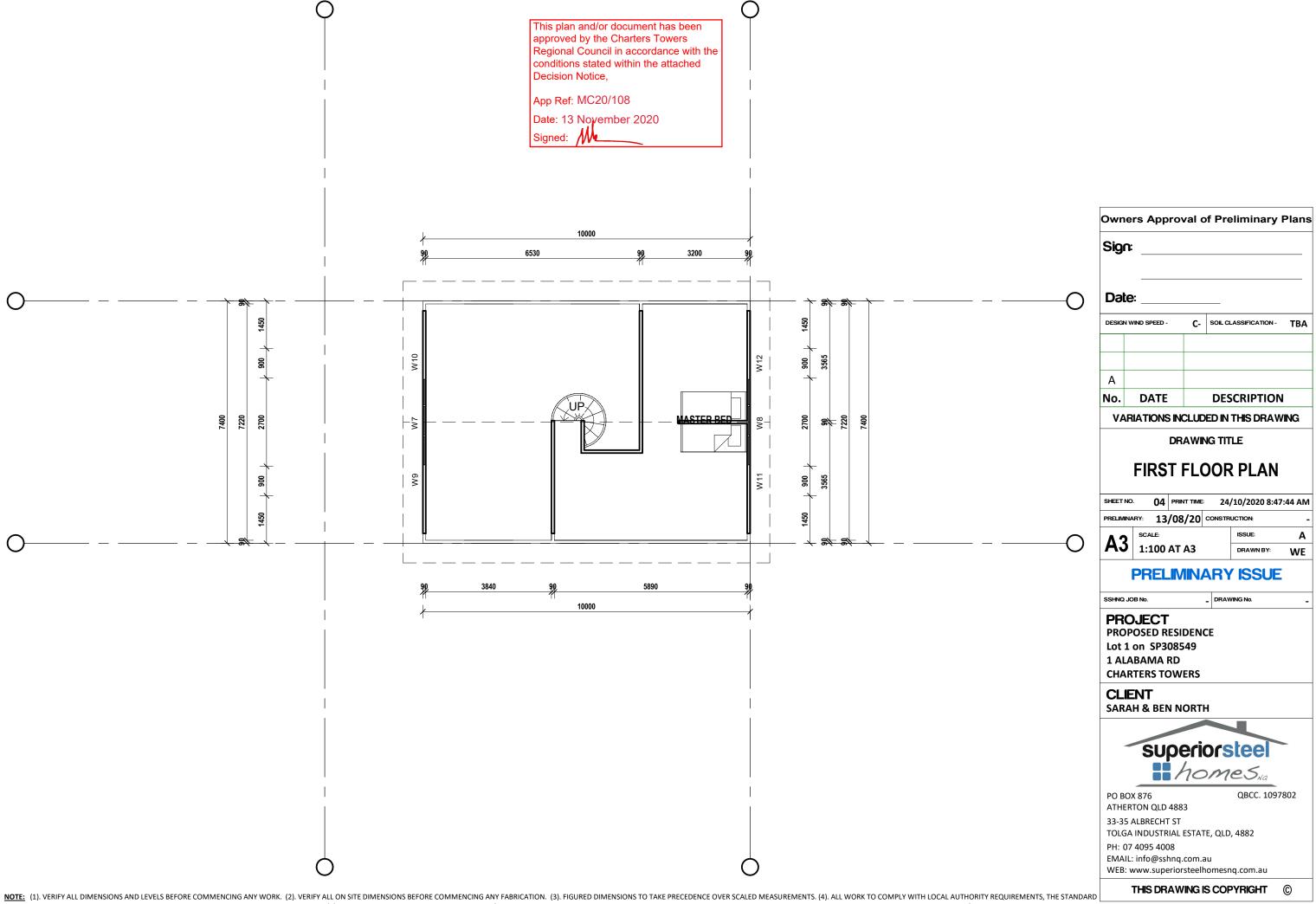


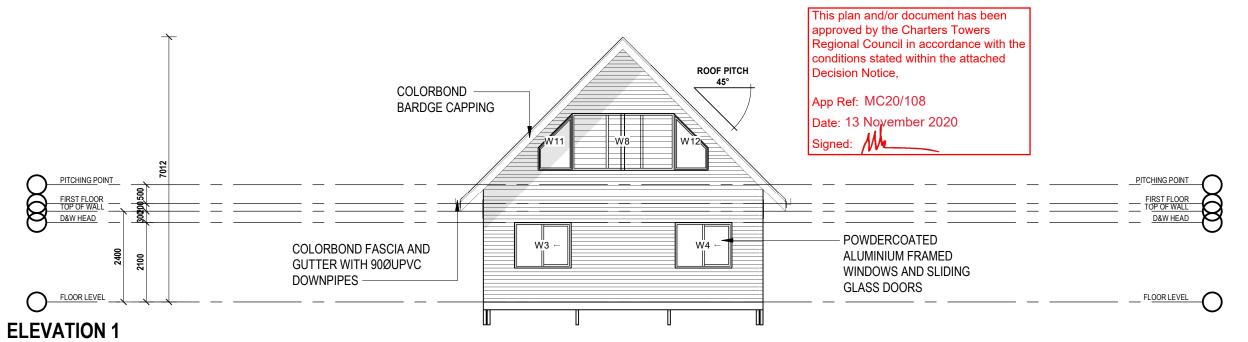
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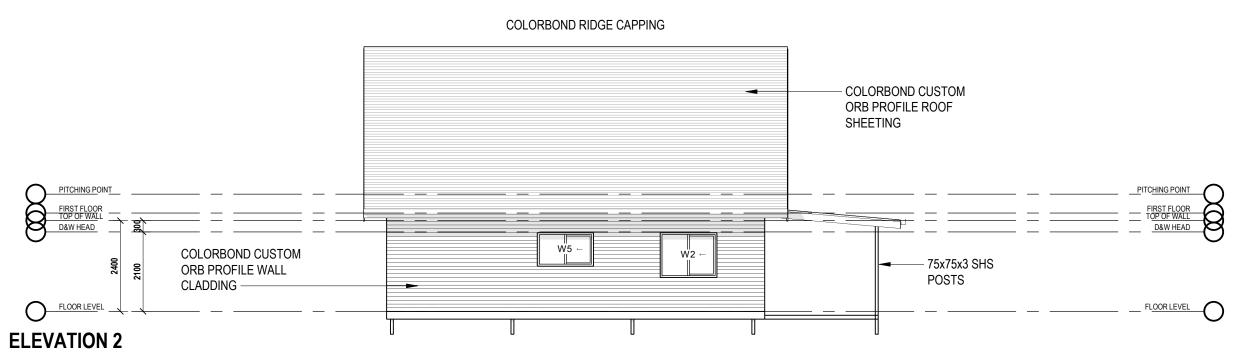
