

PLANNING REPORT

Development Permit for Reconfiguring a Lot:

- **212 THOMASSON RD, SEVENTY MILE QLD 4820**

July 2026

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1. Application Summary

1.1 Site Summary

Real Property Description	Lot 1 on MPH40617
Address	212 Thomasson Road, Seventy Mile QLD 4820
Area	996,500m ² (99.65ha)
Owner(s)	Tanya Maree Downes Shane Anthony Abbott Downes
Existing Use	Dwelling house, rooming/short term accommodation, animal keeping/husbandry, and general rural/agricultural activities

1.2 Regulatory Summary

Local Government Authority	Charters Towers Regional Council
Regional Plan	North Queensland Regional Plan 2020
Planning Scheme	Charters Towers Regional Town Plan 2020
Planning Scheme Zone	Rural
Planning Scheme Overlay(s)	• Bushfire Hazard Overlay ○ Medium Potential Bushfire Intensity ○ Potential Impact Buffer • Flood Hazard Overlay ○ Flood Hazard Area – QRA Level 1 • Natural Environment Overlay ○ MSES Regulated Vegetation (Defined Watercourse) ○ MSES Regulated Vegetation (Category R) ○ MSES Wildlife Habitat (Endangered or Vulnerable) • Agriculture Overlay ○ Agricultural Land Classification (Class A and B)

State Planning Policy	Nil State planning policy is integrated in the Charters Towers Regional Town Plan
Referral Agencies	Nil
State Development Assessment Provisions	Nil
Development Type	Development Permit for Reconfiguring a Lot (1 into 2 lots)
Level of Assessment	Assessable Development (Impact Assessment)
Applicant	Shane Downes C/- Atkinson Surveys
Contact Person	Dale Atkinson
Relevant Plans/Documents	Proposal Plan P26_078 by Atkinson Surveys

2. Introduction

2.1 Overview

Atkinson Surveys has been engaged by Shane Downes ('applicant') to prepare and lodge a development application for a Development Permit for reconfiguring a lot (1 into 2 lots) pursuant to Part 2 of the *Planning Act 2016* ('the Act'). The subject site ('site') is at 212 Thomasson Road, Seventy Mile QLD 4820 (Lot 1 on MPH40617). This Planning Report provides a comprehensive and complete assessment of the proposed development against the relevant planning framework and should be read in conjunction with Proposal Plan P26_078 by prepared by Atkinson Surveys as well as other mandatory supporting information.

2.2 Assessment Manager

The assessment manager for this development application is Charters Towers Regional Council ('Council') as determined by Schedule 8 of the Planning Regulation 2017.

2.3 Category of Development and Assessment

Reconfiguring a lot is assessable development under the Charters Towers Regional Town Plan ('Town Plan'). Table 5.5.1 of the Town Plan sets out that within the rural zone, reconfiguring a lot falls within the code assessment category if all lots created are equal to, or greater than, 5,000 ha in area. However, both proposed lots are less than 5,000 ha in area – meaning the condition is not met. As such, the subject proposal for reconfiguring a lot falls within the **Impact Assessment** category and requires assessment against the whole of the Town Plan.

Further, Table 5.8.1 of the Town Plan sets out the following:

Reconfiguring a lot within the bushfire hazard overlay and if in a medium, high or very high bushfire hazard area	No change to categories of development and assessment with assessment against the bushfire hazard overlay code
Reconfiguring a lot within the flood hazard overlay	No change to categories of development and assessment with assessment against the flood hazard overlay code
Reconfiguring a lot within the natural environment overlay	No change to categories of development and assessment with assessment against the natural environment overlay code

2.4 Assessment Benchmarks

Section 45 of the Act relates to the categories of assessment and states the following in relation to development that requires impact assessment:

(5) *An impact assessment is an assessment that—*

(a) must be carried out—

(i) against the assessment benchmarks in a categorising instrument for the development; and

(ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

Given the nature of the proposed development, it is considered appropriate to assess it against the following aspects of the Town Plan:

- Strategic framework
- Rural zone code
- Bushfire hazard overlay code
- Flood hazard overlay code
- Natural environment overlay
- Development works code
- Reconfiguring a lot code

2.5 Public Notification

As the development application is impact assessable, the application is required to be publicly notified. Public notification will be undertaken in accordance with 4 of the Development Assessment (DA) Rules.

2.6 Referral Agencies

A review of Schedule 10 of the Planning Regulation 2017 has been undertaken, identifying that no referrals are required.

2.7 Written Consent of the Owner

Pursuant to section 51(2) of the Act, written consent of the owner is not required for the purpose of making a development application as the applicant is the owner of the land along with Tanya Downes, each with a ½ interest as tenants in common.

2.8 Pre-lodgement Advice

No pre-lodgement advice was sought from the Council.

3. Site and Surrounds

3.1 Site

The site has an irregular shape with an area of 996,500m² (99.65ha). The site contains Kelcc Lodge. Uses and buildings/structures are primarily in the northwestern part of the site and include a 3-bed main dwelling house, a 1-bed self-contained dwelling house, and guest accommodation with four single rooms and one double room. All the accommodation is serviced by an existing septic system. There is also a 4-bay machinery shed, a storage shed, horse and stock yards, house shelters, and areas for limited pasture. The site has access to Thomasson Road to the west, with the access being of a rural standard, while it borders Broughton River to the north. The remainder of the site, which is most of its area, contains remnant vegetation that is characteristic of the wider surrounds with dry, open eucalypt and acacia woodlands/shrublands and a grassy understorey.



Figure 1: Subject site (source: Queensland Globe)

3.2 Surrounding Area

The surrounding area is primarily characterised by rural-residential activities with sites generally containing a single dwelling house and ancillary buildings/structures. Site areas range in size but are generally not less than around 20ha and not more than approximately 250ha. Low intensity agricultural activities are present – mainly grazing and some cropping

but of more of a hobby scale/style. The site is approximately 11km south of the Charters Towers township.



Figure 2: Surrounding area (source: Queensland Globe)

3.3 Ownership & Tenure

The applicant is the registered owner of Lot 1 on MPH40617 along with Tanya Downes, each with a ½ interest as tenants in common.

3.4 Easements, Encumbrances and Interests

The site is not affected by any easements, encumbrances or interests that affect the grant of a development permit.

3.5 Access

The lot adjoins Thomasson Road to the west, O'Reillys Road to the south, and Bluff Road to the east. Legal and physical access is available to all three with formed roads being in place, although physical access only exists to Thomasson Road in the northwest of the site with the remainder of the boundaries being fenced.

3.6 Servicing

The site has access to mains electricity but relies on on-site wastewater treatment and disposal as well as water supply from the adjoining Broughton River with on-site storage.

3.7 Topography

The site is approximately 260-280m above sea level. The topography has a gentle downwards fall towards the north where the site adjoins the Broughton River.

3.8 Matters of State Environmental Significance

The site contains three matters of state environmental significance (MSES), being:

- MSES Regulated Vegetation (Defined Watercourse)
- MSES Regulated Vegetation (Category R)
- MSES Wildlife Habitat (Endangered or Vulnerable)

The MSES are shown on Figure 3 below, with the regulated vegetation (defined watercourse) being the light green lines, the regulated vegetation (category R) being the light green polygons, and the wildlife habitat (endangered or vulnerable) being the large, red-lined circle.

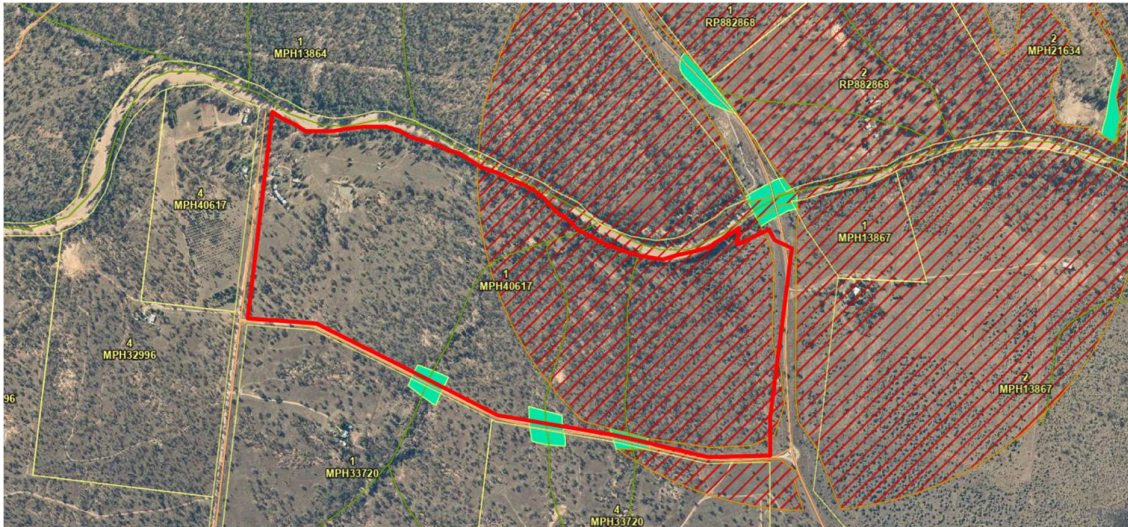


Figure 3: Matters of state environmental significance (source: Queensland Globe)

3.9 Stormwater

Stormwater is disposed of on site, where there is ample area for it to drain away naturally.

4. Proposal

Atkinson Surveys has been engaged by the applicant to prepare and lodge an application for a Development Permit for Reconfiguring a Lot (1 into 2 lots).

The purpose of the application is to obtain approval to subdivide the site to create two lots (Lot 1 and Lot 2). Proposed Lot 1 will be 9.3ha in area to the west and will contain all existing uses/buildings associated with Kelcc Lodge and with existing access via Thomasson Road to the west. Lot 2 will be 90.3ha in area to the east and will be a vacant rural-residential lot with a size and dimensions that can suitably and easily accommodate a future dwelling house that is appropriately serviced. While no building envelope is currently proposed, it is expected that a future dwelling house will be in the southern part of the site near to O'Reillys Road.

Refer to the proposed reconfiguration as illustrated on the Proposal Plan P26_078 prepared by Atkinson Surveys in Appendix D and Figure 4 below.

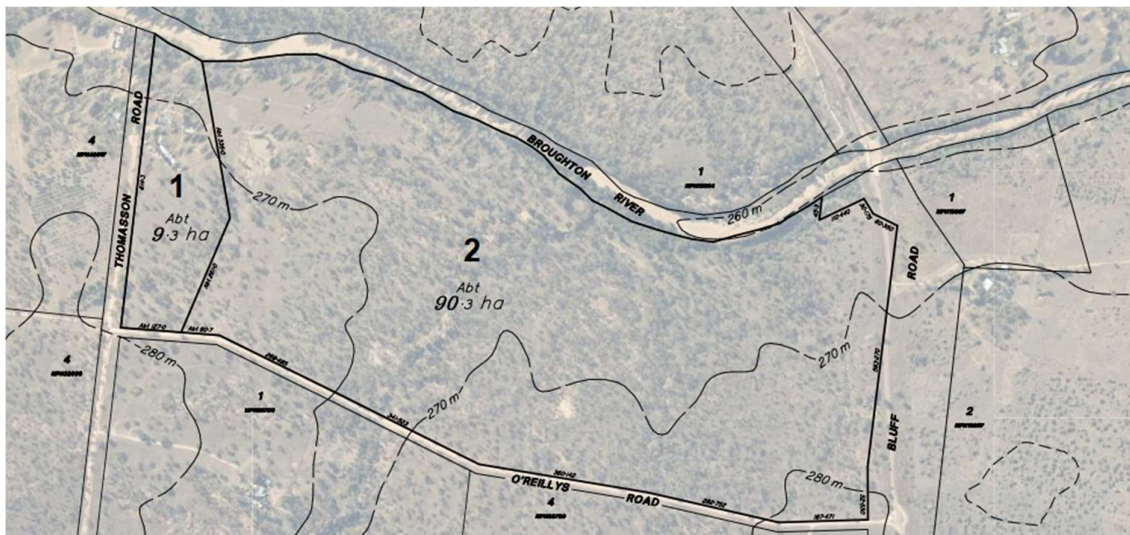


Figure 4: Proposal Plan (source: Atkinson Surveys)

4.1 Lot Sizes and Dimensions

As identified previously, the proposal does not satisfy the requirements of Table 8.3.3.3(b) 'Minimum lot sizes and dimensions' of the Town Plan for reconfiguring a lot. In the rural zone, the minimum lot size is 5,000ha:

- Proposed Lot 1 has a size of 9.3ha.
- Proposed Lot 2 has a size of 90.3ha.

4.2 Lot Layout

While the minimum lot size requirement is not met, it is nonetheless asserted that the proposed reconfiguration will create a new rural-residential lot that is suitable for a future

dwelling house to support rural uses of the land. Further, it is asserted that the proposed reconfiguration maintains a lot of sufficient size and dimensions to provide for the existing uses and buildings associated with Kelcc Lodge. Finally, it is asserted that the proposed lot sizes are consistent with those in the surrounding area and that the proposal will be compatible with the existing rural-residential character.

The minimum lot size of 5,000ha in the rural zone is suitable to provide for the use of land for agriculture, to retain productive agricultural land, and to ensure that non-agricultural uses (such as dwelling houses) do not adversely affect the use of land for agriculture. It is clear that any reconfiguration of land should be avoided where it diminishes the long-term productive capacity of land or limits the operation of adjoining and nearby agricultural uses. However, the minimum lot size of 5,000ha is more suited to agricultural activities uses such as large grazing operations and is less relevant in this situation. The subject site is in area that is characterised less by agricultural activities and more by rural-residential uses with numerous lots already significantly below the minimum lot size. In this respect, the proposal will not limit the operation of adjoining and nearby agricultural uses and has no practical impact on land use or function. Rather, the proposal will be compatible with the existing rural-residential character with a future dwelling that will support rural uses of the land. The reconfiguration of land simply seeks to reflect the immediate pattern of development where numerous surrounding lots are of similar size to those that are proposed. There are approximately 50 such properties within 3km of the existing site boundaries, including:

Lot / Plan	Area (ha)	Located
Lot 4 on MPH40617	18.4	Adjoining to west
Lot 4 on MPH32996	41.3	Adjoining to west
Lot 1 on MPH13867	8.1	Adjoining to east
Lot 1 on MPH33720	56.0	Adjoining to south
Lot 2 on MPH33720	56.2	Nearby to south
Lot 3 on MPH33720	63.8	Nearby to south
Lot 4 on MPH33720	41.2	Adjoining to south
Lot 1 on MPH32996	40.4	Nearby to southwest
Lot 2 on MPH32996	40.6	Nearby to southwest
Lot 1 on MPH21246	34.6	Nearby to west
Lot 1 on MPH40853	20.0	Nearby to southwest
Lot 2 on MPH40853	20.0	Nearby to southwest
Lot 3 on MPH40853	20.2	Nearby to southwest
Lot 4 on MPH40853	24.0	Nearby to southwest
Lot 5 on MPH40853	20.2	Nearby to west
Lot 6 on MPH40853	23.1	Nearby to southwest
Lot 7 on MPH40853	20.0	Nearby to southwest
Lot 8 on MPH40853	20.2	Nearby to southwest
Lot 9 on MPH40853	20.2	Nearby to southwest
Lot 10 on MPH40853	20.1	Nearby to southwest
Lot 11 on MPH40853	20.3	Nearby to southwest
Lot 1 on MPH34008	20.1	Nearby to southwest

Lot 2 on MPH34008	20.0	Nearby to southwest
Lot 3 on MPH34008	20.2	Nearby to southwest
Lot 4 on MPH34008	20.3	Nearby to southwest
Lot 5 on MPH34008	21.7	Nearby to southwest
Lot 1 on MPH20315	16.2	Nearby to southwest
Lot 1 on MPH40818	23.2	Nearby to southwest
Lot 2 on MPH40818	25.2	Nearby to south
Lot 3 on MPH40818	21.7	Nearby to south
Lot 4 on MPH40818	22.8	Nearby to south
Lot 5 on MPH40818	24.7	Nearby to south
Lot 6 on MPH40818	20.0	Nearby to southwest
Lot 7 on MPH40818	20.5	Nearby to southwest
Lot 8 on MPH40818	22.1	Nearby to southwest
Lot 9 on MPH40818	20.1	Nearby to south
Lot 10 on MPH40818	20.1	Nearby to south
Lot 2 on RP882868	40.5	Nearby to north
Lot 1 on MPH21634	32.4	Nearby to north
Lot 1 on MPH21004	15.9	Nearby to north
Lot 1 on MPH33569	22.9	Nearby to northeast
Lot 2 on MPH33569	22.2	Nearby to northeast
Lot 1 on MPH32893	21.9	Nearby to northeast
Lot 2 on MPH32893	22.8	Nearby to northeast
Lot 1 on MPH34066	23.2	Nearby to northeast
Lot 2 on MPH34066	24.1	Nearby to northeast

It is submitted that reconfiguring the lot in accordance with the Proposal Plan P26_078 complies with the overall purpose and intent of the rural zone and other policy direction. These aspects of the development are discussed further in the following sections of this report.

