

29 September 2026

Our Ref: 5318138
File Ref: RAL2025/0004.01
Enquiries: Luke Acreman

The DM Group
C/- STP Consultants Pty Ltd
Attn: Harrison Dove
Level 3
382 Sturt Street
TOWNSVILLE QLD 4810

Sent via email: civil@stpconsultants.com.au

Dear Harrison,

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 28 September 2026. 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 1 December 2025.

Applicant details

Applicant name: The DM Group C/- STP Consultants Pty Ltd (Harrison Dove)

Location details

Street address: Sandy Creek Road, Southern Cross
Real property description: Lot 39 on SP192387 and Lot ~~60~~ **40** on SP192387
Current lawful use: Vacant

Application details

Application number: RAL2025/0004.01
Approval type: Change Application (Minor) to:
1. Material Change of Use (Preliminary Approval)
2. Reconfiguration of a Lot (Development Permit)
Development type: Material Change of Use (including a Variation Request) in accordance with the Sandy Creek Road Plan of Development & Reconfiguring a Lot (2 into 17 Lots)
Category of assessment: Impact Assessment
Description of development: Two lots into seventeen lots (in two stages)
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) Amend an administrative error related to the real property description under Location details of the original Decision Notice
- 2) Change Part B, Condition 9, to require Southwalk Road to be constructed along the property's frontage to such a point that it can be connected safely and effectively to the existing road network, rather than the full frontage. This is to be signed off by an RPEQ.

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. 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		☒	☒

3. Conditions of approval

PART A – PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE				
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 and supporting documentation except where amendments are required to satisfy the conditions of this approval:			At all times
	Document Title:	Prepared by:	Date:	Reference No:
	Sandy Creek Road Plan of Development	Brazier Motti	-	-
	Structure Plan	Brazier Motti	28 April 2025	43948/003 A



PART A – PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE		
Condition Number	Condition	Timing
Variation to the Local Planning Instrument		
2.	<p>Pursuant to s61(3)(a) of the <i>Planning Act 2016</i>, the Variation Approval varies the effect of the Charters Towers Regional Town Plan v2, or any subsequent Planning Scheme in effect for the Charters Towers Regional Council local government area as at a date a future development application is made in respect of land to which the Variation Approval applies ("Town Plan") as follows:</p> <ul style="list-style-type: none"> a) The level of assessment for a Material Change of Use on the land shall be determined in accordance with the Table of Assessment of the Sandy Creek Road Plan of Development, which replaces Table 5.4.7.3 — Rural zone as contained within Part 5 Tables of Assessment of the Town Plan, to the extent of any inconsistency. b) The level of assessment for Reconfiguring a Lot on the land shall be determined in accordance with the Table of Assessment of the Sandy Creek Road Plan of Development, which replaces Table 5.5.1 — Reconfiguring a lot as contained within Part 5 Tables of Assessment of the Town Plan, to the extent of any inconsistency. c) The level of assessment for Operational Work on the land shall be determined in accordance with the Table of Assessment of the Sandy Creek Road Plan of Development, which replaces Table 5.7.1 — Operational work as contained within Part 5 Tables of Assessment of the Town Plan, to the extent of any inconsistency. d) The assessment benchmarks for assessable development within the Sandy Creek Road Development Code at Section 3 of the Sandy Creek Road Plan of Development replace the assessment benchmarks for assessable development within the Town Plan to the extent of any inconsistency. 	At all times
3.	The Sandy Creek Road Plan of Development including the Sandy Creek Road Development Code applies to all development undertaken on the land, where such development is proposed pursuant to the Sandy Creek Road Plan of Development.	At all times
4.	If there is an inconsistency between conditions of this approval and the Sandy Creek Road Plan of Development, the conditions of this approval prevail to the extent of the inconsistency.	At all times
5.	If there is an inconsistency between the Sandy Creek Road Plan of Development and the Town Plan, the Sandy Creek Road Plan of Development prevails to the extent of the inconsistency.	At all times
6.	Where the conditions of this approval and/or the approved plans and documents are 'silent' in respect of how an aspect of development should be treated, the provisions of the Town Plan in effect at the time shall apply to that aspect of development.	At all times
Metes and Bounds Plan of Precinct Area		
7.	A Metes and Bounds plan must be prepared which accurately defines the boundary of the Sandy Creek Road Plan of Development. The Metes and Bounds plan must be submitted prior to or in conjunction with the first	As stated.



