

17 December 2025 Our Ref: 5150502

File Ref: MCU2025/0012 Enquiries: Luke Acreman

Dalrymple Villa Incorporated C/ - Buildable Approvals Attn: Joe Sevillano 701 Albany Creek Road ALBANY CREEK QLD 4035

Sent via email: townplanning@buildable.com.au

Dear Joe.

# **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 17 December 2025. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

# **Applicant details**

Applicant name: Dalrymple Villa Incorporated C/- Buildable Approvals (Joe Sevillano)

## **Location details**

Street address: 15-23 Fraser Street, Richmond Hill

Real property description: Lot 13 on SP289342 Current lawful use: Retirement Facility

# **Application details**

Application number: MCU2025/0012
Approval type: Development type: Material Change of Use
Category of assessment: Code Assessment

Description of development: Extension to Retirement Facility - Construction of 6 units in 3 buildings

Definition of use: Retirement Facility

Categorising instrument: Charters Towers Regional Town Plan Version 2

# 1. Details of the approval

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

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@charterstowers.qld.gov.au | **ABN.** 67 731 313 583

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|  | Planning<br>Regulation 2017<br>reference | Development<br>Permit | Preliminary<br>Approval |
|--|--|-----------------------|-------------------------|
| Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval |  | $\boxtimes$           |                         |

# 2. Conditions of approval

| Condition<br>Number | Condition  |  |                                   |                                |       | Timing       |
|---------------------|--|--|-----------------------------------|--------------------------------|-------|--------------|
| Approved F          | Plans/Documents  |  |                                   |                                |       |              |
| 1.                  | Development is to be a submitted application in documentation except conditions of this appropriate to the conditions of | including the followhere amendme oval: | owing plans ar<br>ents are requir | nd supporting ed to satisfy th |       | At all times |
|                     | Drawing Title:   | Prepared by:                           | Date:                             | Ref No.                        | Rev.: |              |
|                     | Locality Plan  | C&B Designs                            | 04/12/2025                        | Sheet No. 1                    | P4    |              |
|                     | Site Survey Plan   | C&B Designs                            | 04/12/2025                        | Sheet No. 2                    | P4    |              |
|                     | Site Plan<br>(amended in red)  | C&B Designs                            | 04/12/2025                        | Sheet No. 3                    | P4    |              |
|                     | Development 3D   | C&B Designs                            | 04/12/2025                        | Sheet No. 4                    | P4    |              |
|                     | Site Works 3D  | C&B Designs                            | 04/12/2025                        | Sheet No. 5                    | P4    |              |
|                     | Typical and<br>Retaining Wall<br>Section   | C&B Designs                            | 04/12/2025                        | Sheet No. 6                    | P4    |              |
|                     | Landscaping Plan   | C&B Designs                            | 04/12/2025                        | Sheet No. 7                    | P4    |              |
|                     | Example Rock<br>Gardens  | C&B Designs                            | 04/12/2025                        | Sheet No. 8                    | P4    |              |
|                     | Vehicle Turning<br>Paths (amended in red)  | C&B Designs                            | 04/12/2025                        | Sheet No. 9                    | P4    |              |
|                     | Floor Plan   | Asset Cabins<br>& Homes                | 09/10/2025                        | Sheet No. 1                    | -     |              |
|                     | Elevations 1,2   | Asset Cabins<br>& Homes                | 09/10/2025                        | Sheet No. 2                    | -     |              |
|                     | Elevations 3,4   | Asset Cabins<br>& Homes                | 09/10/2025                        | Sheet No. 3                    | -     |              |
|                     | 3D Views   | Asset Cabins<br>& Homes                | 09/10/2025                        | Sheet No. 4                    | -     |              |

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Document Set ID: 5150502 Version: 4, Version Date: 17/12/2025



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| Condition<br>Number | Condition  | Timing                                   |
|---------------------|--|--|
| General             |  |  |
| 2.                  | <ul> <li>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) in all instances</li> <li>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and</li> <li>c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</li> </ul> | At all times                             |
| Damage              |  |  |
| 3.                  | d) The developer is responsible for the repair of any damage that is caused to Council's infrastructure as a result of the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for the completion of those works.  | At all times                             |
| Currency of         | fapproval  |  |
| 4.                  | This approval, granted under the provisions of the <i>Planning Act 2016</i> , shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of 85 of the Planning Act 2016.   | At all times                             |
| Environme           | ntal   |  |
| 5.                  | Ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control is to be in accordance with <i>International Erosion Control Association – Best Practice Erosion &amp; Sediment Control guidelines</i> and the <i>Queensland Urban Drainage Manual 2017.</i>  | At all times                             |
| 6.                  | Ensure that:  a) The development does not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants;  The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state, and   | At all times                             |
| Operationa          | Works  |  |
| 7.                  | A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include the following:  a) Earthworks  | Prior to building<br>works<br>commencing |
|                     |  |  |

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| Condition<br>Number | Condition  | Timing  |
|---------------------|--|---|
| 8.                  | The Development Application for Operational Works is to be designed and constructed in accordance with Australian Standards, the Development Works Code inclusive of Schedule 4.2 Development Works Planning Scheme Policy of the Charters Towers Regional Town Plan, STRAT0028/Roads Infrastructure Road Risk Management Strategic Policy and any other applicable standards at the time of lodgement. All Operational Works that relate to this development must be accepted as on maintenance by Council. | As part<br>Operational<br>Works                   |
| Building, Pl        | umbing and Drainage Works  |   |
| 9.                  | Obtain a Development Permit and Building Final for Building Works in accordance with the <i>Planning Act 2016</i> . Construction is to comply with the <i>Building Act 1975</i> , the <i>National Construction Code</i> and the requirements of other relevant authorities.  | Prior to construction                             |
| 10.                 | Obtain a Permit for Plumbing and Drainage Works and Final Inspection Certificate in accordance with the <i>Plumbing and Drainage Act 2018</i> and the <i>Plumbing and Drainage Regulation 2019</i> . Construction is to comply with the <i>National Construction Code: Volume Three – Plumbing Code of Australia 2019</i> , the <i>Queensland Plumbing and Waste Water Code 1: 2019</i> and the requirements of other relevant authorities.  | Prior to construction                             |
| Parking and         | l access   |   |
| 11.                 | The driveway to the site must be constructed and maintained in accordance with AS2890.1 Off-Street Car Parking, and must be certified by a suitably qualified RPEQ Engineer.   | As part of construction, and at all times         |
| 12.                 | A total of 6 car parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with <i>AS2890.1 Off-Street Car Parking</i> . The parking design must be certified by a suitably qualified RPEQ Engineer.  | As part of construction, and at all times         |
| Waste Mana          | agement  |   |
| 13.                 | Waste storage area/s are to house all waste collection containers including recycling waste containers. The waste storage area/s must not be visible from the road frontages.  | At all times                                      |
| External Lig        | hting  |   |
| 14.                 | Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in <i>Australian Standard</i> 4282:2023 – Control of the obtrusive effects of outdoor lighting.   | Prior to commencement of use and to be maintained |

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| Condition<br>Number | Condition  | Timing  |  |  |  |
|---------------------|--|---|--|--|--|
| Landscapin          | Landscaping  |   |  |  |  |
| 15.                 | Landscaping works and plant selection are to be undertaken to ensure:  a. Climatically appropriate species are planted; b. Planting densities and stock sizes are suitable for their location, purpose and hardiness; and c. Landscape elements do not interfere with sightlines | As part of landscaping works and to be maintained |  |  |  |
| Lawful Com          | Lawful Commencement  |   |  |  |  |
| 16.                 | Written notice must be given to Council that the development fully complies with this Development Permit.  | Prior to the commencement of the use              |  |  |  |
| 17.                 | Notify Council within 20 business days that this approved use has lawfully commenced.  | As indicated                                      |  |  |  |

## **Advice 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 *Planning Act 2016* and would have to comply with the requirements of the relevant provisions.