4.3 Matters of State Environmental Significance

No clearing of native vegetation is proposed as part of the proposal for reconfiguring a lot, although it is accepted that some may be required for the establishment of a dwelling house on the vacant lot and for associated operational works. The design of the reconfiguration, with Lot 2 having an area of 90.3ha, is such that any future buildings and works can be located to avoid any areas of MSES.

4.4 Future Dwelling House

As noted, while no building envelope is currently proposed, it is expected that a future dwelling house will be in the southern part of the site near to O'Reillys Road. In this location, the two closest dwelling houses would be separated by approximately 600m in southwest (Lot

1 on MPH33720) and southeast (Lot 4 on MPH33720) directions and have limited visibility and awareness of a new dwellinghouse. The next closest dwelling houses would be approximately 1km away in east, west and south directions with any other dwelling house being located at even further distances where impacts would be negligible.

Grant of the reconfiguration would allow the future dwelling house to satisfy Acceptable Outcome AO2.1 from Table 6.2.7.3.3 of the Town Plan, which sets out that residential density is limited to one dwelling house per allotment.

It is noted that REIQ's December 2025 Residential Vacancy Report stated that the Charters Towers Regional Council area has a residential vacancy rate of 0.1%. There is noted demand for additional housing in the region, and the future dwelling house will contribute to supply including by freeing up Kelcc Lodge for sale and occupation. The buildings and appurtenances associated with Kelcc Lodge are suitable for a family. There are stables and equestrian equipment suitable for persons involved with horses. There is demand for this type of property in a property market that is currently suffering supply shortage. The existing dwelling and equestrian infrastructure on the proposed lot are already established and operational, meaning the proposal does not require substantial additional development or create unnecessary environmental disturbance. In short, the proposed reconfiguration will create a more practical and manageable landholding configuration, allowing both lots to be maintained and managed more effectively for rural purposes.

4.5 Agricultural Quality of the Land

Part of the site in its eastern extent is affected by the Agriculture Overlay with an agricultural land classification of Class A and B. However, it is asserted that the site has limited potential for productive agricultural uses and (in reality) is of poor agricultural quality. The land has never been cropped. Any previous grazing of the land has been at a very low level with more of a hobby nature as opposed to any significant or commercial extent. In preparing this report, the history of the site's tenure has been investigated. It was found that the existing lot was essentially leftover land that was not considered useable for a mining homestead. In short, it was not suitable for productive agriculture 150 years ago and remains unsuitable for productive agriculture at the current time.

While the land is in the rural zone, this appears to better reflect that the land does not fit into another category of zone and is in the rural zone by default, as opposed to it being suitable for significant productive agricultural outcomes that may often be sought in the rural zone. As identified and discussed further below, there are numerous lots in the immediate and wider surrounds that are of a similar size and character to what is now proposed. Few, if any, of these provide for any notable level of agricultural use, although they remain compatible with existing and future rural uses as well as the character and environmental features of the zone. There is no significant grazing of animals or cropping activities. Rather, there are numerous dwellings in the immediate and wider surrounds on land in the rural zone, and it is submitted that the local character and land use pattern of the area is already one of rural-residential. The most productive rural use that can be expected of the land is a rural-residential or hobby level of animal husbandry. This is what the applicant intends to undertake, with a limited number of animals to be grazed.

Neither the subject land nor the immediately surrounding land could be considered strategically important or as having characteristics such as soils, climate, water availability, topography, infrastructure access, or other capabilities that make it highly or even moderately productive or locally significant. Rather, it is asserted that it is not viable to undertake any major agricultural or other rural activities at the site. In other words, the proposal has no practical impact on land use or function.

The application is accompanied by a letter of support (refer Appendix 6: Letter of Support from Shane Stretton, who is a livestock and real estate agent at Nutrien AG Solutions in Charters Towers. This letter makes the following comments and conclusions:

- The land is not suitable for a commercial grazing operation and more suited to a hobby.
- The proposal will have very little if any impact on the ability of the to support grazing.
- The proposal will not result in any significant loss of productive grazing capacity.
- The subdivision does not reduce the land's ability to be managed for stock grazing.
- The proposal does not introduce any physical barriers or constraints that would prevent ongoing grazing operations.
- The subdivision will not lead to fragmentation of productive agricultural land to an extent that compromises its use.
- The land will continue to be capable of supporting grazing consistent with its current and intended agricultural purpose.
- The subdivision does not diminish the overall agricultural productivity or economic viability of the land.
- The proposed subdivision does not reduce the land below a size that would render it unsuitable for livestock grazing.
- The proposal will have no significant adverse impact on the viability of stock grazing or the ongoing agricultural use of the land.
- The proposal remains consistent with maintain productive rural land while allowing an appropriate subdivision that does not compromise agricultural outcomes.

It is acknowledged that the proposal for reconfiguration is intended to support the establishment of a future dwelling house in the new lot. The applicant intends to live in this dwelling house so that can both restore and improve the land, which has had limited vegetation control in past years. Much of the site is affected by invasive vegetation species, which in turn are impacting the stability of soils, leading to erosion. Following the receipt of expert advice from an agronomist, the applicant has already commenced a program of weed control and clearing invasive vegetation, such as Chinee Apple. Future maintenance and control of regrowth will minimise runoff of the seeds into the Broughton River system, which the site has approximately 1.5km of frontage to. Further to this, the applicant has already begun planting native trees to stabilise soils, reduce erosion, and promote bird activity. In short, the proposed reconfiguration would support the applicant's intention for long term stewardship of the land.

It is considered that the best and most productive rural use of the land is to restore and maintain it as well as potentially to graze a limited number of animals on pasture. In this respect, the proposed reconfiguration and the future new dwelling house is connected to outcomes that are sought in the rural zone as well as maximising the rural potential that exists for the land.

4.6 Other works

While not connected to the proposed reconfiguration, it is noted that the applicant intends to undertake other maintenance and improvement works at the site. This includes rehabilitation of an existing borrow pit adjacent to Bluff Road at the eastern end of the site. This was excavated in the past, possibly by a statutory authority, but has not been rehabilitated and is a visible eyesore. The applicant intends to reshape the batters of the borrow pit to enable access and promote revegetation. Further, the applicant intends to remove and dispose of material that has been dumped in a gully adjacent to O'Reillys Road, west of the Champagne Gully causeway, as well as to remove large amounts of tree waste across the site. The existing tree waste has not been managed for a considerable period, and its disposal will assist in promoting grass growth.

5. Local Government Assessment Framework

Charters Towers Regional Town Plan Version 2 is the applicable Local Categorising Instrument for this development application. The Town Plan commenced on 10 February 2020.

Part 3: Strategic Framework

5.1 Strategic intent

Overview

- (6) The region today is an agricultural powerhouse and is internationally recognised in the cattle industry. The H.M. Clarke Saleyards (Dalrymple Saleyards) is a regionally significant infrastructure facility supporting the region's cattle industry.
- (7) Cropping and other rural industries occur extensively throughout the region's productive lands along with broad hectare grazing.
- (12) The Charters Towers urban area and its surrounding townships and localities are renown for a relaxed county lifestyle and rural character, ideal for the lifestyle needs of families and retirees. There is a range of community, recreation and entertainment facilities that promote community wellbeing. This is symbolised through events such as the Goldfield Ashes which is the largest amateur cricket carnival in the southern hemisphere.

Justification

The subject site is in area that is characterised less by agricultural activities and more by rural-residential uses. In this respect, the reconfiguration will not limit the operation or expansion of nearby agricultural uses, and it is noted that the immediate surrounds do not contain any significant cropping or grazing activities despite there being areas of Class A and B agricultural land classification. Rather, the reconfiguration of land is proposed to enable the future development of a dwelling house that will support the most productive rural use of the land as well as being compatible and consistent with existing rural character and amenity values. The reconfiguration maintains a lot of sufficient size and dimensions to provide for the existing uses and buildings associated with Kelcc Lodge.

Places in the New World of the Charters Towers Region

Rural: Rural places consume the largest area throughout the region and are used primarily for agriculture, grazing and complementary tourism, agribusiness and rural activities. Other activities may be found in rural places where they are in keeping with the character, amenity and natural resources of the area or are unable to be in urban areas due to scale and impacts. In some limited circumstances larger scale economic activities may be appropriate where this is not possible in urban areas. Rural places also contain small localities which provide low level community facilities, service hubs and tourist stopovers which act as a focal point for the surrounding rural and hinterland community.

Justification

While it is acknowledged that rural places are primarily used for activities such as agriculture, it is noted that the Town Plan references other activities that can be found in rural places where they are in keeping with the character, amenity and natural resources of the area. The subject proposal is for the reconfiguration of land to enable the future development of a dwelling house that will support the most productive rural use of the land. The layout of the two lots is proposed to generally reflect the surrounding pattern of development while responding to both the opportunities and constraints of the site. In this regard, it is acknowledged that the site is constrained by matters such as bushfire hazard, flood hazard, MSES, and Class A and B agricultural land classification. However, the site also presents opportunities, being well-sized with good access and with physical characteristics that make it suitable for rural-residential development. As such, and as discussed throughout this Planning Report, it is asserted that a future dwelling house can be provided on the new lot while being in keeping with the character, amenity and natural resources of the area. Further, the reconfiguration provides a suitable lot for the existing uses and buildings associated with Kelcc Lodge. On this basis, it is stated that the reconfiguration of land can and should be supported.

5.2 A New World for economic development and tourism

Enabling a diverse rural economy

- (1) The Charters Towers region has a strong, prosperous and diverse rural economy that services, local, state, national and global markets. It contains a mix of agricultural, animal husbandry and value-adding activities, such as agri-tourism and associated rural production uses. Land uses supporting these economic development outcomes in rural areas include grazing, cropping, horticulture, forestry, intensive animal industries, tourism and solar farms.
- (2) A sustainable rural economy is supported by the retention of Rural zoned lots of a size sufficient to support economically viable farming activities where on productive rural land.
- (3) Rural localities such as Sellheim, Hervey Range, Balfes Creek and Hidden Valley are small communities generally clustered around a community focal point with opportunities for small scale services and tourism uses.
- (4) Cattle feedlots are a vital intensive animal industry use that supports growth in the sale and export of cattle. Sensitive land uses must be well separated from feedlots and other intensive rural industries in rural areas.

Justification

It is established and accepted planning policy that any reconfiguration of land should be avoided where it diminishes the long-term productive capacity of land or limits the operation of adjoining and nearby agricultural uses. However, the subject site is in area that is characterised less by agricultural activities and more by rural-residential uses, despite there being areas of Class A and B agricultural land classification. Neither the subject land nor the

immediately surrounding land could be considered strategically important or as having characteristics such as soils, climate, water availability, topography, infrastructure access, or other capabilities that make it highly or even moderately productive or locally significant. Rather, it is asserted that it is unviable to undertake any significantly or even moderately productive agricultural uses due to its limited potential. Instead, it is considered that the most productive rural use of the land is to restore and maintain it as well as potentially to graze a limited number of animals on pasture, which is reflected in the letter of support at Appendix 6: Letter of Support. In this respect, the proposal will not limit the operation of adjoining and nearby agricultural uses and has no impact on land use or function but can be provided in a manner that supports rural uses of the land.

5.3 A New World for living, growing and aging in our communities

Providing housing choice and diversity across the lifecycle

- (9) No further rural residential development is supported outside of land in the Rural residential zone surrounding the Charters Towers urban area and in Hervey Range.
- (10) Diverse housing options are possible on rural zoned properties to enable accommodation for multiple generations of families to live on farms in conjunction with farm-based employees. This includes Dwelling houses, Secondary dwellings, Caretaker's accommodation and Rural workers accommodation.

Justification

As discussed throughout this Planning Report, the subject site is in area that is already characterised by rural-residential development. It is asserted that the subject site is well suited for future rural-residential development, albeit that only one further dwelling house is to be added in a location that is sufficiently separated from other nearby and surrounding dwellings. In this regard, the reconfiguration will generally reflect the immediate pattern of development and be compatible with the existing rural-residential character, where numerous surrounding lots are of similar size to those that are proposed and containing dwelling houses.

5.4 A New World of sustainable infrastructure & services for our communities

General

- (1) The following infrastructure types are provided, where relevant, to meet the needs of the community and support economic activities and businesses:
 - (a) Transport
 - (b) Parkland
 - (c) Recreation and community
 - (d) Health facilities
 - (e) Reticulated potable water and sewerage

- (f) Stormwater
 - (g) Waste management
 - (h) Energy and telecommunications infrastructure.
- (9) On site wastewater and water supply systems maintain human health and safety, the amenity of the immediate locality and minimise adverse impacts on water quality and the natural environment.

Justification

The reconfiguration of land is proposed to enable the future development of a dwelling house on the new vacant lot that will support limited rural uses of the land that are available. This dwelling house can be suitably serviced in terms of transport (roads), on-site potable water supply, on-site treatment and disposal of wastewater, on-site stormwater disposal, waste management (storage and collection), electricity, and telecommunications. With regards to wastewater, it is asserted that the large lot area and the physical characteristics of the land mean that on-site wastewater treatment and disposal can be comfortably accommodated while maintaining human health and safety and the amenity of the immediate locality as well as minimising adverse impacts on water quality and the natural environment. While there are existing systems in the surrounding area, it is expected that the widely dispersed nature of these systems will avoid any adverse impacts on the groundwater quality of the locality.

Enhancing transport connectivity and infrastructure networks

- (1) Infrastructure corridors and sites for transport, water supply, gas pipelines, sewerage, waste, energy and telecommunications are protected from development and hazards that would undermine their safe, efficient and unencumbered operation or expansion. Key infrastructure corridors and sites are shown on Overlay Map OM6.
- (3) Development does not impact upon the safe and efficient operation of the transport network, airports and aviation facilities, and the rail network within the region.

Justification

The proposal site is located well away from any key infrastructure corridors and sites, while any current or future development will not impact upon the safe and efficient operation of the transport network, airports and aviation facilities, and the rail network.

Managing waste efficiently

- (1) Waste management infrastructure is provided and managed to maintain the health, wellbeing, amenity of the community and the natural environment, and to minimise visual and amenity impacts.
- (2) Development provides for the safe and efficient storage and collection of waste and recyclable materials, commensurate with the type and amount of waste generated.

Justification

It is asserted that suitable waste management arrangements (storage and collection) can be made for any future development to maintain the health, wellbeing, amenity of the community and the natural environment, and to minimise visual and amenity impacts.

5.5 A New World protecting our heritage and natural resources

Productive rural lands and rural activities

- (1) Rural land is abundant throughout the Charters Towers region, and various forms of rural production and associated activities are a major source of economic activity and employment.
- (2) Reconfiguration of lots in the Rural zone avoids the fragmentation of rural land into lot sizes which do not support the long-term economic viability of agriculture and grazing enterprises.
- (3) Reconfiguration of rural land will occur only where it has been demonstrated that the reconfiguration:
 - (a) can support an ongoing and viable rural enterprise on the land or is necessary to support a major economic or industrial use that is necessary to be located in a rural area; and
 - (b) will not impact on adjoining farming activities through the inclusion of sufficient buffers within the proposed allotments; and
 - (c) will not adversely impact upon productive rural land; and
 - (d) will not adversely impact on infrastructure and services; and
 - (e) will not adversely impact on extraction of resources by enabling encroachment of sensitive uses.
- (4) Class A and B land that supports high value agricultural activities are protected from fragmentation and encroachment by sensitive land uses and other activities in rural areas such as extractive resource activities.
- (5) Existing intensive animal industries, cropping and other larger scale and higher impacting activities are protected from encroachment by sensitive land uses.

Justification

In making this development application, the importance of rural production to the Charters Towers municipality is acknowledged. Further, it is accepted that there is a need to avoid any reconfiguration of land where it fragments rural land into unsuitable lot sizes or otherwise diminishes the long-term productive capacity of rural land, or where it limits the operation of adjoining and nearby agricultural uses. However, neither the subject land nor the immediately surrounding land could be considered strategically important or as having characteristics such as soils, climate, water availability, topography, infrastructure access, or other capabilities that make it highly or even moderately productive or locally significant. Rather, it is asserted that the site is of limited agricultural quality with it being unviable to undertake any significantly or even moderately productive agricultural uses. Instead, it is considered that the best and most productive use of the land is to restore and maintain it as well as potentially to graze a limited number of animals on pasture. As such, it is submitted that the reconfiguration will not adversely impact on adjoining farming activities, on infrastructure and services, or on extraction of resources.

Further, the subject site is in area that is characterised less by agricultural activities and more by rural-residential uses. The immediate surrounds do not contain any significant or discernible cropping or grazing activities that need to be protected from encroachment by sensitive land uses despite there being areas of Class A and B agricultural land classification, and it is asserted that there will be no impact on land use or function.

Finally, the pattern of development in the immediate surrounds is characterised by lot sizes that are significantly less than the minimum lot size of 5,000ha. The existing lot is already well below this minimum size, and the reconfiguration simply seeks to reflect the surrounding pattern. The reconfiguration provides for the future development of a dwelling house on the new vacant lot that will support rural uses of the land as well as providing a suitable lot for the existing uses and buildings associated with Kelcc Lodge. Overall, it is asserted that the proposal is acceptable in relation to the direction and intent of relevant planning policy.