PART A – PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE		
Condition Number	Condition	Timing
	Development Application lodged pursuant to this Development Approval (i.e. Operational Works).	
Future Development Applications		
8.	All Development Applications made pursuant to this Development Approval must demonstrate that they comply with the requirements of the approved Sandy Creek Road Plan of Development and the conditions of this Development Approval.	At all times
Water Supply Master Plan and Infrastructure Plan		
9.	<p>Prior to the approval of the first Development Permit for Operational Works, the Applicant must submit to Council for approval a Water Supply Master and Infrastructure Plan for each stage, supported by hydraulic modelling and calculations. The Plan must demonstrate how each stage of the development will be serviced internally and connected to Council's water network.</p> <p>The Plan must:</p> <ul style="list-style-type: none"> a) Identify any external catchments that will be connected to the internal water network; and b) Identify any trunk water infrastructure external to the development site that may require upgrading to accommodate the development, having regard to the capacity thresholds of existing and planned infrastructure. 	As stated.
Stormwater Master Plan		
10.	<p>Prior to the approval of the first Development Permit for Operational Works pursuant to the Sandy Creek Road Plan of Development, provide a Stormwater Master Plan for each stage which outlines the stormwater management regime for all internal and external flows. The Stormwater Master Plan must include, but not be limited to, drawings which demonstrate:</p> <ul style="list-style-type: none"> a) Intended points of discharge; b) Location and preliminary sizing of any drainage structures including detention facilities; and c) The method and location in which stormwater from each precinct will be directed and discharged. 	As stated.



PART B – DEVELOPMENT PERMIT FOR RECONFIGURING A LOT												
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 and supporting documentation except where amendments are required to satisfy the conditions of this approval: <table><tr><th>Document Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th></tr><tr><td>Proposed Reconfiguration Lots - 15, 40 and 41 Cancelling Lots 39 and 40 on SP192387</td><td>Brazier Motti</td><td>29 January 2025</td><td>43948/002 D</td></tr></table>			Document Title:	Prepared by:	Date:	Reference No:	Proposed Reconfiguration Lots - 15, 40 and 41 Cancelling Lots 39 and 40 on SP192387	Brazier Motti	29 January 2025	43948/002 D	At all times
Document Title:	Prepared by:	Date:	Reference No:									
Proposed Reconfiguration Lots - 15, 40 and 41 Cancelling Lots 39 and 40 on SP192387	Brazier Motti	29 January 2025	43948/002 D									
General												
2)	a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) and document(s) 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 c) 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								
Staging												
3)	The development can be staged in accordance with the stage numbering shown on the Approved Plans.											
Damage												
4)	The developer is responsible for the repair of any damage that is caused to Council’s infrastructure as a result of the construction works associated with 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								
Compliance with Council Standards												
5)	All design and construction for the development must be in accordance with Council’s Policies, Engineering Design Guidelines, Standard Drawings and Standard Specifications.			At all times								
Existing Services												
6)	Written confirmation of the location of existing services for the land must be provided to Council. Arrange registration of necessary easements in favour of Council prior to the commencement of use.			Prior to commencement of the use								
Operational Works												



PART B – DEVELOPMENT PERMIT FOR RECONFIGURING A LOT		
Condition Number	Condition	Timing
7)	<p>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:</p> <ul style="list-style-type: none"> a) Earthworks b) Road works (including signage) c) Water Infrastructure d) Stormwater Management (quantity, flood and drainage control) e) Electrical and telecommunications. 	Prior commencement of Operational Works for each stage
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, Charters Towers Regional Council's Strategic Policy <i>STRAT0028 Road Management</i> and any other applicable standards at the time of lodgement.	Prior commencement of Operational Works for each stage
Transport and Access		
9)	<p>Construct Southwalk Road for the full frontage of the property and the new road to a Rural Feeder standard in accordance Council drawing CTRC-009 Typical Roads Cross Section (Typical Roads Cross Section), modified to provide a 6 metre wide sealed carriageway on a 7 metre wide formation.</p> <p>Construct Southwalk Road along the full frontage of the subject site to a point that enables a safe and functional connection to the existing road network, to a Rural Feeder standard in accordance with Council Drawing CTRC-009 <i>Typical Roads Cross Section</i>, modified to provide a 6 metre wide sealed carriageway on a 7 metre wide formation.</p> <p>The extent and design of the road construction and connection works must be certified by a Registered Professional Engineer of Queensland (RPEQ) as providing a safe and effective connection to the existing road network and submitted to Council for approval</p>	Prior to the lodgement of survey plan for the relevant stage
10)	Construct a driveway crossover at the frontage of each lot in accordance with FNQROC standard drawing S1105 Rural Allotment Access.	Prior to the commencement of any future use on the lot.
Water		
11)	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 the survey plan for endorsement for each stage



