

25 March 2024

Our Ref: 4903225
File Ref: RAL2024/0002
Enquiries: Jorja Feldt

Charters Towers Civic Club Inc.
36 Ryan Street
CHARTERS TOWERS QLD 4820

Sent via email: asrinvestments@bigpond.com

Dear Alan,

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

The assessment manager wishes to advise that the application was approved under delegated authority on 22 March 2024. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

Applicant details

Applicant name: Charters Towers Civic Club Inc.

Location details

Street address: 34 and 36 Ryan Street, Charters Towers QLD 4820
Real property description: Lot 9 and 10 on RP700222
Current lawful use: Lot 9 – Civic Club; Lot 10 – Dwelling house

Application details

Application number: RAL2024/0002
Approval type: Development Permit
Development type: Reconfiguring a Lot
Category of assessment: Code Assessment
Description of development: Boundary Realignment (Two (2) Lots into Two (2) Lots)
Categorising instrument: Charters Towers Regional Town Plan Version 2



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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 or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Conditions of approval

Condition Number	Condition	Timing										
Approved Plans/Documents												
1.	<div>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:</div> <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 9 & 10</td><td>Atkinson & Booy Surveys</td><td>26/2/2024</td><td>24-045</td><td>-</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Proposed Reconfiguration Lots 9 & 10	Atkinson & Booy Surveys	26/2/2024	24-045	-	At all times.
Drawing Title:	Prepared by:	Date:	Reference No:	Revision:								
Proposed Reconfiguration Lots 9 & 10	Atkinson & Booy Surveys	26/2/2024	24-045	-								
General												
2.	<div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) 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, and</div> <div>a) 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.										
Existing Services												
3.	<div>Written confirmation of the location of existing services for the land must be provided to Council.</div> <div>In any instance where existing services are contained within another lot, the following applies, either:</div> <div>a) Relocate the services to comply with this requirement; or</div> <div>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.</div>	Prior to survey plan endorsement.										



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Survey Plan Endorsement		
4.	<p>Lodge to Council, for approval, an application for Survey Plan Endorsement which includes:</p> <ul style="list-style-type: none"> 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 and/or easement documentation each fully executed for the lodgement with the Titles Office, e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i>, and f) Payment of any outstanding Adopted Infrastructure Charges. 	As part of survey plan endorsement.

Advisory Notes	
Scale or Intensity of Use	
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.
Local and State Heritage	
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.
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: https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care
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 Resources (DoR) to ensure that the development is not unduly impacted upon by these shafts. The DoR can be contacted on 13 74 68.

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.



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4. Further development permits

Not Applicable.

5. Referral agencies

Under section 74 of the *Queensland Heritage Act 1992*, the Department of Environment, Science and Innovation approved an Exemption Certificate for Reconfiguring a lot (boundary realignment), involving 2 lots described as Lots 9 and 10 on RP700222. Referral under Schedule 10 of the *Planning Regulation 2017* was not required.

The certificate was approved with conditions on 20 March 2024 and a copy is attached to this Decision Notice for reference (Ref: 202403-20411 EC).

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:	The proposed development is for Reconfiguring a Lot Code, Boundary Realignment (Two (2) Lots into Two (2) Lots).	
Reasons for the decision:	The proposed development is supported as it seeks to establish a better configuration between the two lot parcels. Additionally, as the development will have connection to both reticulated water and sewer, it provides for the sustainable use of Council's infrastructure.	
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 zone code; 2) Centre zone code; 3) Reconfiguring a lot code; and 4) Development works code.	
	The proposed development was assessed against all the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	N/A	N/A
Matters raised in submissions:	Submission Point:	Council Response:
	N/A	N/A



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

There are no other requirements.

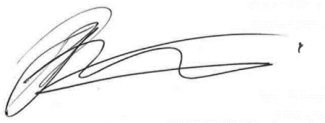
9. Appeal rights

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>.

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 Jorja Feldt, Planner on (07) 4761 5300 or email development@charterstowers.qld.gov.au.