# **Aboriginal and Cultural Heritage**

B. The Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 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**

C. The city of Charters Towers is subject to a significant number of abandoned mine shafts due to the former gold rush era. It is recommended that all searches be undertaken through the Queensland State Government's Department of Natural Resources Mines and Energy (DNRME) to ensure that the development is not unduly impacted upon by these shafts. The DNRME can be contacted on 13 74 68.

## **Workplace Health and Safety**

D. Ensure compliance with the *Work Health and Safety Act 2011*. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the *Work Health and Safety Act 2011*. It states that the person in control of the workplace is obliged to

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## **Advice Notes**

ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

## **Environmental nuisance**

E. Ensure compliance with the *Environmental Protection Act 1994*. It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.

# **Ergon Energy and Telstra Corporation Contact Details**

- F. Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below:
  - a) Ergon Energy Connection Solution's Team (07) 4931 1012, and/or
  - b) NBN Co 1800 687 626.

# 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 six years.

## 4. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- 1. Building Works
- 2. Plumbing and Drainage Works
- 3. Operational Works Earthworks

# 5. Referral agencies

Not applicable.

# 6. Submission(s)

Not applicable.

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# 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 |  | velopment is for a Material Change of Use (Extension to a Retirement     |  |  |  |  |
|----------------|--|--|--|--|--|--|
| the            | facility.  |  |  |  |  |  |
| development:   |  |  |  |  |  |  |
| Reasons for    |  | r the Material Change of Use has been assessed against the relevant      |  |  |  |  |
| the decision:  |  | North Queensland Regional Plan 2020 and the Charters Towers Regional     |  |  |  |  |
|                |  | n 2. It is considered that the proposal is reasonable and is recommended |  |  |  |  |
|                | for approval subject to relevant conditions, despite some non-compliance with the relevant |  |  |  |  |  |
|                | assessment benc  |  |  |  |  |  |
| Assessment     |  | elopment was assessed against the relevant assessment benchmarks of      |  |  |  |  |
| benchmarks:    | the North Queens   | land Regional Plan 2020 Charters Towers Regional Town Plan Version 2     |  |  |  |  |
|                | including the:   |  |  |  |  |  |
|                | 1) General Re  | sidential Zone Code  |  |  |  |  |
|                | 2) Developme   | nt Works Code, and   |  |  |  |  |
|                | 3) Landscapin  | g Code.  |  |  |  |  |
|                | The proposed dev   | elopment was assessed against all the assessment benchmarks listed       |  |  |  |  |
|                | about and complie  | es with all with the exceptions listed and responded to below.           |  |  |  |  |
|                | Assessment   | Reasons for the approval despite non-compliance with benchmark:          |  |  |  |  |
|                | benchmark:   |  |  |  |  |  |
|                | Development  | The Code seeks the provision of 1 on-site car parking space per          |  |  |  |  |
|                | works Code   | dwelling plus 1 space per 2 employees. As the intended use is for        |  |  |  |  |
|                |  | employee accommodation, it is considered reasonable to condition 1       |  |  |  |  |
|                |  | on-site car parking space per dwelling (unit).                           |  |  |  |  |
|                |  |  |  |  |  |  |
|                |  | The Code also seeks the provision of convenient car parking. 'Park 1',   |  |  |  |  |
|                |  | as identified on the application documentation' does not provide         |  |  |  |  |
|                |  | convenient ingress and egress. The documentation has been amended        |  |  |  |  |
|                |  | in red to require the provision of at least 1000mm clear space for       |  |  |  |  |
|                |  | ingress and egress.  |  |  |  |  |
| Relevant       | Not applicable   |  |  |  |  |  |
| matters:       |  |  |  |  |  |  |
| Matters raised | Submission   | Council Response:  |  |  |  |  |
| in             | Point:   |  |  |  |  |  |
| submissions:   | Not applicable.  | Not required.  |  |  |  |  |

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

There are no other requirements.

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# 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: <a href="http://www.courts.gld.gov.au/courts/planning-and-environment-court">http://www.courts.gld.gov.au/courts/planning-and-environment-court</a>.

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 Council on (07) 4761 5300.

Yours faithfully

Timrla Green

**Manager Planning & Development** 

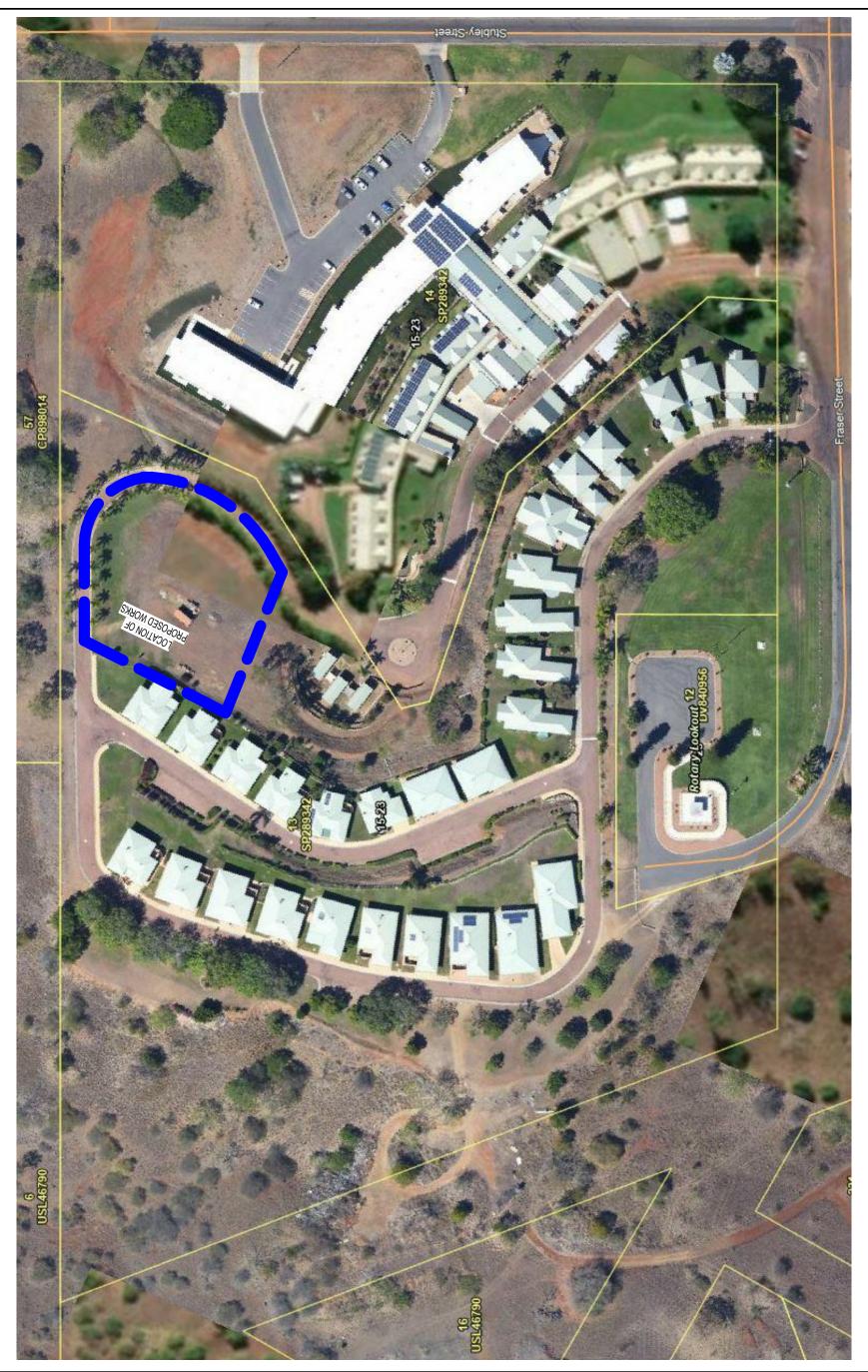
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PROJECT ISSUE & DESCRIPTION