PART B – DEVELOPMENT PERMIT FOR RECONFIGURING A LOT		
Condition Number	Condition	Timing
12)	All water supply works, upgrades, and mitigation measures identified in the Water Supply Master and Infrastructure Plan required under Condition 9 of the Preliminary Approval must be implemented at the developer's cost.	Prior to the lodgement of the survey plan for endorsement for each stage
Site Based Stormwater Management Plan		
13)	<p>Submit a Site Based Stormwater Management Plan (SBSMP) for the development. This document must nominate the required soil and water management measures that are to be installed/implemented on the subject site to control the severity and extent of soil erosion, pollutant transport and any other water quality issues that may arise on the subject site (or on adjacent properties as a result of development of the subject site) during the construction phase of the development. The SBSMP must be in accordance with the requirements of the <i>Environmental Protection Act 1994</i>, the Queensland Urban Drainage Manual, and the Development Manual and must be submitted prior to works commencing on the subject site.</p> <p>All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer.</p>	Concurrently with an application to Council for operational works for each stage
Drainage		
14)	The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties, to the satisfaction of the Chief Executive Officer.	At all times
15)	All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the Queensland Urban Drainage Manual, Fourth Edition (2017), to the requirements and satisfaction of the Chief Executive Officer.	At all times
16)	<p>Drainage Easement(s) in gross must be created over any inter-allotment drainage infrastructure.</p> <p>A copy of the easement document(s) must be submitted to Council for approval by Council at no cost to Council.</p>	Concurrently with lodgement of survey plan for endorsement for the relevant stage.
Electricity and Telecommunication		
17)	Submit to Council a Certificate of Electricity Supply demonstrating that supply is provided and available to each lot, unless otherwise specified by the provider.	Prior to the lodgement of survey plan for endorsement for each stage.
18)	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 for each stage.



PART B – DEVELOPMENT PERMIT FOR RECONFIGURING A LOT		
Condition Number	Condition	Timing
Survey Plan Endorsement		
19)	<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>. f) Payment of any outstanding Infrastructure Charges. 	On lodgement of survey plan for endorsement for each stage

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

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

- B. 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

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



Advice Notes	
	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	
C.	<p>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.</p> <p>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.</p>
Ergon Energy and Telstra Corporation Contact Details	
D.	<p>Where a condition requires connections to reticulated electricity and/or telecommunications or a certificate of supply, please contact the below:</p> <ul style="list-style-type: none"> a) Ergon Energy Connection Solution's Team – (07) 4931 1012, and/or b) NBN Co – 1800 687 626.

4. 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 (6) years for the Material Change of Use aspect and four (4) years for the Reconfiguring a lot aspect.

The currency period is calculated from the original development permit, dated 1 December 2025.

5. Further development permits

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

1. Operational Works – civil works

6. Referral agencies

Not applicable.

7. Submission(s)

No submissions were received.



