

26 June 2026

Our Ref: 5275857
File Ref: RAL2025/0008.01
Enquiries: Mark Alivio

JVS Planning
Attn: Jeff Smith
8 Nugent Court
KIRWAN QLD 4817

Sent via email: jvsplanning@gmail.com

Dear Jeff,

Changed Decision Notice

(Given under Section 82 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was approved under delegated authority on 26 June 2026. The nature of the changes agreed to are detailed below including the conditions of the approval and notice of reasons. This change decision notice replaces the original decision notice dated 07 November 2025.

Applicant details

Applicant name: Jeff Smith (JVS Planning)

Location details

Street address: 2 Oxford Lane and 4 Oxford Lane, Richmond Hill QLD 4820
Real property description: Lot 2 on MPH20412 and Lot 1 on MPH20412
Current lawful use: Residential

Application details

Application number: RAL2025/0008.01
Approval type: Development Permit
Development type: Reconfiguring a Lot
Category of assessment: Code Assessment
Description of development: Change the original RAL2025/0008 application to include adjoining site (to address encroachment issue through consequential easement).
Definition of use: Subdivision 1 into 2 lots and Easement (over new lot and partly over Lot 1 MPH20412)
Categorising instrument: Charters Towers Regional Town Plan Version 2



1. Nature of the change(s) agreed to

The change agreed to as part of this changed decision notice is:

- Easement partially over Lot 1 MPH20412, to address encroachment of private stormwater drainage; and
- Associated changes to conditions

Council agrees with the reasons provided by the applicant in their application material and considers the change to not result in a substantially different development.

2. Conditions of approval

Condition Number	Condition	Timing																				
Approved Plans/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: <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 20 and 21 Cancelling Lot 2 on MPH20412</td><td>Rowlands Surveys</td><td>04/08/2025</td><td>44552/02</td><td>-</td></tr><tr><td>Civil Works Layout Plan</td><td>Northern Consulting Engineers</td><td>27/10/2025</td><td>MJ2706/01 Issue P1</td><td>-</td></tr><tr><td>Proposed Reconfiguration of Lots 20 and 21 Cancelling Lot 2 on MPH204412</td><td>Rowlands Surveys</td><td>22/05/2026</td><td>44552/02</td><td>A</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No.	Revision	Proposed Reconfiguration Lots 20 and 21 Cancelling Lot 2 on MPH20412	Rowlands Surveys	04/08/2025	44552/02	-	Civil Works Layout Plan	Northern Consulting Engineers	27/10/2025	MJ2706/01 Issue P1	-	Proposed Reconfiguration of Lots 20 and 21 Cancelling Lot 2 on MPH204412	Rowlands Surveys	22/05/2026	44552/02	A	At all times.
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General		
2.	a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(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.	At all times.
Existing Services		
3.	Written confirmation of the location of existing services for the land must be provided to Council. In any instance where existing services are contained within another lot, the following applies, either: a) Relocate the services to comply with this requirement; or b) Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot.	Prior to survey plan endorsement.
Transport and access		
4.	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.
5.	Remove the redundant existing vehicle crossing(s) on the Clarke Street frontage of the site and reinstate the kerb and channel, road pavement, footways and footpaths.	Prior to Council approving the plan of Subdivision.
Water and Sewer		
6.	Lodge and have approved, an application for connection to water supply as part of the development's connection to Council's controlled water service infrastructure.	Prior to works on Council's water infrastructure.
7.	Provide a water service connection from Council's water supply infrastructure to each proposed lot and pay the full cost of a water meter in the form of a bond for each proposed lot.	Prior to Council approving the Plan of Subdivision.
8.	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.
9.	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.
Stormwater		
10.	Provide a stormwater connection to proposed Lot 21 and provide drainage infrastructure to ensure stormwater run-off from all roof and developed	Prior to the lodgement of



