

25 February 2019

Our Ref: 1244524  
File Ref: 05/APP/02  
Enquiries: Matthew Kelly

Adam Zahner  
18 Hocking Crescent  
MARIAN QLD 4753

Sent via email: [adamzahner@hotmail.com](mailto:adamzahner@hotmail.com)

Dear Sir

**Decision Notice – Approval**  
(Given under s63 of the *Planning Act 2016*)

The assessment manager acknowledges receipt of development application RL19/15 on 20 February 2019 and wishes to advise that the application was assessed and decided under delegated authority on 25 February 2019 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: Adam Zahner

**Location details**

Street address: 26 Millchester Road, QUEENTON QLD 4820  
Real property description: Lot 1 on MPH1435  
Current lawful use: Vacant Land  
Local government area: Charters Towers Regional Council

**Application details**

Application number: RL19/15  
Approval type: Development Permit  
Development type: Reconfiguration of lot  
Category of assessment: Code Assessment  
Description of development: One lot into three lots  
Categorising instrument: Aligned Charters Towers Planning Scheme 2011

**1. 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		<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
or a preliminary approval which includes a variation approval			

## 2. Conditions of approval

Conditions of this approval are included within **Attachment 1**.

## 3. Approved plans and specifications

The approved plan this development approval is listed below:

Drawing title:	Prepared by:	Date:	Reference no:	Revision:
Plan of Reconfiguration	Adam Zahner	20/02/2019	Plan 001	-

The approved plan in relation to this approval are included within **Attachment 2**.

## 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 4 years.

## 5. Further development permits

There are no other development permits required in order to progress this development.

## 6. Referral agencies

There are no referral agencies triggered under Schedule 10 of the *Planning Regulation 2017*.

## 7. Submission(s)

No submissions were received as part of this development.

## 8. Notice of reasons

The notice of reasons are included within **Attachment 3**.

## 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*.

For further information please contact Council's Senior Manager Planning and Development, Matthew Kelly on (07) 4761 5522.

Yours faithfully

Aaron Johansson  
Chief Executive Officer





## Attachment 1—Conditions of the approval

### Part 1—Conditions imposed by the assessment manager

Condition Number	Condition	Timing										
Approved Plan												
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><td>Revision:</td></tr><tr><td>Plan of Reconfiguration</td><td>Adam Zahner</td><td>20/02/19</td><td>001</td><td>A</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Plan of Reconfiguration	Adam Zahner	20/02/19	001	A	At all times
Drawing Title:	Prepared by:	Date:	Reference No:	Revision:								
Plan of Reconfiguration	Adam Zahner	20/02/19	001	A								
General												
2.	<div>The applicant is to;</div> <div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan 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 including roads, water, sewer 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												
3.	<div>The applicant is to 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 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>.</div>	At all times										
4.	<div>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>.</div>	At all times										
5.	<div>The applicant is to 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										
Transport and Access												
6.	<div>The applicant is to construct a driveway crossover at the frontage of each proposed lot in accordance with Council’s standard drawing <i>CTRC-002 Roads urban concrete driveways</i>.</div>	Prior to the lodgement of survey plan for endorsement										
7.	<div>The applicant shall lodge and obtain approval for an application to carry out public access/driveway work as part of works within the Council controlled road reserve.</div>	Prior to works within Council’s road reserve										





Condition Number	Condition	Timing
<b>Water and Sewer</b>		
8.	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
9.	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>		
10.	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
<b>Survey Plan Endorsement</b>		
11.	The applicant is to 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 fully executed for the lodgement with the Titles Office, and e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i> .	As part of the lodgement of survey plan for endorsement

<b>Advisory Notes</b>	
<b>Scale or Intensity of Use</b>	
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 provisions.
<b>Local and State Heritage</b>	
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 <i>Planning Act 2016</i> . 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.





