

8 March 2024

Our Ref: 4896233  
File Ref: RAL2024/0001  
Enquiries: Joy Cherwon

Darren Enright  
C/- Brazier Motti  
595 Flinders Street  
**Townsville City QLD 4810**

Sent via email: [anne.zareh@braziermotti.com.au](mailto:anne.zareh@braziermotti.com.au)

Dear Anne,

**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 7 March 2024. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

**Applicant details**

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Applicant name: Darren Enright C/- Brazier Motti

**Location details**

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Street address: 34 Howearth Road, Southern Cross QLD 4820  
Real property description: Lot 2 on MPH34293  
Current lawful use: Dwelling

**Application details**

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Application number: RAL2024/0001  
Approval type: Development Permit  
Development type: Reconfiguring a Lot  
Category of assessment: Code Assessment  
Description of development: Reconfiguration of a Lot (One (1) into Two (2) Lots)  
Categorizing instrument: Charters Towers Regional Town Plan Version 2

**1. Details of the approval**

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Details of the approval are listed below in accordance with the *Planning Regulation 2017*.

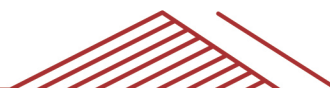


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	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input 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 of a Lot into (two) 2 Lots</td><td>Brazier Motti</td><td>7 February 2024</td><td>43728/001</td><td>B</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Proposed Reconfiguration of a Lot into (two) 2 Lots	Brazier Motti	7 February 2024	43728/001	B	At all times
Drawing Title:	Prepared by:	Date:	Reference No:	Revision:								
Proposed Reconfiguration of a Lot into (two) 2 Lots	Brazier Motti	7 February 2024	43728/001	B								
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>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										
Survey Plan Endorsement												
3.	<div>Lodge to Council, for approval, an application for Survey Plan Endorsement which includes:</div> <div>a) Payment of application fee in accordance with Council’s fees and charges at the time of lodgement</div> <div>b) All survey marks in their correct position in accordance with the Survey Plan</div> <div>c) A compliance report demonstrating compliance with all associated Development Permit(s)</div> <div>d) One copy of the survey plan and/or easement documentation each fully executed for the lodgement with the Titles Office</div> <div>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</div> <div>f) Payment of any outstanding Adopted Infrastructure Charges.</div>	As part of the lodgment of survey plan for endorsement.										



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<b>Transport and Access</b>		
4.	Lodge and obtain approval for an application to carry out public access/footpath work as part of works within the Council controlled road reserve. For driveway Lodge and obtain approval for an application to carry out works on a road or interfere with a road or its operation. For building new roads	Prior to works within Council's Road reserve
5.	Upgrade existing driveway crossover at the frontage of Howearth Road in accordance with Council's standard drawing CTRC-001 Roads rural and turnouts inverts & culvert driveways. Applicant must obtain a Road Permit prior to undertaking any works within a Road reserve/corridor.	As part of construction of Operational Works
6.	Construct a driveway crossover at the frontage of Barkla Road in accordance with Council's standard drawing CTRC-001 Roads rural and turnouts inverts & culvert driveways. Applicant must obtain a Road Permit prior to undertaking any works within a Road reserve/corridor.	Prior to the lodgement of survey plan for endorsement
<b>Water and Sewer</b>		
7.	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
8.	Provide a water service connection from Council's water supply infrastructure to each proposed lot and pay the full cost of a water meter in the form of a bond for each proposed lot.	Prior to 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.
<b>Aboriginal and Cultural Heritage</b>	
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:



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Advisory Notes	
	<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.

### 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 years.

### 4. Further development permits

Not applicable.

### 5. Referral agencies

Not applicable.

### 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.

<b>Description of the development:</b>	The proposed development is for Reconfiguring a Lot Code, Reconfiguring a Lot (1 Lot into 2 Lots)
<b>Reasons for the decision:</b>	The proposed development is supported as it seeks to an additional lot for rural residential purposes. Additionally, as the development will have connection to both reticulated water it provides for the sustainable use of Council's infrastructure.
<b>Assessment benchmarks:</b>	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) Rural Residential Zone Code 2) Development Works Code 3) Reconfiguring a Lot Code; and 4) Flood overlay Code.



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	The proposed development was assessed against all the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.	
	<b>Assessment benchmark:</b>	<b>Reasons for the approval despite non-compliance with benchmark:</b>
	N/A	N/A
<b>Matters raised in submissions:</b>	<b>Submission Point:</b>	<b>Council Response:</b>
	N/A	N/A

## 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 Joy Cherwon, Planning and Development Compliance Officer on (07) 4761 5300.

