



# Infrastructure Charges Resolution (No. 3) 2020



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## Part 1 Introduction

### 1.1 Planning Act 2016

- (i) This resolution is made under section 113 of the *Planning Act 2016*.
- (ii) This resolution is to be read in conjunction with the following:
  - (a) the *Planning Regulation 2017*; and
  - (b) the Planning Scheme.
- (iii) This resolution is attached to but does not form part of the Charters Towers Regional Town Plan.

### 1.2 Application to local government area

- (i) This resolution declares that an adopted charge applies to all the local government area of Charters Towers Regional Council.

### 1.3 When resolution has effect

This resolution has effect on and from 28 October 2020 (effective date).

### 1.4 Priority infrastructure area

- (i) The priority infrastructure area for the local government comprises the priority infrastructure areas identified in Part 4 of the Charters Towers Regional Town Plan.

### 1.5 Purpose of the resolution

The purpose of this resolution is to state the following:

- (i) the adopted charges for providing the trunk infrastructure for the water supply, sewerage, public parks and other community facilities, transport and stormwater infrastructure networks (local government trunk infrastructure networks) for development;
- (ii) the charges to be levied by the local government for development;
- (iii) the criteria for deciding a conversion application; and
- (iv) the method for working out the cost of the infrastructure that is the subject of an offset or refund.

### 1.6 Definitions

- (i) If a word is not defined in this resolution, it has the meaning given to it by the *Planning Act 2016*.
- (ii) If a word is not defined in this resolution or the *Planning Act 2016*, subject to section 14A of the *Acts Interpretation Act 1954* and section 14 of the *Statutory Instruments Act 1992*, it has the meaning given to it by the edition of the Macquarie Dictionary that is current at the date this resolution takes effect.

## Part 2 Application of the resolution

### 2.1 Application to particular development

- (i) This resolution adopts a charge (adopted charge) for the following development which is equal to or less than the maximum adopted charge for providing trunk infrastructure for development:
  - (a) reconfiguring a lot; and
  - (b) a material change of use of premises.
- (ii) This resolution adopts different charges for development in different parts of the entire local government area (charge areas).

### 2.2 Categorisation of Planning Scheme uses to uses under the Planning Regulation 2017

- (i) Table 1 identifies the relationship between the *Planning Regulation 2017* and the Charters Towers Regional Town Plan use types to which adopted infrastructure charges apply.

**Table 1: Planning Scheme uses to which Adopted Infrastructure Charges Apply**

Column 1 Use under the Planning Regulation 2017	Column 2 Use under the Charters Towers Regional Town Plan
<b>Residential uses</b>	
Residential	Caretaker's accommodation, Dual occupancy, Dwelling house, Dwelling unit, Multiple dwelling and Party House
Accommodation (short-term)	Hotel, Non-resident workforce accommodation, Resort complex, Rural worker's accommodation, Short-term accommodation and Tourist park
Accommodation (long-term)	Community residence, Relocatable home park, Retirement facility and Rooming accommodation
<b>Non-residential uses</b>	
Places of assembly	Club, Community use, Function facility, Funeral parlour, Place of worship
Commercial (bulk goods)	Agricultural supplies store, Bulk landscape supplies, Garden centre, Hardware and trade supplies, Outdoor sales and Showroom
Commercial (retail)	Adult store, Bar, Food and drink outlet, Service industry, Service station, Shop and Shopping centre
Commercial (Office)	Office and Sales office
Educational facility	Childcare centre, Community care centre and Educational establishment
Entertainment	Hotel, Nightclub entertainment facility and Theatre
Indoor sport and recreation facility	Indoor sport and recreation
High impact industry	High impact industry and Special industry
Industry	Low impact industry, Marine industry, Medium impact industry, Research and technology industry, Rural industry, Transport depot and Warehouse
High impact rural	Aquaculture, Intensive horticulture, Wholesale nursery and Winery

Low impact rural	Animal husbandry, Cropping and Permanent plantation
Essential services	Detention facility, Emergency services, Health care service, Hospital, Residential care facility and Veterinary service
Minor	Cemetery, Home-based business, Landing, Market, Park, Roadside stall and Telecommunications facility
Specialised	Air service, Animal keeping, Brothel, Car wash, Crematorium, Environment facility, Extractive industry, Intensive animal husbandry, Major electricity infrastructure, Major sport, recreation and entertainment facility, Motor sport facility, Nature-based tourism, Outdoor sport and recreation, Outstation, Parking station, Port service, Renewable energy facility, Substation, Tourist attraction and Utility installation
Other uses	Nil

## Part 3 Adopted charges

### 3.1 Adopted charges

- (i) The adopted charges and applicable charge areas for:
- (a) reconfiguring a lot, are stated in table 2; and
  - (b) a material change of use of premises, are stated in table 3.
- (ii) The adopted charges use the amounts prescribed within Schedule 16 of the *Planning Regulation 2017* however are capped at 25% for Charge area 1 and 12.5% for Charge area 2.