P4 - PRELIMINARY ISSUE - 04-12-2025



# **PRELIMINARY**

NOTES:
THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT.
COMPLY WITH ALL RELEVANT AUTHORITY REG. & B.S.A. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS - DO NOT SCALE DRAWING. VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.



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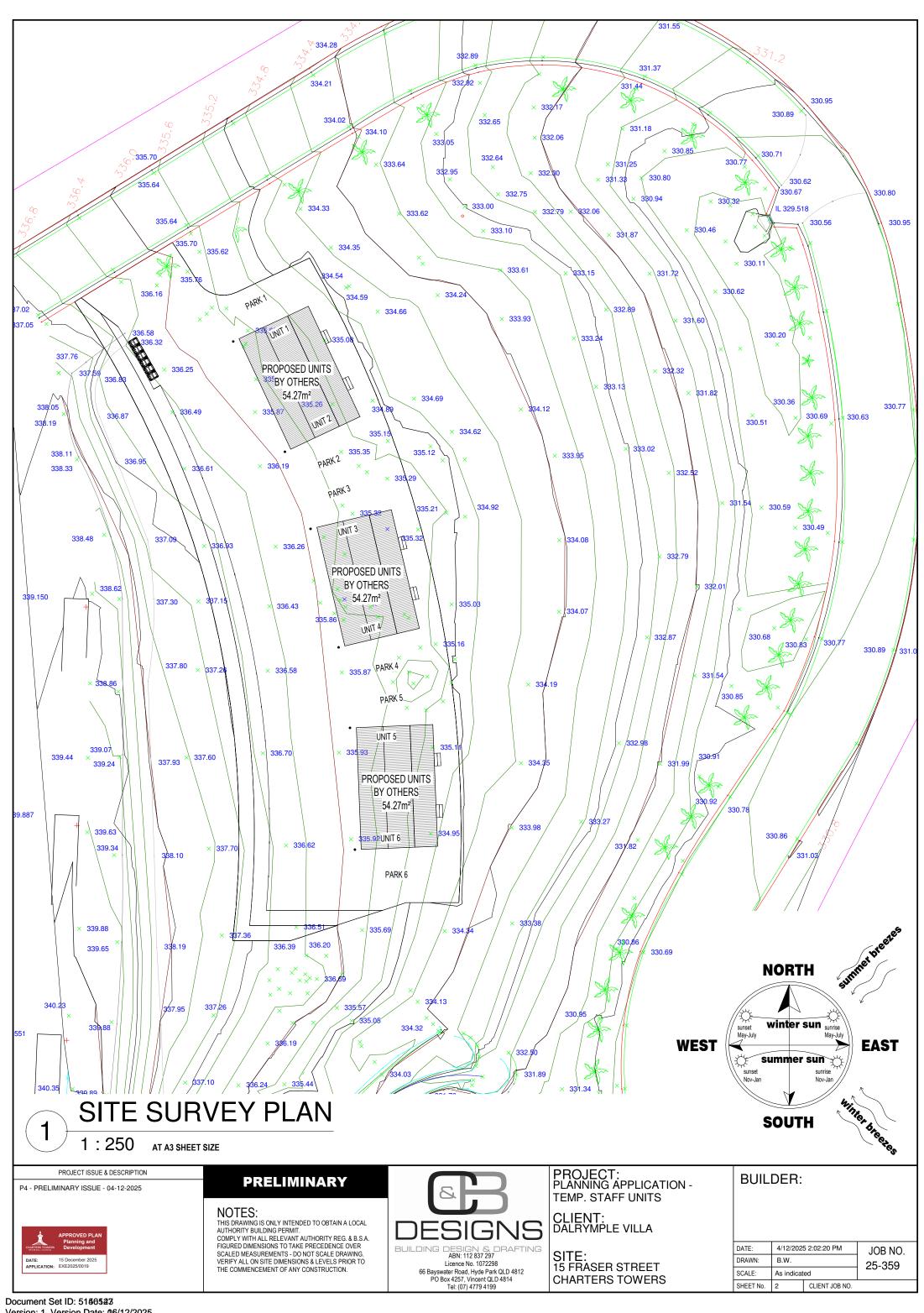
PROJECT: PLANNING APPLICATION -TEMP. STAFF UNITS

