

15 September 2021

Our Ref: 4533022
File Ref: RAL2021/0003
Enquiries: Lachlan Deon

Jarrold Schafer
17 Sadds Lane
QUEENTON QLD 4820

Sent via email: jarrod.schafer@hotmail.com

Dear Jarrod

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 15 September 2021 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: Jarrod Schafer

Location details

Street address: 41 Mount Leyshon Road, Mosman Park QLD 4820
Real property description: Lot 1 on MPH21491
Current lawful use: Dwelling House and ancillary Outbuildings

Application details

Application number: RAL2021/0003
Approval type: Development Permit
Development type: Reconfiguring a Lot
Category of assessment: Code Assessment
Description of development: Reconfiguration of a Lot (One into Two Lots)
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: 15 September 2021

Our Ref: 4533022

	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/Documents												
1.	<div>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:</div> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th><th>Revision:</th></tr><tr><td>Proposed Reconfiguration Lots 1 & 2</td><td>Atkinson and Booy Surveys</td><td>23 August 2021</td><td>P21-269</td><td>-</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Proposed Reconfiguration Lots 1 & 2	Atkinson and Booy Surveys	23 August 2021	P21-269	-	At all times
Drawing Title:	Prepared by:	Date:	Reference No:	Revision:								
Proposed Reconfiguration Lots 1 & 2	Atkinson and Booy Surveys	23 August 2021	P21-269	-								
General												
2.	<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										
Environmental												
3.	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										
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.	<div>Ensure that:</div> <div>a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants</div> <div>b) The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state, and</div> <div>c) All construction materials are contained wholly within the premises.</div>	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

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Condition Number	Condition	Timing
Transport and Access		
6.	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
7.	Construct a driveway crossover in accordance with Council's standard drawing <i>CTRC-002 Roads urban concrete driveways</i> on the Mount Leyshon Road frontage for proposed Lot 1 and the Lister Street frontage for proposed Lot 2 unless otherwise approved by Council.	Prior to the lodgement of survey plan for endorsement
Water and Sewer		
8.	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.	Prior to works on Council's water infrastructure
9.	Provide a water service connection from Council's water supply infrastructure to each proposed lot and pay the full cost of a 20mm water meter in the form of a bond for each proposed lot.	Prior to the lodgement of survey plan for endorsement
Electricity and Telecommunication		
10.	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
11.	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		
12.	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 and/or easement documentation each fully executed for the lodgement with the Titles Office e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i> , and f) Payment of any outstanding Adopted Infrastructure Charges.	As part of the lodgement of survey plan for endorsement

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 <i>Planning Act 2016</i> and would have to comply with the requirements of the relevant



Advisory Notes	
	provisions.
Aboriginal and Cultural Heritage	
B.	The <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> 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 <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . 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.	<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>
Ergon Energy and Telstra Corporation Contact Details	
F.	<p>Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below:</p> <p>a) Ergon Energy Connection Solution's Team – (07) 4931 1012, and/or</p> <p>b) NBN Co – 1800 687 626.</p>
Council Forms, Policies and Drawings	
G.	In achieving compliance with conditions, the below Council forms will need to be completed for this

Advisory Notes	
	development:
	a) F0227 - Application to carry out works on a Council road (including pathways) , and
	b) F0313 – Request for water supply connection or disconnection .

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 there are no further requirements associated with this Development Permit.

5. Referral agencies

The application did not trigger referral under the Planning Regulation 2017.

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 into Two Lots) over land at 41 Mount Leyshon Road, Mosman Park QLD 4820 more formally Lot 1 on MPH21491.		
Reasons for the decision:	The proposal was assessed against the relevant provisions of the North Queensland Plan 2020 and the Charters Towers Regional Town Plan Version 2 with the proposal found to generally comply. Where issues of noncompliance were found, alternative solutions were proposed to achieve compliance with the Performance Outcomes.		
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan including the: 1) Flood Hazard Overlay Code 2) General Residential Zone Code 3) Development Works Code, and 4) Reconfiguring a Lot 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:	
	N/A	N/A	
Relevant matters:	N/A		
Matters raised	Submission Point:	Council Response:	



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in submissions:	N/A	N/A
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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*.