**Table 2: Adopted charges for reconfiguring a lot**

Column 1 Development	Column 2 Adopted charges (\$ per lot)	Column 3 Charge area
Reconfiguring a lot	\$7,335.00	Charge area 1
	\$3,667.00	Charge area 2

**Table 3: Adopted charges for a material change of use of premises**

Column 1 Use category	Column 2 Defined use	Column 3 Unit of measure for charge	Column 4 Charge rage (\$ per unit of measure)	
			Charge area 1	Charge area 2
<b>Residential</b>	Caretaker's accommodation	Per 2 or less bedroom dwelling	\$5,239.00	\$2,620.00
	Dwelling house	Per 3 or more-bedroom dwelling	\$7,335.00	\$3,667.00
	Dwelling unit			
	Dual occupancy			
	Multiple dwelling			
	Party house			
<b>Accommodation (short-term)</b>	Hotel	Per 2 or less bedroom unit	\$2,620.00	\$1,310.00
	Resort complex	Per 3 or more-bedroom unit	\$3,667.00	\$1,834.00
	Short-term accommodation			
	Non-resident workforce accommodation	Per 2 or less bedrooms in a cabin, or A group of 2 sites or less	\$2,620.00	\$1,310.00
	Rural worker's accommodation			
	Tourist park			
		Per 3 or more bedrooms in a cabin, or A group of 3 sites or more	\$3,667.00	\$1,834.00

Column 1 Use category	Column 2 Defined use	Column 3 Unit of measure for charge	Column 4 Charge rage (\$ per unit of measure)	
			Charge area 1	Charge area 2
<b>Accommodation (long-term)</b>	Community residence	Per 2 or less bedroom unit	\$5,239.00	\$2,620.00
	Retirement facility	Per 3 or more-bedroom unit	\$7,335.00	\$3,667.00
	Rooming accommodation			
	Relocatable home park	Per 2 or less bedroom relocatable dwelling site	\$5,239.00	\$2,620.00
		Per 3 or more relocatable dwelling site	\$7,335	\$3,667.00
<b>Places of assembly</b>	Club	Per m <sup>2</sup> of Gross Floor Area	\$18.00	\$9.00
	Community use			
	Function facility			
	Funeral parlour			
	Place of worship			
<b>Commercial (bulk goods)</b>	Agricultural supplies store	Per m <sup>2</sup> of Gross Floor Area	\$37.00	\$19.00
	Bulk landscape supplies			
	Garden centre			
	Hardware and trade supplies			
	Outdoor sales			
	Showroom			
	<b>Commercial (retail)</b>			
Bar				
Food and drink outlet				
Service industry				
Service station				
Shop				
Shopping centre				
<b>Commercial (Office)</b>		Office	Per m <sup>2</sup> of Gross Floor Area	\$37.00
	Sales office			
<b>Educational facility</b>	Childcare centre	Per m <sup>2</sup> of Gross Floor Area	\$37.00	\$19.00
	Community care centre			
	Educational establishment			

Column 1 Use category	Column 2 Defined use	Column 3 Unit of measure for charge	Column 4 Charge rage (\$ per unit of measure)	
			Charge area 1	Charge area 2
<b>Entertainment facility</b>	Hotel Nightclub entertainment facility Theatre	Per m <sup>2</sup> of Gross Floor Area	\$52.00	\$26.00
<b>Indoor sport and recreation facility</b>	Indoor sport and recreation	Per m <sup>2</sup> of Gross Floor Area	\$52.00	\$26.00
<b>High impact industry</b>	High impact industry Special industry	Per m <sup>2</sup> of Gross Floor Area	\$18.00	\$9.00
<b>Industry</b>	Low impact industry Marine industry Medium impact industry Research and technology industry Rural industry Transport depot Warehouse	Per m <sup>2</sup> of Gross Floor Area	\$13.00	\$7.00
<b>High impact rural</b>	Aquaculture Intensive horticulture Wholesale nursery Winery	Per m <sup>2</sup> of Gross Floor Area	\$5.00	\$3.00
<b>Low impact rural</b>	Animal husbandry Cropping Permanent plantation	Nil charge as per Schedule 16 of the Planning Regulation 2017.		
<b>Essential services</b>	Detention facility Emergency services Health care service Hospital Residential care facility Veterinary service	Per m <sup>2</sup> of Gross Floor Area	\$37.00	\$19.00