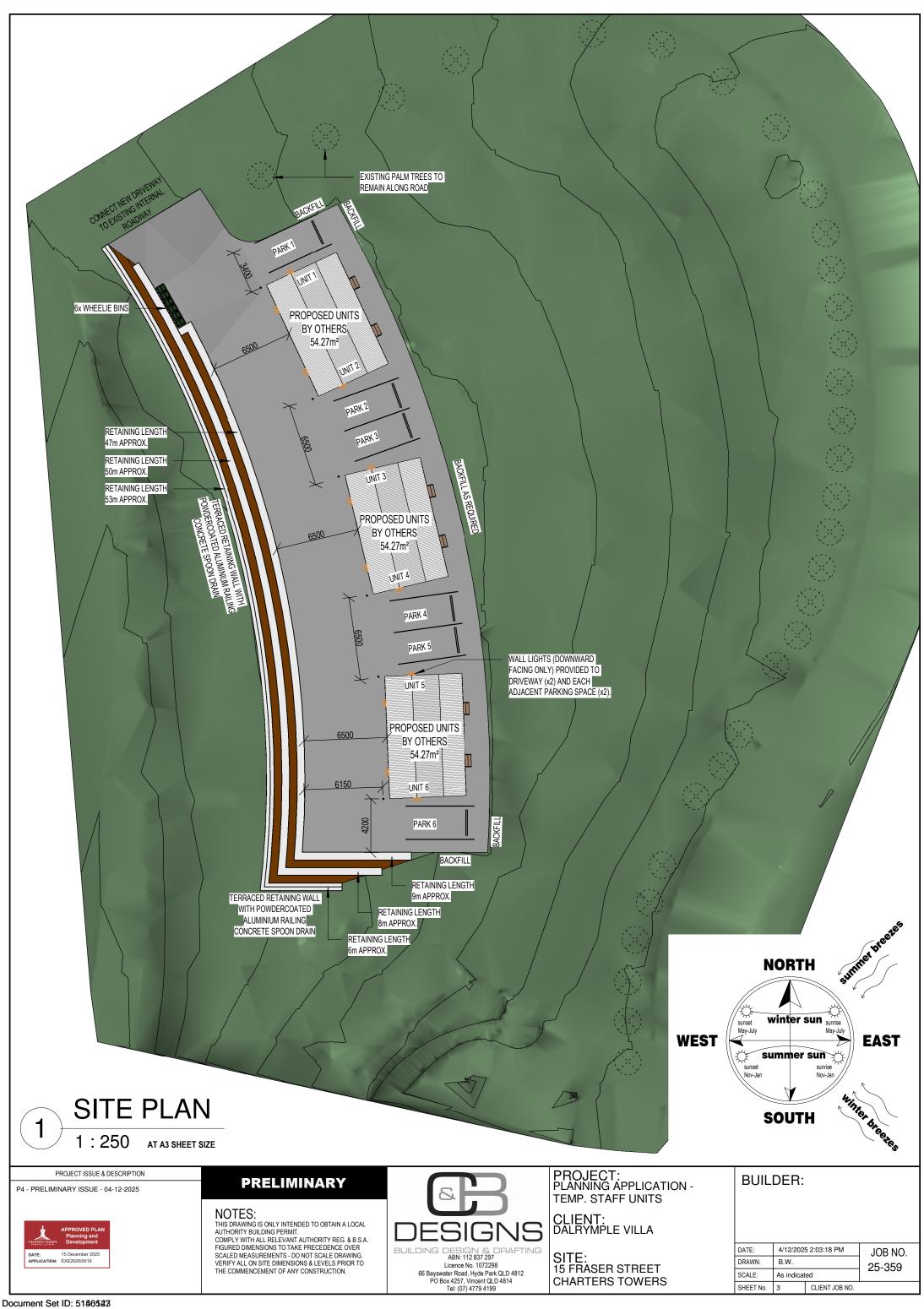
CLIENT: DALRYMPLE VILLA

SITE: 15 FRASER STREET CHARTERS TOWERS

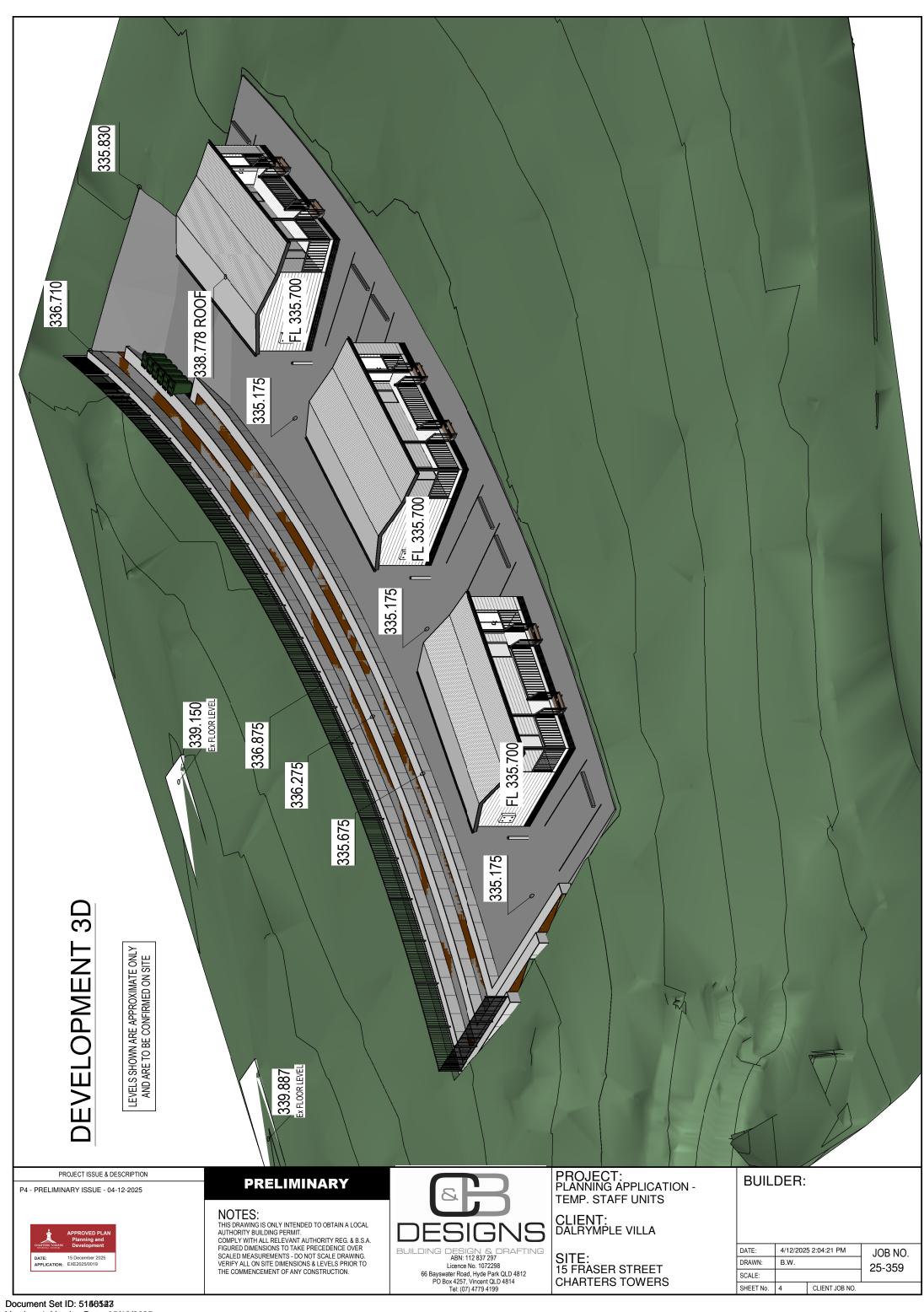
# BUILDER:

| DATE:     | 4/12/202 | 5 2:02:19 PM  | JOB NO. |
|-----------|----------|---------------|---------|
| DRAWN:    | B.W.     |               | 25-359  |
| SCALE:    | 1:1500   |               | 20-009  |
| SHEET No. | 1        | CLIENT JOB NO |         |





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Version: 1, Version Date: 06/12/2025



