

10 November 2020

Our Ref: 1397587  
File Ref: 05/APP/02  
Enquiries: Lachlan Deon

Timothy Cluff  
PO Box 1635  
**CHARTERS TOWERS QLD 4820**

Sent via email: [cluff72017@icloud.com](mailto:cluff72017@icloud.com)

Dear Mr. Cluff

**Changed Decision Notice**  
(Given under Section 83 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was approved under delegated authority on 9 November 2020. The nature of the changes agreed to are detailed below including the conditions of the approval and notice of reasons. This changed decision notice replaces the original decision notice dated 14 May 2019.

**Applicant details**

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Applicant name: Timothy Cluff

**Location details**

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Street address: 9 Forbes Street, SOUTHERN CROSS QLD 4820  
Real property description: Lot 2 on MPH21801  
Current lawful use: Dwelling House

**Application details**

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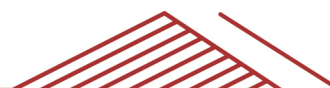
Application number: RL19/58  
Approval type: Development Permit  
Development type: Reconfiguring a Lot  
Category of assessment: Code Assessment  
Description of development: **One into Two lots**  
Definition of use: Not applicable  
Categorising instrument: Aligned Planning Scheme for Dalrymple Shire 2008

**1. Nature of the change(s) agreed to**

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The changes agreed to as part of this changed decision notice are:

**1) Amendments to Condition 1 to reflect the amended Survey Plan**



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- 2) Conditions 2 and 3 are deleted as proposed Lot 3 no longer exists, and
- 3) Condition 8 is amended to remove the access easement which was required for Lot 3 which no longer exists.

## 2. 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"/>

## 3. 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 plan except where amendments are required to satisfy the conditions of this approval:</div> <table><tr><td>Drawing Title:</td><td>Prepared by:</td><td>Date:</td><td>Reference No:</td></tr><tr><td>Plan of Lots 21 and 23</td><td>G.L.HANSEN</td><td>26/10/2020</td><td>-</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Plan of Lots 21 and 23	G.L.HANSEN	26/10/2020	-	At all times
Drawing Title:	Prepared by:	Date:	Reference No:							
Plan of Lots 21 and 23	G.L.HANSEN	26/10/2020	-							
Special										
2.	<del>The applicant must provide a Building Envelope for proposed Lot 3 having a minimum size of 400m2 measuring a minimum of 20m x 20m having a gradient no greater than 15%.</del>	<del>Prior to the lodgement of survey plan for endorsement</del>								
3.	<del>The applicant must provide confirmation that the septic transpiration area for the existing Dwelling House is confined solely to the boundaries of proposed Lot 2.</del>	<del>Prior to the lodgement of survey plan for endorsement</del>								
General										
4.	<div>The applicant is to:</div> <div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan 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 including roads, water and stormwater services, and</div> <div>c) 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										
5.	The applicant is to ensure that erosion and sedimentation control management	At all times								



Condition Number	Condition	Timing
	is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control are to be in accordance with <i>Sediment Control – Engineering Guidelines for Queensland 1996 (Construction Sites)</i> and the <i>Queensland Urban Drainage Manual 2013</i> .	
6.	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, unless otherwise approved by Council. 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 2008</i> .	At all times
7.	The applicant is to 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
<b>Transport and Access</b>		
8.	The applicant is to construct a driveway crossover at the frontage of each proposed lot in accordance with Council's standard drawing <i>CTRC-001 Roads rural and turnouts inverts &amp; culvert driveways</i> . <del>The access to proposed Lot 3 must be a minimum of 50 metres from the corner of Cambridge and Forbes Streets.</del>	Prior to the lodgement of survey plan for endorsement
<b>Water and Sewer</b>		
9.	The applicant shall 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
10.	The applicant is 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
<b>Electricity and Telecommunication</b>		
11.	The applicant is to submit to Council, either: a) A certificate of supply demonstrating that existing electricity and telecommunication supply is available to each lot proposed, or b) A certificate of supply that the applicant has entered into an agreement with the authorised electricity supplier, Ergon Energy, to provide electricity services to each proposed lot and that payment has been received and the connection will be completed at a date in the future, and c) A certificate demonstrating that the applicant has entered into an agreement with an authorised telecommunications provider, Telstra, to provide telecommunications services to each proposed lot and that payment has been received and the connection will be completed at a date in the future.	Prior to the lodgement of survey plan for endorsement