8. 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:	Preliminary Approval (Variation Approval) for a Material Change of Use by way of introducing the Sandy Creek Road Plan of Development and Development Permit for Reconfiguring a Lot (2 Lots Into 17 Lot and new road)	
Reasons for the decision:	<ol style="list-style-type: none"> 1. The Sandy Creek Road Plan of Development, including the Plan of Development tables of assessment and associated development provisions, has been prepared with regard to the structure and assessment benchmarks of the Charters Towers Regional Town Plan. 2. The development is considered to advance key components of the Strategic Framework of the Town Plan, particularly those themes and strategic outcomes which seek to support rural living opportunities on land of limited agricultural potential, maintain rural character, and ensure that development is appropriately serviced and avoids adverse environmental or infrastructure impacts. 3. The rural lifestyle lots proposed by the Sandy Creek Road Plan of Development provide for larger allotments in proximity to the Charters Towers township, providing an alternative housing choice that maintains the open, low-density character of the area. 4. The development is consistent with the North Queensland Regional Plan 2020, particularly the outcomes which encourage rural residential opportunities in appropriate locations where they will not compromise agricultural land or regional landscape values. 5. The variations sought by the Sandy Creek Road Plan of Development retain the ability for development applications that are inconsistent with the outcomes sought to be publicly notified under the <i>Planning Act 2016</i>. 6. No submissions were received during public notification of the application, and the assessment has addressed relevant matters through recommended conditions. 7. The outcome of the assessment of the application against the relevant provisions of the Planning Act 2016, Planning Regulation 2017, North Queensland Regional Plan, State Planning Policy, and the Charters Towers Regional Town Plan is that the proposal achieves a high level of compliance with the applicable assessment benchmarks. 	
Assessment benchmarks:	The proposed development was assessed against the Sections 5, 45, 60 and 61 of the <i>Planning Act 2016</i> and sections 29, 30, 31 and 32 of the <i>Planning Regulation 2017</i> .	
	The proposed development was assessed against all the assessment benchmarks listed below and complies with all, except for those listed and responded to below.	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	NA	NA
	Submission Point:	Council Response:



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Matters raised in submissions:	None received.	Not required.
Other Relevant Matters		
None applicable		Not required.

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

There are no other requirements.

10. 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

Encl. Approved Drawings





SANDY CREEK ROAD PLAN OF DEVELOPMENT

1. APPLICATION

- 1.1. The Sandy Creek Road Plan of Development (hereafter ‘the Plan of Development’) has been prepared as a framework for managing the future development of part of the land currently described as Lot 39 on SP192387, and also known as Sandy Creek Road, Southern Cross, QLD, 4820, as shown on Map 1: Structure Plan (hereafter ‘the Structure Plan’).

2. RELATIONSHIP WITH THE *PLANNING ACT 2016*

- 2.1. The Plan of Development functions as part of a Preliminary Approval which varies the effect of a local planning instrument for the structure plan area pursuant to section 61 (Variation Approval) of the *Planning Act 2016* by –
- a) stating the category of development and assessment and the corresponding assessment benchmarks for assessable development and accepted development for development in the structure plan area that are different to the category of development and assessment for development stated in a local planning instrument (hereafter ‘the Charter Towers Regional Town Plan’) applying to the structure plan area; and
 - b) identifying the assessment benchmarks applying to development in the structure plan area that –
 - i. are different to the assessment benchmarks in the Charter Towers Regional Town Plan applying to the structure plan area; and
 - ii. apply to development in the structure plan area differently to how the assessment benchmarks in the Charter Towers Regional Town Plan apply to development in the structure plan area.
- 2.2. For clarity, any applicable assessment benchmark in the Charters Towers Regional Town Plan not inconsistent with the Sandy Creek Road Development Code (see Schedule B) remains applicable to the development to the same extent as other development within the Charters Towers Regional Council Local Government Area.
- 2.3. Definitions have the meaning prescribed to them as detailed in Schedule 1 of the Charters Towers Regional Town Plan.

3. GENERAL

- 3.1. The Plan of Development is comprised of –
- a) Schedule A – Tables of assessment for the Sandy Creek Road Precinct (hereafter ‘the Precinct’) identified within the Structure Plan area; and
 - b) Schedule B – Sandy Creek Road Development Code (including its Purpose, Overall outcomes, Performance outcomes and Acceptable outcomes).



4. COMPLIANCE WITH THE CODE

- 4.1. Development that complies with the applicable assessment benchmarks as identified within the Tables of assessment for the Precinct in which the development is located complies with this code.
- 4.2. Where relevant, Schedule 4 – Town Plan Policies of the Charters Towers Regional Plan will be applied to determine the extent of compliance with any applicable code and/or applicable assessment benchmark in accordance with the Plan of Development.