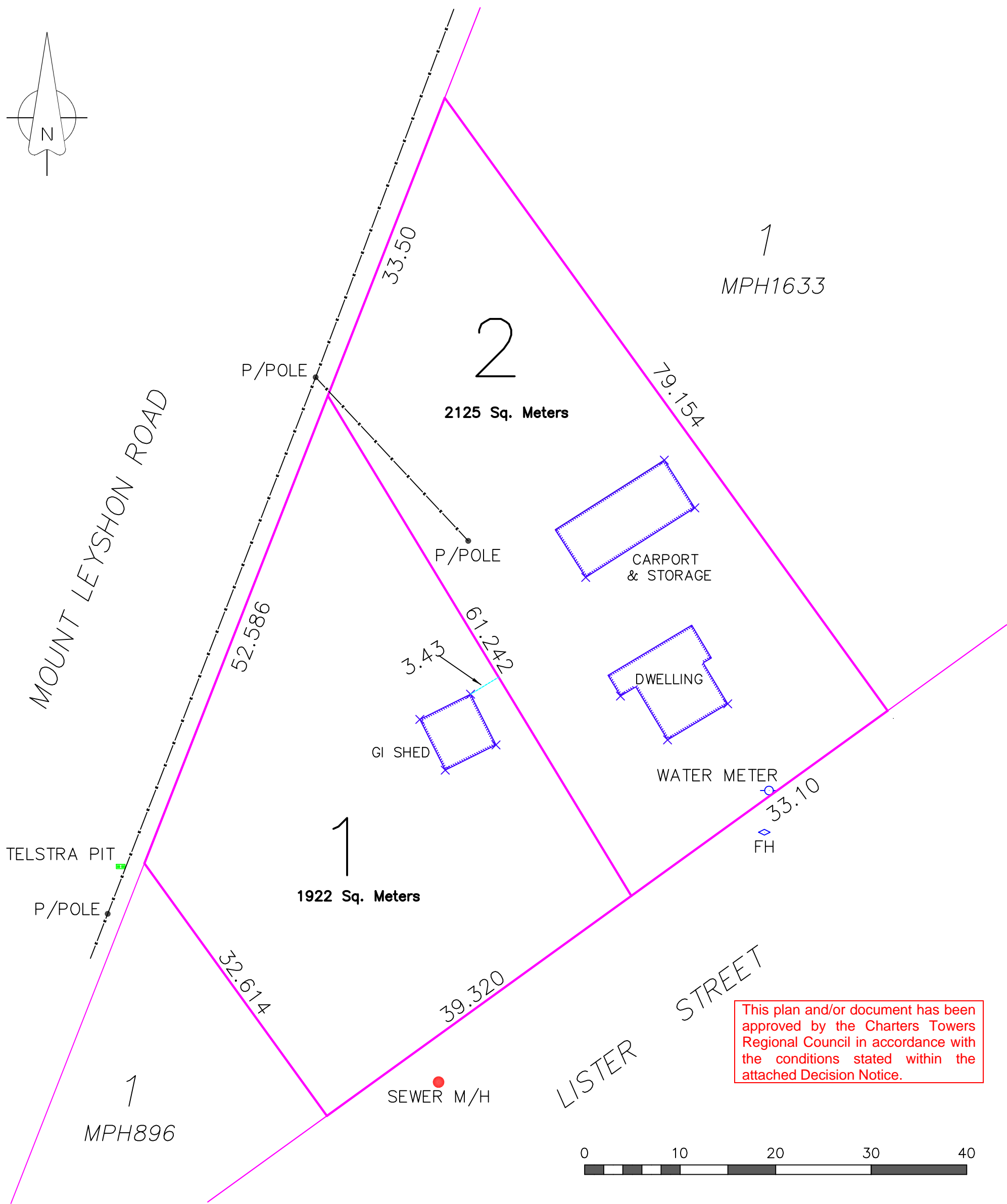
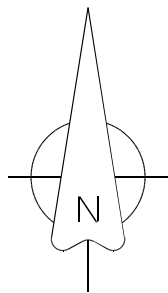
Should you wish to discuss this matter, please contact Lachlan Deon, Graduate Planner on (07) 4761 5300.

Yours sincerely



Matthew Kelly
Manager Regional Development






This plan was prepared for the purpose and exclusive use of JARROD SCHAFER 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 Lots 1 & 2 Cancelling Lot 1 on MPH21491		
CLIENT JARROD SCHAFER		
LOCAL GOVERNMENT CHARTERS TOWERS REGIONAL COUNCIL		DATE 23/8/2021
TITLE REF: 21435100	FILE N/A	SCALE 1:400 @ A3
SURVEYOR REF. 21-269	FIELDBOOK Toughbook	DRAWN: IWF

LOCALITY: MOSMAN PARK



56 Thuringowa Drive, Kirwan QLD 4817
Phone: (07) 47234885
CADASTRAL SURVEYS

P21-269a.dwg

Sheet 1 of 1
Form 1.4

15 September 2021

Our Ref: 4533617
File Ref: RAL2021/0003
Enquiries: Lachlan Deon

Jarrold Schafer
17 Sadds Lane
QUEENTON QLD 4820

Sent via email: jarrod.schafer@hotmail.com

Dear Jarrod

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 15 September 2021. As a result, Council hereby provides this infrastructure charges notice.

Applicant details

Applicant name: Jarrod Schafer

Location details

Street address: 41 Mount Leyshon Road, Mosman Park QLD 4820
Real property description: Lot 1 on MPH21491

Application details

Application number: RAL2021/0003
Approval type: Development Permit
Development type: Reconfiguring a Lot
Category of assessment: Code Assessment
Description of development: One into Two Lots
Categorising instrument: Charters Towers Regional Town Plan Version 2

Total levied charge payable

The total amount payable is **\$7,335.00**. 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 license (however described) under the *Planning Act 2016*.



Date: 15 September 2021
Our Ref: 4533617

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
New Lots (Charge Area One)	2	\$7,335	\$14,670
		Gross Charge Amount	\$14,670

Table Two: Applied Credit

Credit	Quantity	Rate	Gross Credit Amount
Existing Lot	1	\$7,335	\$7,335
		Gross Credit Amount	\$7,335

Table Four: Total Charge

Charge	(Minus) Credit	Net Charge Amount
\$14,670	\$7,335	\$7,335

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

Payments can be made either:

- 1) Over the counter at Council's Administration Officer located at 12 Mosman Street, Charters Towers, or
- 2) Through Council's nominated bank account being Account No. 00000022 and BSB No. 064-805.

The payment must have the reference number as: ICN RAL2021/0003.

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

Yours faithfully



Matthew Kelly
Manager Regional Development

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

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