Protecting biodiversity and water quality

- (1) Development avoids significant impacts in areas identified as Matters of National Environmental Significance such as the region's national parks and areas within the Wet Tropics World Heritage Area.
- (2) Development avoids or minimises impacts on Matters of State Environmental Significance and maintains ecological processes and connectivity by minimising fragmentation. Where development results in a significant residual impact on these areas, the impacts are offset.
- (3) Development ensures impacts on local terrestrial and aquatic biodiversity values are avoided or minimised where they cannot be reasonably avoided across the entire region.
- (5) Development avoids the introduction or spread of pest plants and animals in the region.
- (6) Development minimises disturbances to natural topography and avoids changes to natural waterways, their bed, banks and riparian vegetation.
- (8) The environmental values of the region's waterways are protected or enhanced, and development does not adversely impact on the quality of receiving waters, including waterways and wetlands.
- (9) Development does not adversely impact upon water quality within the region's water supply catchments including the Burdekin River catchment.

Justification

It is acknowledged that the proposal site contains areas of MSES including Regulated Vegetation (Defined Watercourse), Regulated Vegetation (Category R), and Wildlife Habitat (Endangered or Vulnerable). While no clearing of native vegetation is proposed as part of the reconfiguration, it is accepted that some may be required for the establishment of a dwelling house on the vacant lot and for associated operational works. However, the layout of the reconfiguration, with Lot 2 having an area of 90.3ha, allows that any future development it enables can be designed and located to minimise the clearing of vegetation and to avoid all

areas of MSES. In particular, the MSES area of Wildlife Habitat (Endangered or Vulnerable) generally covers the eastern half of the existing site area. While no building envelope is currently proposed, the layout of the two lots allows for future uses/buildings to be located to avoid this area, including a suitable buffer, such that underlying biodiversity values and ecological processes of MSES are maintained and protected. In short, it is submitted that any future development can protect and enhance MSES and their underlying ecological processes, habitat and biodiversity values while avoiding both direct and indirect impacts on significant ecological communities and species.

5.6 A New World which is resilient to natural and other hazards

All hazards

- (1) The region is subject to some natural hazards such as bushfire, flooding and landslide along with other hazards such as former mine shafts, contaminated land and military training operations on defence land.
- (2) Development does not materially increase the extent or severity of natural or other hazards or their impacts on people, property and the environment.
- (3) Exposure of people and property to hazards is avoided, or where it is not possible to avoid the hazard, the risks are mitigated to an acceptable or tolerable level.
- (5) Development does not reduce the functions of landforms or vegetation in providing protection against natural hazards.
- (8) Development does not unreasonably prevent disaster management and emergency responses from occurring.

Justification

While the subject site is affected by hazards in relation to bushfire and flooding, it is asserted that the reconfiguration of land or any future development that it enables will be consistent with the stated policy direction. In particular, exposure of people and property to hazards is avoided, or where it is not possible to avoid the hazard, the risks are mitigated to an acceptable level.

Flood hazard

- (1) Development must protect people and property by avoiding flood hazards or, where it is not possible to avoid the hazard, the risks are mitigated to an acceptable or tolerable level.
- (2) Development does not result in an increase in the extent or severity of flood risk to the site or other land.

Justification

The reconfiguration of land is proposed to enable the future development of a dwelling house. However, the flood hazard only affects the very northern extent of the site, adjacent to the Broughton River. It is anticipated that the future dwelling house will be located well away from

the Broughton River such that the hazard is either avoided or mitigated to an acceptable or tolerable level.

Bushfire and landslide hazard

- (1) The establishment or intensification of development involving higher concentrations of people living, working or congregating in high risk bushfire or landslide hazard areas is avoided unless it can be demonstrated:
 - (a) there is an overriding community need in the public interest; and
 - (b) no other site is suitable and reasonably available.
- (2) Development within or near bushfire and landslide hazard areas protects people and property by avoiding the bushfire or landslide hazard or incorporates appropriate siting, design and management practices to mitigating any risk to an acceptable or tolerable level.

Justification

The reconfiguration of land is proposed to enable the future development of a dwelling house. It is acknowledged that this dwelling house would be in a bushfire prone area, albeit of a medium potential bushfire intensity rather than a high or very high potential bushfire intensity. As such, while acknowledging the existence of the hazard, it is asserted that the site remains suitable for rural-residential development. At the time that any future dwelling house is proposed, it can incorporate appropriate siting, design and management practices to mitigate any risk to an acceptable or tolerable level. Such measures would include water supply, access, defensible space, and the construction standard of the building(s).

Other hazards

- (2) Sensitive land uses and other forms of inappropriate development avoid noise, air quality and other impacts by not locating in proximity to:
 - (a) operational mining activities and associated hazards;
 - (b) major industrial activities;
 - (c) intensive rural industries and activities; and
 - (d) government owned defence land (in the Special purpose zone - Defence land precinct) where military training and operations may be undertaken.

Justification

Any future dwelling house that is enabled by the proposed reconfiguration of land would not be in proximity to the stated activities.

Part 6: Zones

5.7 Rural Zone Code

The purpose of the rural zone is to:

- a) provide for rural uses and activities; and
- b) provide for other uses and activities that are compatible with:
 - (i) existing and future rural uses and activities; and
 - (ii) the character and environmental features of the zone; and
- c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.

The purpose of the zone will be achieved through a range of overall outcomes, with relevant outcomes in this situation including:

- a) areas for primary production are conserved and fragmentation is avoided through maintaining very large lots to support rural agricultural activities.
- b) the viability of both existing and future rural uses and resource related activities are protected from the intrusion of incompatible uses.
- d) the establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, grazing, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses.
- e) cropping and horticultural activities are encouraged on productive ALC Class A and B agricultural land.
- h) natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed and separated from adjacent development where possible. Any unavoidable impacts are minimised through location, design, operation and management requirements.
- k) urban and rural residential expansion does not occur on land in the rural zone.

Justification

The purpose of the rural zone code is satisfied. The reconfiguration of land is proposed to enable the future development of a dwelling house that will support available rural uses of the land as well as maintaining a lot of sufficient size and dimensions to provide for the existing uses and buildings associated with Kelcc Lodge. The immediate surrounds do not contain any significant agricultural activities that need to be protected from the intrusion of incompatible uses. In this regard, neither the subject land nor the immediately surrounding land could be considered strategically important or as having characteristics or capabilities that make it highly or even moderately productive or locally significant. Rather, it is asserted that the site is of limited agricultural quality with it being unviable to undertake any significantly or even moderately productive agricultural uses. It is considered that the best and most productive rural use of the land is to restore and maintain it as well as potentially to graze a limited

number of animals on pasture, which is what the applicant intends to do, and which is supported by the letter at Appendix 6: Letter of Support.

The subject site is in area that is characterised by rural-residential uses, despite there being areas of Class A and B agricultural land classification. Further, the pattern of development in the immediate surrounds is characterised by lot sizes that are significantly less than the minimum lot size of 5,000ha. The existing lot is already well below this minimum size. The reconfiguration simply seeks to reflect the surrounding character and pattern, and it is submitted that the proposal cannot be characterized as inappropriate fragmentation of rural land.

Part 7: Overlays

5.8 Bushfire Hazard Overlay Code

The purpose of the bushfire hazard overlay code is to ensure:

- a) that the risks to life, property, community, economic activity and the environment during uncontrolled bushfire events are avoided or minimised; and
- b) development does not increase the potential for bushfire damage or risk on site or to other property.

The purpose of the code will be achieved through a range of overall outcomes, with relevant outcomes in this situation including:

- a) development is compatible with the nature of the bushfire hazard except where there is an overriding need for the development in the public interest and no other site is suitable and reasonably available for the proposal.
- b) development siting, layout, design and access minimises the risks to personal safety, damage to property, infrastructure and other assets.
- c) development directly, indirectly and cumulatively avoids an unacceptable increase in severity of bushfires and does not increase the potential for damage on the site or to other properties
- e) evacuation and disaster management response including firefighting and access for emergency services during bushfire events is facilitated.

Justification

The purpose of the bushfire hazard overlay code is satisfied. It is submitted that the reconfiguration, including any future development that it enables, will maintain the safety of people and property and will not increase the potential for bushfire damage or risk to other property. The proposal site is in a medium bushfire hazard area and risks to life and property during bushfire events can be suitably avoided or minimised through appropriate measures in future development. Any future proposal will be designed and located having due regard to matters such as water supply, access, defensible space, and construction standards.

5.9 Flood Hazard Overlay Code

The purpose of the flood hazard overlay code is to ensure that development on land subject to a defined flood event (DFE) avoids or mitigates the risk of flood hazard to protect people, property, the environment and economic activity and, to ensure development does not adversely affect other properties or the hydraulic efficiency of a waterway or floodplain.

The purpose of the code will be achieved through compliance with a range of overall outcomes, with relevant outcomes in this situation including:

- (a) development does not occur on land subject to flooding from a defined flood event unless:
 - (i) it is compatible with the level of risk having regard to flow depth, flow velocity, rate of flood level rise and the duration of the inundation.
 - (ii) the impacts of flooding can be managed such that there can be no foreseeable risk to personal safety or to property.
- b) development does not result in an increase in the extent or severity of flood risk to the site or other land.
- c) the flood storage or the conveyance of waterways and flood plains is not diminished.
- e) development supports and does not unduly burden disaster management response or recovery capacity and capabilities.

Justification

The purpose of the flood hazard overlay code is satisfied. The proposed reconfiguration as well as any future development that it enables will not provide unacceptable risks to people and property from flood hazard impacts. Further, it will not intensify or locate a use in an extreme or high hazard area. Existing development on Lot 1 is unchanged while a large lot size of 90.3ha is proposed for Lot 2, which gives ample area to avoid flood hazards – including building floor levels well above minimum requirements. Finally, any future development can be located to enable safe evacuation in the event of a flood.

5.10 Natural Environment Overlay

The purpose of the natural environment overlay code is to:

- a) protect important environmental areas including those Matters of State Environmental Significance (MSES) and their associated ecological processes and biodiversity values;
- b) maintain or enhance the health and resilience of biodiversity to support ecological integrity;
- c) maintain or enhance ecological connectivity to preserve fauna movement, habitat values, remnant vegetation and ecological processes;
- d) protect or enhance water quality, ecosystem health and the natural hydrological functioning of waterways, wetlands and their riparian areas and buffers; and

- e) protect, rehabilitate and manage biodiversity and ecosystem services values.

The purpose of the code will be achieved through a range of overall outcomes, with relevant outcomes in this situation including:

- a) development avoids adverse impacts on MSES and their associated ecological processes and biodiversity values, unless:
 - i) it is demonstrated that MSES do not exist on the site; or
 - ii) where adverse environmental impacts cannot be avoided, impacts are minimised and an environmental offset is provided for any residual adverse impacts and a net environmental benefit is achieved.
- b) development avoids direct and indirect impacts resulting in species or habitat loss or disturbance, soil degradation or pollution due to vegetation clearing, erosion and contamination, salinity, waste disposal or modification to natural processes.
- c) fragmentation of remnant vegetation, ecological corridors and existing habitat is avoided to maintain ecological function and biodiversity values and to maintain or increase the resilience of ecosystems and habitat to threatening processes, including the impacts of climate change.
- d) a network of connecting corridors and linkages between areas supporting MSES, wetlands, waterways, remnant vegetation, habitat areas and other natural areas are maintained, created or restored.
- e) development including infrastructure, is designed and located to maintain and enhance continuity of wildlife movement and ecological processes.
- f) the hydrological regime of wetlands and waterways is protected and rehabilitated.
- g) development avoids encroachment or expansion into sensitive habitats along riparian areas unless it is for management of public access, recreation, public use or other public benefit.
- i) development incorporates and maintains appropriate buffers in accordance with minimum best practice distances so as to avoid adverse impacts on environmental values.
- j) development maintains or enhances the scenic amenity of important natural landscapes, views and vistas.

Justification

While no clearing of native vegetation is proposed as part of the reconfiguration, it is accepted that some may be required for the establishment of a dwelling house on the vacant lot and for associated operational works. No building envelope is currently proposed but the layout of the reconfiguration, with Lot 2 having an area of 90.3ha, allows that any future development can be designed and located to minimise the clearing of vegetation and to avoid all areas of MSES, including a suitable buffer. As such, underlying biodiversity values and ecological processes will be maintained and protected.

Part 9: Development Codes

5.11 Development Works Code

The purpose of the development works code is to:

- a) ensure all development is provided with appropriate infrastructure, parking spaces and services;
- b) ensure development manages stormwater and wastewater as part of the integrated total water cycle and in ways that help protect the environmental water values specified in the *Environmental Protection (Water) Policy 2009* and the Stormwater Management Design Objectives in the State Planning Policy;
- c) protect surface water and ground water; and
- d) ensure development is designed, constructed, operated and maintained to eliminate any adverse impacts on the environment and the amenity of the locality.

The purpose of the code will be achieved through a range of overall outcomes, with relevant outcomes in this situation including:

- a) development is adequately serviced by utility and access infrastructure including roads, water, wastewater, power, telecommunications, stormwater management and waste management.
- b) the integrity and efficiency of utility and access infrastructure systems is maintained.
- c) environmental values of receiving waters are protected from adverse development impacts arising from stormwater quality and flow.
- d) environmental values of receiving waters are protected from wastewater impacts.
- e) public health and safety are protected and damage or nuisance caused by stormwater is avoided.
- f) stormwater management works is designed to maintain or recreate natural hydrological processes and minimise run-off.
- g) the function, safety and efficiency of the transport network is optimised.
- i) development provides adequate on-site vehicular access and adequate parking and servicing facilities for vehicles and parking facilities for bicycles.
- j) access, parking, servicing and associated manoeuvring areas are designed to be safe, functional and meet the reasonable demands generated by the development.
- m) earthwork does not impact adversely on the amenity of the site or the surrounding area and does not result in increased flooding, drainage and soil erosions problems on upstream and downstream property.
- n) development provides for the storage of generated waste in an environmentally acceptable manner and waste storage facilities are functionally appropriate for users of the facilities.

Justification

The purpose of the development works code is satisfied. The reconfigured lots will be adequately serviced by utility and access infrastructure including roads, water, wastewater, power, telecommunications, stormwater management and waste management, with the integrity and efficiency of these systems being maintained. While connection to Council's reticulated water supply network and reticulated sewerage treatment system is not possible, future uses and buildings on the reconfigured lots will be provided with a suitable, potable on site water supply and will be able to treat and dispose of wastewater on-site in an acceptable manner. Further with regards to wastewater, it is asserted that the large lot area and the physical characteristics of the land mean that on-site wastewater treatment and disposal can be comfortably accommodated while maintaining human health and safety and the amenity of the immediate locality as well as minimising adverse impacts on water quality and the natural environment. The safety and efficiency of the transport network will be largely unchanged, while adequate and functional on-site vehicular access, parking and manoeuvring can be provided.

5.12 Reconfiguring a Lot Code

The purpose of the reconfiguring a lot code is to:

- a) ensure that new lots are configured in a manner that facilitates the achievement of the sustainable urban and rural outcomes expressed in the relevant zone codes;
- b) ensure that new lots are provided with infrastructure and access appropriate for their intended use and zone;
- c) minimise adverse environmental impacts and protect the productive capacity and landscape character of the region's natural resources; and
- d) ensure that stock routes are maintained and protected from inappropriate development.

The purpose of the code will be achieved through a range of overall outcomes, with relevant outcomes in this situation including:

- (a) new lots are of a size and shape appropriate for their intended use and the character of the applicable zone.
- b) new lot reconfiguration is responsive to topography, natural drainage systems, vegetation and habitat corridors and protects the landscape character of the locality.
- c) each new lot is provided with a suitable level of infrastructure, services and access.
- g) rural areas are not fragmented to the detriment of productive grazing, agricultural, horticultural or other rural uses.

Justification

The purpose of the reconfiguring a lot code is satisfied. The reconfigured lots are of a size and shape appropriate for their intended use and the character and amenity of the rural area. The configuration of the lots is responsive to topography and natural drainage systems, while each lot is provided with a suitable level of infrastructure, services and access appropriate for the

intended use and rural zone. As discussed, the subject site is in area that is characterised less by agricultural activities and more by rural-residential uses while the pattern of development in the immediate surrounds is characterised by lot sizes that are significantly less than the minimum lot size of 5,000ha. The existing lot is already well below this minimum size, and the reconfiguration simply seeks to reflect the surrounding character and pattern without causing detriment to any adjoining or surrounding rural use. It is submitted that the proposal cannot be characterized as inappropriate fragmentation of rural land.

6. State Government Assessment Provisions

The development application requires assessment against the Act as well as other State legislation and supporting planning policies. Consideration of these matters is outlined below.

6.1 Planning Act 2016

The Act is Queensland's primary legislation for land use planning and development assessment. The Act provides a framework for efficient, transparent development processes to achieve ecological sustainability and sets out state and local government roles in planning schemes and development assessment. Section 60 of the Act relates to the deciding of development applications and states the following in relation to development that requires code assessment:

(2) To the extent the application involves development that requires code assessment, and subject to section 62, the assessment manager, after carrying out the assessment—

(a) must decide to approve the application to the extent the development complies with all of the assessment benchmarks for the development; and

(b) may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and

(c) may impose development conditions on an approval.