ET CUT/FILL 15.82 5.11 0.17 SITE WORKS (m³)

| MARK   | CUT              | FILL NET  | NE.  |
|--|------------------|-----------|------|
| NEW PAD 1 (MAIN PAD)   | 624.93 9.10 -615 | 9.10      | -615 |
| NEW PAD 2 (RETAIN BATTER)   65.11                                |                  | 0.00      | -65  |
| NEW PAD 3 (RETAIN BATTER) 40.18                                  |                  | 0.00 -40. | 6.   |
| TOTALS   | 730.22 9.11 -721 | 9.11      | -72  |
|  |                  |           |      |
| IMPORTANT NOTE: VOLUMES SHOWN ARE APPROXIMATE ONLY AND TO BE USE | E ONLY A         | ND TO B   | EUSE |
| A GUIDE. THIS OFFICE TAKES NO RESPONSIBILITY FOR THE             | SPONSIBIL        | ITY FOF   | 置    |
| OF VOLUMES SHOWN.  |                  |           |      |



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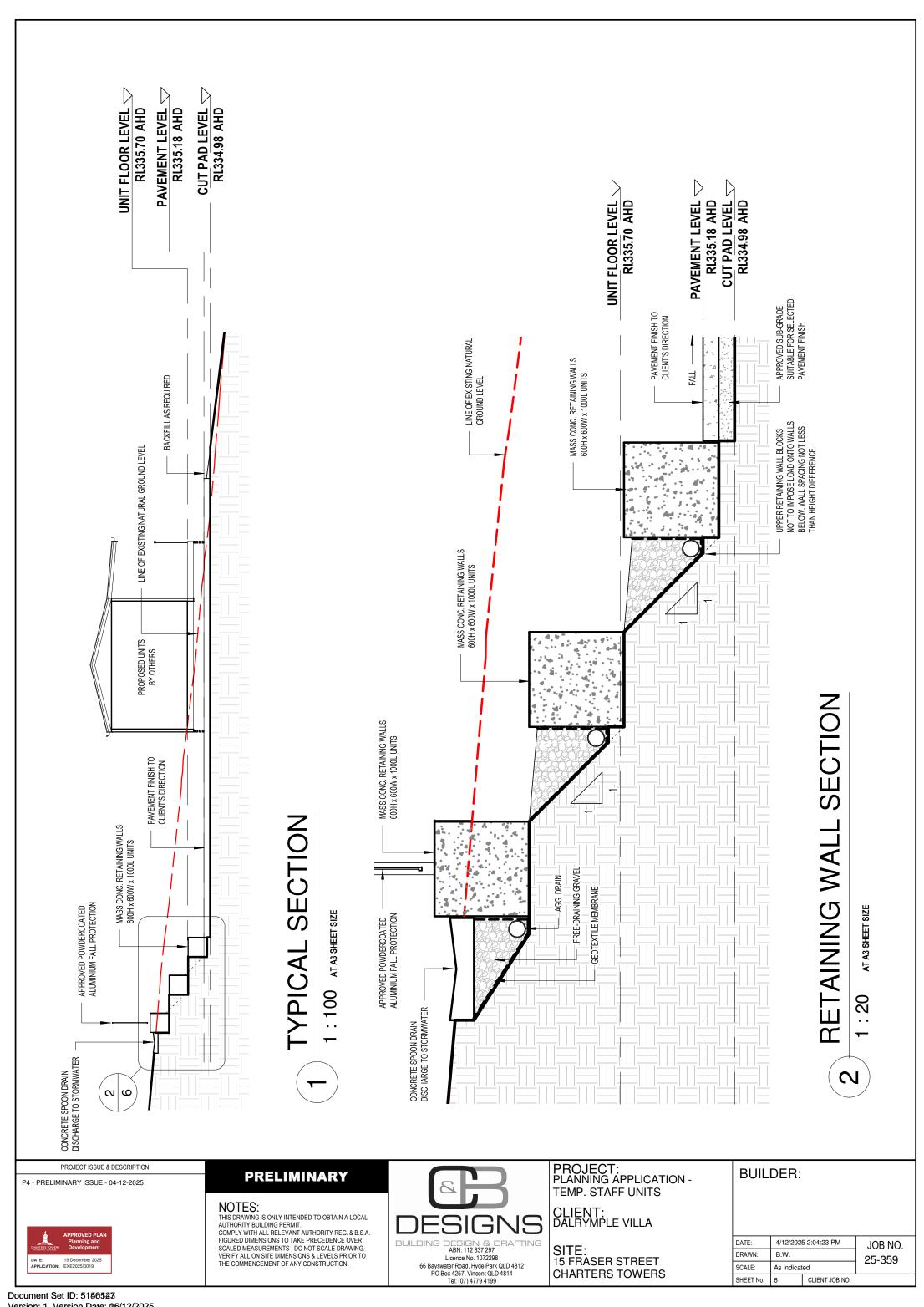
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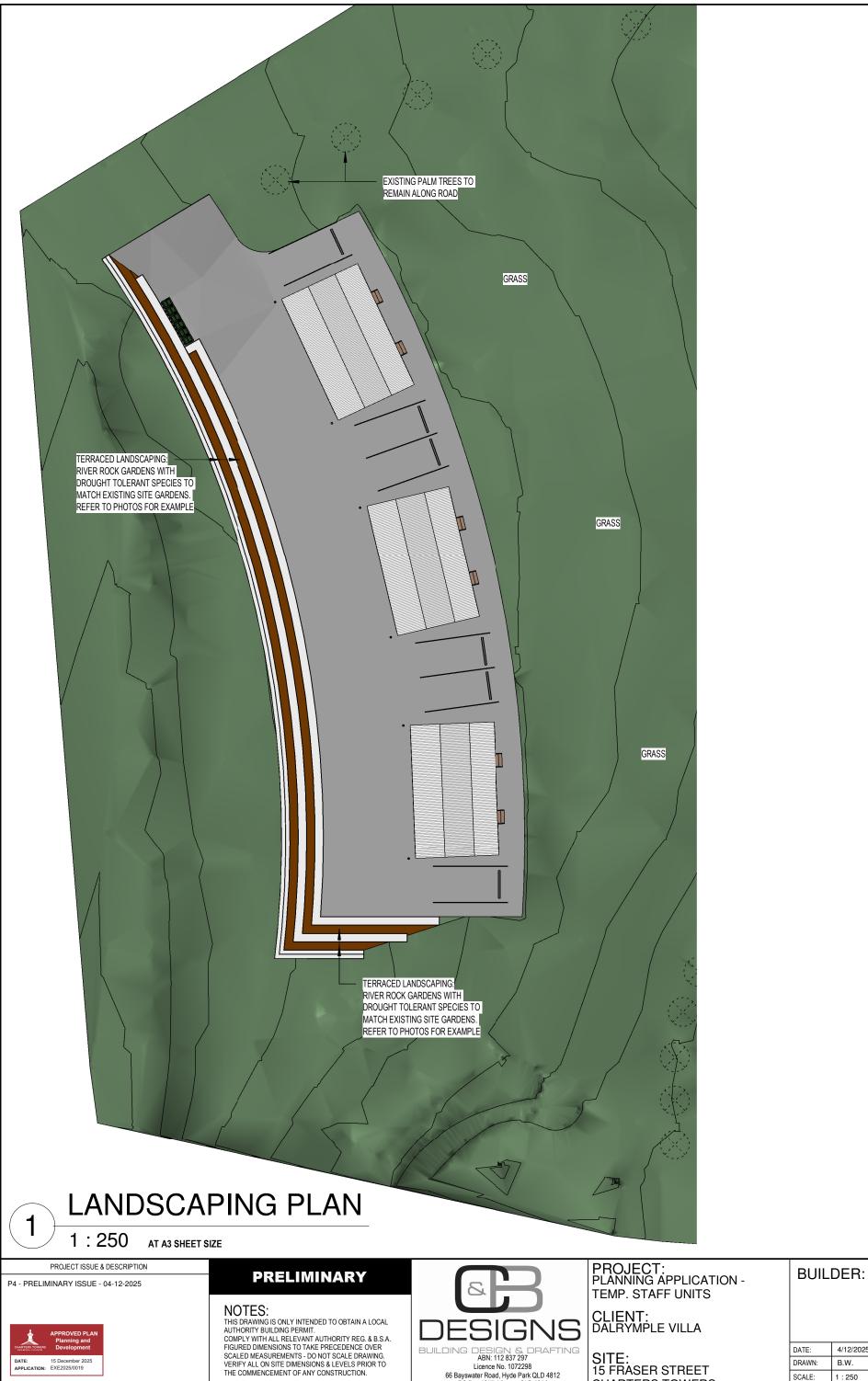
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SITE: 15 FRASER STREET **CHARTERS TOWERS** 

