

23 August 2023

Our Ref: 4827477
File Ref: MCU2022/0006
Enquiries: Paul Want

Charters Towers Operations Pty Ltd
C/- Capricorn Survey Group (CQ) Pty Ltd
PO Box 1391
ROCKHAMPTON QLD 4700

Sent via email: reception@cscq.com.au

Dear Capricorn Survey Group (CQ) Pty Ltd,

Decision Notice – Refusal
(Given under Section 63 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was refused by Council on 16 August 2023. The details of refusal and a notice of reasons are attached below:

Applicant details

Applicant name: Charters Towers Operations Pty Ltd C/- Capricorn Survey Group (CQ) Pty Ltd

Location details

Street address: 82-92 Deanes Road, Millchester QLD 4820
Real property description: Lot 19 on DV599

Application details

Application number: MCU2022/0006
Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Impact Assessment
Description of development: Non-resident Workforce Accommodation (404 rooms)
Categorising instrument: Charters Towers Regional Town Plan Version 2

1. Details of the Refusal

The Charters Towers Regional Council was not directed to refuse the application by a referral agency.



2. Submission(s)

Properly made submissions were made in relation this development. The details of these submissions are included below:

Submitter	Submitters Address	Electronic Address
Alex Lauder C/- Northpoint Planning	28 Rutherford Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Alix Phillips and Jarred Fahy C/- Northpoint Planning	2 Marion Street, Grand Secret Qld 4820	hello@northpointplanning.com.au
Allison Anne Mulligan C/- Northpoint Planning	1 Bridge Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Angela Mill C/- Northpoint Planning	48 Deans Road, Millchester Qld 4820	hello@northpointplanning.com.au
Annette Ashton C/- Northpoint Planning	37 Bluff Road, Millchester Qld 4820	hello@northpointplanning.com.au
Anthony Ryan-Chilton C/- Northpoint Planning	27 High Street, Charter Towers Qld 4820	hello@northpointplanning.com.au
Antony Mulligan C/- Northpoint Planning	1 Bridge Street, Richmond Hill Qld 4820	hello@northpointplanning.com.au
Bernadette Collins C/- Northpoint Planning	Picnic Creek Road, Broughton Qld 4820	hello@northpointplanning.com.au
Blake Fuller C/- Northpoint Planning	25 Lynd Highway, Toll Qld 4820	hello@northpointplanning.com.au
Bradley Foster C/- Northpoint Planning	13 Mexican Street, Charters Towers	hello@northpointplanning.com.au
Brandon Finger C/- Northpoint Planning	59B Millchester Road, Queenton Qld 4820	hello@northpointplanning.com.au
Bridget Moody C/- Northpoint Planning	60 Axford Road, Toll Qld 4820	hello@northpointplanning.com.au
Cailin Hammond C/- Northpoint Planning	71 Deanes Road, Millchester Qld 4820	hello@northpointplanning.com.au
Cameron and Shellee Sulli C/- Northpoint Planning	Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Carol Monaghan C/- Northpoint Planning	96 Jardine Street, Millchester Qld 4820	hello@northpointplanning.com.au
Charli Curtis C/- Northpoint Planning	36 Hewett Street, Richmond Hill Qld 4820	hello@northpointplanning.com.au
Courtney Edmondson C/- Northpoint Planning	44 Aland Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Darren Cranston C/- Northpoint Planning	286 Bluff Road, Broughton Qld 4820	hello@northpointplanning.com.au
Darren Glenwright C/- Northpoint Planning	Not provided	hello@northpointplanning.com.au
Debra Land C/- Northpoint Planning	25 Ringers Rest Road, Charters Towers Qld 4820	hello@northpointplanning.com.au