Yours faithfully



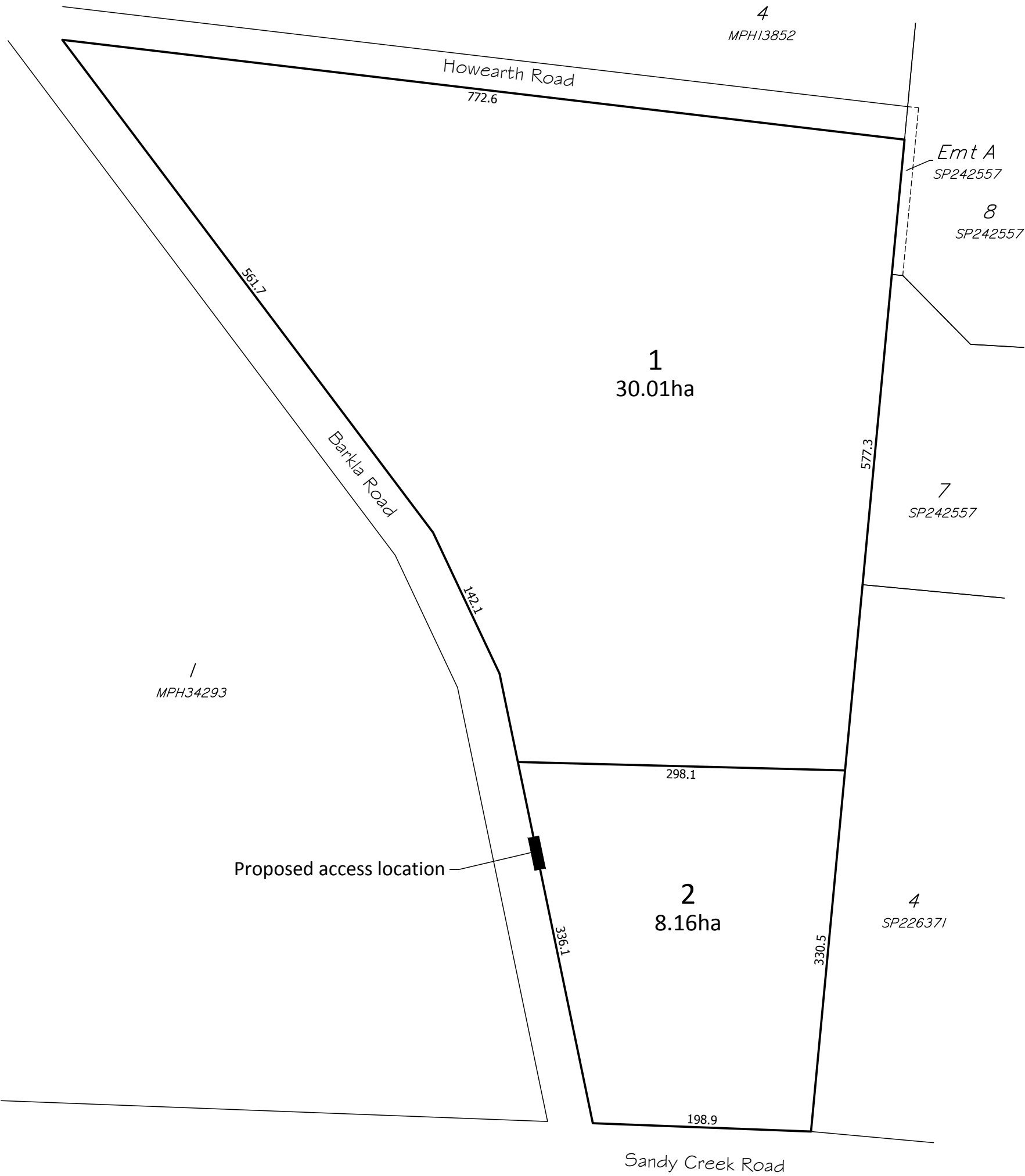
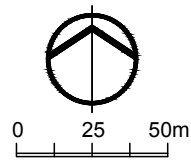
Paul Want  
Manager Planning and Development

Enc. Approved Plan  
Appeal Rights



PROPOSED  
RECONFIGURATION

Lots 1 and 2  
Cancelling Lot 2 on MPH34293





**PLANNING &  
DEVELOPMENT  
APPROVED**

DATE: 8 March 2024  
APPLICATION: RAL2024/0001

Date: 7th February, 2024	
Scale: 1:4000	A3
Drawn: MJM	
Job No: 43728-001-01	
Plan No:	43728/001 B

braziermotti.com.au

SURVEYING  
TOWNPLANNING  
PROJECTMANAGEMENT  
MAPPING&GIS



braziermotti

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

### 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.