6.2 State Planning Policy

The State Planning Policy (SPP) makes sure the state's interests in planning are protected and delivered as part of local government planning across Queensland. The SPP outlines 17 state interests arranged under five broad themes including liveable communities and housing; economic growth; environment and heritage; safety and resilience to hazards; and infrastructure. The SPP also contains guiding principles to ensure the plan-making and development assessments systems are outcome focused, integrated, efficient, positive and accountable.

The Queensland Planning Minister has identified that all the state's interests in the SPP have been appropriately integrated. Therefore, a separate assessment against the SPP is not required.

6.3 North Queensland Regional Plan 2020

The North Queensland Regional Plan 2020 (NQRP) provides a 25-year framework to guide growth and support future jobs in the region. The NQRP focuses on:

- expanding health and knowledge industries in and around the Townsville CBD and James Cook University, with potential for a future rapid transport link
- supporting expanded land-based aquaculture developments to supply domestic and international markets

- defence industries and future economic opportunities linked with the Australian-Singapore Military Training Initiative
- supporting the development of agriculture-based energy production, diversifying agriculture and secondary cropping for bioenergy and biopharmaceutical opportunities
- greater opportunities for tourism development on Palm Island and in conservation areas
- opportunities for agricultural expansion in upper catchments (balanced with protection of the Great Barrier Reef)
- nominating opportunities for new renewable energy developments along key corridors and in proximity to major energy users
- better addressing the resilience of the regional economy to climate change
- strengthen policy outcomes to support the consolidation of residential development to the Townsville Urban Area

It is submitted that the proposed reconfiguration generally supports the intent and direction of the NQRP.

6.4 Development Assessment Rules

The DA Rules explain how development applications in Queensland must be lodged, assessed and decided. The DA Rules provide for various items including:

- When a development application may be taken to be properly made.
- The referral of applications including the referral agency's assessment.
- Information requests including making an information request and the applicant's response.
- Public notification including notice requirements and submissions.
- Decisions including the decision period.
- Changes to an application, including giving notice and referral agency responses.
- Miscellaneous matters such as the lapsing of an application and the effect of the *Native Title Act 1993*.

It is submitted that this development application has been prepared and lodged for assessment in accordance with the DA Rules.

6.5 Referral Agencies

Part 2 of the DA Rules establishes the processes and actions for an application to be referred to a referral agency, where applicable.

The Planning Regulation 2017 sets out the matters triggering referral of an application to either the SARA and/or entities not administered by the SARA.

A review of Schedule 10 of the Planning Regulation 2017 has identified no referrals are required.

6.6 State Development Assessment Provisions

Not a relevant consideration in this instance as no referrals are required.

7. Conclusion

Having regard to the assessment of the proposal against the relevant planning framework contained in this Planning Report, it is considered that the application may be approved as:

- The proposed reconfiguration is consistent with the direction and intent of the NQRP to guide growth and support future jobs in the region.
- The proposed reconfiguration complies with the strategic framework of the Town Plan, including relevant strategic outcomes:
 - The subject site is in area that is characterised less by agricultural activities and more by rural-residential uses. The importance of rural production to the Charters Towers municipality is acknowledged and it is accepted that rural places are primarily used for activities such as agriculture. However, it is noted that the Town Plan references other activities that can be found in rural places where they are in keeping with the character, amenity and natural resources of the area. In these respects, the proposed reconfiguration will not limit the operation or expansion of nearby agricultural uses, diminish the long-term productive capacity of land, or fragment the rural land into unsuitable lot sizes. It is noted that the immediate surrounds do not contain any significant cropping or grazing activities that need to be protected from encroachment by sensitive land uses despite there being areas of Class A and B agricultural land classification. Rather, the reconfiguration of land is proposed to enable the future development of a dwelling house that will support available rural uses of the land as well as being compatible and consistent with existing rural character and amenity values. It is submitted that this reconfiguration will not adversely impact on adjoining farming activities, on infrastructure and services, or on extraction of resources. Further, it is submitted that the most productive rural use that can be expected of the land is a rural-residential or hobby level of animal husbandry, which is what the proposal enables. Finally, the reconfiguration maintains a lot of sufficient size and dimensions to provide for the existing uses and buildings associated with Kelcc Lodge.
 - The proposed reconfiguration will generally reflect the immediate pattern of development, where numerous surrounding lots are of similar size to those that are proposed, while responding to both the opportunities and constraints of the site. In this regard, it is acknowledged that the site is constrained by matters such as bushfire hazard, flood hazard, MSES, and Class A and B agricultural land classification. However, the site also presents opportunities, being well-sized with good access and with physical characteristics that make it suitable for rural-residential development. As noted, the pattern of development in the immediate surrounds is characterised by lot sizes that are significantly less than the minimum lot size of 5,000ha. The existing lot is already well below this minimum size, and the proposed reconfiguration simply seeks to reflect the surrounding pattern. As such, it is asserted that a future dwelling house can be provided on the new lot while being in keeping with the character, amenity and natural resources of the area.

- The reconfiguration of land is proposed to enable the future development of a dwelling house on the new vacant lot that will support rural uses of the land. This dwelling house can be suitably serviced in terms of transport (roads), on-site potable water supply, on-site treatment and disposal of wastewater, on-site stormwater disposal, waste management (storage and collection), electricity, and telecommunications. With regards to wastewater, it is asserted that the large lot area and the physical characteristics of the land mean that on-site wastewater treatment and disposal can be comfortably accommodated while maintaining human health and safety and the amenity of the immediate locality as well as minimising adverse impacts on water quality and the natural environment.
- It is acknowledged that the proposal site contains areas of MSES. While no clearing of native vegetation is proposed as part of the reconfiguration, it is accepted that some may be required for the establishment of a dwelling house on the vacant lot and for associated operational works. However, the layout of the reconfiguration allows that any future development can be designed and located to minimise the clearing of vegetation and to avoid all areas of MSES. It is submitted that any future development can protect and enhance MSES and their underlying ecological processes, habitat and biodiversity values.
- The proposed reconfiguration is consistent with the purpose of the rural zone code of the Town Plan, including relevant performance outcomes and acceptable outcomes. The reconfiguration of land is proposed to enable the future development of a dwelling house that will support rural uses of the land as well as maintaining a lot of sufficient size and dimensions to provide for the existing uses and buildings associated with Kelcc Lodge. The immediate surrounds do not contain any significant agricultural activities that need to be protected from the intrusion of incompatible uses. Rather, the subject site is in area that is characterised less by agricultural activities and more by rural-residential uses, despite there being areas of Class A and B agricultural land classification. In this regard, it is submitted that the proposal supports the most productive rural use that can be expected of the land, which is to restore and maintain it as well as potentially to graze a limited number of animals on pasture. Neither the subject land nor the immediately surrounding land could be considered strategically important or as having characteristics and capabilities that make it highly or even moderately productive or locally significant. Rather, it is asserted that it is not viable to undertake any significantly or even moderately productive agricultural or other rural activities at the site. Further, the pattern of development in the immediate surrounds is characterised by lot sizes that are significantly less than the minimum lot size of 5,000ha. The existing lot is already well below this minimum size. The proposed reconfiguration simply seeks to reflect the surrounding pattern, and it is submitted that the proposal cannot be characterized as inappropriate fragmentation of rural land.
- The proposed reconfiguration is consistent with the purposes of relevant overlay codes and development codes of the Town Plan, including relevant performance outcomes and acceptable outcomes:

- The site is in a medium bushfire hazard area, but it is submitted that the site is suitable for rural-residential development and will not increase the potential for bushfire damage or risk to other property. While acknowledging the existence of the hazard, any risks to people and property during bushfire events can be suitably avoided or minimised through appropriate measures in any future development that the reconfiguration enables. Any future development will be designed and located having due regard to matters such as water supply, access, defensible space, and construction standards.
- The proposed reconfiguration as well as any future development that it enables will not provide unacceptable risks to people and property from flood hazard impacts. The flood hazard only affects the very northern extent of the site, adjacent to the Broughton River. It is anticipated that any future development will be located well away from the Broughton River such that the hazard is either avoided or mitigated to an acceptable level. The large lot size of 90.3ha that is proposed for Lot 2 gives ample area to avoid flood hazards, including building floor levels well above minimum requirements.
- While no clearing of native vegetation is proposed as part of the reconfiguration, it is accepted that some may be required for the establishment of a dwelling house on the vacant lot and for associated operational works. No building envelope is currently proposed but the layout of the reconfiguration allows that any future development can be designed and located to minimise the clearing of vegetation and to avoid all areas of MSES, including a suitable buffer. As such, underlying biodiversity values and ecological processes will be maintained and protected.
- The reconfigured lots will be adequately serviced by utility and access infrastructure including roads, water, wastewater, power, telecommunications, stormwater management and waste management, with the integrity and efficiency of these systems being maintained. While connection to Council's reticulated water supply network and reticulated sewerage treatment system is not possible, future uses and buildings on the reconfigured lots will be provided with a suitable, potable on site water supply and will be able to treat and dispose of wastewater on-site in an acceptable manner. The large lot area and the physical characteristics of the land mean that on-site wastewater treatment and disposal can be comfortably accommodated while maintaining human health and safety and the amenity of the immediate locality as well as minimising adverse impacts on water quality and the natural environment. The safety and efficiency of the transport network will be largely unchanged, while adequate and functional on-site vehicular access, parking and manoeuvring can be provided.
- The reconfigured lots are of a size and shape appropriate for their intended use and the character and amenity of the rural area. The configuration of the lots is responsive to topography and natural drainage systems, while each lot is provided with a suitable level of infrastructure, services and access appropriate for the intended use and rural zone. The subject site is in area that is characterised less by agricultural activities and more by rural-residential uses while the pattern of development in the immediate surrounds is characterised by lot sizes that are significantly less than the minimum lot size of 5,000ha. The existing lot is already well below this minimum size, and the proposed

reconfiguration simply seeks to reflect the surrounding pattern without causing detriment to any adjoining or surrounding rural use. It is submitted that the proposal cannot be characterized as inappropriate fragmentation of rural land.

It is considered that the proposed reconfiguration has been appropriately designed without compromising the purpose or direction of the Town Plan or the Act.

It is recommended that the proposed reconfiguration be considered favourably by Council and approved subject to reasonable and relevant conditions.

8. Appendices

Appendix 1: DA Form 1

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application involving **code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Tanya Maree Downes and Shane Anthony Abbott Downes C/- Atkinson Surveys
Contact name (only applicable for companies)	Dale Atkinson
Postal address (P.O. Box or street address)	33 Castlemaine Street
Suburb	Kirwan
State	QLD
Postcode	4817
Country	Australia
Contact number	07 4723 4885
Email address (non-mandatory)	dale@atkinsonsurveys.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	26_078
1.1) Home-based business	
☐ Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
☐ Yes – the written consent of the owner(s) is attached to this development application	
☒ No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2, and 3.3) as applicable) Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see <u>DA Forms Guide: Relevant plans</u> .				
3.1) Street address and lot on plan				
☒ Street address AND lot on plan (all lots must be listed), or ☐ Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		212	Thomasson Road	Seventy Mile
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4820	1	MPH40617	Charters Towers
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay) Note: Place each set of coordinates in a separate row.				
☐ Coordinates of premises by longitude and latitude				
Longitude(s)		Latitude(s)		Datum
				☐ WGS84 ☐ GDA94 ☐ Other:
☐ Coordinates of premises by easting and northing				
Easting(s)		Northing(s)		Datum
				☐ 54 ☐ 55 ☐ 56 ☐ WGS84 ☐ GDA94 ☐ Other:
3.3) Additional premises				
☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application ☐ Not required				
4) Identify any of the following that apply to the premises and provide any relevant details				
☒ In or adjacent to a water body or watercourse or in or above an aquifer				
Name of water body, watercourse or aquifer:			Broughton River	
☐ On strategic port land under the <i>Transport Infrastructure Act 1994</i>				
Lot on plan description of strategic port land:				
Name of port authority for the lot:				
☐ In a tidal area				
Name of local government for the tidal area (if applicable):				
Name of port authority for tidal area (if applicable)				

☐ On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
☐ Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
☐ Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
☐ Material change of use ☒ Reconfiguring a lot ☐ Operational work ☐ Building work
b) What is the approval type? <i>(tick only one box)</i>
☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval
c) What is the level of assessment?
☐ Code assessment ☒ Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Reconfiguring a lot (1 into 2 lots)
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
☒ Relevant plans of the proposed development are attached to the development application
6.2) Provide details about the second development aspect
a) What is the type of development? <i>(tick only one box)</i>
☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work
b) What is the approval type? <i>(tick only one box)</i>
☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval
c) What is the level of assessment?
☐ Code assessment ☐ Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development
☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application ☒ Not required
6.4) Is the application for State facilitated development?
☐ Yes - Has a notice of declaration been given by the Minister? ☒ No

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	☐ Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	☒ Yes – complete division 2
Operational work	☐ Yes – complete division 3
Building work	☐ Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
☐ Yes			
☐ No			
8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?			
☐ Yes – provide details below or include details in a schedule to this development application			
☐ No			
Provide a general description of the temporary accepted development		Specify the stated period dates under the Planning Regulation	

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
☒ Subdivision (complete 10)	☐ Dividing land into parts by agreement (complete 11)
☐ Boundary realignment (complete 12)	☐ Creating or changing an easement giving access to a lot from a constructed road (complete 13)

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
				Rural-residential
Number of lots created				2

10.2) Will the subdivision be staged?	
☐ Yes – provide additional details below ☒ No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?		
☐ Road work ☐ Drainage work ☐ Landscaping ☐ Other – please specify:	☐ Stormwater ☐ Earthworks ☐ Signage	☐ Water infrastructure ☐ Sewage infrastructure ☐ Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)		
☐ Yes – specify number of new lots:		
☐ No		

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Charters Towers Regional Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity



Queensland
Government

☐ SEQ northern inter-urban break – community activity ☐ SEQ northern inter-urban break – indoor recreation ☐ SEQ northern inter-urban break – urban activity ☐ SEQ northern inter-urban break – combined use ☐ Tidal works or works in a coastal management district ☐ Reconfiguring a lot in a coastal management district or for a canal ☐ Erosion prone area in a coastal management district ☐ Urban design ☐ Water-related development – taking or interfering with water ☐ Water-related development – removing quarry material <i>(from a watercourse or lake)</i> ☐ Water-related development – referable dams ☐ Water-related development – levees <i>(category 3 levees only)</i> ☐ Wetland protection area
Matters requiring referral to the local government: ☐ Airport land ☐ Environmentally relevant activities (ERA) <i>(only if the ERA has been devolved to local government)</i> ☐ Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: ☐ Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual ☐ Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: ☐ Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: ☐ Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i> ☐ Ports – Strategic port land
Matters requiring referral to the relevant port operator, if applicant is not port operator: ☐ Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority: ☐ Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority: ☐ Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service: ☐ Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

18) Has any referral agency provided a referral response for this development application?		
☐ Yes – referral response(s) received and listed below are attached to this development application ☒ No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> .		

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

List of approval/development application references	Reference number	Date	Assessment manager
☐ Approval ☐ Development application			
☐ Approval ☐ Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

☐ Yes – a copy of the receipted QLeave form is attached to this development application

☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

☐ Yes – show cause or enforcement notice is attached

☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- ☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☒ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.desi.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake under the Water Act 2000?**

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water under the Coastal Protection and Management Act 1995?**

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

Note: Contact the Department of Environment, Science and Innovation at www.desi.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application

☒ No

Note: See guidance materials at www.resources.qld.gov.au for further information.



Tidal work or development within a coastal management district	
23.12) Does this development application involve tidal work or development in a coastal management district ?	
☐ Yes – the following is included with this development application: ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (<i>only required if application involves prescribed tidal work</i>) ☐ A certificate of title ☒ No	
<i>Note: See guidance materials at www.desi.qld.gov.au for further information.</i>	
Queensland and local heritage places	
23.13) Does this development application propose development on or adjoining a place entered in the Queensland heritage register or on a place entered in a local government's Local Heritage Register ?	
☐ Yes – details of the heritage place are provided in the table below ☒ No	
<i>Note: See guidance materials at www.desi.qld.gov.au for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.</i>	
Name of the heritage place:	Place ID:
Decision under section 62 of the <i>Transport Infrastructure Act 1994</i>	
23.14) Does this development application involve new or changed access to a state-controlled road?	
☐ Yes – this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied) ☒ No	
Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation	
23.15) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?	
☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered ☒ No	
<i>Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.</i>	

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17	☒ Yes
<i>Note: See the Planning Regulation 2017 for referral requirements</i>	
If building work is associated with the proposed development, Parts 4 to 6 of DA Form 2 – Building work details have been completed and attached to this development application	☐ Yes ☒ Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	☒ Yes
<i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	
Relevant plans of the development are attached to this development application	☒ Yes
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	☐ Yes ☒ Not applicable

25) Applicant declaration

- ☒ By making this development application, I declare that all information in this development application is true and correct
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:

Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Appendix 2: Registered Survey Plan

9056
MP 21451

2

119.8 ha

3

97.37 ha

9645
CH 3289 A

MP 33720

No O.M.Ks 36

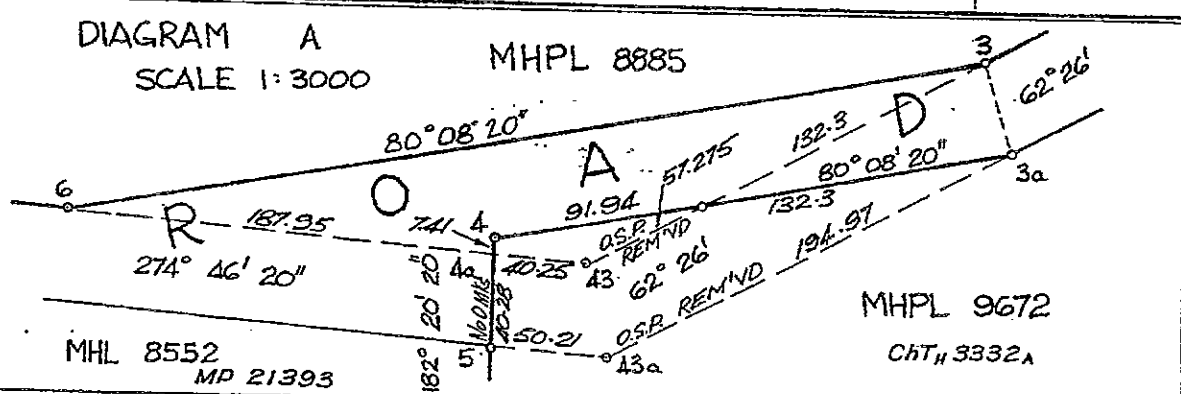
No O.M.Ks 37

BLUFF RD.