	surface areas will be collected internally and piped to a lawful point of discharge on Oxford Lane. and as shown on Civil Works Layout Plan Drawing No. MJ2706/01 Issue P1 dated 27/10/2025.	survey plan for endorsement.
11.	All stormwater runoff from development on proposed Lot 21 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 <i>Queensland Urban Drainage Manual 2016</i> and <i>AS3500.3:2018 Plumbing and Drainage - Stormwater Drainage</i> .	At all times
12.	Repair any damage to existing kerb and channel, footpath or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) during any works carried out in association with the approved development.	Prior to the lodgement of survey plan for endorsement.
13.	Provide at no cost to Council, one copy of the fully executed easement documentation for the following: a) Easement burdening proposed Lot 20 and existing Lot 1 MPH20412 for underground drainage and access purposes, as required to preserve the rights of upstream property (proposed Lot 21), in favour of Charters Towers Regional Council and having a minimum width of 3m. Easement to be generally in accordance with easement shown on Civil Works Layout Plan Drawing No. MJ2706/01 Issue P1 dated 27/10/2025. Easement to be generally in accordance with easement shown on 44552/02 as amended in red 19/06/2026.	As part of the lodgement of survey plan for endorsement.
Electricity and Telecommunication		
14.	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 Council approving the Plan of Subdivision.
15.	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 Council approving the Plan of Subdivision.
Survey Plan Endorsement – AFTER ALL RELEVANT CONDITIONS MET		
16.	Lodge to Council, for approval, an application for Survey Plan Endorsement which includes: a) Fully executed Queensland Titles Form 18A, signed by all property owner/s b) Payment of application fee in accordance with Council's fees and charges at the time of lodgement c) All survey marks in their correct position in accordance with the Survey Plan d) A compliance report demonstrating compliance with all associated Development Permit(s) e) One copy of the survey plan and/or easement documentation each fully executed for the lodgement with the Titles Office f) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the Planning Regulation 2017, and g) Payment of any outstanding Adopted Infrastructure Charges.	As part of survey plan endorsement.



	<i>Note: It is the owner's responsibility to ensure all relevant conditions of this subdivision approval are met and documented before lodging the survey plan for endorsement.</i> <i>Council cannot sign the Queensland Titles Form 18B if any requirements under Condition 16. are outstanding or have not been appropriately addressed. Without Council's signature, Queensland Titles cannot register the new survey plan.</i>	
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Advisory Note
Council Owned Land
Council notes that the purpose of the easement is to allow access for inspection, maintenance and repair of the private drainage infrastructure by the owner of proposed Lot 21. Council as owner of Lot 1 of MPH20412 further clarifies that, as this infrastructure is private and provides a lawful point of discharge for proposed Lot 21, Council will have no responsibility for any survey costs, title registration costs or legal fees associated with the preparation and registration of the easement, nor for the ongoing maintenance, upgrading or replacement of this infrastructure.

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 (4) years from the original development permit, dated 7 November 2025.

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. Plumbing and Drainage Works – connection to water supply.

5. Referral agencies

There are no referral agencies for this application.

6. Submission(s)

Not applicable.



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:	Change the original RAL2025/0008 application to include adjoining site (to address encroachment issue through consequential easement).	
Reasons for the decision:	The application for the Reconfiguration of a Lot (Change Application- Other), Change the original RAL2025/0008 application to include adjoining site (to address encroachment issue through consequential easement) has been assessed against the relevant provisions of the Charters Towers Regional Town Plan Version 2. It is considered that the proposal is reasonable and is recommended for approval and has complied with relevant Acceptable and Performance Outcomes.	
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the North Queensland Regional Plan 2020 and the Charters Towers Regional Town Plan Version 2 including the: 1) General Residential Code 2) Development Works Code 3) Reconfiguring a Lot Code The proposed development was assessed against all the assessment benchmarks listed above and complies with all the exceptions listed and responded to below.	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	N/A	N/A
Relevant matters:		
Matters raised in submissions:	Submission Point:	Council Response:
	N/A	N/A

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>.



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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 Council on (07) 4761 5300.

Yours faithfully,



Timna Green
Manager Planning & Development

Encl. Approved Documentation



