



6 November 2025

Our Ref: 5131010
File Ref: RAL2025/0011
Enquiries: Timna Green

Michael Gillan
PO Box 1380
CHARTERS TOWERS QLD 4820

Sent via email: MGillan2@bigpond.com

Dear Kirean

Changed Decision Notice
(Given under Section 83 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was approved under delegated authority on 6 November 2025. The nature of the changes agreed to are detailed below including the conditions of the approval and notice of reasons. This changed decision notice replaces the original decision notice dated 29 January 2025.

Applicant details

Applicant name: Michael Gillan

Location details

Street address: 7 Farrelly Street, Towers Hill
Real property description: 1MPH1155

Application details

Application number: RAL2025/0011
Approval type: Change Application (Minor) to Development Permit (RL19/165)
Development type: Reconfiguring a lot
Category of assessment: Code Assessment
Description of development: Subdivision 1 lot into 2 lots
Categorising instrument: Charters Towers Regional Town Plan Version 2

1. Nature of the change(s) agreed to

The change agreed to as part of this changed decision notice are:

- 1) Removal of Condition 6 from the Conditions of Approval of original approval RL19/165

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

www.charters Towers.qld.gov.au



Council agrees with the reasons provided by the applicant in their application material and considers the minor change to not result in a substantially different development.

2. Conditions of approval

Condition Number	Condition	Timing										
Approved Plans/Documents												
1.	Development is to be carried out generally in accordance with the submitted application including the following plans except where amendments are required to satisfy the conditions of this approval: <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 1 & 2</td><td>Atkinson & Booy Surveys</td><td>12/12/2019</td><td>P19-202.dwg</td><td>N/A</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Proposed Reconfiguration Lots 1 & 2	Atkinson & Booy Surveys	12/12/2019	P19-202.dwg	N/A	At all times
Drawing Title:	Prepared by:	Date:	Reference No:	Revision:								
Proposed Reconfiguration Lots 1 & 2	Atkinson & Booy Surveys	12/12/2019	P19-202.dwg	N/A								
General												
2.	a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan in all instances b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and a) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.	At all times										
Environmental												
3.	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 & Sediment Control guidelines</i> and the <i>Queensland Urban Drainage Manual 2017</i> .	At all times										
4.	The construction of the development (not operation) must be limited to 0630—1830 Monday to Saturday and not at all on Sunday and public holidays as per Section 440R of the <i>Environmental Protection Act 1994</i> . Noise generated from construction must be within the limits set by the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 20019</i> .	At all times										
5.	Ensure that; a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants b) The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state, and c) All construction materials are contained wholly within the premises.	As part of construction works										
Transport and Access												

Condition Number	Condition	Timing
6.—	Construct a driveway crossover at the sealed Farrelly Street frontage of each proposed lot in accordance with Council's standard drawing CTRC-001 Roads rural and turnouts inverts & culvert driveways.	Prior to the lodgement of survey plan for endorsement
7.	Lodge and obtain approval for an application to carry out public access/footpath work as part of works within the Council controlled road reserve.	Prior to works within Council's road reserve
Water and Sewer		
8.	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
9.	Pay the full cost of a 20mm water meter in the form of a bond for each proposed lot.	Prior to the lodgement of survey plan for endorsement
Electricity and Telecommunication		
10.	Submit to Council a Certificate of Electricity Supply demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider.	Prior to the lodgement of survey plan for endorsement
11.	Submit to Council a Provisioning of Telecommunication Services demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider.	Prior to the lodgement of survey plan for endorsement
Survey Plan Endorsement		
12.	Lodge to Council, for approval, an application for Survey Plan Endorsement which includes; 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 fully executed for the lodgement with the Titles Office, and e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i> .	As part of the lodgement of survey plan for endorsement

Advisory Notes

Local and State Heritage

A.	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.
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Advisory Notes	
Aboriginal and Cultural Heritage	
B.	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	
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 <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . 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 <i>Work Health and Safety Act 2011</i> . It states that the person in control of the workplace is obliged to 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 <i>Environmental Protection Act 1994</i>. 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.
Council Forms, Policies and Drawings	
G.	In achieving compliance with conditions, the below Council forms will need to be completed for this development;



Advisory Notes

- a) [F0339/RI - Application to carry out public access/footpath work, and](#)
- b) F0313/IS – Request for water supply connection.

In addition, Council's Standard Drawings for roads, driveways and grids can be found at www.charterstowers.qld.gov.au/drawings-specifications.

Council Sewer Location

- | | |
|----|--|
| H. | Be advised that Council's reticulated sewer is located within proposed Lot Two and may have impacts on the location on any future development. At the time of preparing any documentation in relation to a Building Application, it is requested that you contact Council to better understand the requirements in relation to the sewer prior to lodgement. |
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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 from the original development permit, dated 29 January 2025.

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 Approval (via certifier) under the *Building Act 1975*
2. Plumbing & Drainage approvals

5. Referral agencies

Not Applicable

6. Submission(s)

Not applicable.

7. Notice of reasons

This notice is prepared in accordance with Section 83(9) 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, Subdivision 1 lot into 2 lots.	
Reasons for the decision:	The Change Application (Minor) is supported as it complies with the relevant assessment benchmarks of the planning scheme.	
Assessment benchmarks:	The Change Application (Minor) 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) Reconfiguring a lot code; and 3) Development works code.	
	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

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

There are no other requirements.



Date: 6 November 2025
Ref No: 5131010

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*.