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Submitter	Submitters Address	Electronic Address
Deletta Wade C/- Northpoint Planning	73 Daybreak Lane, Broughton Qld 4820	hello@northpointplanning.com.au
Department of Education	42-60 Albert Street, Brisbane QLD 4000	Thor.NELSON@qed.qld.gov.au
Emma O'Connor C/- Northpoint Planning	7 Luke Street, Queenton Qld 4820	hello@northpointplanning.com.au
Eveline Brier C/- Northpoint Planning	184 Bluff Road, Millchester Qld 4820	hello@northpointplanning.com.au
Georgia Richards C/- Northpoint Planning	12 Natal Downs Road, Mossman Park Qld 4820	hello@northpointplanning.com.au
Grant Brent C/- Northpoint Planning	38 Daydawn Road, Charters Towers Qld 4820	hello@northpointplanning.com.au
Hon Bob Katter MP	PO Box 1638, Innisfail QLD 4860	Bob.Katter.MP@aph.gov.au
Jacqui Carr C/- Northpoint Planning	Not provided	hello@northpointplanning.com.au
Jade Rindolf C/- Northpoint Planning	10 Keary Road, Toll Qld 4820	hello@northpointplanning.com.au
Jane Newton C/- Northpoint Planning	150 Thomasson Road, Seventy Mile Qld 4820	hello@northpointplanning.com.au
Jason Crowley C/- Northpoint Planning	74 Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Jessica Blakey C/- Northpoint Planning	19 Bevan Street, Southern Cross Qld 4820	hello@northpointplanning.com.au
John Hanran C/- Northpoint Planning	61 Hewitt Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
John Paul Klekar C/- Northpoint Planning	18 Baker Street, Richmond Hill Qld 4820	hello@northpointplanning.com.au
John Sullivan C/- Northpoint Planning	3 Stublely Street, Richmond Hill Qld 4820	hello@northpointplanning.com.au
Joseph Cram C/- Northpoint Planning	43 Deans Road, Millchester Qld 4820	hello@northpointplanning.com.au
Julie Loughrey C/- Northpoint Planning	1 Mosman Street, Charters Towers QLD 4820	hello@northpointplanning.com.au
Karissa Harland C/- Northpoint Planning	85 Stublely Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Kellie Simpson C/- Northpoint Planning	Not provided	hello@northpointplanning.com.au
Kelsee Mitchell C/- Northpoint Planning	Not provided	hello@northpointplanning.com.au
Kelsey Jones C/- Northpoint Planning	Not provided	hello@northpointplanning.com.au
Kerrilyn Bryant C/- Northpoint Planning	3 Berryman Lane, Queenton Qld 4820	hello@northpointplanning.com.au
Kerry Mulligan C/- Northpoint Planning	94 Dr George Ellis Drive, Charters Towers Qld 4820	hello@northpointplanning.com.au

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charters Towers.qld.gov.au | **ABN.** 67 731 313 583

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Submitter	Submitters Address	Electronic Address
Kim and Dylan Offord C/- Northpoint Planning	12 Sir Leslie Arthur Drive, Queenton Qld 4820	hello@northpointplanning.com.au
Kurt Sullivan and Belinda Scholz C/- Northpoint Planning	72 Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Larrisa and Braden Wilton C/- Northpoint Planning	27 Gordon Street, Richmond Hill Qld 4820	hello@northpointplanning.com.au
Laura Brown C/- Northpoint Planning	212 Thomasson Road, Seventy Mile Qld 4820	hello@northpointplanning.com.au
Laura Powell C/- Northpoint Planning	2/17B Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Leon and Kriste Meehan C/- Northpoint Planning	72-78 Deans Road, Millchester Qld 4820	hello@northpointplanning.com.au
Leslie Elliott C/- Northpoint Planning	61 Towers Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Louise Belinda Fahey C/- Northpoint Planning	23 Miner Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
M Kuhn C/- Northpoint Planning	36 Stubley Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Madison Hill C/- Northpoint Planning	10 Armstrong Road, Charters Towers Qld 4820	hello@northpointplanning.com.au
Marissa Smith C/- Northpoint Planning	101 Fegan Road, Broughton Qld 4820	hello@northpointplanning.com.au
Marlene Fraser C/- Northpoint Planning	1/15 Phillipson Road, Charters Towers Qld 4820	hello@northpointplanning.com.au
Mary Flynn C/- Northpoint Planning	70 Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Matthew Finger C/- Northpoint Planning	59B Millchester Road, Queenton Qld 4820	hello@northpointplanning.com.au
Matthew Moore C/- Northpoint Planning	29 Aberdeen Road, Millchester Qld 4820	hello@northpointplanning.com.au
Melodie Power C/- Northpoint Planning	37 Axford Road, Toll Qld 4820	hello@northpointplanning.com.au
Michelle Kuhz C/- Northpoint Planning	82 King Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Millchester State School P&C	Not provided	pandc.millchester@gmail.com
Paula Smith	42 Deanes Road, Charters Towers QLD 4820	smith_jp@bigpond.com
Pauline Goodwin C/- Northpoint Planning	14 Hutson Lane, Broughton Qld 4820	hello@northpointplanning.com.au
Peter and Fiona Mitchell C/- Northpoint Planning	14 Luke Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Peter Cahill C/- Northpoint Planning	7 Chappel Lane, Charters Towers Qld 4820	hello@northpointplanning.com.au
Raeleigh Griffiths C/- Northpoint Planning	28 Rowe Street, Mosman Park Qld 4820	hello@northpointplanning.com.au