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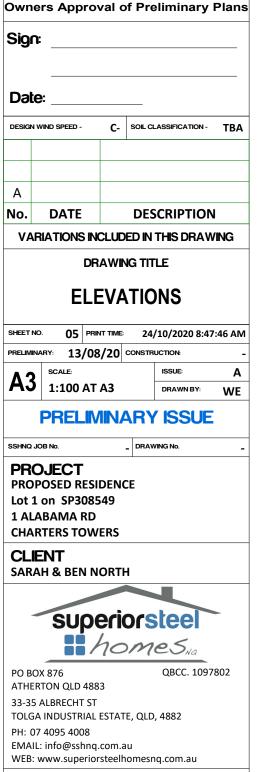
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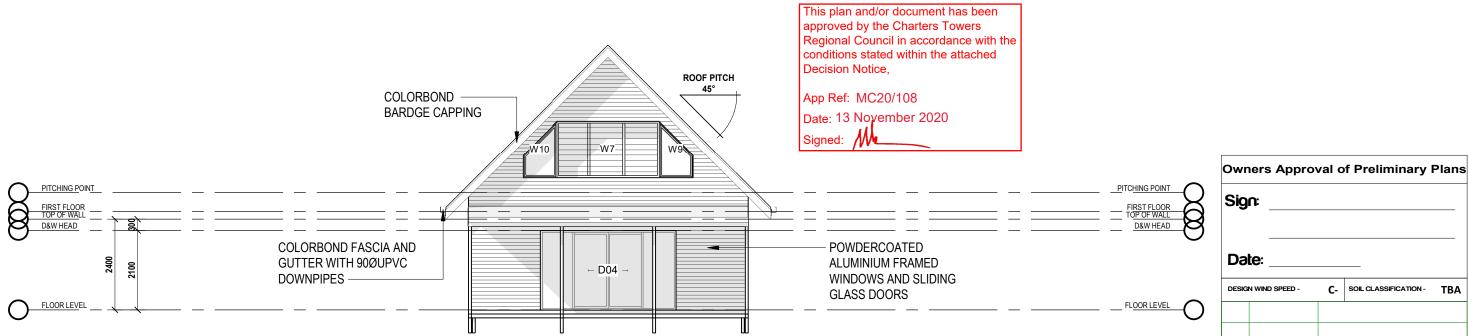