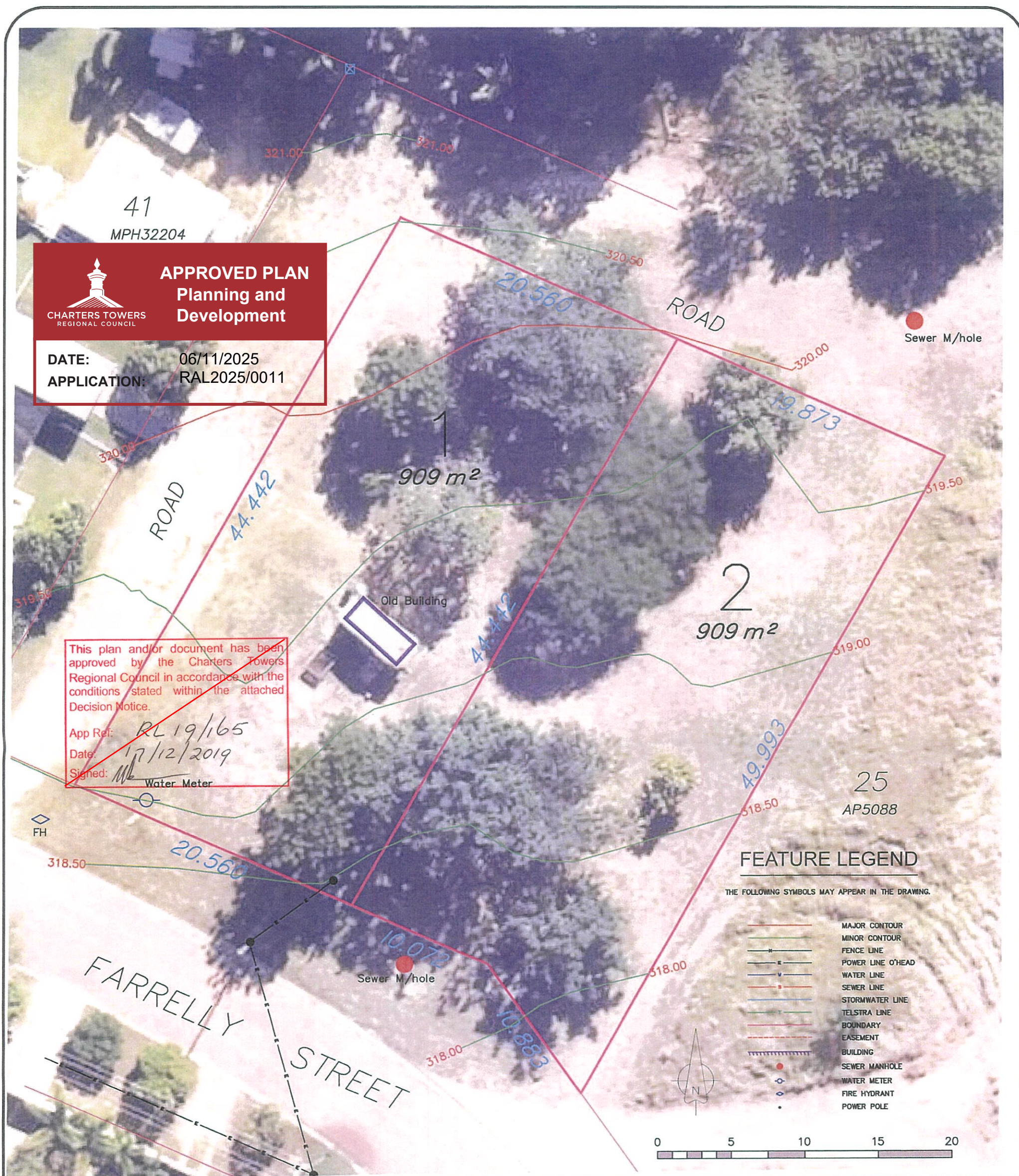
Should you wish to discuss this matter, please contact Council on (07) 4761 5300.

Yours faithfully



Timna Green
Manager Planning & Development







APPROVED PLAN
Planning and
Development

DATE:

06/11/2025

APPLICATION:

RAL2025/0011

This plan and/or document has been approved by the Charters Towers Regional Council in accordance with the conditions stated within the attached Decision Notice.

App Ref: RL19/165
Date: 17/12/2019
Signed: 

Water Meter

This plan was prepared for the purpose and exclusive use of
MICHAEL GILLAN
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 & Booy 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 1 & 2 Cancelling Lot 1 on MPH1155		
CLIENT MICHAEL GILLAN		
LOCAL GOVERNMENT CHARTERS TOWERS REGIONAL COUNCIL		DATE 12/12/2019
TITLE REF: 18786062	FILE N/A	SCALE 1:250 @ A3
SURVEYOR REF. 19-202		DRAWN: IWF

LOCALITY: TOWERS HILL



56 Thuringowa Drive, Kirwan QLD 4817
Phone: (07) 47234885
CADASTRAL SURVEYS

P19-202.dwg
Sheet 1 of 1
Form 1.4

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) Schedule 1 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 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 a decision of the Minister, under chapter 7, part 4, 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 section 269A(2)(a); 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 Plumbing and Drainage Act 2018—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the Plumbing and Drainage Act 2018, 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 Plumbing and Drainage Act 2018—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 Plumbing and Drainage Act 2018—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 schedule 1, section 1, 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 schedule 1, section 1, 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, section 316(2), 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 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 *Judicial Review Act 1991* 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.