5. ASSESSMENT CATEGORIES

- 5.1. The categories of assessment and assessment benchmarks for development in the Precinct are identified in Schedule A.
- 5.2. If an overlay applies to the premises, as outlined in the Charters Towers Regional Town Plan overlay maps in Schedule 2; refer to section 5.8 Categories of development and assessment-Overlays of the Charters Towers Regional Town Plan, to determine if the overlay further changes the category of development or assessment. Assessment for any overlays shown in the mapping is to be undertaken against the provisions of the Charters Towers Regional Town Plan.

Note: Where development is proposed on premises partly affected by an overlay, the category of development for assessment for the overlay only relates to the part of the premises affected by the overlay.

- 5.3. *Accepted development subject to requirements*, must comply with the requirements contained in the assessment benchmark(s) as identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column. Development categorised in Schedule A as *Accepted development subject to requirements*, that does not comply with one or more of the requirements of an identified assessment benchmark, becomes code assessable development.

Note: For clarity, refer to Section 5.3.3 Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development of the Charters Towers Regional Town Plan.

- 5.4. Impact assessable development will trigger assessment against the Charters Towers Regional Town Plan and the Sandy Creek Road Development Code in Schedule B.



SCHEDULE A – TABLES OF ASSESSMENT

Table 1.1: Material Change of Use

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Cropping Park	Accepted development	
		No assessment benchmarks apply
Major electricity infrastructure	Accepted development	
	If proposed as underground infrastructure (inclusive of associated transition structures)	No assessment benchmarks apply
Emergency services Substation Utility installation	Accepted development	
	If: (a) undertaken by a public sector entity; and (b) where the development footprint is less than 500m ²	No assessment benchmarks apply
Animal husbandry Dwelling house Roadside stall	Accepted development subject to requirements	
		Sandy Creek Road development code
Home based business	Accepted development subject to requirements	
		Home-based business code
	Assessable development – Impact assessment	
	If not Accepted development subject to requirements	The Charters Towers Regional Town Plan
Assessable development – Impact assessment		
Any other use not listed in this table.		The Charters Towers Regional Town Plan
Any use listed in this table and not meeting the description listed in the categories of development and assessment column.		
Any other undefined use.		

Table 1.2: Reconfiguring a Lot

Precinct	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Sandy Creek Road Precinct	Assessable development – Code assessment	
	If all lots created are equal to, or greater than 1.5ha in area	Sandy Creek Road development code Reconfiguring a lot code Development works code
	Assessable development – Impact assessment	
	In all other circumstances	The Charters Towers Regional Town Plan



Table 1.3: Operational Work

Precinct	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Sandy Creek Road Precinct	Accepted development subject to requirements	
	Where excavating or filling that is: (a) less than 1 metre above or below ground level and involving more than 100m ³ of material; or (b) 1 metre or more above or below ground level and involving more than 50m ³ of material	Development works code
Assessable development – Code assessment		
Any other operational work not listed in this table.		
Any operational work listed in this table and not meeting the description listed in the categories of development and assessment column.		



SCHEDULE B – SANDY CREEK ROAD DEVELOPMENT CODE

Application

This code applies to development where the code is identified as applicable in the categories of development and assessment in Schedule A – Tables of assessment.

Purpose

- (1) The purpose of the code is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development of large rural residential lots with Dwelling houses where there is limited provision of infrastructure;
 - (b) development provides a high level of residential amenity and character appropriate for the Rural residential zone;
 - (c) natural features such as creeks, gullies, waterways, wetlands, vegetation and bushland are retained, enhanced and buffered from the impacts of development. Any unavoidable impacts are minimised through location, design operation and management requirements;
 - (d) non-residential uses are limited to meet the day-to-day needs of the residential catchment where not in proximity to land suitably zoned for centre activities;
 - (e) development responds to land constraints, including but not limited to, flooding, bushfire, former mining activities and land contamination;
Editor's note–Sites of former mining activity may be identified through the Historic Mining Permits, Resources (Mineral Occurrence and Geological Observation Data) and Abandoned Mines layers of MyMinesOnline Maps. However, proponents should be aware that the online mapping does not spatially represent all abandoned mines and their extent. Geotechnical investigation of past mining areas may reveal additional unmapped historic mine sites.
 - (f) the purpose of the zone will also be achieved through the following additional overall outcomes for a particular precinct:
Sandy Creek Road precinct:
 - (i) development is located on larger rural residential lots with limited access to services and infrastructure;
 - (ii) this precinct functions as a transition area to larger land parcels and rural activities in the Rural zone; and
 - (iii) development ensures a high level of amenity for neighbouring properties.