Column 1 Use category	Column 2 Defined use	Column 3 Unit of measure for charge	Column 4 Charge rage (\$ per unit of measure)	
			Charge area 1	Charge area 2
<b>Minor</b>	Cemetery Home-based business  Landing  Market  Park  Roadside stall  Telecommunications facility	Nil charge as per Schedule 16 of the Planning Regulation 2017.		
<b>Specialised</b>	Air service Animal keeping Brothel Car wash Crematorium Environment facility Extractive industry Intensive animal husbandry Major electricity infrastructure Major sport, recreation and entertainment facility Motor sport facility Nature-based tourism Outdoor sport and recreation Outstation Parking station Port service Renewable energy facility Substation Tourist attraction Utility installation	Council will calculate an infrastructure charge on the approved uses at the time the decision is made, the charge will be recalculated at the time of payment.		
<b>Other</b>	Nil	Nil charge as per Schedule 16 of the <i>Planning Regulation 2017</i> .		

### 3.2 Variation to adopted charges

- (i) Variations to adopted charges can occur where meeting the eligibility criteria in table 4 below. Where compliance with the eligibility criteria is achieved, the amount of variation in table 4 will apply. To remove any doubt, the variations nominated in table 4 are not accumulative.
- (ii) Any other variation to adopted charges must be decided by Council under a resolution at a General Meeting.

**Table 4: Variations to adopt charges**

<b>Column 1 Category</b>	<b>Column 2 Eligibility criteria</b>	<b>Column 3 Amount of variation</b>
Not-for-profit organisations	Development by a Not-for-profit organisation. Evidence of Not-for-Profit status must be provided (such as constituent or governing documents, incorporation certificate).	50%
Charters Towers Regional Council	Charters Towers Regional Council is the applicant and the development is for an item of essential local government infrastructure.	100%
Re-use of an existing premises	<ol style="list-style-type: none"><li>1) A change of use has occurred as defined by the <i>Planning Act 2016</i></li><li>2) The development utilises an existing building, and</li><li>3) The Gross Floor Area and/or number of bedrooms remains unchanged.</li></ol>	100%

## Part 4 Levied charges

### 4.1 Applicable development

- (i) A levied charge may be levied for the following development:
  - (a) reconfiguring a lot; or
  - (b) a material change of use of premises.
- (ii) A levied charge is not to be levied for the following:
  - (a) works or use of premises authorised under the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*;
  - (b) development in a priority development area under the *Economic Development Act 2012*;
  - (c) development by a department, or part of a department, under a designation; or
  - (d) development for a non-State school under a designation.

### 4.2 Calculation of a levied charge

A levied charge for the development is to be calculated as follows:

$$LC = DD - DDC \text{ or } DC$$

Where:

LC is the levied charge for the development, which cannot be less than zero.

DD is the development demand determined in accordance with section 4.3.

DDC is the development demand credit, if applicable, determined in accordance with section 4.4.

DC is the demand credit, determined in accordance with section 4.5.

### 4.3 Development demand

- (i) For a material change of use of premises, the development demand is a combination the following:
  - (a) the existing or former lawful use of the premises; and
  - (b) the additional demand created by the development as per the development permit.
- (ii) A development demand is to be determined using the relevant unit of measurement for an adopted charge for the development in table 2 and table 3 (demand unit).

### 4.4 Development demand credit

- (i) A development demand credit is to be determined by applying the greatest of the following:
  - (a) the existing or former lawful use of the premises; or
  - (b) a deemed credit is applicable as per section 4.5.

- (ii) An applicant which is seeking a development demand credit is to provide evidence and any information reasonably required by the local government to demonstrate any former lawful use of premises.

#### **4.5 Deemed credits**

- (i) In instances where it is not possible to determine the development demand credit in accordance with section 4.4, a deemed credit shall apply to the lot. The deemed credit shall be the equivalent of table 2 where relevant to the applicable Charge area of the lot as prescribed by maps 1-3.
- (ii) In instances where Council is satisfied that the development demand credit is less than the deemed credit, Council may (at its discretion) elect to apply a deemed credit in lieu of the actual development demand credit as per section 4.4.