Condition Number	Condition	Timing
<b>Survey Plan Endorsement</b>		
12.	<p>The applicant is to lodge to Council, for approval, an application for Survey Plan Endorsement which includes:</p> <ul style="list-style-type: none"> <li>a) Payment of application fee in accordance with Council's fees and charges at the time of lodgement</li> <li>b) All survey marks in their correct position in accordance with the Survey Plan</li> <li>c) A compliance report demonstrating compliance with all associated Development Permit(s)</li> <li>d) One copy of the survey plan and/or easement documentation each fully executed for the lodgement with the Titles Office, and</li> <li>e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i>.</li> </ul>	As part of the lodgement of survey plan for endorsement

#### Advisory Notes

##### Unlawful Building and Plumbing and Drainage Works

Council has limited records associated with the existing buildings and structures located on site. It is advised that the applicant obtain the relevant Building and Plumbing and Drainage Works Development Permits, Finals and Compliance Certificates immediately. Failure to obtain the abovementioned land use approvals may result in compliance and/or enforcement action under the *Planning Act 2016*, *Building Act 1975* and the *Plumbing and Drainage Act 2002*.

##### Aboriginal and Cultural Heritage

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

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

Ensure compliance with the *Work Health and Safety Act 2011*. It states that the project manager/applicant 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

Ensure compliance with the *Environmental Protection Act 1994*. It states that a person must not carry out



<b>Advisory Notes</b>	
	<p>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>
<b>Ergon Energy and Telstra Corporation Contact Details</b>	
	<p>Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below:</p> <ol style="list-style-type: none"> <li>1) Ergon Energy Connection Solution's Team – (07) 4931 1012, and/or</li> <li>2) Telstra Smart Communities Team – 1800 226 543.</li> </ol>
<b>Council Forms, Policies and Drawings</b>	
	<p>In achieving compliance with conditions, the below Council forms will need to be completed for this development:</p> <ol style="list-style-type: none"> <li>1) F0339/RI - Application to carry out public access/footpath work, and</li> <li>2) F0313/IS – Request for water supply connection.</li> </ol> <p>In addition, Council's Standard Drawings for roads, driveways and grids can be found at <a href="http://www.charters Towers.qld.gov.au/drawings-specifications">www.charters Towers.qld.gov.au/drawings-specifications</a>.</p>

#### **4. 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.

#### **5. Further development permits**

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

#### **6. Referral agencies**

There were no referral agencies for this application.

#### **7. Submission(s)**

Properly made submissions were not made in relation to this development.

#### **8. Notice of reasons**



Date: 10 November 2020

Ref No: 1397587

This notice is prepared in accordance with Section 83(9) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

<b>Description of the development:</b>	<b>Reconfiguring a Lot Boundary Realignment (one lot into two lots).</b>	
<b>Assessment benchmarks:</b>	The proposed development was assessed against the following assessment benchmarks: 1) Environs Planning Area Code 2) Reconfiguring a Lot Code, and 3) Landscaping Code.	
<b>Relevant matters:</b>	Not applicable – Code Assessable.	
<b>Matters raised in submissions:</b>	Not applicable – Code Assessable.	
<b>Reasons for decision:</b>	The development was assessed against all the assessment benchmarks listed above and complies with all.	
	<b>Assessment benchmark:</b>	<b>Reasons for the approval despite non-compliance with benchmark:</b>
	Not applicable.	Not applicable.

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

There are no other requirements.

## 10. 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>.

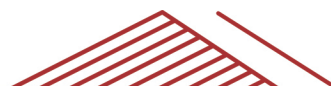
An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