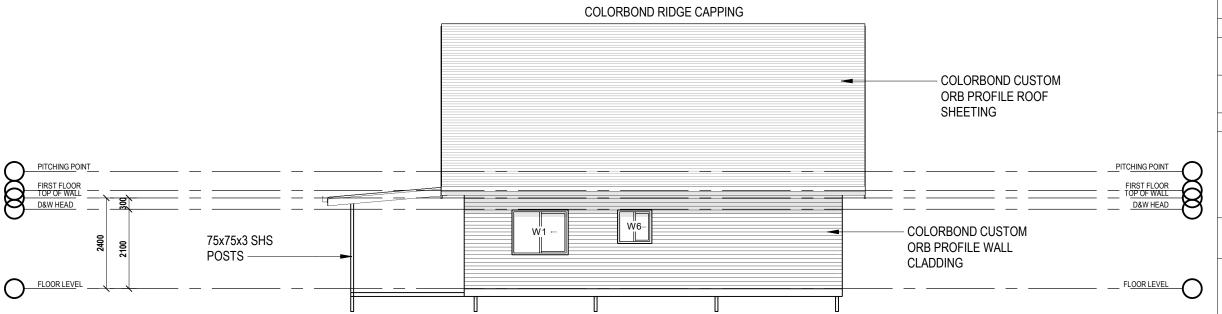


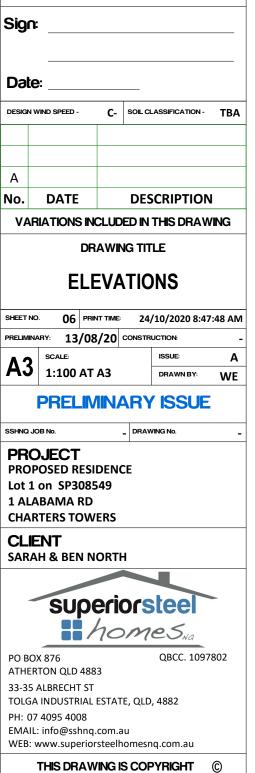
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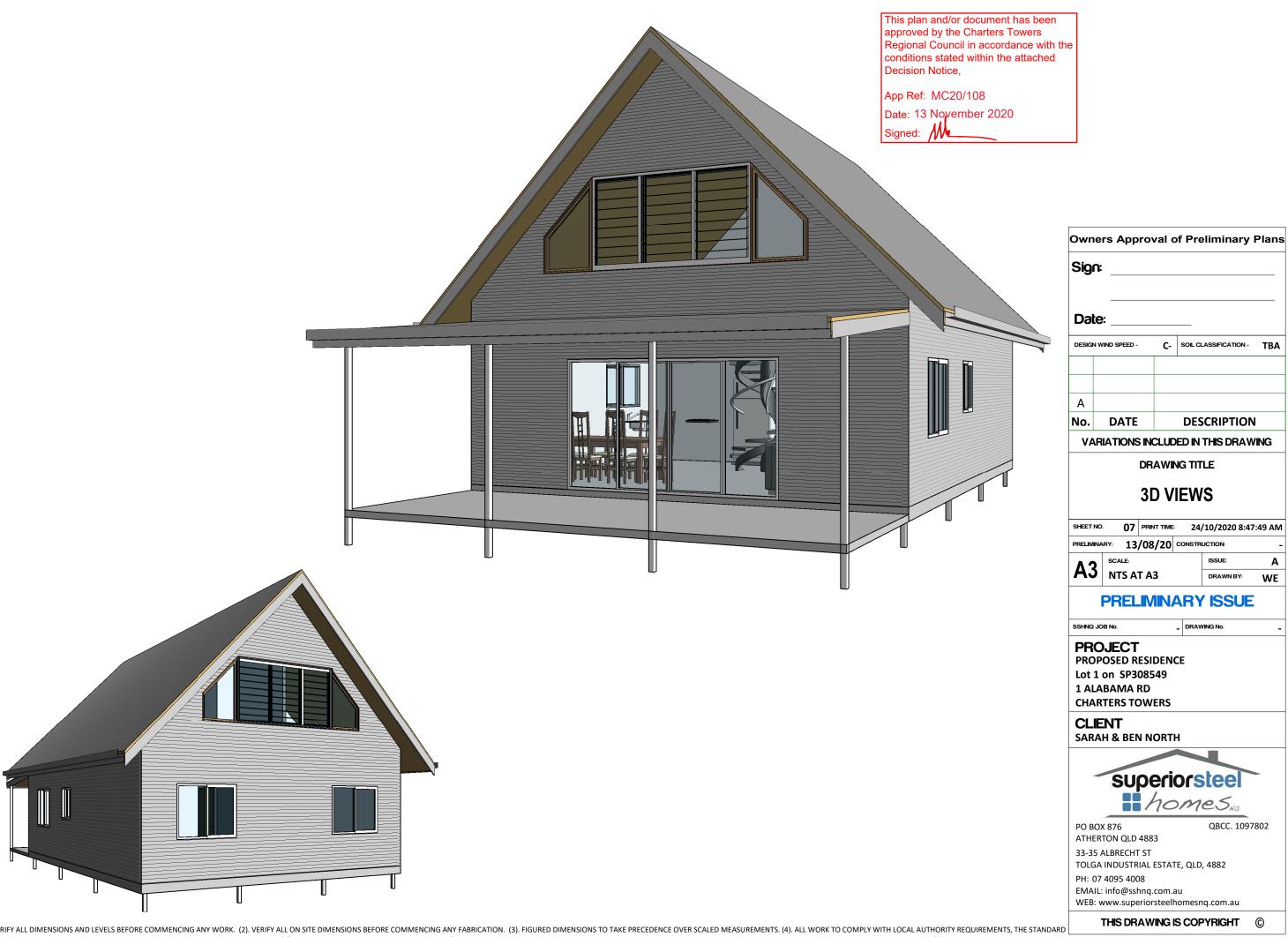


ELEVATION 3

ELEVATION 4







QBCC. 1097802

C- SOIL CLASSIFICATION - TBA

DESCRIPTION

DRAWING TITLE

3D VIEWS

13/08/20 CONSTRUCTION:

PRELIMINARY ISSUE

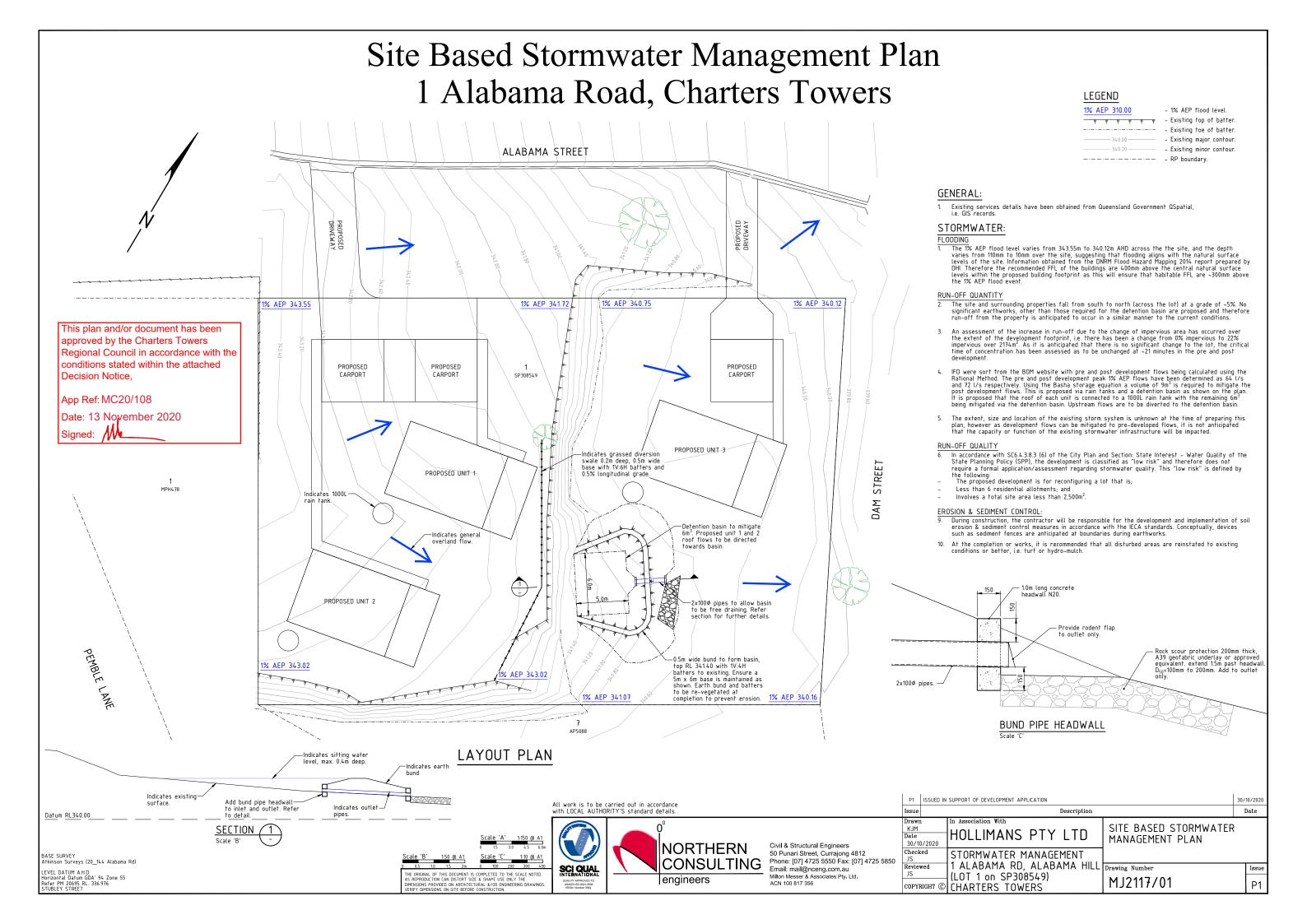
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WE

DATE





13 November 2020

Our Ref: 1398706 File Ref: 05/APP/02 Enquiries: Matthew Kelly

Benjamin B and Sarah J North 42 Gordon Street RICHMOND HILL QLD 4820

Sent via email: <u>sarahnorth7@bigpond.com.au</u>

Dear Mr and Mrs North

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 13 November 2020. As a result, Council hereby provides this infrastructure charges notice.

Applicant details

Applicant name: Benjamin B and Sarah J North

Location details

Street address: 1 Alabama Road, ALABAMA HILL QLD 4820

Real property description: Lot 1 on SP308549

Application details

Application number: MC20/108

Approval type: Development Permit

Development type: Material Change of Use

Category of assessment: Code Assessment

Description of development: Multiple Dwelling (Three Units)

Categorising instrument: Charters Towers Regional Town Plan Version 2

Total levied charge payable

The total amount payable is \$15,919.25. The levied charge will not be subject to an automatic increase and no offset or refund applies.

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*.





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Calculation of charge

The levied charge has been calculated against the Infrastructure Charges Resolution (No. 3) 2020 which took effect from 28 October 2020 as follows:

Table One: Gross Charge

Charge	Quantity	Rate	Gross Charge Amount
Use (Multiple Dwelling)	3	\$7,335	\$22,005
Impervious Area (carports, sealed paths)	249.85m ²	\$5	\$1,249.25
		Gross Charge Amount	\$23,254.25

Table Two: Applied Credit

Table The French Cross				
Credit	Quantity	Rate	Gross Credit Amount	
Lot	1	\$7,335	\$7,335	
Existing Lawful Use	Vacant	-	-	
		Gross Credit Amount	\$7,335	

Table Three: Total Charge

Charge	(Minus) Credit	Net Charge Amount
\$23,254.25	\$7,335	\$15,919.25

When the charge is payable

As per Section 122 of the *Planning Act 2016*, the charge is payable for a Reconfiguration of a Lot prior to Council executing a plan of survey whilst for a Material Change of Use at the commencement of the use.

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.

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

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