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Submitter	Submitters Address	Electronic Address
Raylea and Brad Thomson C/- Northpoint Planning	14 Barnes Street, Millchester Qld 4820	hello@northpointplanning.com.au
Raymond Carstens C/- Northpoint Planning	72-78 Deans Road, Millchester Qld 4820	hello@northpointplanning.com.au
Riley Candy C/- Northpoint Planning	9A Oliver Street, Towers Hill Qld 4820	hello@northpointplanning.com.au
Rodney Bull C/- Northpoint Planning	184 Bluff Road, Millchester Qld 4820	hello@northpointplanning.com.au
Roxanne and Leonard Knuth C/- Northpoint Planning	71 Deanes Road, Millchester Qld 4820	hello@northpointplanning.com.au
Rozann Richards C/- Northpoint Planning	21 Bevan Street, Grand Secret Qld 4820	hello@northpointplanning.com.au
Sam Knuth C/- Northpoint Planning	71 Deanes Road, Millchester Qld 4820	hello@northpointplanning.com.au
Samantha Turner C/- Northpoint Planning	71 Deanes Road, Millchester Qld 4820	hello@northpointplanning.com.au
Sandra Thorpe and Des Phillips C/- Northpoint Planning	76 Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Sarah Stainkey C/- Northpoint Planning	Not provided	hello@northpointplanning.com.au
Shane and Christine Wright C/- Northpoint Planning	96 Nagle Street, Millchester Qld 4820	hello@northpointplanning.com.au
Sharnah Barnes C/- Northpoint Planning	45 Racecourse Road, Richmond Hill Qld 4820	hello@northpointplanning.com.au
Sharron McColl C/- Northpoint Planning	335 Picnic Creek Road, Charters Towers Qld 4820	hello@northpointplanning.com.au
Shaye Jackson C/- Northpoint Planning	36 Stubley Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Sheila Hanran C/- Northpoint Planning	23 Burdekin Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Shyanne Boggs C/- Northpoint Planning	7 Luke Street, Queenton Qld 4820	hello@northpointplanning.com.au
Simon Andrew Mulligan C/- Northpoint Planning	1 Bridge Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Tahlia Ritson C/- Northpoint Planning	37 Deanes Road, Millchester Qld 4820	hello@northpointplanning.com.au
Tanya and Shane Downes C/- Northpoint Planning	70a Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Tanya Connolly C/- Northpoint Planning	78 York, Queenton Qld 4820	hello@northpointplanning.com.au
Tarleton Property Australia C/- Northpoint Planning	23-33 Gladstone Road, Charters Towers Qld 4820	hello@northpointplanning.com.au
Taroom Hotel Pty Ltd C/- Northpoint Planning	94 Dr George Ellis Drive, Charters Towers Qld 4820	hello@northpointplanning.com.au
Teneal Baker C/- Northpoint Planning	77 King Street, Richmond Hill Qld 4820	hello@northpointplanning.com.au