LINE PEGS

STN	BEARING.	DIST.
1	242° 26'	125.3
"	" "	384.74
"	" "	650.03
"	" "	900.29
2	1° 59' 30"	275.54
"	" "	449.32
"	" "	719.77
"	" "	1065.34
"	" "	1226.71
7	2° 00' 10"	295.18
"	" "	476.65
"	" "	753.94
"	" "	942.9
"	" "	1141.32
9	2° 00' 40"	237.26
"	" "	401.63
10	2° 01' 10"	197.31
"	" "	402.37 (O.L.P.)
33	182° 0'	307.24
35	263° 40' 50"	84.98
38	278° 16' 50"	183.05
39	274° 47' 50"	124.11
40	291° 55' 50"	209.22

SEE DIAGRAM A 242° 26' 75.8

MHPL 12244
MP 40618DIAGRAM A
SCALE 1:3000
MHPL 8885AREA TO BE SURRENDERED FOR
ROAD PURPOSES (9-96-35a-35) 3.299 ha.PEGS PLACED AT STNS. 2-9, 96, 11, 14, 15
29-42, 35a-42a, 40b.

Partly covered by MP 33720

Partly covers MP 40616

NOTE - FOR TABULATION OF AMENDMENTS TO
MHL 196 AND MHPL 8885 SEE MP 40616

FIELD NOTES LODGED <u>Ck. Traverse Only</u>		LINES NOT SURVEYED		STNS		CORNERS NOT MARKED STNS	
INSTR No.	DATE RECEIVED	DRAWN BY	CHARTED BY	DUPLICATE TO WARDEN			
PRIVATE		J. WOOD	B.L. 16-11-82	9-11-83			
EXAMINED BY	CHECKED BY	LOCALITY		MINING FIELD			
D.R.C. 14-10-82	R.J.P. 20.10.82			CHARTERS TOWERS			
MAP REFERENCE		PROC SURVEY AREA		SURVEYED BY		MERIDIAN	
BROUGHTON RIVER 1:25,000				E. PALAITTIS 25/3/1982		ON MERIDIAN OF CH 32967c	
				SCALE		Cat. No. 40617	
				1:8000			

REFERENCE MARKS

STN.	TO	BEARING	DIST.
1	IP	2° 0'	1.0
"	IP	166° 19'	1.0
"	IP	242° 26'	649.03
"	IP	242° 26'	651.03
2	IP	62° 26'	1.0
"	IP	242° 26'	1.0
"	IP	1° 59' 30"	718.77
2	IP	1° 59' 30"	720.77
3	IP	62° 26'	1.0
"	IP	260° 08'	1.0
5	IP	2° 20'	1.0
"	IP	182° 20'	1.0
6	IP	80° 08'	1.0
"	IP	274° 46'	1.0
7	IP	94° 46'	1.0
"	IP	2° 0'	1.0
8	IP	182° 0'	1.0
"	IP	2° 0'	1.0
9	IP	89° 45'	1.0
"	IP	182° 0'	1.0
3a	IP	182° 0'	1.0
"	IP	272° 0'	1.0

REFERENCE MARKS

STN.	TO	BEARING	DIST.
10	IP	92° 0'	1.0
"	IP	2° 0'	1.0
11	IP	182° 0'	1.0
14	IP	182° 0'	1.0
15	IP	182° 0'	1.0
30	IP	2° 0'	1.0
"	IP	60° 31'	1.0
31	IP	240° 31'	1.0
"	IP	146° 14'	1.0
33	IP	182° 0'	1.0
"	IP	2° 0'	1.0
34	IP	175° 10'	1.0
"	IP	2° 0'	1.0
35	IP	355° 10'	1.0
"	IP	175° 10'	1.0
36	IP	355° 10'	1.0
"	IP	163° 04'	1.0
37	IP	343° 04'	1.0
"	IP	182° 0'	1.0
38	IP	83° 41'	1.0
"	IP	180° 59'	1.008
39	IP	98° 17'	1.0

REFERENCE MARKS

STN.	TO	BEARING	DIST.
39	IP	186° 32'	1.0
40	IP	94° 48'	1.0
"	IP	193° 22'	1.011
40b	IP	2° 0'	1.0
"	IP	182° 0'	1.0
41	IP	111° 56'	1.0
"	IP	201° 45'	1.0
42	IP	111° 34'	1.0
"	IP	190° 40'	1.018

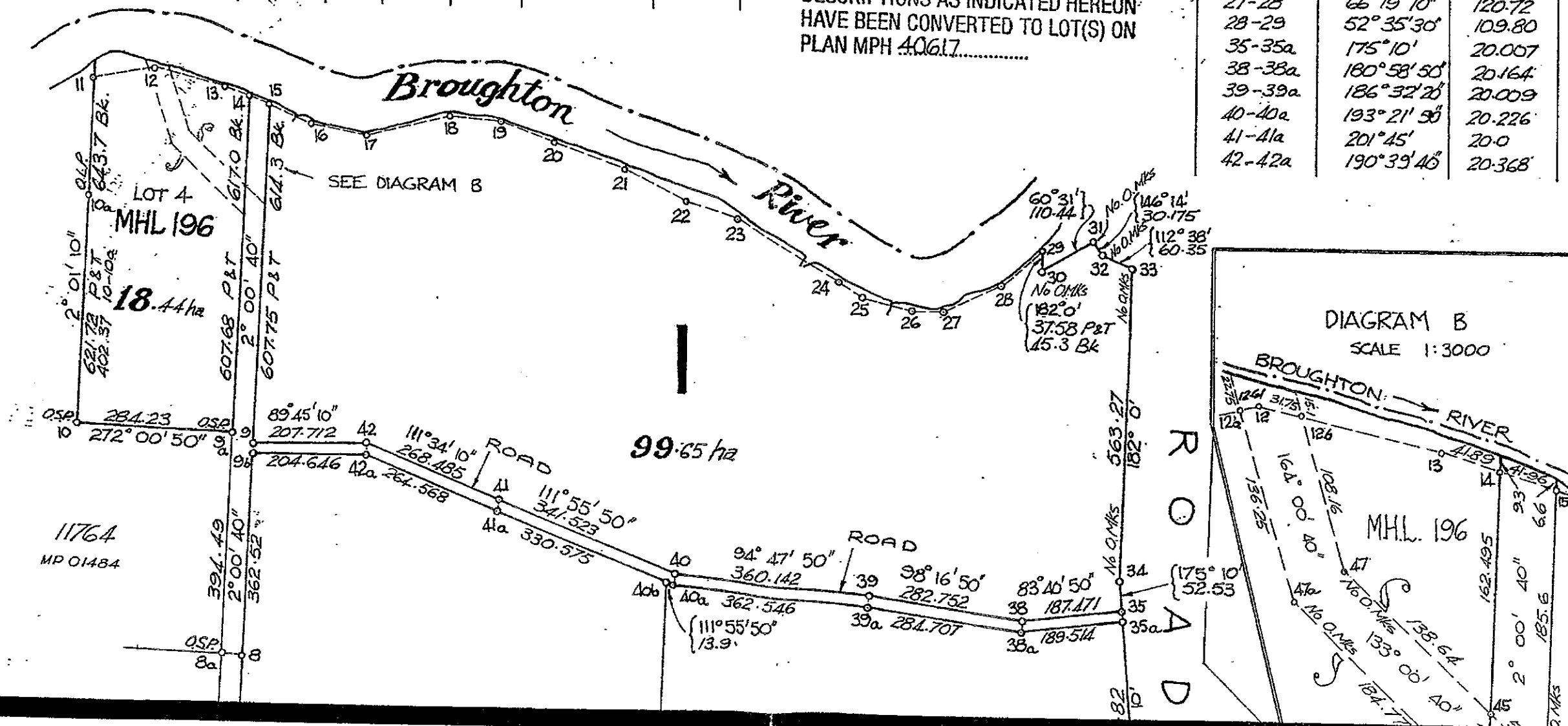
TENURE

LOTS	NEW M.H.P.L.
1	12241
2	12242
3	12243

DESCRIPTIONS AS INDICATED HEREON HAVE BEEN CONVERTED TO LOT(S) ON PLAN MPH 40617.

TRAVERSES

LINE	BEARING	DIST.
1-1a	166° 19'	41.44
3-3a	161° 17' 10"	40.72
7-7a	274° 46' 20"	40.281
8-8a	272° 00' 30"	40.234
9-9a	182° 00' 40"	20.015
11-12	80° 30' 20"	117.18
12-13	103° 14' 30"	131.55
13-14	108° 30' 20"	41.89
14-15	108° 30' 20"	41.96
15-16	113° 15'	83.54
16-17	100° 08' 10"	102.68
17-18	76° 41'	158.69
18-19	94° 19' 30"	93.99
19-20	110° 04'	103.49
20-21	109° 33' 20"	132.82
21-22	116° 33' 20"	126.77
22-23	107° 06' 50"	99.64
23-24	121° 37'	207.57
24-25	126° 00' 50"	52.06
25-26	104° 51' 10"	97.34
26-27	89° 37' 50"	58.08
27-28	66° 19' 10"	120.72
28-29	52° 35' 30"	109.80
35-35a	175° 10'	20.007
38-38a	180° 58' 50"	20.164
39-39a	186° 32' 20"	20.009
40-40a	193° 21' 50"	20.226
41-41a	201° 45'	20.0
42-42a	190° 39' 40"	20.368



Appendix 3: Current Title Search

Queensland Titles Registry Pty Ltd
 ABN 23 648 568 101

Title Reference:	17767187	Search Date:	07/04/2026 07:01
Date Title Created:	20/09/1995	Request No:	55661977
Creating Dealing:			

ESTATE AND LAND

Estate in Fee Simple

LOT 1 CROWN PLAN MPH40617

Local Government: CHARTERS TOWERS

REGISTERED OWNER

INTEREST

Dealing No: 724077761 26/05/2025

TANYA MAREE DOWNES

1/2

SHANE ANTHONY ABBOTT DOWNES

1/2

AS TENANTS IN COMMON

EASEMENTS, ENCUMBRANCES AND INTERESTS

- Rights and interests reserved to the Crown by
Deed of Grant No. 17767187 (Lot 1 on CP MPH40617)
- MORTGAGE No 724077762 26/05/2025 at 12:03
COMMONWEALTH BANK OF AUSTRALIA A.C.N. 123 123 124

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Appendix 4: Proposal Plan



This plan was prepared for the purpose

to accompany application to
CHARTERS TOWERS REGIONAL

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

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

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

PROPOSED SUBDIVISION OF LOT 1 MPH40617

Cancelling LOT 1 ON MPH40617

CLIENT

Shane Downes

LOCAL GOVERNMENT

CHARTERS TOWERS REGIONAL

DATE

30-03-2026

FILE

P26_078

SCALE

1:6000 @ A3

SURVEYOR REF.

26_078

FIELDBOOK

n/a

DRAWN:

JG

LOCALITY: SEVENTY MILE

Atkinson
SURVEYS

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

CADASTRAL SURVEYS

P26_078

Sheet 1 of 1
Form 1.4

Appendix 5: Planning Scheme Codes

Charters Towers Regional Town Plan

6.2.7.3: Rural Zone Code

Table 6.2.7.3.3 – Accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Response
Built form		
PO1 Buildings are designed and located so as not to adversely impact on the rural character and amenity of the locality.	AO1.1 Building height does not exceed 12m.	No building works are currently proposed as part of the reconfiguration, but it is anticipated that any future buildings would be well below the stated height.
	AO1.2 Buildings, other than a Roadside stall, are setback a minimum of: a) 10m from the front boundary and side boundaries for allotments greater than 2ha; or b) 5m front boundary and side boundaries for allotments less than 2ha.	No building works are currently proposed as part of the reconfiguration, but it is anticipated that any future buildings would easily comply with the required setbacks.
Residential density		
PO2 Residential density reflects the low intensity rural character of the locality.	AO2.1 Residential density is limited to: a) one Dwelling house (including a Secondary dwelling) per allotment; and b) Rural workers accommodation up to 400m ² GFA.	No building works is currently proposed as part of the reconfiguration, but it is anticipated that any future development would comply with the stated residential density of one dwelling house per allotment.
	AO2.2 Any Secondary dwelling is a maximum of 150m ² GFA.	No building works are currently proposed as part of the reconfiguration but it is anticipated that any future development would comply with the requirements for any secondary dwelling.
Amenity		

Performance outcomes	Acceptable outcomes	Response								
PO3 Sensitive land uses do not encroach on existing or approved rural, mining and extractive industry activities or other uses that may result in an adverse impact on amenity, health or safety.	AO3 Sensitive land uses are separated: a) from intensive animal industry uses where: i. feedlots by a minimum of 1km; ii. poultry farms by a minimum of 800m; b) from animal keeping where: i. (i) catteries and kennels by a minimum of 800m; ii. (ii) otherwise 500m; c) aquaculture by a minimum of 300m; d) from waste disposal areas connected to an animal husbandry operation by a minimum of 1km; e) from cropping on areas of agricultural land by a minimum of 300m; f) from other agricultural activities (excluding cropping activities) by a minimum of 50m; g) from other rural activities, not elsewhere mentioned, by a minimum of 100m; h) from railway activities by a minimum of 100m; i) from existing industrial activities by 1km; and j) from extractive industry operations as follows: <table><tr><th>Operation</th><th>Separation distance</th></tr><tr><td>Extraction or processing involving blasting or crushing</td><td>1,000m</td></tr><tr><td>Extraction processing or not involving blasting or crushing</td><td>200m</td></tr><tr><td>Haul route</td><td>100m</td></tr></table>	Operation	Separation distance	Extraction or processing involving blasting or crushing	1,000m	Extraction processing or not involving blasting or crushing	200m	Haul route	100m	The design of the reconfiguration ensures that any future sensitive land uses, such as a dwelling house, will not encroach on existing or approved activities that may result in an adverse impact on amenity, health or safety. Any future dwelling house will be adequately separated from adjoining and surrounding uses.
Operation	Separation distance									
Extraction or processing involving blasting or crushing	1,000m									
Extraction processing or not involving blasting or crushing	200m									
Haul route	100m									
PO4 Outdoor lighting does not adversely affect the amenity of adjoining properties or create a traffic hazard on adjacent roads.	AO4.1 Light emanating from any source complies with <i>Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting</i> or current version.	The design of the reconfiguration ensures that any future development can and will comply with the requirement.								

Performance outcomes	Acceptable outcomes	Response
	AO4.2 Outdoor lighting is provided in accordance with <i>Australian Standard AS 1158.1.1 Road Lighting – Vehicular Traffic (Category V) Lighting – Performance and Installation Design Requirements</i> or current version.	The design of the reconfiguration ensures that any future development can and will comply with the requirement.
PO5 Development does not adversely impact on the amenity of the surrounding rural or rural residential land uses and/or rural landscape character.	AO5 Plant and air-conditioning equipment, storage areas and processing activities are screened from view of the road or adjoining residential uses.	The reconfiguration, including any future development that it enables, does not adversely impact on the amenity of the surrounding rural or rural residential land uses and/or rural landscape character.
PO6 Development ensures: a) vulnerability to landslip, erosion and land degradation is minimised; and b) the safety of people and property.	AO6 Development is not located on slopes greater than 15%.	Given the large lot sizes and generally flat topography of the site, any future development can be located to avoid slopes greater than 15%.
Stock routes		
PO7 Development does not result in encroachment by sensitive land uses and other incompatible uses along the stock route network and uses are setback and buffered from the stock route network to mitigate impacts.	A07 Sensitive land uses are separated a minimum of: a) 200m from a surveyed stock route; or b) 800m from an unsurveyed stock route.	The proposal site is located well away from the stock route network.
PO8 Development on or adjoining the stock route network does not compromise the connectivity and integrity of the network and protects the ongoing, efficient and safe use of travelling stock by: a) Maintaining the extent of the stock route network, including where pasturage rights exists; b) Maintaining access to water facilities and other stock route infrastructure; c) Using access works that are robust and fit-for purpose, and provide for the safe passage of stock traversing the stock route; and	No acceptable outcome is nominated.	The proposal site is located well away from the stock route network.