#### **4.6 Time of payment of a levied charge**

A levied charge becomes payable at the following time, unless otherwise provided for in section 4.7:

- (i) if the levied charge applies for reconfiguring a lot, when the local government executes the plan of survey for a reconfiguration;
- (ii) if the levied charge applies for a material change of use of premises, at the commencement of the use.

#### **4.7 Alternative to paying a levied charge**

- (i) The local government may enter into an infrastructure agreement about either or both of the following:
  - (a) whether the levied charge may be paid other than as required in section 4.6, including whether the levied charge may be paid by instalments;
  - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (ii) The infrastructure agreement must state how increases in the levied charge are payable under the agreement.

## Part 5 Offset or refund for trunk infrastructure

### 5.1 Conversion criteria

- (i) The criteria for deciding a conversion application that applies to development in the Council's local government area are that:
  - (a) the development infrastructure:
    - (A) is necessary to service development that is consistent with the assumptions about the type, scale, location or timing of future development stated in the priority infrastructure area;
    - (B) is not consistent with non-trunk infrastructure for which a condition may be imposed under section 145 of the *Planning Act 2016*;
    - (C) is to be owned by the local government;
    - (D) is not temporary infrastructure;
    - (E) has capacity to service other development in the area, in excess of what is required to service the approved development only; and
    - (F) is to deliver the desired standards of service stated in Part 4 of the Charters Towers Regional Town Plan; and
  - (b) the type, capacity and function of the development infrastructure is consistent with other trunk infrastructure identified in this charges resolution or the local government infrastructure plan for the area; and
  - (c) the type, size and location of the development infrastructure is the least cost option based upon the life cycle cost of the infrastructure required to service future development in the area at the desired standards of service, for servicing multiple users in the area.

### 5.2 Working out the establishment cost of trunk infrastructure for an offset or refund

The establishment cost for a trunk infrastructure contribution for work or land for an offset or refund is to be worked out by the local government using the following:

- (i) for the calculation of the establishment cost:
  - (a) an estimate of the establishment cost for the trunk infrastructure contribution reasonably determined by the local government; or
  - (b) the method stated in section 5.3 for work or the method stated in section 5.4 for land;
- (ii) for the recalculation of the establishment cost calculated under section 5.2(i)(a):
  - (a) the method stated in section 5.3 for work;
  - (b) the method stated in section 5.4 for land.

### 5.3 Calculation and recalculation of the establishment cost of work for an offset or refund

- (i) The establishment cost for a trunk infrastructure contribution for work is to be worked out by the local government using a first principles estimating approach.

- (ii) The first principles estimating approach is to be implemented through the following process:
  - (a) The local government is to provide to the applicant the scope of works including the standard to which the trunk infrastructure contribution is to be provided and the location of the trunk infrastructure contribution (scope of works).
  - (b) The applicant is to, at its own cost, submit to the local government:
    - (A) a bill of quantities for the design, construction and commissioning of the trunk infrastructure contribution in accordance with the scope of works (initial bill of quantities);
    - (B) a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure contribution specified in the initial bill of quantities (initial cost estimate).
  - (c) The local government is to, within 20 business days after its receipt of the initial bill of quantities and initial cost estimate, do one of the following:
    - (A) accept the initial bill of quantities and initial cost estimate;
    - (B) reject the initial bill of quantities and initial cost estimate.
  - (d) If the local government accepts the initial bill of quantities and initial cost estimate, the initial cost estimate is the establishment cost of the trunk infrastructure contribution.
  - (e) If the local government rejects the initial bill of quantities and initial cost estimate, it is to do the following:
    - (A) have an assessment undertaken at its own cost by an appropriately qualified person to:
      - (I) determine whether the initial bill of quantities is in accordance with the scope of works;
      - (II) determine whether the initial cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the initial bill of quantities; and
      - (III) provide a new cost estimate using a first principles estimating approach.
    - (B) give a written notice to the applicant stating:
      - (I) the local government's decision to reject the initial bill of quantities and initial cost estimate and the reasons for its decision; and
      - (II) the local government's proposed bill of quantities and the new cost estimate provided by the appropriately qualified person.
  - (f) Where a written notice referred to in section 5.3(ii)(e)(B) of this resolution is given:
    - (A) the local government and the applicant may negotiate and reach agreement regarding the cost estimate and if an agreement is reached, the agreed cost estimate is the establishment cost of the trunk infrastructure contribution;
    - (B) if no agreement is reached within 20 business days after the written notice is given (or a further agreed period), the local government is to refer the proposed

bill of quantities and the new cost estimate to an independent, suitably qualified person (independent assessor) to:

- (I) determine whether the proposed bill of quantities is in accordance with the scope of works;
  - (II) determine whether the new cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the proposed bill of quantities; and
  - (III) provide an amended cost estimate using a first principles estimating approach.
- (g) The independent assessor is to be appointed by the local government in consultation with the applicant. The cost of the independent assessment undertaken by the independent assessor is to be equally shared between the local government and the applicant.
- (h) The amended cost estimate determined by the independent assessor is the establishment cost of the trunk infrastructure contribution.
- (i) As soon as reasonably practicable after the establishment cost of the trunk infrastructure contribution is determined in accordance with the process outlined in this section, the local government is to give an amended infrastructure charges notice to the applicant stating, amongst other matters prescribed by the *Planning Act 2016*:
- (A) the value of the establishment cost of the trunk infrastructure contribution which has been indexed to the date it is stated in the amended infrastructure charges notice using the 3-yearly PPI average; and
  - (B) that the establishment cost of the trunk infrastructure contribution stated in the amended infrastructure charges notice is indexed from the date that it is stated in the amended infrastructure charges notice to the date it is to be offset against the levied charge, in accordance with the 3-yearly PPI average.

#### **5.4 Calculation and recalculation of the establishment cost of land for an offset or refund**

- (i) The establishment cost for a trunk infrastructure contribution for land is to be worked out by the local government using the before and after method of valuation for estimating the current market value of land.
- (ii) The before and after method of valuation is to be applied through the following process:
  - (a) The applicant is to, at its own cost, submit to the local government a valuation of the land infrastructure (initial valuation).
  - (b) The local government is to, within 20 business days after its receipt of the initial valuation, do one of the following:
    - (A) accept the initial valuation;
    - (B) reject the initial valuation.
  - (c) If the local government accepts the initial valuation, the initial valuation is the establishment cost of the land infrastructure.
  - (d) If the local government rejects the initial valuation, it is to do the following:

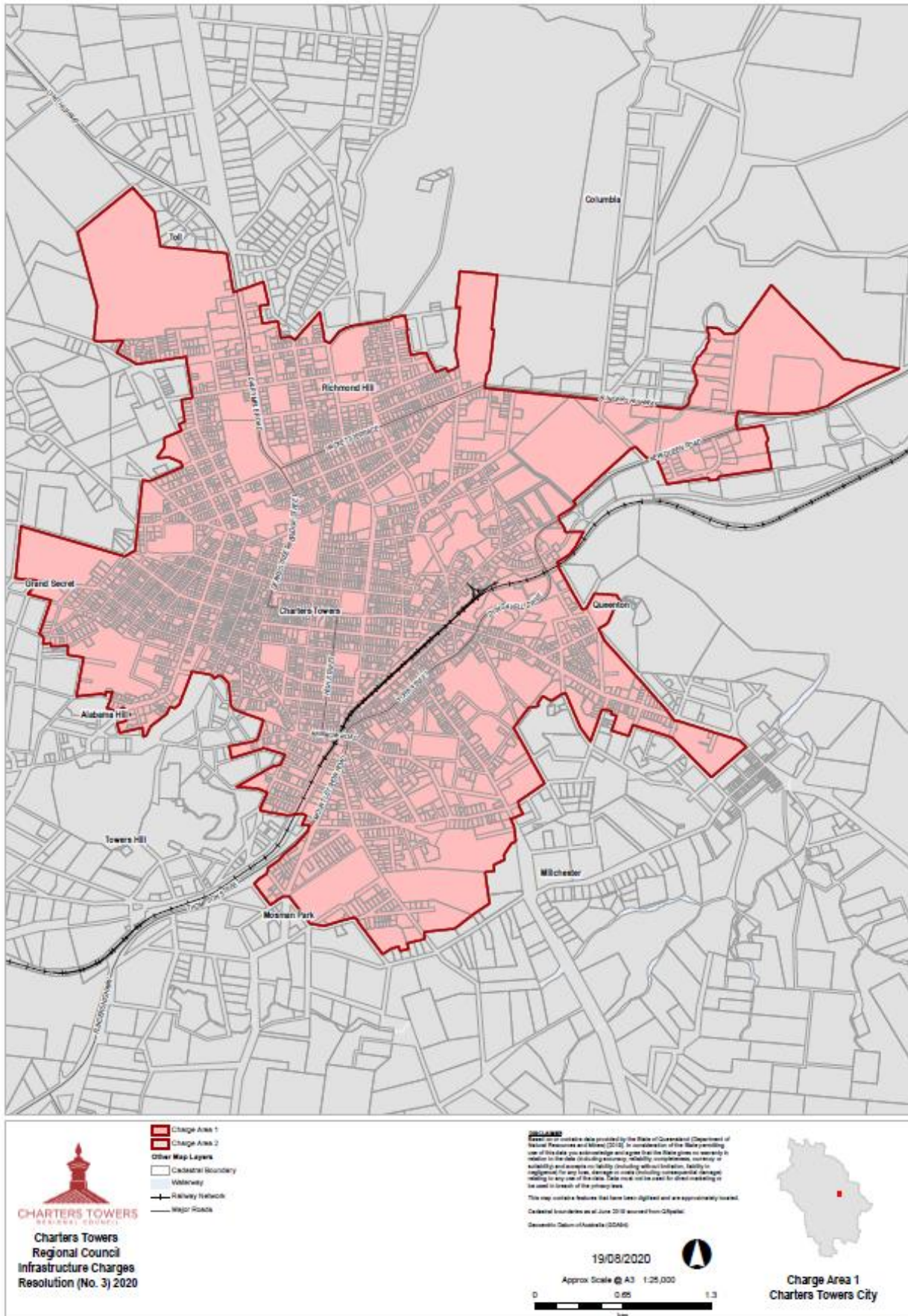
- (A) have a new valuation undertaken at its own cost;
  - (B) give a written notice to the applicant stating:
    - (I) the local government's decision to reject the initial valuation and the reasons for its decision; and
    - (II) the new valuation.
- (e) Where a written notice referred to in section 5.4(ii)(d)(B) of this resolution is given:
- (A) the local government and the applicant may negotiate and reach agreement regarding the valuation and if an agreement is reached, the agreed valuation is the establishment cost of the land infrastructure;
  - (B) if no agreement is reached within 20 business days after the written notice is given (or a further agreed period), the local government is to have a further valuation undertaken by a valuer to assess and determine the market value of the land infrastructure.
- (f) The valuer is to be appointed by the local government in consultation with the applicant. The cost of the further valuation undertaken by the valuer is to be equally shared between the local government and the applicant.
- (g) The further valuation determined by the valuer is the establishment cost of the land infrastructure.
- (h) As soon as reasonably practicable after the establishment cost of the land infrastructure is determined in accordance with the process outlined in this section, the local government is to give an amended infrastructure charges notice to the applicant stating, amongst other matters prescribed by the *Planning Act 2016*:
- (A) the value of the establishment cost of the land infrastructure which has been indexed to the date it is stated in the amended infrastructure charges notice using the 3-yearly PPI average; and
  - (B) that the establishment cost of the land infrastructure stated in the amended infrastructure charges notice is indexed from the date that it is stated in the amended infrastructure charges notice to the date it is to be offset against the levied charge, in accordance with the 3-yearly PPI average.
- (iii) The following requirements apply to all valuations undertaken in section 5.4:
- (a) Where land infrastructure has been identified in the local government infrastructure plan or this charges resolution, the valuation must be undertaken to determine the market value that would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure, first became properly made.
  - (b) Where land infrastructure has not been identified in the local government infrastructure plan or this charges resolution, the valuation must be undertaken to determine the market value that would have applied on the day the development application that resulted in a condition to provide trunk infrastructure was approved.
  - (c) The valuation of land infrastructure must be undertaken using the before and after method of valuation based on the following approach:
    - (A) determining the value of the original land before any land is transferred to the local government;