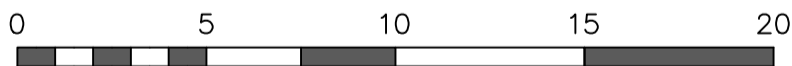
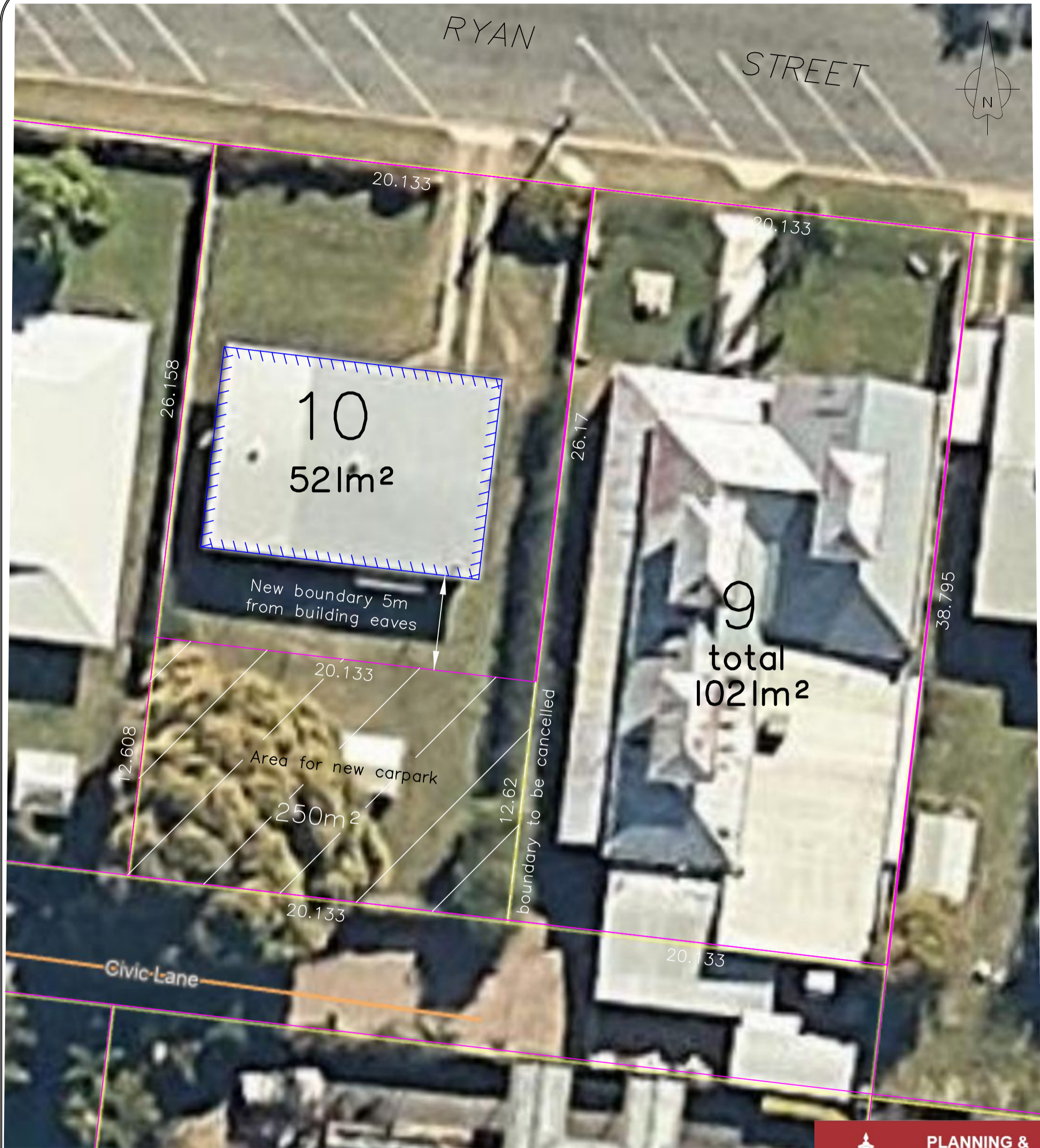
Yours faithfully



Paul Want
Manager Planning & Development

Enc. Approved Plan
Heritage Exemption Certificate
Appeal Rights







PLANNING & DEVELOPMENT APPROVED

DATE: 25 March 2024
APPLICATION: RAL2024/0002

LOCALITY: CHARTERS TOWERS CITY



33 Castlemaine St, Kirwan QLD 4817
Phone: (07) 47234885
CADASTRAL SURVEYS

P24-045a.dwg

Sheet 1 of 1
Form 1.4

This plan was prepared for the purpose and exclusive use of **ALAN ROWE** to accompany application to **CHARTERS TOWERS REGIONAL COUNCIL** for approval to rezone/subdivide the land described in this plan. This does not infer in any way that council will approve this subdivision. This plan is not to be used for any other purpose or by any other person or corporation without the written approval of the producer. Atkinson & Surveys accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or the clauses below.

The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.

This plan may not be reproduced unless the above notes are included.