Performance outcomes	Acceptable outcomes	Response
d) Where transport or other linear infrastructure crosses a stock route, providing a practical solution to allow stock to move across the infrastructure safely and in a timely example (for example grade separation).		
PO9 Development does not result in a loss of secondary values associated with the stock route network including recreational, environmental and heritage values.	No acceptable outcome is nominated.	The proposal site is located well away from the stock route network.
Use - Caretakers accommodation		
PO10 Development is ancillary to the primary use.	A10 No more than 1 Caretaker's accommodation unit is established on the site.	The proposal does not relate to caretakers' accommodation.
Use - Roadside stall		
PO11 Roadside stalls are of a scale in keeping with the rural character of the locality.	AO11.1 Structures associated with the use are limited to 30m ² GFA.	The proposal does not relate to a roadside stall.
	AO11.2 A Roadside stall is setback a minimum of 10m from the front and side boundaries.	The proposal does not relate to a roadside stall.
	AO11.3 The Roadside stall only sells produce grown on site.	The proposal does not relate to a roadside stall.
For all assessable development		
Land use		
PO12 Development: a) is consistent with the rural character of the locality; b) supports the primary rural function of the zone; and c) protects rural, natural and scenic values of the locality.	No acceptable outcome is nominated.	The reconfiguration, including any future development that it enables, is asserted to be consistent with the rural character of the locality. The reconfiguration seeks to reflect the surrounding pattern of development, where approximately 50 lots within 3km of the existing site boundaries are of similar size to those that are proposed. The subject site is in area that is characterised less by agricultural activities and more by rural-residential uses. The

Performance outcomes	Acceptable outcomes	Response
		proposal will not limit the operation of any nearby agricultural uses. Rather, it will be compatible with the existing rural-residential character as well as the rural, natural and scenic values of the locality. Any future buildings can be designed and located to protect these values.
PO13 Tourism (including associated accommodation), recreation and entertainment related activities: a) are small scale; b) do not impact on the viability of nearby urban and township areas; c) have a direct nexus with the natural environment or rural activities; d) avoid locating on productive rural land; e) are not located where they would prejudice the ongoing operation of existing or approved rural activities such as intensive animal industries and intensive horticulture; and f) are compatible with rural production and agricultural land, landscape amenity.	No acceptable outcome is nominated.	The proposal does not relate to tourism, recreation and entertainment related activities.
Design and amenity		
PO14 Development is designed to achieve safety for all users having regard to: a) maximising casual surveillance and sight lines; b) avoiding personal concealment and entrapment locations; c) exterior building design that promotes safety; d) adequate lighting; e) appropriate signage and wayfinding; and f) building entrances, parking areas, loading and storage areas that are well lit and have clearly defined access points.	No acceptable outcome is nominated.	The reconfiguration is suitable in this respect while any future development can be designed and located to achieve safety for all users having regard to the stated outcomes.

Performance outcomes	Acceptable outcomes	Response
PO15 Development minimises potential conflicts with, or impacts on, other uses having regard to vibration, odour, dust or other emissions.	AO15.1 Development achieves the air quality design objectives set out in the <i>Environmental Protection (Air) Policy 2008</i> , as amended.	The reconfiguration, including any future development that it enables, can and will meet the stated requirement.
	AO15.2 Development that involves the storage of materials on site that are capable of generating air contaminants either by wind or when disturbed are managed by: a) being wholly enclosed in storage bins; or b) a watering program so material cannot become airborne.	The reconfiguration, including any future development that it enables, is not expected to involve the storage of materials on site that are capable of generating air contaminants .
PO16 Development prevents or minimises the generation of any noise so that nuisance is not caused to adjoining premises or other nearby sensitive land uses.	AO16 Development achieves the noise generation levels set out in the <i>Environmental Protection (Noise) Policy 2008</i> , as amended.	The reconfiguration, including any future development that it enables, will be acceptable in relation to noise impacts and will not cause nuisance to adjoining premises or other nearby sensitive land uses.
PO17 Development does not unduly impact on the existing amenity and character of the locality having regard to: a) the scale, siting and design of buildings and structures; b) visibility from roads and other public view points, screening vegetation and landscaping; c) the natural landform and avoidance of visual scarring; and d) vibration, odour, dust, spray drift and other emissions.	No acceptable outcome is nominated.	As above, the reconfiguration and any future development that it enables is consistent with the amenity and character of the locality. The reconfiguration seeks to reflect the surrounding pattern of development, where approximately 50 lots within 3km of the existing site boundaries are of similar size to those that are proposed. The site is in area that is characterised by rural-residential uses, and the future use of the site will reflect this character. Any future buildings can be suitably designed and located having regard to existing amenity and character values.

Performance outcomes	Acceptable outcomes	Response
PO18 All uses are located, designed, orientated and constructed to: a) minimise noise dust, odour or other nuisance from existing lawful uses including rural and industrial uses; b) minimise nuisance caused by noise, vibration and dust emissions generated to the State controlled road and rail network in the vicinity of the land; c) not adversely encroach on airport service uses and other activities associated with the Charters Towers airport; and d) avoid areas that may place unreasonable risk to people and property from former mining activities and contaminated land.	No acceptable outcome is nominated.	The reconfiguration and any future development that it enables can and will be located, designed, orientated to meet the stated outcomes.
PO19 Development ensures ecological values, habitat corridors, soil and water quality are protected, having regard to: a) maximising the retention of vegetation and the protection of vegetation from the impacts of development; b) minimising the potential for erosion and minimisation of earthworks; c) maximising the retention and protection of natural drainage lines and hydrological regimes; d) avoidance of release of biohazards into the environment; e) mitigating the risk of introducing and spreading weeds and pest animals; and f) avoidance of leeching by nutrients, pesticides or other contaminants, or potential for salinity.	No acceptable outcome is nominated.	The reconfiguration and any future development that it enables can and will protect the stated outcomes. While it is noted that the site contains three areas with matters of state environmental significance (MSES), the design of the reconfiguration enables uses and buildings to be located outside of these areas. While some vegetation may need to be removed to enable the construction of a dwelling house and ancillary buildings, the removal of vegetation will be minimised (i.e. the retention of vegetation will be maximised) to protect vegetation from the impacts of development. Further, the large site area and the generally flat nature of the land will avoid the potential for erosion.
Use - Animal keeping (kennels or catteries)		

Performance outcomes	Acceptable outcomes	Response
PO20 Development is sited, constructed and managed such that: a) animals are securely housed; and b) the use does not create an unreasonable nuisance beyond the site boundaries.	AO20.1 The premises has a minimum site area of 5ha.	The proposal does not relate to animal keeping (kennels or catteries).
	AO20.2 Buildings used for animal keeping are constructed with impervious reinforced concrete floors, gravity drained to the effluent collection/treatment point.	The proposal does not relate to animal keeping (kennels or catteries).
	AO20.3 Animal proof fencing or other appropriate barrier features are provided to a minimum height of 1.8m within the site to prevent the escape of animals.	The proposal does not relate to animal keeping (kennels or catteries).
	AO20.4 Animals are kept in fenced enclosures, inside buildings at all times between the hours of 18:00 and 07:00.	The proposal does not relate to animal keeping (kennels or catteries).
	AO20.5 A person who is responsible for the operation of the use is accommodated on the premises at all times.	The proposal does not relate to animal keeping (kennels or catteries).
	AO20.6 Animal enclosures are set back to roads, streets and water resources as follows:	The proposal does not relate to animal keeping (kennels or catteries).
	Road frontages	
Top bank of creek, river, stream, wetland, edge of well, bore, dam, weir, intake or the like which provides potable water supply to the site or surrounds	100m	
	Top bank of dry or perennial gully	30m
Use - Agricultural supplies store, Bulk landscaping supplies, Rural industry, Wholesale nursery and Garden centre		
PO21 Development is located and designed on sites of sufficient size, to minimise adverse impacts on: a) the amenity of the setting, in particular noise, odour and dust emissions; b) the amenity of neighbours; and	AO21.1 The premises has a minimum site area of 5ha.	The proposal does not relate to agricultural supplies store, bulk landscaping supplies, rural industry, wholesale nursery and garden centre.
	AO21.2 A minimum 15m setback is required from any adjoining property boundary.	The proposal does not relate to agricultural supplies store, bulk landscaping supplies, rural industry, wholesale nursery and garden centre.

Performance outcomes	Acceptable outcomes	Response
c) operating within the safe and effective design capacity of the region's road system.	AO21.3 Sales, storage, handling, packaging and production areas are setback a minimum of: a) 100m from any sensitive land use (50m for Garden centre); b) 50m from State-controlled roads and 20m from all other roads; c) 20m from any residential dwelling on the same or neighbouring site (10m for Garden centre); and d) 30m from top bank of creek, river, stream or wetland edge of well, bore, dam, weir, or intake that provides potable water.	The proposal does not relate to agricultural supplies store, bulk landscaping supplies, rural industry, wholesale nursery and garden centre.
	AO21.4 Infrastructure and material storage areas are confined to free draining areas and sites on slopes not exceeding 10%.	The proposal does not relate to agricultural supplies store, bulk landscaping supplies, rural industry, wholesale nursery and garden centre.
	AO21.5 There is direct access from the property boundary to a sealed road.	The proposal does not relate to agricultural supplies store, bulk landscaping supplies, rural industry, wholesale nursery and garden centre.
	AO21.6 Hours of operation are limited between 07:00 to 17:00.	The proposal does not relate to agricultural supplies store, bulk landscaping supplies, rural industry, wholesale nursery and garden centre.
Use - Club or community use		
PO22 Development is located and designed on sites of sufficient size, to minimise adverse impacts on: a) the amenity of the setting, in particular noise, odour and dust emissions; and b) the amenity of neighbours.	AO22.1 A minimum site area of 5ha.	The proposal does not relate to club or community use.
	AO22.2 Siting and layout includes: a) the total area of covered buildings and roof structures is no greater than 10% of site area; and b) no building or structure is closer than 15m to any site boundary.	The proposal does not relate to club or community use.
	AO22.3	The proposal does not relate to club or community use.

Performance outcomes	Acceptable outcomes	Response
	Buildings and structures associated with the use is limited to: a) shelters; b) toilets; c) kiosks; and d) hall/function area.	
	AO22.4 Hours of operation are limited between 07:00 and 22:00.	The proposal does not relate to club or community use.
Use - Renewable energy facility (where a solar farm)		
PO23 Development is: a) located to allow for connections into relevant energy supply networks; b) located to avoid fragmenting highly productive agricultural land; and c) accessible to an appropriate level of road infrastructure to support the facility.	No acceptable outcome is nominated.	The proposal does not relate to a renewable energy facility.
PO24 Development ensures the site is returned to its predevelopment condition and land use upon cessation of the renewable energy facility.	No acceptable outcome is nominated.	The proposal does not relate to a renewable energy facility.

Charters Towers Regional Town Plan

7.2.1: Bushfire Hazard Overlay Code

Table 7.2.1.3 — Assessable development

Performance outcomes	Acceptable outcomes	Response
Site suitability		
PO1 Development maintains the safety of people and property.	No acceptable outcome is nominated.	The reconfiguration, including any future development that it enables, will maintain the safety of people and property.
Demolition or removal within a Local heritage place		
PO2 Development does not result in a higher concentration of people living, working or congregating in a bushfire prone area unless it can be demonstrated: a) there is an overriding community need in the public interest; and b) no other site is suitable and reasonably available.	AO2 The following uses are not located on land within a high to very high bushfire hazard area a) Agricultural supplies store; b) Bulk landscape supplies; c) Club; d) Community use; e) Food and drink outlet; f) Function facility; g) Garden centre; h) Market; i) Nature based tourism; j) Outdoor sport and recreation; k) Rural industry; l) Rural workers accommodation; m) Renewable energy facility; n) Tourist park; and o) Wholesale nursery.	The proposal does not involve any of the listed uses and is not in a high to very high bushfire hazard area.
Siting of development		

Performance outcomes	Acceptable outcomes	Response
PO3 The siting, layout and design of development avoids or mitigates the risks associated with bushfire hazard through: a) being situated on that part of the site that has the lowest level of bushfire risk; b) fire mitigation measures that do not adversely impact on areas having high environmental values.	No acceptable outcome is nominated.	No building works are currently proposed as part of the reconfiguration. However, the design of the reconfiguration ensures that any future development, such as a dwelling house and ancillary buildings, can be designed and located to avoid or mitigate the risks associated with bushfire hazard.
Water supply		
PO4 Development in areas with a reticulated water supply has adequate flow and pressure for fire-fighting purposes at all times.	AO4 The water supply network has a minimum sustained pressure and flow of at least 10 litres per second at 200kPa.	The proposal is not in an area with a reticulated water supply.
PO5 Development in areas without a reticulated water supply has an appropriate dedicated water supply for fire-fighting purposes, that is safely located and freely accessible for fire-fighting purposes at all times.	AO5 Development involving a gross floor area greater than 50m ² where a reticulated water supply is not available is: a) provided with an easily accessible fire-resistant on-site water storage of not less than 5,000 litres (e.g. concrete tank with fire brigade fittings, in-ground swimming pool, dam fed by a permanent water source) that is within 100m of the development; and b) has a hard-standing area allowing a heavy rigid fire appliance safe access to within 6m of the storage facility.	No physical development is currently proposed as part of the reconfiguration. However, any future proposal, such as a dwelling house and ancillary buildings, can and will be designed to ensure an appropriate dedicated water supply for firefighting purposes, that is safely located and freely accessible for fire-fighting purposes at all times.
Roads, fire access trails and firebreaks		
PO6 Roads and fire access trails are designed and constructed to: a) enable efficient access to buildings and structures for fire-fighting purposes for emergency services; and b) swift evacuation in emergency situations.	AO6.1 Roads and fire access trails are designed and constructed to: a) have a maximum gradient of 12.5%; b) a minimum cleared width of 6m and a minimum formed width of 4m;	Any roads and fire access trails associated with future development can and will be designed and constructed to meet the stated requirements. The new lot for an anticipated future dwelling house is relatively flat with adequate space, while it is anticipated that any buildings will be relatively near to an existing road.

Performance outcomes	Acceptable outcomes	Response
	c) provides passing and turning areas for fire-fighting appliances at intervals of not less than 500m; d) have a vehicular access at each end to roads or a bushfire trail; and e) not involve any cul-de-sac.	
	AO6.2 Development has direct access to an evacuation route with a potential fire intensity exposure no greater than 2kw/m ² .	Any future development can and will meet the stated outcome.
	AO6.3 Development incorporates an area of managed vegetation that separates lot boundaries from hazardous vegetation by a distance of: a) 20m to a high or very high bushfire risk area; or b) 10m to a medium risk bushfire area and includes a fire access trail.	Any future development can and will meet the stated outcomes to manage vegetation.
PO7 Development provides for adequate fire breaks that minimise bushfire hazard by: a) separating hazardous vegetation from development areas; and b) facilitating access for firefighting and emergency vehicles.	No acceptable outcome is nominated.	Any future development can and will meet the stated outcomes to provide adequate fire breaks.
PO8 Development is located and designed to incorporate a bushfire defensible space which achieves separation between buildings, building envelopes and hazardous vegetation necessary to reduce risk to an acceptable or tolerable level.	AO8.1 Buildings, or building envelopes, are separated by hazardous vegetation by a distance that achieves a radiant heat flux level at any point on the building, or building envelope, respectively that does not exceed: a) 10kW/m ² where involving a vulnerable use, essential service uses or hazardous chemical facility use; or b) 29W/m ² otherwise.	Any future development can and will meet the stated outcomes with regards to defensible space.
	AO8.2	Any future development can and will meet the stated outcomes with regards to defensible space.

Performance outcomes	Acceptable outcomes	Response
	Development ensures buildings or building envelopes are separated from adjacent buildings or building envelopes by a minimum distance of 8m.	
Hazardous materials		
PO9 The potential for the release of hazardous materials as a result of a bushfire event is avoided.	AO9 Development involving the production or storage of hazardous materials is not located within a high or very high bushfire hazard area.	There is no current and no expected proposal to produce or store hazardous materials in a high or very high bushfire hazard area.
Reconfiguration of a lot		
PO10 Additional lots avoid the risk of bushfire hazard to: a) personal and property safety; and b) increased risk of damage to assets.	AO10 New lots (including rear lots) do not occur in a bushfire prone area.	While the proposed new lot is in a bushfire prone area, it is asserted that any future use or building that is enabled can suitably avoid or mitigate the risks from bushfire hazard.
Essential community infrastructure		
PO11 Development for essential community infrastructure is located, designed and sited to: a) protect the safety of people during a bushfire; b) not increase the exposure of people to the risk from a bushfire event; and c) function effectively during and immediately after bushfire events.	No acceptable outcome is nominated.	The proposal is not for essential community infrastructure.