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Terry and Sheena Young C/- Northpoint Planning	24 Melville Street, Charters Towers Qld 4820	hello@northpointplanning.com.au
Tess Cole C/- Northpoint Planning	15B Phillipson Road, Millchester Qld 4820	hello@northpointplanning.com.au
Tiffani Gough C/- Northpoint Planning	91 Millchester Road, Millchester Qld 4820	hello@northpointplanning.com.au
Tom Knuth C/- Northpoint Planning	71 Deanes Road, Millchester Qld 4820	hello@northpointplanning.com.au
Warren Mulligan C/- Northpoint Planning	94 Dr George Ellis Drive, Charters Towers Qld 4820	hello@northpointplanning.com.au

3. Referral Agencies

There are no referral agencies for this application.

4. Reasons for Refusal

This notice is prepared in accordance with Section 63(2)(f)(ii) 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:	Material Change of Use for Non-Resident Workforce Accommodation (404 rooms)
Reasons for the decision:	<p>Conflict with the policy direction -</p> <ol style="list-style-type: none"> The proposed development is not of a temporary nature that is aligned with the construction phases of mining or major economic projects. Accordingly, the proposed development does not comply with: <ul style="list-style-type: none"> (a) Part 3 Strategic Framework – Strategic Outcomes in section 3.4.1.2(11). The proposed development is intended to provide accommodation for operational employees of mining or major economic projects. Accordingly, the proposed development does not comply with: <ul style="list-style-type: none"> (a) Part 3 Strategic Framework – Strategic Outcomes in section 3.4.1.2(12). <p>Development conflicts with the Rural residential zone code -</p> <ol style="list-style-type: none"> The proposed development for Non-resident workforce accommodation does not advance the overall outcome of Dwelling houses on large rural residential lots. Accordingly, the proposed development does not comply with:

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	<p>(a) Part 6 section 6.2.7.4 Rural residential zone code – Overall Outcome in section 6.2.7.4(2)(a).</p> <p>Development incompatible with character and scenic amenity</p> <p>4. The proposed development (including associated infrastructure) will represent a visual intrusion into the area and, as such, will impact on the residential amenity and is not complementary to the local character and amenity. Accordingly, the proposed development does not comply with:</p> <p>(a) Part 6 section 6.2.7.4 Rural residential zone code – Overall Outcome in section 6.2.7.4(2)(b).</p>
Relevant matters:	<p>(a) It has not been demonstrated that there is a level of economic, community or planning need sufficient to justify approval of the proposed development;</p> <p>(b) The proposed development's significant non-compliance with assessment benchmarks are not capable of being addressed or mitigated by development conditions;</p> <p>(c) The proposed development is inconsistent with reasonable community expectations as informed by the planning scheme, existing uses and development approvals for the land and adjoining land, which do not support non-residential development on the land;</p> <p>(d) The proposed development constitutes an inappropriate use of the land for the reasons set out in paragraphs 1 to 4 in the reasons for the decision above;</p> <p>(e) The proposed development is not in the public interest (as reflected in the planning scheme);</p> <p>(f) Refusal of the proposed development will advance the purpose of the Planning Act 2016 by facilitating the achievement of ecological sustainability; and</p> <p>(g) The proposed development will result in unacceptable impacts on the rural residential character and amenity of the locality as the proposal seeks to establish a non-residential use, which will result in adverse impacts and intrusion on the dominant rural residential character.</p>

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

There are no other requirements.



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6. 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 Paul Want, Manager Planning & Development on (07) 4761 5300 or email development@chartersowers.qld.gov.au.

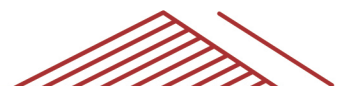
Yours faithfully



Martin Drydale
Chief Executive Officer

Enc. Appeal Rights

CC. Department of Education
Northpoint Planning
Millchester State School P&C
Hon Bob Katter MP
Paula Smith



Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (c)
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.



- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
- (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes–
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter–
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.