PROPOSED RECONFIGURATION Lots 9 & 10 Cancelling Lots 9 & 10 on RP700222		
CLIENT CHARTERS TOWERS CIVIC CLUB INC		
LOCAL GOVERNMENT CHARTERS TOWERS REGIONAL COUNCIL		DATE 26/2/2024
TITLE REF: 20268144 & 21015060	FILE N/A	SCALE 1:200 @ A3
SURVEYOR REF. 24-045	FIELDBOOK N/A	DRAWN: IWF

Queensland Heritage Act 1992

Section 74 Exemption Certificate

Application no:	202403-20411 EC
Date application received:	4 March 2024
Date of decision:	20 March 2024
Applicant:	Atkinson Surveys Pty Ltd c/- Dale Atkinson dale@atkinsonsurveys.com.au
QHR place ID:	600398
QHR place name:	Civic Club
Location:	36 Ryan Street, Charters Towers – Lot 9 on RP700222
Approval summary:	Development type: Reconfiguring a lot (boundary realignment) involving 2 lots described as Lots 9 and 10 on RP700222

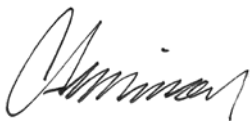
The application for an exemption certificate to carry out the development described above, is approved with conditions under section 74 of the *Queensland Heritage Act 1992*.

This exemption certificate attaches to the premises. Any person, including the owners, owners' successors in title and occupiers of the premises, may carry out development permitted by this exemption certificate and is bound by the conditions.

This exemption certificate only applies to development substantially started within 4 years of this decision.

Terms and phrases used in this document are defined principally in the *Queensland Heritage Act 1992*, and in the *Planning Act 2016* and its Regulation.

If more information is required, contact the project manager, Jamie Faithfull, Senior Heritage Officer, on (07) 3330 6371 or via email jamie.faithfull@des.qld.gov.au.



Dr Anthony Simmons
Cultural Heritage Coordinator, Heritage
Department of Environment, Science and Innovation
Delegate for the Chief Executive
administering the *Queensland Heritage Act 1992*



Queensland Heritage Act 1992
Section 74 Exemption Certificate

Version 1.3 – 5 February 2024

Conditions of approval:

No.	Condition	Condition timing
1.	Scope of development approved Carry out the development as described in the application received on 4 March 2024 from the applicant Atkinson Surveys Pty Ltd, c/- Dale Atkinson and the documents listed in 'Approved documents'. In the case of a discrepancy between application documents and conditions, conditions take precedence. <i>(Reason - To ensure development is carried out as approved)</i>	At all times.
2.	Keep a copy of the approval on site A copy of this exemption certificate and a copy of any documents that describe the approved development must be retained at the State heritage place. <i>(Reason – To facilitate the monitoring of development for compliance purposes)</i>	For the duration of the development.
3.	Notify start of development Provide written notice of the start of development to Environmental Services and Regulation, Department of Environment, Science and Innovation at palm@des.qld.gov.au . The notice must state: name of State heritage place, application number and condition number 3. <i>(Reason – To facilitate the monitoring of development for compliance purposes)</i>	No later than 2 business days prior to the commencement of the development.
4.	Photograph effect of development Submit photographs of the area where the development is undertaken, both before and after the development is completed to Environmental Services and Regulation, Department of Environment, Science and Innovation at palm@des.qld.gov.au . The submission must state: name of State heritage place, application number and condition number 4. <i>(Reason – To facilitate the monitoring of development for compliance purposes and to ensure change is adequately recorded)</i>	Within 10 business days of completion of the development.
5.	Permit access to the State heritage place Permit access to the State heritage place by Department of Environment, Science and Innovation officers if requested. <i>(Reason – To facilitate the monitoring of development for compliance purposes)</i>	For the duration of the development.
6.	Protect the State heritage place from damage Protect the existing features of the State heritage place from incidental damage and maintain protective measures to ensure the development does not result in damage to, or deterioration of, the State heritage place caused by weather, fire, vandalism, insects or other factors. <i>(Reason - To ensure the cultural heritage values of the State heritage place are appropriately recognised and managed)</i>	For the duration of the development.
7.	Report any damage to the State heritage place that occurs During development, should damage occur to any features of the State heritage place report such incidents immediately to Environmental Services and Regulation, Department of Environment, Science and Innovation at palm@des.qld.gov.au . <i>(Reason - To ensure the cultural heritage values of the State heritage place are appropriately recognised and managed)</i>	Immediately, should damage occur.

Queensland Heritage Act 1992
Section 74 Exemption Certificate

Version 1.3 – 5 February 2024

No.	Condition	Condition timing
8.	Plan of Survey Submit a copy of the registered plan of survey to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au (Reason – To facilitate the monitoring of development for compliance purposes)	Within 10 business days of the registration date of the plan of survey

Approved documents:

Document no.	Document title	Date
P24-045a.dwg	Proposed Reconfiguration Lots 9 & 10 Cancelling Lots 9 & 10 on RP700222	26/2/2024

Take Notice: This certificate does not exempt the applicant from the need to obtain such other approvals as may be required under other legislation.

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.

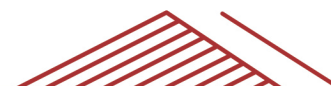
Note –

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 and 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.