



12 March 2018

Our Ref: 1173641
File Ref: 05/APP/02
Enquiries: Matthew Kelly

Greenvale Silicon Pty Ltd
C/- Matteo Sandona
Milford Planning
PO Box 5463
TOWNSVILLE QLD 4810

Sent via email: info@milfordplanning.com.au

Dear Sir

Decision notice approval
(Given under section 63(2) of the *Planning Act 2016*)

The Assessment Manager (Charters Towers Regional Council) acknowledges receipt of the above application on 28 February 2018 and confirms the following:

**Development Application RL18/29 for
Development Permit – Reconfiguring a Lot Boundary Realignment (two into two lots)
203 Plum Tree Road, BROUGHT QLD 4820
Lot 5 on MPH 40800 & Lot 1 on MPH 138400**

The Assessment Manager advises that, on 12 March 2018 the above development application was:

☒ approved in full with conditions* (refer to the conditions contained in **Attachment 1**)

1. Details of the approval

This application is not ☒ taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	<i>Planning Regulation 2017</i> reference	Development Permit	Preliminary Approval
Development Permit for Reconfiguring a Lot Boundary Realignment (two into two lots)		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Conditions

This approval is subject to the conditions - Attachment 1.



*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

3. Further development permits

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

N/A

4. Properly made submissions

Properly made submissions were ☐/were not ☒ made in relation to the application.

5. Other requirements under section 43 of the Planning Regulation

N/A

6. Approved plans and specifications

Copies of the following plans, specification and/or drawings are enclosed – Attachment 2.

Drawing/report title:	Prepared by:	Date:	Reference no:	Revision:
Proposal Plan	Vision Surveys	29 January 2018	16492-PP-01	-

7. Currency period for the approval (s.85)

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of 6 years.

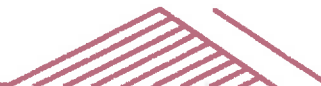
8. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application 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*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.



An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 4 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

If you wish to discuss this matter further, please contact Mathew Kelly – Senior Manager Planning and Development on 4761 5522.

Yours faithfully

Charters Towers Regional Council,
ASSESSMENT MANAGER
PER



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David Metcalfe
Director Planning & Community Services

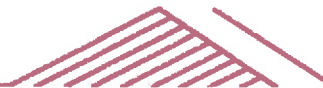
DATE: 12/03/18

Attachment 1—Conditions of the approval

Part 1—Conditions imposed by the assessment manager

Condition Number	Condition	Timing
Approved plans		
1.	Undertake the development generally in accordance with the following approved plan of development except as altered by other conditions of this development approval: <ul style="list-style-type: none"> Drawing No: 16492-PP-01, Sheet 1 of 1, Prepared by Vision Surveys and dated 29/01/2018. 	At all times
General		
2.	Comply with all conditions of this development approval including the completion of any works required by the conditions of this development approval.	Prior to asking the local government, by notice, to approve a plan of subdivision (survey plan).
Survey Marks		
3.	All existing survey marks are to be reinstated, new survey marks are to be installed in accordance with the Plan of Survey, and a cadastral surveyor is to certify the survey work in writing.	Prior to asking the local government, by notice, to approve a plan of subdivision (survey plan).
Compliance report		
4.	Submit a report (compliance report) demonstrating compliance with all conditions of this development approval.	Prior to asking the local government, by notice, to approve a plan of subdivision (survey plan).

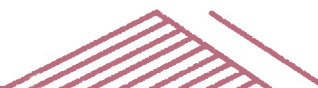
Advisory Notes		
Compliance with conditions		
A.	Failure to ensure compliance with conditions of this development approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the <i>Planning Act 2016</i> .	
Payment of outstanding rates and charges		
B.	The Assessment Manager cannot endorse the Survey Plan until all outstanding rates or charges levied by the local government or expenses that are a charge over the land under any Act are paid.	
Infrastructure charges		
C.	The approval may also be subject to an infrastructure charges notice. Infrastructure charges are required to be paid: <ul style="list-style-type: none"> For a Material Change of Use - Prior to the commencement of the use; For reconfiguring a lot - Prior to or at the time of asking the local government, by notice, to approve a plan of subdivision (survey plan). 	
End of advisory notes		

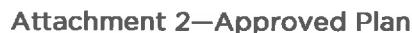




Part 2—Conditions required by the referral agency response

Not applicable.





Attachment 3 – Notice about Decision – Statement of Reasons

Notice about Decision – Statement of Reasons

Planning Act 2016 and Planning Regulation 2017

This Notice is prepared in accordance with s63(5) and s83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meanings given them in the *Planning Act 2016*.

Description of the development	Reconfiguring a Lot Boundary Realignment (two into two lots)	
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: <ul style="list-style-type: none"> • Rural Area Planning Code • Reconfiguring a Lot Code • Landscaping Code 	
Relevant matters	Not applicable – code assessable	
Matters raised in submissions	Not applicable – code assessable	
Reasons for decision	The development was assessed against all the assessment benchmarks listed above and complies with all, with the exceptions listed below:	
	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark
	Rural Planning Area Code A1.1	Despite the proposal not complying with A1.1, the proposal complies with P1 in providing for two lots of a suitable size and configuration for uses consistent with the Rural Planning Area.
	Rural Planning Area Code A8.1 and 8.2	Despite the proposal not complying with A8.2 and 8.2, the proposal complies with P8 as the proposal is for Reconfiguring of a Lot Boundary Realignment whereby with no buildings proposed.
	Reconfiguring a Lot Code A1.1	Despite the proposal not complying with A1.1, the proposal complies with P1 in providing for two lots with sizes that are compatible with the locality.
	Reconfiguring a Lot Code A4.1 and 4.2	Despite the proposal not complying with A4.1 and 4.2, the proposal complies with P4 as the proposal is to realign the boundaries of two rural lots which are currently serviced with onsite site water and sewer.



Attachment 4 — Extract on appeal rights

This Decision Notice may be appealed in accordance with the following with sections of the *Planning Act 2016*:

- Chapter 6 (Dispute resolution), Part 1 (Appeal Rights); and
- Schedule 1 (Appeals).

Appeals to the Planning and Environment Court

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>.