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SITE: 15 FRASER STREET **CHARTERS TOWERS** 

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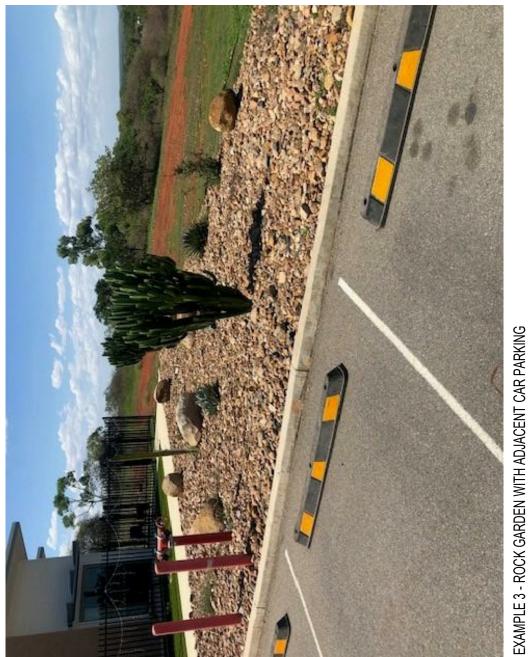
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4/12/2025 2:04:28 PM JOB NO. DRAWN: B.W. 25-359 SCALE: 1:250 CLIENT JOB NO.









PROJECT ISSUE & DESCRIPTION

P4 - PRELIMINARY ISSUE - 04-12-2025



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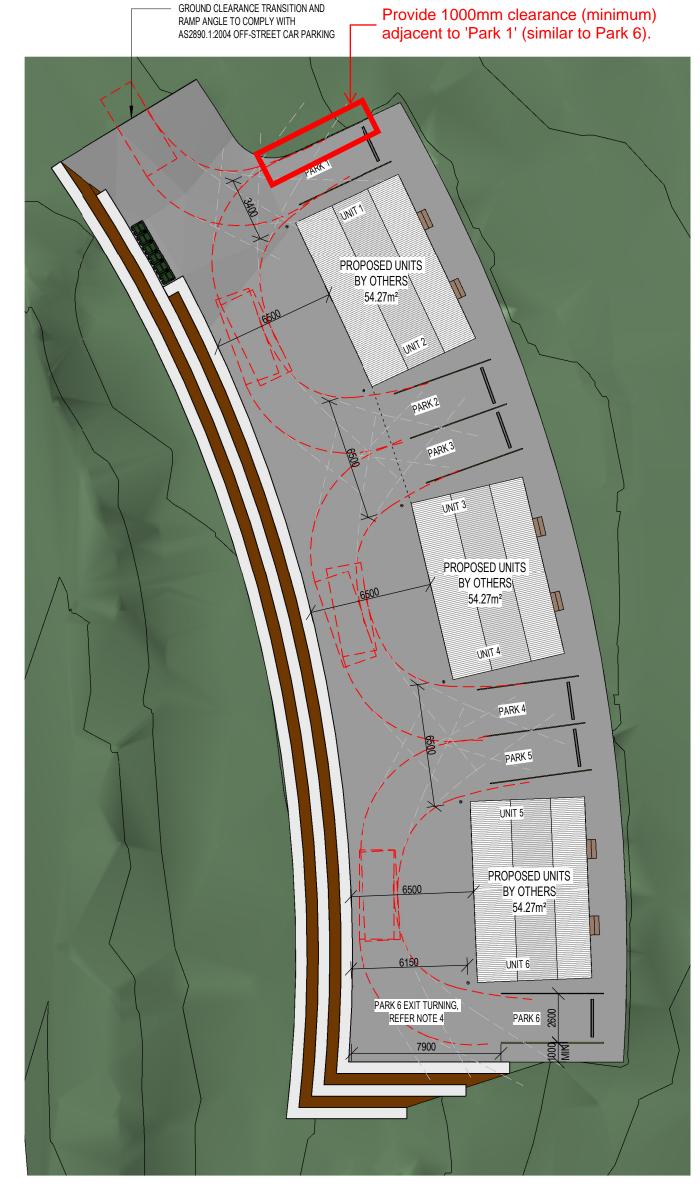
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| SHEET No. | 8        | CLIENT IOR NO |         |

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1:200 AT A3 SHEET SIZE

# VEHICLE TURNING NOTES:

- 1. ALL PARKING TO COMPLY WITH AS2890.1:2004 OFF-STREET CAR PARKING
- WHEEL STOPS TO BE PROVIDED TO ALL PARKING SPACES
- 3. TURNING RADIUS DEMONSTRATED FOR B85 VEHICLE TEMPLATE (5800mm RADIUS)
  - PARK 6 EXIT OF PARKING SPACE COMPLIES WITH AS2890.1:2004 - PART B4.4 & TABLE B2: FOR NOMINATED PARKING SPACE MIN WIDTH (2600mm) AND MINIMUM ISLE WIDTH INCLUDING MANEUVERING CLEARANCE (MIN 5800mm REQUIRED, 6150mm PROVIDED).

- PART 2.4.2 (c) BLIND AISLES: EXTEND AISLE LENGTH MINIMUM 1000mm BEYOND LAST PARKING SPACE.

# P4 - PRELIMINARY ISSUE - 04-12-2025

PROJECT ISSUE & DESCRIPTION

# **PRELIMINARY**

NOTES: THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT.

AUTHORITY BUILDING PERMIT.
COMPLY WITH ALL RELEVANT AUTHORITY REG. & B.S.A.
FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER
SCALED MEASUREMENTS - DO NOT SCALE DRAWING.
VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO
THE COMMENCEMENT OF ANY CONSTRUCTION.