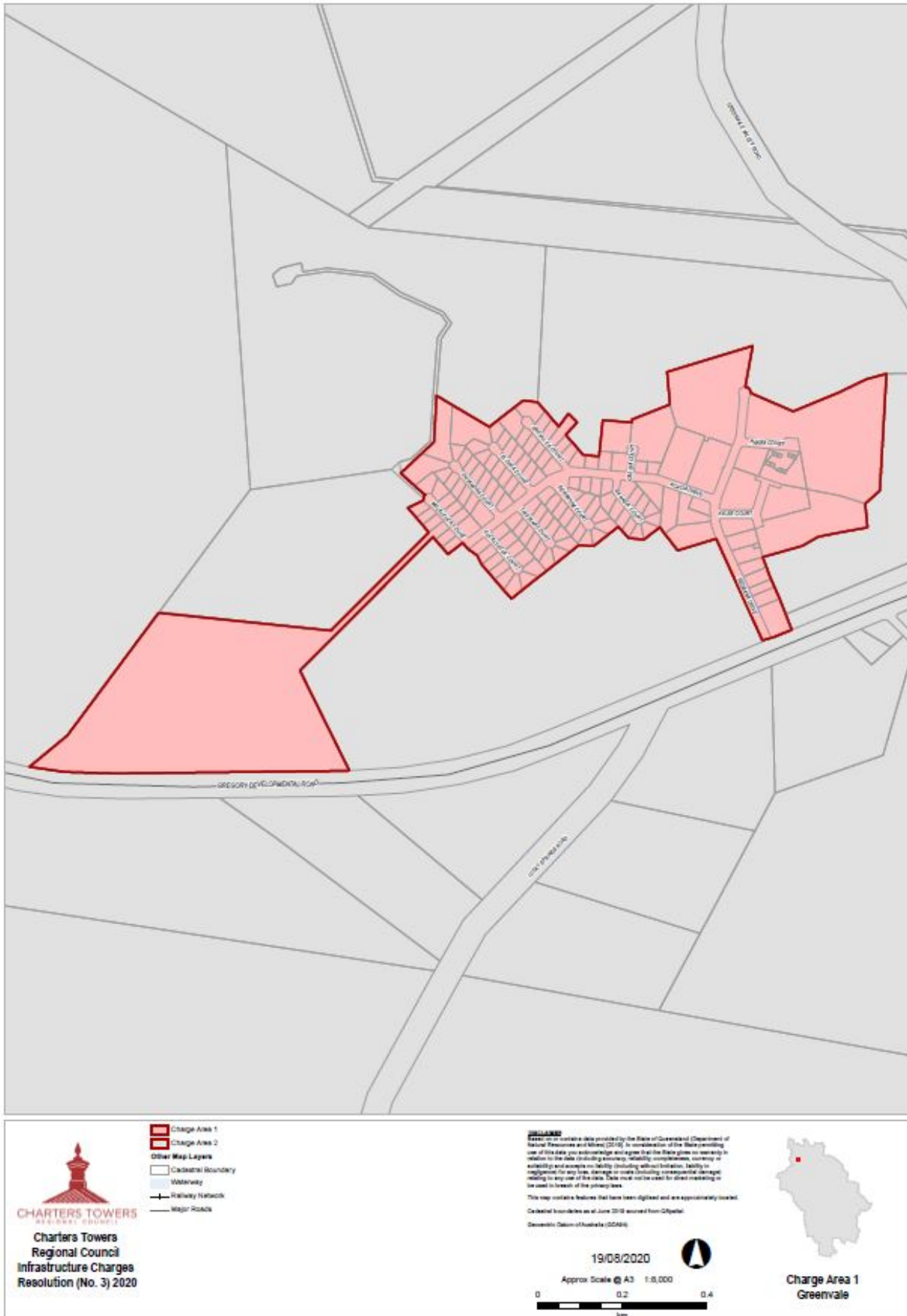
- (B) determining the value of the remaining land that will not be transferred to the local government;
  - (C) subtracting the value determined for the remaining land that will not be transferred to the local government from the value determined for the original land.
- (d) The valuation calculated using the approach in section 5.4(iii)(c) of this resolution will be used as the value of the land to be transferred to the local government.
- (e) The valuation report must:
- (A) include supporting information regarding the highest and best use of the land which the valuer has relied on to form an opinion about the value;
  - (B) identify the area of land that is above the Q100 flood level and the area that is below the Q100 flood level;
  - (C) identify and consider all other real and relevant constraints including, but not limited to:
    - (I) vegetation protection;
    - (II) ecological values including riparian buffers and corridors;
    - (III) stormwater or drainage corridors;
    - (IV) slope, bushfire and landslide hazards;
    - (V) heritage;
    - (VI) airport environs;
    - (VII) coastal erosion;
    - (VIII) extractive resources;
    - (IX) flooding;
    - (X) land use buffer requirements;
    - (XI) tenure related constraints; and
    - (XII) restrictions such as easements, leases, licences and other dealings whether or not registered on title; and
  - (D) contain relevant sales evidence and clear analysis of how those sales and any other information was relied upon in forming the valuation assessment.
- (f) The valuation of land must be undertaken by a certified practicing valuer who must act professionally as a neutral and independent expert.