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7.2.2: Flood Hazard Overlay Code

Table 7.2.2.3(a) — Assessable development

Performance outcomes	Acceptable outcomes	Response
Siting of development		
PO1 Development: a) does not provide unacceptable risks to people and property from flood hazard impacts or, the risks are mitigated to an acceptable or tolerable level; and b) does not intensify or locate a use in an extreme or high hazard area, in order to avoid risks to people, property and the environment.	No acceptable outcome is nominated.	The proposed reconfiguration as well as any future development that it enables will not provide unacceptable risks to people and property from flood hazard impacts. Further, it will not intensify or locate a use in an extreme or high hazard area.
PO2 Development is sited to enable safe evacuation in the event of a flood.	No acceptable outcome is nominated.	Any future development that is enabled by the reconfiguration can be located to enable safe evacuation in the event of a flood.
PO3 Signage is provided within flood hazard areas to alert residents and visitors to the flood hazard.	AO3 Signage is provided on site (regardless of whether the land is in public or private ownership) indicating: a) the position and path of all safe evacuation routes off the site; and b) if the site contains or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points such as floodway crossings or entrances to low-lying reserves.	Suitable signage can be provided as part of any future development, where relevant and required.
Reconfiguring a lot		

Performance outcomes	Acceptable outcomes	Response
PO4 The siting, layout and design of lot reconfiguration avoids or mitigates the adverse impacts associated with flooding to protect the safety of people and property.	No acceptable outcome is nominated.	The layout and design of the reconfiguration avoids or mitigates the adverse impacts associated with flooding to protect the safety of people and property. Existing development on Lot 1 is unchanged while a large lot size of 90.3ha is proposed for Lot 2, which gives ample area to avoid flood hazards.
PO5 Road and pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route.	No acceptable outcome is nominated.	The proposal is suitable in this regard with existing roads providing a safe and clear evacuation route, including to any future development that is enabled by the reconfiguration.
Building floor levels		
PO6 The floor levels of sensitive land uses have an acceptable level of flood immunity to maintain the safety of people from flood hazard impacts.	AO6.1 Habitable rooms have a minimum floor level at least 0.3m above the DFE.	Any future development that is enabled by the reconfiguration can be designed to meet the stated outcome.
	AO6.2 Floor levels of non-habitable rooms (other than Class 10 buildings) are above the DFE or allow for the flow through of floodwaters on the ground floor.	Any future development that is enabled by the reconfiguration can be designed to meet the stated outcome.
	AO6.3 Where involving an extension to an existing residential use that has habitable rooms below the level referred to in AO6.2, any extension does not exceed 25m ² GFA.	Not a relevant consideration.
PO7 Non-residential development is designed and located to minimise damage to property and contents from flooding impacts.	No acceptable outcome is nominated.	Any future uses/buildings that are enabled by the reconfiguration can be designed to meet the stated outcome.
Earthworks		
PO8 Development including any earthworks must: a) not adversely impact on or change the flood characteristics of a floodplain or waterway; b) not reduce existing flood storage and flow capacity;	No acceptable outcome is nominated.	Any future earthworks can be designed to meet the stated outcomes.

Performance outcomes	Acceptable outcomes	Response
c) avoid any physical change to a floodplain or natural waterway; d) avoid increased scour and erosion; e) not increase the depth, velocity or direction of the flow, the rate of flood level rise or the duration of inundation on the site or on land external to the site; and f) not remove any riparian or riverine vegetation.		
Hazardous materials		
PO9 Public safety and the natural environment are not adversely affected by the impacts of floodwater on hazardous materials manufactured or stored in bulk.	AO9.1 Development does not involve the manufacture or storage of hazardous materials within a flood hazard area.	Future development enabled by the reconfiguration is not anticipated to involve the manufacture or storage of hazardous materials.
	AO9.2 Where it can be demonstrated that there is a low or medium flood risk, the manufacture or storage of hazardous materials takes place above the DFE flood levels.	Future development enabled by the reconfiguration is not anticipated to involve the manufacture or storage of hazardous materials.
Intensive animal industry		
PO10 The use of land for intensive animal husbandry does not establish or intensify in a flood hazard area, in order to avoid risk to the environment.	AO10 Intensive animal husbandry, including the storage of bulk food and any associated water treatment facilities, does not occur on land below the DFE.	The proposal is not for intensive animal husbandry.
Essential community infrastructure		
PO11 Essential community infrastructure is able to function effectively during and immediately after flood events.	AO11 Community infrastructure is provided at or above the recommended flood level specified in Table 7.2.2.3(b)—Recommended flood levels of community infrastructure.	The proposal is not for essential community infrastructure.
PO12 Essential services infrastructure (e.g. on site electricity, gas, water supply, sewerage and telecommunications) maintains its function during and immediately after a DFE flood event.	AO12 Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood water (e.g. electrical switchgear and motors, water supply pipeline air valves) are: a) located above the DFE; or	The proposal is not for essential community infrastructure.

Performance outcomes	Acceptable outcomes	Response
	b) designed and constructed to prevent floodwater intrusion/infiltration.	
Emergency management		
PO13 Development in flood hazard areas supports and does not hinder disaster management capacity and capabilities.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration will not hinder disaster management capacity and capabilities.

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7.2.4: Natural Environment Overlay Code

Table 7.2.4.3 — Accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Response
Environmental protection and buffering		
PO1 Development maintains and protects and MSES by: a) locating in areas that avoid adverse impacts on MSES; or b) where adverse environmental impacts cannot be avoided, impacts are minimised and an environmental offset is provided for any residual adverse impacts; and c) the underlying ecological processes and biodiversity values of MSES are maintained or enhanced. Editor's note i. to assist in demonstrating achievement of an environmental and ecological assessment may be required to demonstrate compliance with this performance criterion; ii. where it is demonstrated that adverse impacts cannot be avoided or minimised, significant residual impacts on matters of state environmental significance may require an offset in accordance with the <i>Environmental Offsets Act 2014</i>.	AO1 Development locates outside of an area supporting MSES as shown on map OM5.	The proposal site contains areas of MSES including Regulated Vegetation (Defined Watercourse), Regulated Vegetation (Category R), and Wildlife Habitat (Endangered or Vulnerable). The mapped areas of the MSES are shown in the associated Planning Report. However, the design of the reconfiguration ensures that any future development it enables will maintain and protect the MSES. In particular, the area of Wildlife Habitat (Endangered or Vulnerable) generally covers the eastern half of the existing site area. The layout of the two lots allows for future uses/buildings to be located to avoid this area so that the underlying ecological processes and biodiversity values of MSES are maintained.
Buffers		
PO2	AO2	Further to the above, the design of the reconfiguration allows that any future development it

Performance outcomes	Acceptable outcomes	Response
Development is setback from and provides an adequate vegetated buffer to areas containing MSES to: a) protect these areas and their values from threatening processes; b) avoid edge effects such as undesirable microclimate effects and threats from non-native or pest fauna or flora; and c) maintain and enhance ecological connectivity.	A buffer extending from the outside edge of an area of MSES is provided and has a minimum width of 200m where located outside an urban zone.	enables can be located outside of a 200m buffer from the outside edge of an area of MSES.
PO3 An adequate buffer to a wetland in a MSES area is provided and maintained to: a) protect or enhance habitat values, connectivity and other ecological processes and values; b) protect water quality and aquatic conditions; c) maintain natural micro-climatic conditions; d) maintain natural hydrological processes; e) prevent mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and f) prevent loss or modification of chemical, physical or biological properties or functions of soil.	AO3 A vegetated and development free buffer is provided and maintained extending from the high bank of the following: a) 100m wide buffer to a river; or b) 50m wide buffer to waterway.	The design of the reconfiguration allows that any future development it enables can be located at a suitable distance from any river or waterway.
PO4 Isolated habitat areas are linked by a continuous corridor to provide effective ecological connectivity and to create additional linkages along waterways, wetlands, drainage lines, ridgelines, and other areas where possible.	AO4 Development provides a continuous corridor with a minimum width of 100m linking areas of protected vegetation to each other and other vegetation areas off site.	The design of the reconfiguration ensures that any future development it enables can still provide a continuous corridor with a minimum width of 100m linking areas of protected vegetation to each other and other vegetation areas off site.
Assessable development		
General		
PO5 Alterations to natural landforms, hydrology and drainage patterns do not adversely impact on areas containing MSES.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration is not expected to alter natural landforms, hydrology and drainage patterns in a manner that would adversely impact on areas containing MSES.

Performance outcomes	Acceptable outcomes	Response
PO6 Development retains and enhances riparian vegetation along watercourses and drainage corridors, and vegetation along timbered ridgelines.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can retain and enhance riparian vegetation along watercourses and drainage corridors as well as vegetation along timbered ridgelines.
PO7 Development avoids direct and indirect impacts on significant ecological communities and significant species and their habitats, including disturbance from the presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can avoid direct and indirect impacts on significant ecological communities and significant species and their habitats. In particular, the sensitive design and location of future uses/buildings can support this outcome.
PO8 Areas of habitat that support a critical life cycle stage such as feeding, breeding or roosting or ecological function for threatened species, ecological communities or migratory species are protected and not impacted by development.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can protect and avoid impacts to areas of habitat that support a critical life cycle stage.
PO9 Buffering, rehabilitation or restoration protects and enhances MSES and their underlying ecological processes, habitat and biodiversity values by: a) using site appropriate and locally occurring native species; b) replicating as far as practicable, the species composition and structural components of healthy remnant vegetation and associated habitats, including understorey vegetation; and c) excluding environmental weeds, declared plants and other non-native plants likely to displace native flora or fauna species or degrade habitat.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can incorporate buffering, rehabilitation or restoration that protects and enhances MSES and their underlying ecological processes, habitat and biodiversity values.
PO10 Development: a) avoids the introduction of pest species (plant or animal) that pose a risk to the ecological integrity and biodiversity values of MSES; and	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can be managed to avoid the introduction of pest species.

Performance outcomes	Acceptable outcomes	Response
b) includes appropriate pest management practices to control any existing threat of pest species in a way that provides for the long term ecological integrity of MSES.		
Ecological corridors		
PO11 Development protects an ecological corridor through: a) enhancing ecological connectivity and habitat extent; and b) effectively linking habitats on and/or adjacent to the site. Editor's note—Ecological corridors and habitat linkages have dimensions and characteristics to support: i. ecological processes and functions that enable the natural change in distributions of species and provide connectivity between populations of species over long periods of time; ii. ecological responses to climate change; iii. connectivity between large tracts and patches of remnant vegetation, habitat areas and areas supporting MSES; and iv. effective and unhindered day-to-day and seasonal movement of avian, terrestrial and aquatic fauna.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can be designed and located to protect any existing ecological corridors, including by avoiding areas of important habitat and ensure their continued linkage.
Wetland ecological values		
PO12 Development involving the clearing of vegetation protects the biodiversity, ecological values and processes, and hydrological functioning of a wetland area, including: a) water quality values; b) aquatic habitat values; c) terrestrial habitat values; and d) usage of the site by native wetland fauna species or communities.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can be designed and located to minimise the clearing of vegetation and to protect the biodiversity, ecological values and processes, and hydrological functioning of a wetland area.
Wetland hydrology and stormwater management		

Performance outcomes	Acceptable outcomes	Response
PO13 The existing surface water hydrological regime of the wetland is enhanced or maintained through: a) providing a net ecological benefit and improvement to the environmental values and functioning of a wetland in a wetland protection area; or b) rehabilitating the existing hydrological regime or restore the natural hydrological regime of a wetland.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can be designed and located to maintain the existing surface water hydrological regime of any wetland.
Land degradation		
PO14 Development avoids land degradation in a wetland area, including: a) mass soil movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and b) loss or modification of chemical, physical or biological properties or functions of soils.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can be designed and located to avoid land degradation in a wetland area. Earthworks can be minimised and the on-site treatment and disposal of wastewater designed and located to protect soils.
PO15 Degraded areas supporting MSES or other environmental values important to the maintenance of underlying ecological processes required to maintain biodiversity, are rehabilitated as near as is practical to the naturally occurring state of native plant species and ecological communities.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can support the stated outcome.
Monitoring		
PO16 During construction and operation of development, ongoing management, monitoring and maintenance is undertaken to ensure impacts on areas supporting MSES and their underlying ecological processes and biodiversity values are avoided or minimised.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can support the stated outcome.
Environmental Offsets		

Performance outcomes	Acceptable outcomes	Response
PO17 Where development cannot reasonably avoid impacts on MNES or MSES, any unavoidable impacts should be minimised and offset, in accordance with the <i>Environmental Offsets Regulation 2014</i>.	No acceptable outcome is nominated.	Any future development enabled by the reconfiguration can support the stated outcome. It is expected that impacts can be avoided and minimised and that offsets are unlikely to be required.

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8.3.1: Development Works Code

Table 8.3.1.3(a) — Accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Response
Utility infrastructure and services		
PO1 Development is serviced by an adequate, safe and reliable supply of potable and general use water, connected to reticulated water supply where possible.	AO1 Development is: a) connected to Council’s reticulated water supply network, including the installation of easily accessed water meters, in accordance with the Development works Town plan policy; or b) if connection to Council’s reticulated water supply network is not possible, a potable on site water supply is provided in accordance with the Development works Town plan policy.	While connection to Council’s reticulated water supply network is not possible, future uses and buildings on the reconfigured lots will be provided with a suitable, potable on site water supply.
PO2 Development is serviced by appropriate waste water disposal infrastructure which ensures: a) no adverse ecological impacts on the receiving environment; b) cumulative impacts of onsite waste water treatment are considered in assessing the likely environmental impacts; c) public health is maintained; d) the location, site area, soil type and topography is suitable for on site waste water treatment; and e) the reuse of waste water does not contaminate any surface water or ground water.	AO2 Development is: a) connected to Council’s reticulated sewerage treatment system, in accordance with the Development works Town plan policy; or b) if connection to Council’s reticulated sewerage treatment system is not possible, waste water is treated in accordance with Development works Town Plan Policy.	While connection to Council’s reticulated sewerage treatment system is not possible, future uses and buildings on the reconfigured lots will be able to treat and dispose of wastewater on-site in an acceptable manner.

Performance outcomes	Acceptable outcomes	Response
PO3 Electricity supply network and telecommunication service connections are provided to the site and are connected.	A03.1 The development is connected to electricity and telecommunications infrastructure in accordance with the standards of the relevant regulatory authority prior to the commencement of any use of the site.	The reconfigured lots will be suitably connected to electricity and telecommunications infrastructure.
	A03.2 Where not included in the development, provision is made for future telecommunications services (such as fibre optic cable) in accordance with the standards of the relevant regulatory authority.	Suitable provision can be made for telecommunications services to any future development that the reconfiguration enables.
Stormwater management		
PO4 Stormwater management is designed and operated to ensure that adjoining land and upstream and downstream areas are not adversely affected through any ponding or changes in flows: a) ensure that adjoining land and upstream and downstream areas are not adversely affected through any ponding or changes in flows; and b) direct stormwater to a lawful point of discharge through competently designed and constructed outlet works in a manner that reflects the predevelopment status.	A04.1 Development does not result in an increase in flood level or flood duration on upstream, downstream or adjacent properties.	The reconfiguration or any future development that it enables will not result in an increase in flood level or flood duration on upstream, downstream or adjacent properties.
	A04.2 Stormwater (including roof and surface water) is conveyed to the kerb and channel or other lawful point of discharge in accordance with the requirements of the Development works Town plan policy.	Any stormwater from a future development that the reconfiguration enables will be conveyed to the lawful point of discharge.
	A04.3 Stormwater runoff from all impervious areas (roof, pavements, etc) are not permitted to flow or discharge over adjoining properties.	No stormwater runoff, including from a future development that the reconfiguration enables, will flow or discharge over adjoining properties.
Earthworks		
PO5 Earthworks are undertaken in a manner that: a) prevents any worsening of soil erosion or water quality on the site, any adjoining land, or land upstream or downstream of the site; b) produces stable landforms and structures; c) maintain natural landforms where possible;	A05.1 Earthworks comply with the Development works Town plan policy.	Any future earthworks that the reconfiguration enables will comply with the policy.
	A05.2 The extent of filling or excavation does not exceed 40% of the site area or 500m ² , whichever is lesser.	Any future earthworks that the reconfiguration enables are not expected to exceed the stated outcome given the relatively flat nature of the site and the anticipated extent of buildings.