BUILDING DESIGN & DRAFTING ABN: 112 837 297 Licence No. 1072298 66 Bayswater Road, Hyde Park QLD 4812 PO Box 4257, Vincent QLD 4814 Tel: (07) 4779 4199

# PROJECT: PLANNING APPLICATION -TEMP. STAFF UNITS

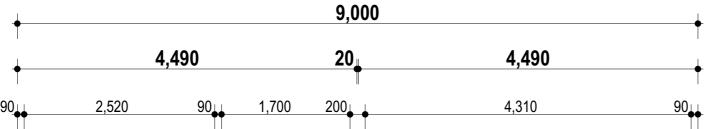
CLIENT: DALRYMPLE VILLA

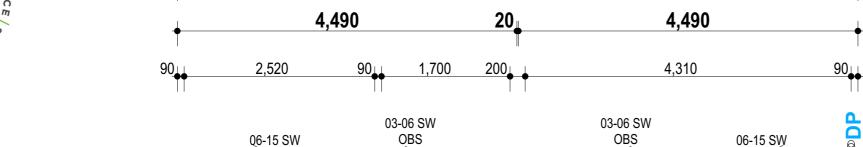
SITE: 15 FRASER STREET **CHARTERS TOWERS** 

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| DATE:     | 4/12/2025 2:04:36 PM |                | JOB NO.<br>25-359 |
|-----------|----------------------|----------------|-------------------|
| DRAWN:    | B.W.                 |                |                   |
| SCALE:    | 1:200                |                |                   |
| SHEET No. | 9                    | CLIENT JOB NO. |                   |



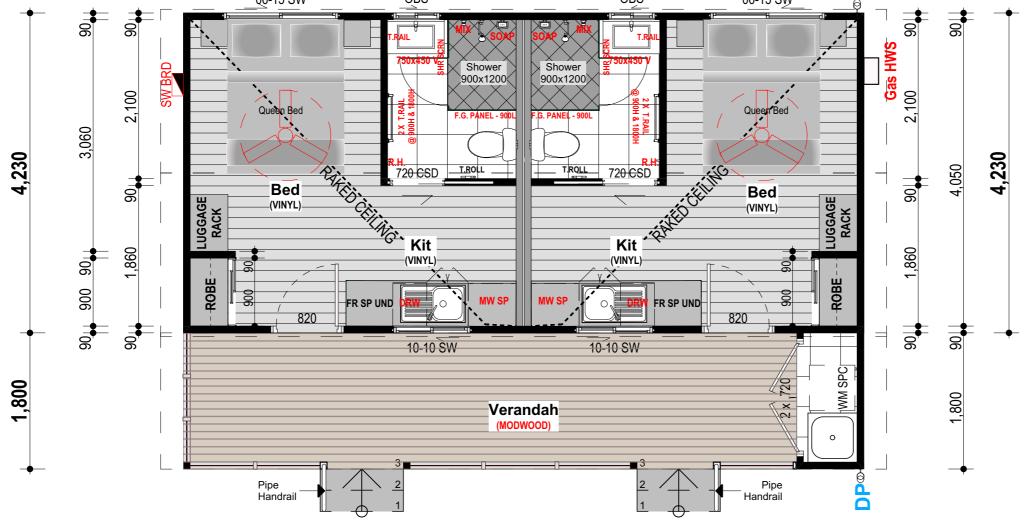








**KITCHEN VIEW** 



525 F.F.L

# 14° GABLE ROOF PITCH

# (OPTIONAL) SUB FLOOR SKIRTING SHOWN

PAINTED APRON FLASHING TO TOP OF WINDOW **EXTENDING 100MM PAST EACH SIDE OF WINDOW FRAME** 

# **IMPORTANT NOTES**

- The **Project Design Specification** (PDS) takes precedence over any plans
- To confirm inclusions refer to your signed **Project Design Specification** (PDS) and if applicable; signed Form 5 Variation Documents
- Plans may show loose furniture and optional inclusions that are not included in your contract
- If you are unsure or require clarification, please ask!

I the Owner (details as per plan Title Box), confirm that these plans are correct and that I have noted and understood the details outlined above.

Name/s:

FRONT VERANDAH 14.60 52.67 m<sup>2</sup>

AREA (m²)

**FLOOR AREAS** 

**(**01)

**ELEVATION DIRECTION** 



90 | 510 | 90

**FLOOR PLAN** 

9,000

90

SOLUTION

FREECALL 1800 225 224 T 07 5483 7144 F 07 5483 7188 E sales@ach.net.au

3,710

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All site dimensions are to be verified and confirmed by the client prior to the commencment of works.

**CONCEPT** 9/10/2025

4,310

Project: Dalrymple Villa - Staff Accommodation 15 Fraser Street Charters Tower ' QLD 4820 drawing status: CONCEPT

1:50

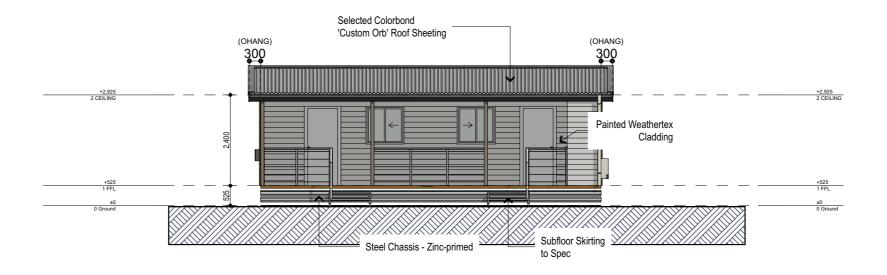
Floor Plan Project No: A5707 Cabin No: design by: Asset Cabins and Homes scale: 1:50, 1:1, 1:720.62, 1:1162.66 at A3 ACACIA 2

Document Set ID: 5150028 Version: 1, Version Date: 06/12/2025

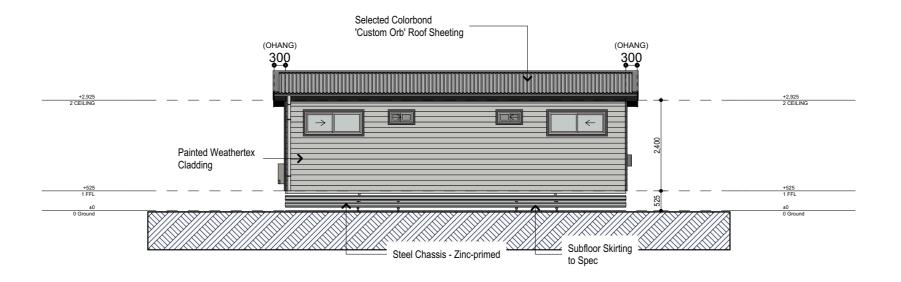
NAME

MAIN BUILDING





E01 Elevation 1:100



APPROVED PLAN Planning and Development

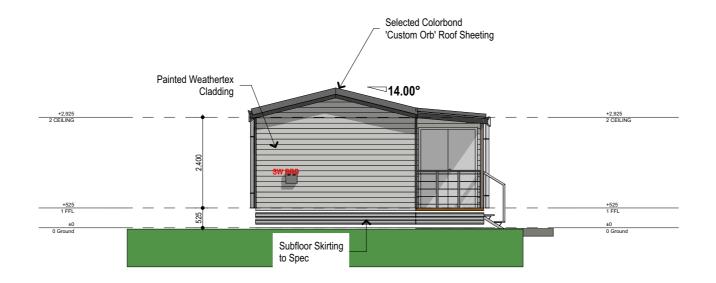
DATE: 15 December 2025
APPLICATION: FXF2025(0019