# Schedule 1 Charge area maps

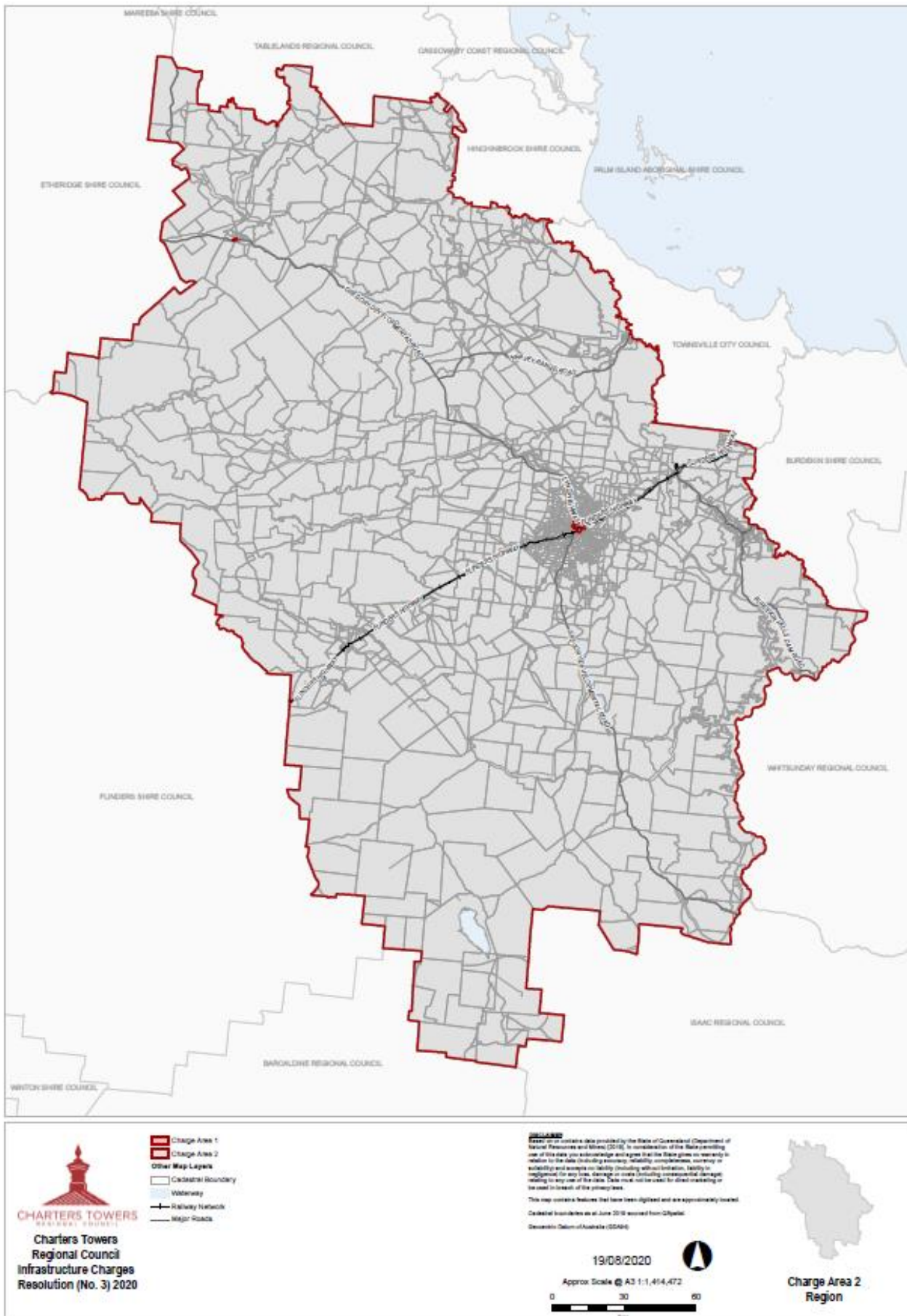
## Map 1 – Charge Area 1 Charters Towers City



## Map 2 – Charge Area 1 Greenvale



### Map 3 – Charge Area 2 Region





## Infrastructure Charges Resolution (No. 3) 2020

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