Specific benchmarks for assessment

For Accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes
Built form	
PO1 Buildings are designed and located to not adversely impact on the rural residential character of the area.	AO1 Building height does not exceed 8.5m.
PO2 Buildings and other structures are located on the site to: (a) protect the amenity of residents and neighbours; and (b) not impact on existing rural industries on neighbouring rural zoned land.	AO2 Buildings, other than a Roadside stall, are setback a minimum of 6m from the front boundary and 3m from the side boundaries for allotments.



Performance outcomes	Acceptable outcomes
Residential density	
PO3 Residential density reflects the very low intensity character of the locality.	AO3.1 Residential use is limited to 1 Dwelling house per allotment including a Secondary dwelling.
	AO3.2 Any Secondary dwelling is: (a) a maximum of 80m ² gross floor area; and (b) within 25m of the main building.
Use – Roadside stall	
PO4 Roadside stalls are of a scale in keeping with the rural residential character of the area.	AO4.1 Structures associated with the use are limited to 30m ² gross floor area.
	AO4.2 Structures associated with the use are setback 0m from the front boundary and 3m from the side boundary for all allotments.
	AO4.3 The Roadside stall only sells produce grown on site.

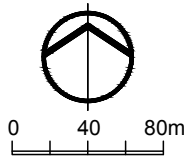
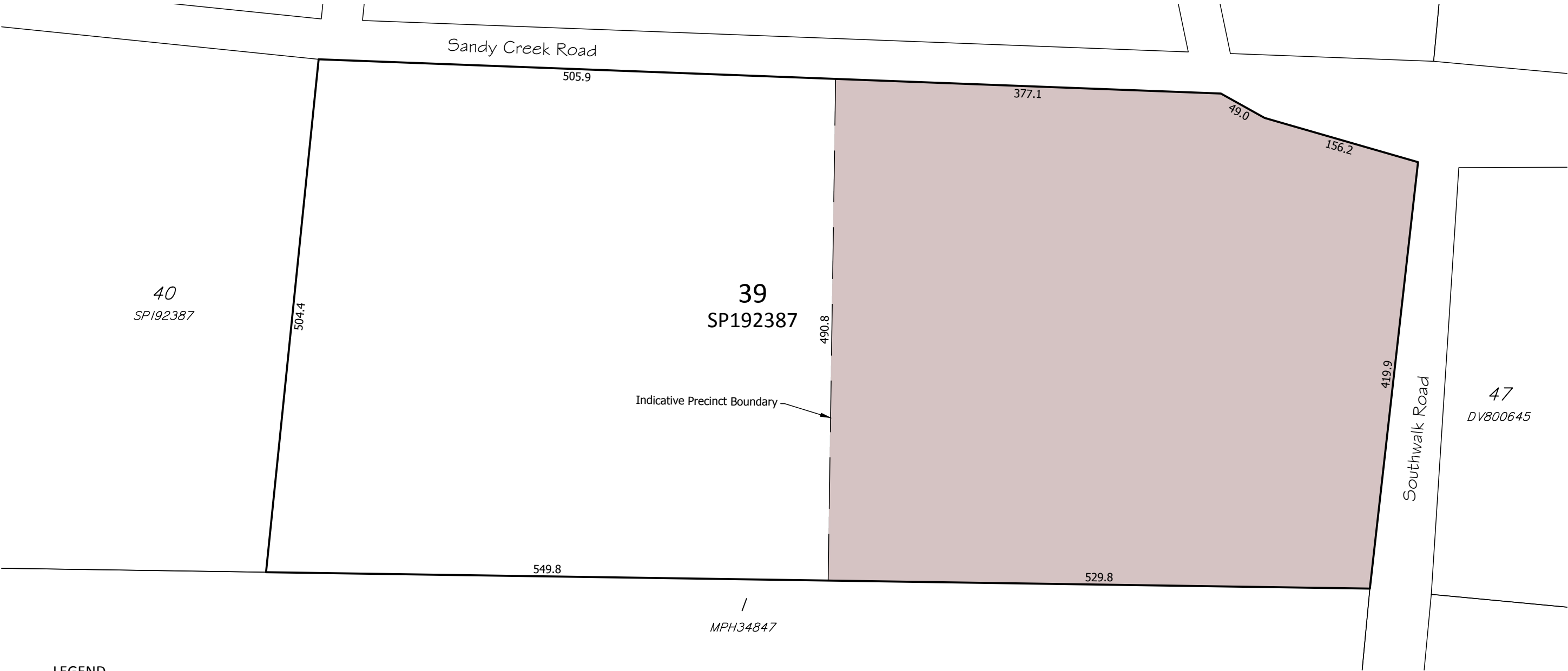
For all assessable development