E02 Elevation 1:100

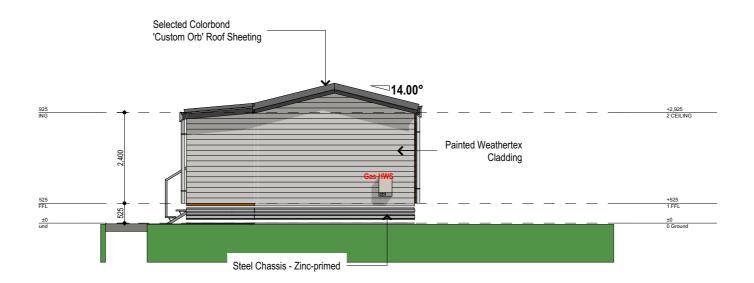


Document Set ID: 5150028 Version: 1, Version Date: 06/12/2025





E03 Elevation 1:100



APPROVED PLAN
Planning and
Development

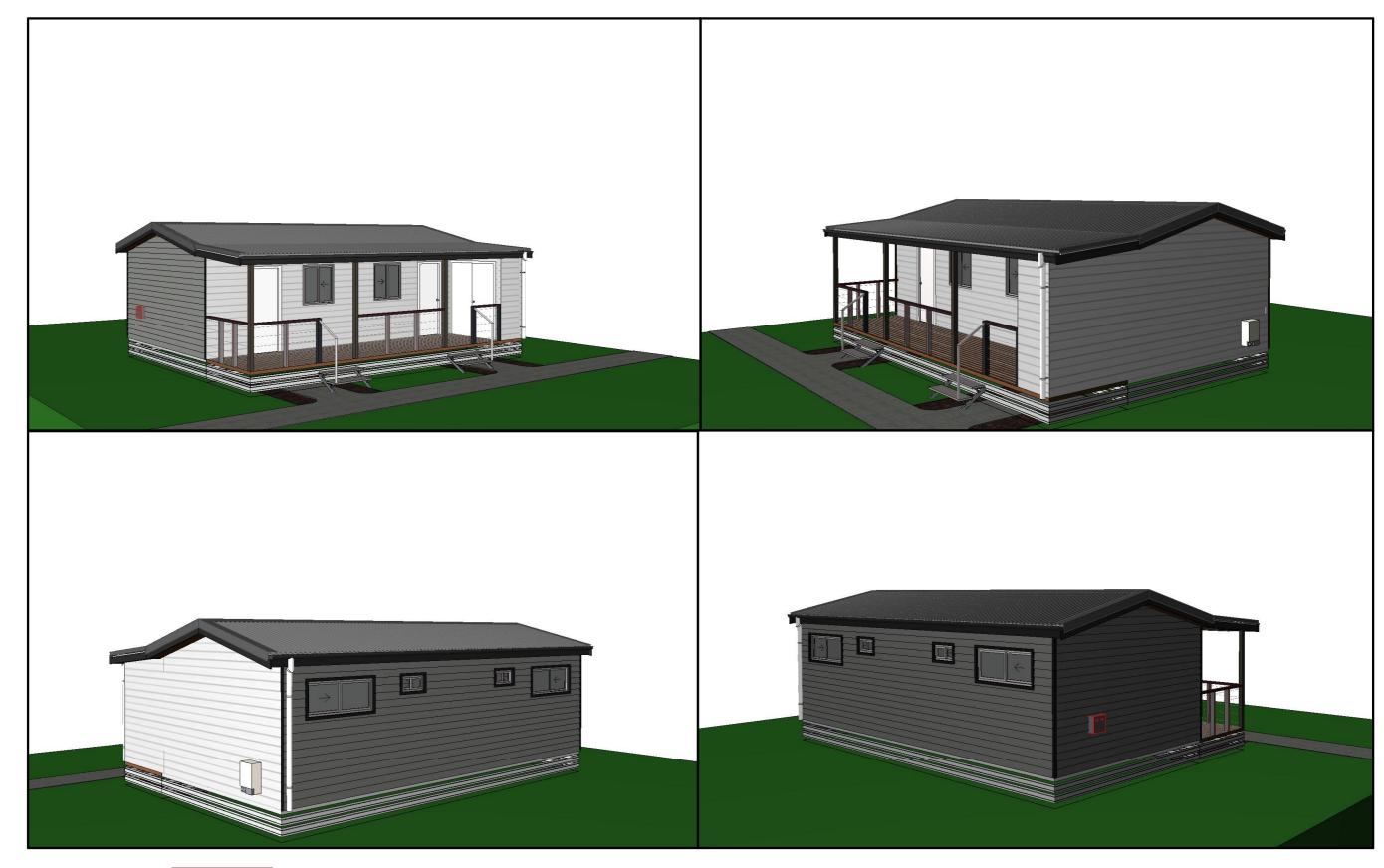
DATE: 15 December 2025
APPLICATION: EXE2025/0019

E04 Elevation 1:100



Document Set ID: 5150028 Version: 1, Version Date: 06/12/2025









FREECALL 1800 225 224
T 07 5483 7144 F 07 5483 7188
E sales@ach.net.au
Cnr Langton Road and Ettie Jane Street Gympie Qld 4570
www.ach.net.au

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All site dimensions are to be verified and confirmed by the client prior to the commencment of works.

CONCEPT 9/10/2025 Client:
Project No: A5707 Cabin No: . site classification: .

Project:
Dalrymple Villa - Staff Accommodation design by: Asset Cabins and Homes Drawn: TF

15 Fraser Street Charters Tower
QLD 4820 cesign:
drawing status: CONCEPT ACACIA 2 4

Document Set ID: 5150008 Version: 1, Version Date: 06/12/2025

# **Planning Act 2016**

Reprint current from 2 August 2024

Chapter 6 > Part 1

# Part 1 Appeal rights

# 229 Appeals to tribunal or P&E Court

- (1) <u>Schedule 1</u> 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—
    - (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.
- (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 <u>chapter 7</u>, <u>part 4</u>, to register premises or to renew the registration of premises—20 business days after a notice is published under <u>section 269(3)(a)</u> or (4); or
  - (d) for an appeal against a decision of the Minister, under <u>chapter 7</u>, <u>part 4</u>, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under <u>section 269A(2)(a)</u>; or
  - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (f) 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

- (g) for an appeal relating to the <u>Plumbing and Drainage Act 2018</u>—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the <u>Plumbing and Drainage Act 2018</u>, section 143(2)(a)
     (i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the <u>Plumbing and Drainage Act 2018</u>—
     5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the <u>Plumbing and Drainage Act 2018</u>—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (h) 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 <u>schedule 1</u>, <u>section 1</u>, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and

- (d) for an appeal about a change application under <u>schedule 1</u>, <u>section 1</u>, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

# 231 Non-appealable decisions and matters

- (1) Subject to this chapter, <u>section 316(2)</u>, <u>schedule 1</u> 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 <u>Judicial Review Act 1991</u>, 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 <u>Judicial Review Act 1991</u> in relation to the decision or matter, may apply under <u>part 4</u> 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 the 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 <u>Judicial Review Act 1991</u> or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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 rules of the P&E Court.