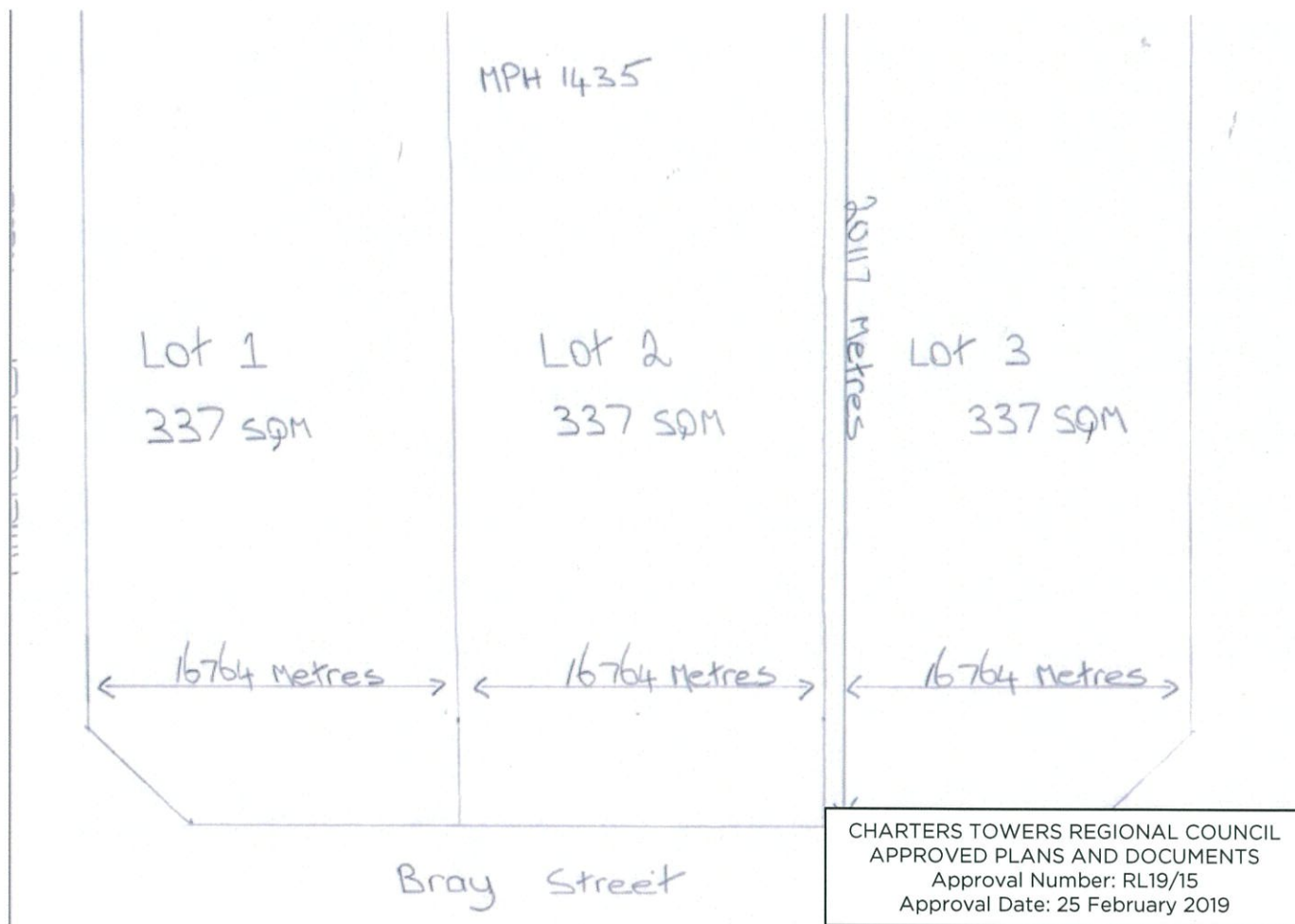
Advisory Notes	
Aboriginal and Cultural Heritage	
C.	The <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures 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: <a href="https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care">https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care</a>
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 <i>Work Health and Safety Act 2011</i> . 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 <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	
F.	<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	
G.	<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) Telstra Smart Communities Team - 1800 226 543.</p>
Council Forms, Policies and Drawings	
H.	<p>In achieving compliance with conditions, the below Council forms will need to be completed for this development;</p> <p>a) <a href="#">F0227/RI - Application to carry out works on a road or interfere with a road or its operation, and</a></p>



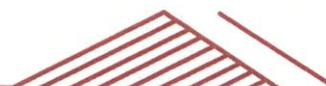
Advisory Notes	
	<p>b) F0313/U&amp;F - Request for water supply connection, and In addition, Council's Standard Drawings for roads, driveways and grids can be found at <a href="http://www.charterstowers.qld.gov.au/drawings-specifications">www.charterstowers.qld.gov.au/drawings-specifications</a>.</p>



Attachment 2—Approved Plans



Drawing Title:	Prepared by:	Date:	Reference No:	Revision:
Plan of Reconfiguration	Adam Zahner	20/02/19	001	A





### Attachment 3—Notice of reasons

This notice is prepared in accordance with s63(5) 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. This includes 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*.

<b>Description of the development:</b>	The proposed development is for a Reconfiguration of a Lot (one into three lots).	
<b>Assessment benchmarks:</b>	The proposed development was assessed against the following assessment benchmarks of the Sate Planning Policy - July 2017 and the Aligned Charters Towers Planning Scheme 2011; <ul style="list-style-type: none"> <li>• Heritage Overlay Code</li> <li>• Residential Zone Code, and</li> <li>• Reconfiguring a Lot Code.</li> </ul>	
<b>Relevant matters:</b>	Not applicable.	
<b>Matters raised in submissions:</b>	<b>Submission Point:</b>	<b>Council Response:</b>
	Not applicable.	Not applicable.
<b>Reasons for decision:</b>	The development was assessed against all the assessment benchmarks listed above and complies with all, with the exceptions listed below:	
	<b>Assessment benchmark:</b>	<b>Reasons for the approval despite non-compliance with benchmark:</b>
	Reconfiguring a Lot Code - Acceptable / Probable Solution S1	The proposal meets the requirements of the Overall Outcomes which highlight that development should result in <i>more efficient and effective form of lot configuration</i> . The proposed development also meets the Specific Outcomes Part B Creation of New Lots A1 which states that <i>additional lots achieve acceptable levels of utility and amenity for each lot created in terms of lot size and dimensions</i> . It should also be noted that the existing approval for Multiple Units may require a reconfiguration for strata titling. The reconfiguration for strata titling would effectively reconfigure each of the Units into the same lot sizes proposed for this development.