Land use	
PO5 Non-residential uses and are limited to those which: (a) do not impact on residential amenity; (b) are compatible with neighbouring rural uses; (c) are complementary to local character and amenity; and (d) do not undermine the viability of nearby urban areas.	No acceptable outcomes are nominated.
Effects of development	
PO6 Development responds sensitively to on site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land uses, such that: (a) any hazards to people or property are avoided; (b) any earthworks are minimised; (c) the retention of natural drainage lines are maximised; (d) the retention of existing vegetation is maximised; (e) damage or disruption to sewer, stormwater and water infrastructure is avoided; (f) the risk of introducing and spreading weeds and pest animals is mitigated; and (g) there is adequate buffering, screening or separation to adjoining development.	No acceptable outcomes are nominated.



Performance outcomes	Acceptable outcomes
<p>PO7</p> <p>All uses are located, designed, orientated and constructed to:</p> <ul style="list-style-type: none">(a) minimise noise dust, odour or other nuisance from existing lawful uses; and(b) minimise nuisance caused by noise, vibration and dust emissions generated from any State-controlled road, infrastructure corridor and rail network in the vicinity;(c) avoid areas that may place unreasonable risk to people and property from former mining activities and contaminated land. <p>Editor's note—Sites of former mining activity may be identified through the Historic Mining Permits, Resources (Mineral Occurrence and Geological Observation Data) and Abandoned Mines layers of MyMinesOnline Maps. However, proponents should be aware that the online mapping does not spatially represent all abandoned mines and their extent. Geotechnical investigation of past mining areas may reveal additional unmapped historic mine sites.</p>	<p>No acceptable outcomes are nominated</p>

STRUCTURE PLAN
Lot 39 on SP192387



LEGEND

RR3 - Sandy Creek Road
Precinct

Note:
For all zoning not identified on this Structure Plan, refer
to Schedule 2 of the Charters Towers Regional Town Plan

Date: 28th April, 2025	
Scale: 1:4000	A3
Drawn: MJM	
Job No: 43948/001-01	
Plan No:	43948/003 A

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PROJECT MANAGEMENT
MAPPING & GIS

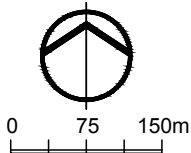


This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.



PROPOSED RECONFIGURATION

Lots 1 - 15, 40 and 41
Cancelling Lots 39 and 40 on SP192387



<u>Stage 1</u>	<u>Stage 2</u>
Total Site Area8.116 ha	Total Site Area18.003 ha
Total.....5	Total.....10
Average Lot Area..... 1.62 ha	Average Lot Area..... 1.68 ha
	Total Length of New Road ... 396m
	30m wide road 396m

Date: 29th January, 2025	
Scale: 1:7500	A3
Drawn: MJM	
Job No: 43948/001-01	
Plan No: 43948/002 D	

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PROJECTMANAGEMENT
MAPPING&GIS



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.



Minister: Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Agency: Department of State Development, Infrastructure and Planning

Minister: Minister for Housing and Public Works and Minister for Youth

Agency: Department of Housing and Public Works

Planning Act 2016

Reprint current from 18 July 2025 to date (accessed 4 August 2025 at 10:33)

[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.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see [section 106ZJ](#).

- (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.

s 229 amd 2018 No. 17 s 178; 2022 No. 11 s 38; 2024 No. 13 s 77; 2025 No. 14 s 86 sch 1

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.

s 230 and 2017 No. 12 s 50; 2019 No. 11 s 172

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.

s 231 and 2017 No. 12 s 51; 2019 No. 11 s 173; 2020 No. 28 s 74A

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.