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

Yours faithfully



Matthew Kelly  
Manager Regional Development

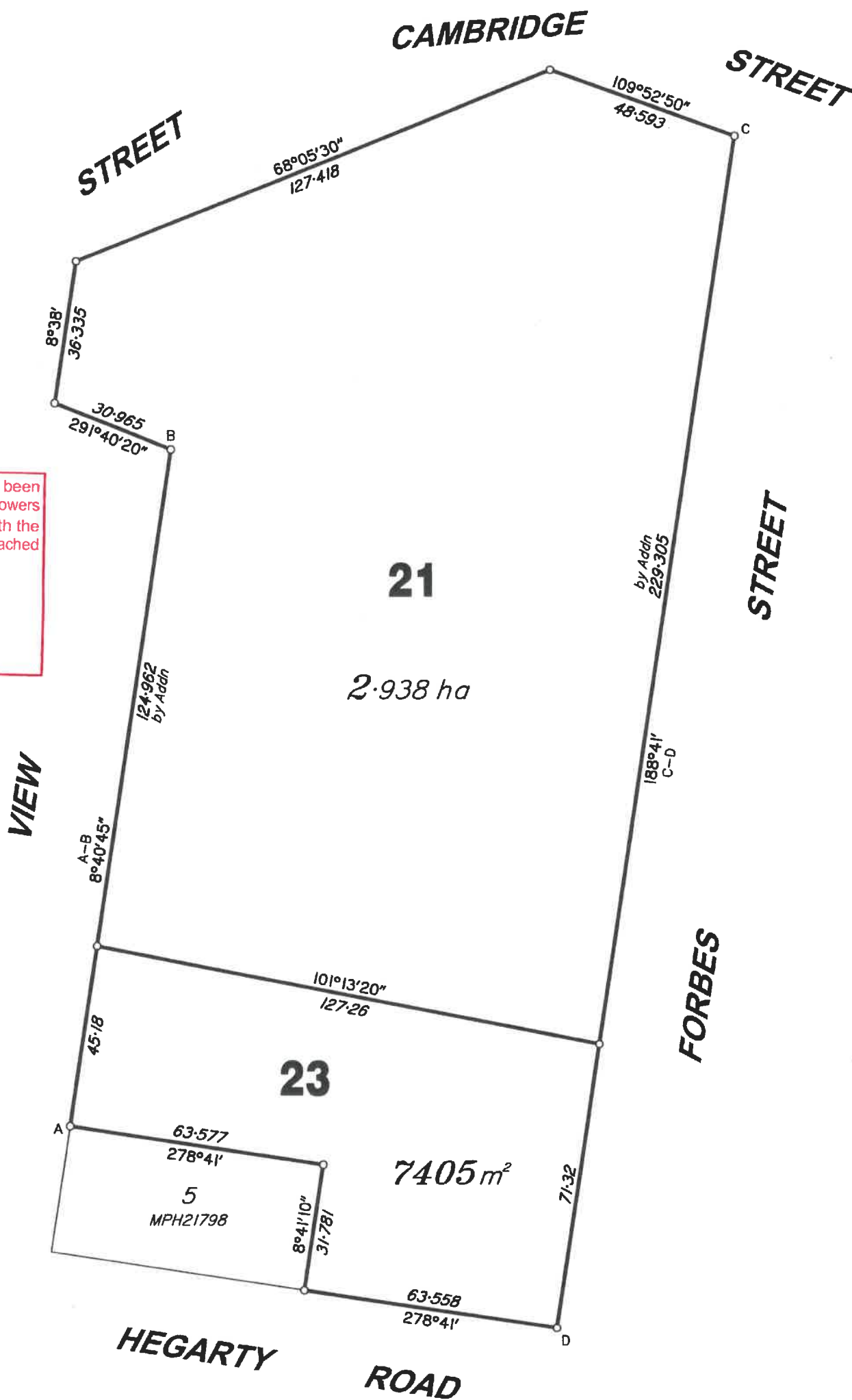






This plan and/or document has been approved by the Charters Towers Regional Council in accordance with the conditions stated within the attached Decision Notice.

App Ref: *RL19/58*  
Date: *10/11/2020*  
Signed: *[Signature]*



I, Geoffrey Lynn HANSEN, hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from DP314856 in the Department of Natural Resources, Mines & Energy.

*[Signature]*

Cadastral Surveyor

*26/10/20*  
Date

**Plan of Lots 21 & 23**

*Cancelling Lot 2 on MPH21801*

LOCAL GOVERNMENT: **CHARTERS TOWERS REGIONAL COUNCIL** LOCALITY: **SOUTHERN CROSS**

Meridian: **MPH21801**

Survey Records: *No*

Scale: **1:1250**

Format: **STANDARD**



**SP322980**