Performance outcomes	Acceptable outcomes	Response
d) minimise the height of any batter faces; e) does not unduly impact on the amenity or privacy for occupants of the site or on adjoining land or on the amenity of the streetscape; f) does not result in the contamination of land or water; and g) avoids risk to people and property.	A05.3 Excavating or filling is no greater than 1m in height or depth.	Any future earthworks that the reconfiguration enables are not expected to exceed the stated outcome given the relatively flat nature of the site and the anticipated extent of buildings.
	A05.4 Batters have a maximum slope of 25%, are terraced at every rise of 1.5m and each terrace has a depth of 0.75m.	Any earthworks associated with future development that the reconfiguration enables can meet the stated outcome.
	A05.5 No contaminated material is used as fill.	Any earthworks associated with future development that the reconfiguration enables can meet the stated outcome.
PO6 Retaining walls are designed to minimise visual impact through: a) setbacks from any boundary; and b) being stepped or terraced to accommodate landscaping.	A06.1 The combined height of any retaining walls and fences does not exceed 2m.	Any retaining walls associated with future development that the reconfiguration enables can meet the stated outcome.
	A06.2 A retaining wall is set back at least half the height of the wall from any boundary of the site.	Any retaining walls associated with future development that the reconfiguration enables can meet the stated outcome.
	A06.3 Retaining walls over 1.5m are stepped 0.75m for every 1.5m in height, terraced and landscaped.	Any retaining walls associated with future development that the reconfiguration enables can meet the stated outcome.
	A06.4 Design and construction of retaining walls over 1m in height are certified by a Registered Professional Engineer of Queensland.	Any retaining walls associated with future development that the reconfiguration enables can meet the stated outcome.
PO7 The excavation, filling or laying of pipes within the vicinity of electricity supply infrastructure must not create damage or hazard.	A07.1 Excavation or filling does not occur within: a) 10m of any tower, pole, foundation, ground anchorage or stay supporting electric lines or associated equipment; b) 5m of a substation site boundary; c) 2m of a padmount substation; or d) 1m of a padmount transformer or an underground cable.	Any excavation or filling associated with future development that the reconfiguration enables can be designed and located to meet the stated outcome.

Performance outcomes	Acceptable outcomes	Response
	A07.2 The laying of metal pipes does not occur within: a) 5m of any pole, tower, foundation, ground anchorage or stay supporting electric lines or associated equipment; b) 15m of any substation site boundary; or c) 5m of, and parallel to, an electric line shadow.	Any laying of pipes associated with future development that the reconfiguration enables can be designed and located to meet the stated outcome.
Parking and access		
PO8 Development includes the provision of adequate and convenient car parking on site to satisfy the anticipated requirements of the land use or activity.	A08 Car parking is provided in accordance with Table 8.3.1.3(b)–Car parking requirements.	The design of the reconfiguration ensures there is ample area for any future development to be provided with the required car parking.
PO9 Development provides end of trip facilities for people engaging in active transport (bicycle and pedestrian): a) to meet the needs of users and promote active modes of travel; b) at convenient, easily identifiable, safe locations; and c) in locations that do not obstruct vehicular, bicycle or pedestrian movement paths.	A09 Development provides cycling and pedestrian end of trip facilities, in accordance with the requirements of the Development works Town plan policy.	End of trip facilities are not expected to be required as part of any future development enabled by the reconfiguration.
PO10 Access driveways are designed and constructed to: a) provide convenient access to the site and maintain the safety and efficiency of the road; b) minimise conflicts with traffic and pedestrians; and c) are constructed to a standard that is appropriate to the location and to meet the anticipated volume and type of traffic.	AO10.1 Access driveways are designed and constructed in accordance with the relevant Development works Town plan policy.	Any access driveways associated with future development that the reconfiguration enables can and will be designed and constructed in accordance with the policy.
	AO10.2 Access driveways allow vehicles (with the exception of Dwelling house and Dual occupancy) to enter and exit the site in a forward gear.	Any access driveways associated with future development that the reconfiguration enables can and will be designed to allow vehicles to enter and exit the site in a forward gear.
PO11 Vehicle movement areas (including internal driveways, access aisles, manoeuvring areas, car parks and service bays) are designed to ensure: a) a gradient appropriate for the type of vehicles;	AO11 Manoeuvring, queuing, loading and unloading areas, and parking areas are: a) designed and constructed in accordance with the Development works Town plan policy; and	Any manoeuvring and parking areas associated with future development that the reconfiguration enables can and will be designed and constructed in accordance with the policy as well as be certified.

Performance outcomes	Acceptable outcomes	Response
b) effective stormwater drainage; c) clearly marked and signed spaces; d) convenience and safety for drivers and pedestrians; and e) adequate dimensions to meet user requirements, including access and egress for emergency vehicles.	b) certified by a Registered Professional Engineer of Queensland.	
PO12 Footpaths in the road reserve are provided along all road frontages and are paved in durable and stable materials matching any adjacent development footpaths.	AO12 Footpaths are: a) provided for the full width and length of all road frontages; b) designed and constructed in accordance with the requirements of the Development works Town plan policy; and c) certified by a Registered Professional Engineer of Queensland.	No footpaths are expected to be required as part of any future development enabled by the reconfiguration.
PO13 Pedestrian access to buildings: a) do not obstruct pedestrian movement (or form physical clutter) on public footpaths; b) are not visually overbearing (or form visual clutter) in the streetscape; and c) provide safe, efficient and convenient access including wheelchair access.	AO13 Steps, escalators, ramps and lifts are: a) located wholly within the site; and b) setback a minimum of 1.5m from the front boundary.	No steps, escalators, ramps and lifts are expected to be required as part of any future development enabled by the reconfiguration.
Acoustic and air quality		
PO14 Development minimises potential conflicts with, or impacts on, other uses having regard to vibration, odour, dust or other emissions.	AO14 Development achieves the air quality design objectives set out in the Environmental Protection (Air) Policy 2008, as amended.	Any future development that the reconfiguration enables is expected to have apparent conflicts with, or impacts on, other uses.
PO15 Development prevents or minimises the generation of any noise so that: a) nuisance is not caused to adjoining premises or other nearby sensitive land uses; and	AO15 Development achieves the noise generation levels set out in the Environmental Protection (Noise) Policy 2008, as amended.	Any future development that the reconfiguration enables is expected to be acceptable with regards to noise matters.

Performance outcomes	Acceptable outcomes	Response
b) desired ambient noise levels in residential areas are not exceeded.		
PO16 Development adjacent to State controlled roads or Council controlled arterial road minimise nuisance caused by noise, vibration and dust emissions.	AO16 Development complies with the requirements of the Department Main Roads - Road Traffic Noise Management Code of Practice and the Environmental Protection (Noise) Policy 2008.	The proposal is not adjacent to a State controlled road or Council controlled arterial road.
Lighting		
PO17 External lighting is provided in urban areas to ensure a safe environment.	AO17 Technical parameters, design, installation, operation and maintenance of outdoor lighting complies with the requirements of AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.	Any future development that the reconfiguration enables can be provided with appropriate lighting.
Waste management		
PO18 Development: a) minimises waste generation (including construction, demolition and operational waste); and b) provides adequate facilities on site for the storage of waste and recyclables.	AO18 Waste storage and management arrangements are sited, screened and designed in accordance with the Development works Town plan policy.	Any future development that the reconfiguration enables can be provided with appropriate waste storage and management.
PO19 Development is designed to allow for safe and efficient servicing of waste and recycling containers through: a) a development layout that facilitates direct and unobstructed servicing of waste and recycling containers; and b) minimising the potential for nuisances to be caused by way of noise and odour.	AO19 Waste and recycling collection services are provided in accordance with the Development works Town plan policy.	Any future development that the reconfiguration enables can be provided with appropriate waste and recycling collection services.
For all assessable development		
General		
PO20 Where buildings and structures are located on multiple lots, these are amalgamated to form one lot.	No acceptable outcome specified.	Not a relevant consideration.

Performance outcomes	Acceptable outcomes	Response
Wastewater management		
PO20 Wastewater is managed to: a) avoid wastewater discharge to any waterway; or b) if wastewater discharge to waterways cannot be practically avoided, discharge is minimised to an acceptable level by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.	No acceptable outcome specified.	Suitable arrangements can be made for the treatment and disposal of any wastewater from any future development that the reconfiguration enables.
PO21 Wastewater discharge maintains ecological processes, riparian vegetation, waterway integrity, and downstream ecosystem health including: a) protecting applicable water quality objectives for the receiving waters; b) managing soil disturbance or altering natural hydrology in coastal areas; and c) avoiding or minimising the release of nutrients of concern.	No acceptable outcome specified.	The wastewater from any future development that the reconfiguration enables will suitably avoid or mitigate any impacts on ecological values.
Stormwater management		
PO22 Stormwater management systems: a) implement Water Sensitive Urban Design (WSUD) principles that: i. protect natural systems and waterways; ii. allow for the detention of stormwater instead of rapid conveyance; iii. minimise impervious areas; iv. utilise stormwater to conserve potable water; v. integrate stormwater treatment into the landscape; vi. ensure water quality values are protected; b) must be economically maintained for the life of the system;	AO22 Stormwater management systems are designed and constructed in accordance with the Development works Town plan policy.	Suitable arrangements can be made for the stormwater from any future development that the reconfiguration enables.

Performance outcomes	Acceptable outcomes	Response
c) provide for safe access and maintenance; and d) maintain natural drainage lines and adequate filtering and settlement of sediment for the protection of watercourses, wetlands from point sources and non-point source stormwater discharges.		
PO23 Development allows for sufficient site area to accommodate an effective stormwater management system.	No acceptable outcome specified.	Suitable arrangements can be made for the stormwater from any future development that the reconfiguration enables.
PO24 Development provides for the orderly development of stormwater infrastructure within a catchment, having regard to: a) existing capacity of stormwater infrastructure and ultimate catchment conditions; b) discharge for existing and future upstream development; and c) protecting the integrity of adjacent and downstream development.	No acceptable outcome specified.	Suitable arrangements can be made for the stormwater from any future development that the reconfiguration enables.
PO25 Major stormwater drainage network elements are designed and constructed with the capacity to control stormwater flows under normal and minor system blockage conditions for the applicable defined flood event ensuring there is no damage to property or hazards for motorists.	AO25 Stormwater infrastructure is designed in accordance with the requirements of the Development works Town plan policy.	Suitable arrangements can be made for the stormwater from any future development that the reconfiguration enables.
PO26 Reconfiguration of lots includes stormwater management measures in the design of any road reserve, streetscape or drainage networks to: a) minimise impacts on the water cycle; b) protect waterway health by improving stormwater quality and reducing site run-off; and	No acceptable outcome specified.	Suitable arrangements can be made for the stormwater from any future development that the reconfiguration enables.

Performance outcomes	Acceptable outcomes	Response
c) avoid large impervious surfaces. PO27 Construction activities for the development avoids or minimise adverse impacts on stormwater quality by: a) achieving the post construction stormwater management design objectives for pollution load reductions for Western Queensland (TSS 85% TP 60% TN 45% and 90% Gross pollutants) and or In lieu of modelling, the default bio-retention treatment area of 1.5 per cent of the contributing catchment area; and b) the waterway stability management design objective: limit the peak 1-year ARI event discharge within the receiving waterway to the pre-development peak1-year ARI discharge. An Erosion and Sediment Control Plan (ESCP) is prepared by a suitably qualified person that demonstrates: a) erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained, and any other erosion and sediment control practices are carried out in accordance with local conditions; or b) how stormwater quality will be managed in accordance with an acceptable regional or local guideline so that target contaminants are treated to a design objective at least equivalent of this Performance outcome.	AO27 Stormwater quality achieves the stormwater design objectives of the Development works Town plan policy.	Suitable arrangements can be made for the stormwater from any future development that the reconfiguration enables, including in the construction phase.
Earthworks		
PO28 Earthworks associated with roads: a) maintain the efficiency of the road network;	No acceptable outcome specified.	Only limited (if any) earthworks associated with roads are expected and these would be designed to not

Performance outcomes	Acceptable outcomes	Response
b) do not adversely impact upon residents or road infrastructure; and c) do not obstruct access to the site.		adversely impact upon residents or road infrastructure.
PO29 Development in the Rural zone and Rural residential zone manages soil erosion and sedimentation by: a) avoiding land clearing or earthworks in the riparian corridor to a designated stream; b) minimising the extent of disturbance on, or the stabilisation of slopes steeper than 10%; and c) managing and controlling surface drainage by using natural flow paths.	No acceptable outcome specified.	It is acknowledged that the reconfiguration is proposed to enable future development. However, this future development can and will be managed to avoid adverse soil erosion and sedimentation impacts.
PO30 Any disturbed areas within the site are to be progressively rehabilitated through appropriate earthworks and involve the: a) grading and reshaping of the disturbed areas to provide controlled and stable drainage flow paths; b) construction of drainage paths which divert high velocity flows away from disturbed areas; c) re-spreading of stored topsoil stripped from the site prior to commencement of construction works; and d) planting of the disturbed area with native species of grasses, ground covers and trees and placing mulch in between on the surface.	No acceptable outcome specified.	Any areas within the site that are disturbed by future development that is enabled by the reconfiguration would be progressively rehabilitated in line with the stated outcome.
Land use and transport integration		
PO31 Development: a) supports a road hierarchy which facilitates efficient movement of all transport modes; and b) appropriately integrates and connects with surrounding movement networks.	No acceptable outcome specified.	The proposal is suitable in this regard.
PO32	AO32	The proposal is suitable in this regard.

Performance outcomes	Acceptable outcomes	Response
Development provides direct and safe access to public passenger transport facilities.	Any through-site pathway connections to public passenger transport facilities are provided in accordance with Austroads guide to road design—Part 6A: Pedestrian and cyclist paths.	
Road design		
PO33 Roads providing access to the site are provided, constructed and maintained to a standard which is adequate for the traffic type and volume likely to be generated by the activities on site.	A033 Roadworks are provided in accordance with the requirements of the Development works Town plan policy.	Significant roadworks are not expected to be required, including for any future development enabled by the reconfiguration.
PO34 Street lighting and signs are provided to ensure the safety of both vehicles and pedestrians, and to facilitate access and movement.	PO34 Street lighting and signage comply with the requirements of the Development works Town plan policy.	Street lighting and signage are not expected to be required, including for any future development enabled by the reconfiguration.
Acoustic and air quality		
PO35 Utility services and service structures attached to buildings, do not adversely impact on the acoustic or visual amenity of the surrounding area and are: a) located as far from sensitive land uses, road frontage boundaries and public open spaces as practical; b) acoustically shielded and visually screened so as not to be audible or visible from adjoining and nearby sites, public open spaces and roads.	No acceptable outcome specified.	The proposal is suitable in this regard.

Charters Towers Regional Town Plan

8.3.3: Reconfiguring a Lot Code

Table 8.3.3.3(a) — Assessable development

Performance outcomes	Acceptable outcomes	Response
Lot design		
PO1 Reconfiguration creates lots that are of a sufficient size, shape and dimension: a) that are consistent with the character of the zone; b) to accommodate development commensurate with the required building footprint, setbacks, private open space, vehicle access and parking and servicing areas for the zone; c) that does not compromise the future development potential of land in the Emerging community zone and Industry investigation zone for urban purposes; and d) are sufficient to protect areas with significant ecological values.	AO1 Lots comply with the minimum lot size and dimensions specified for its zone in Table 8.3.3.3(b)— Minimum lot size and dimensions.	The two lots proposed as part of the reconfiguration do not comply with the minimum lot size and dimensions specified for its zone. However, the existing lot is already well below the minimum lot size. The proposal seeks to reflect the surrounding pattern of development, where approximately 50 lots within 3km of the existing site boundaries are of similar size to those that are proposed. As such, it is asserted that the reconfiguration creates lots that are of a sufficient size, shape and dimension having regard to the existing character and amenity of the area. Further, the lots are of a sufficient size, shape and dimension to accommodate suitable future development as well as to protect significant ecological values.
PO2 Rear lots are only created where: a) they are for the purpose of a single Dwelling house; b) the topography of the land or other physical features ensure that the amenity of adjoining lots would not be detrimentally affected;	AO2.1 Only one rear lot is provided behind each full frontage lot.	The proposal does not include a rear lot.
	AO2.2 The minimum size of a rear lot, excluding its access handle is: a) the same as the minimum lot size for the relevant zone in accordance with Table	The proposal does not include a rear lot.

Performance outcomes	Acceptable outcomes	Response
c) the circumstances of the particular case are such that it would not be desirable or practical to provide full frontage lots; and d) the function and safety of the road frontage road is not adversely affected and allows for waste collection.	8.3.3.3(b)–Minimum lot size and dimensions; and b) is capable of containing a building envelope having minimum dimensions of 15m x 20m.	
	A02.3 The access handle of the rear allotment has a minimum width of 4m.	The proposal does not include a rear lot.
PO3 Any boundary realignment must: a) improve the shape or utility of the existing lot; b) be consistent with the character of the zone; and c) not create additional lots.	A03.1 No additional lots are created.	The proposal is not for a boundary realignment.
	A03.2 The boundary realignment meets the minimum lot size and dimensions in accordance with Table 8.3.3.3(b)–Minimum lot size and dimensions.	The proposal is not for a boundary realignment.
PO4 Any boundary realignment must a) be an improvement on the existing situation; b) avoid encumbering existing physical features such as dams and waterways; and c) not create a situation where, as a result of the reconfiguration any buildings or structures become unlawful.	No acceptable outcome is nominated.	The proposal is not for a boundary realignment.
General design		
PO5 The layout of lots, streets and infrastructure avoids or minimises impacts on environmental features by: a) following the natural topography and minimising earthworks; b) avoiding crossing or otherwise fragmenting waterways, wetlands, habitat areas, ecological corridors or steep land; and c) maintaining natural drainage features and hydrological regimes.	No acceptable outcome is nominated.	The design of the reconfiguration suitably avoids or minimises impacts on environmental features. The natural topography will be unchanged. Any habitat areas are avoided, and natural drainage features are maintained.
PO6 Lot design does not increase risks to people and property through:	No acceptable outcome is nominated.	The lot design does not increase risks to people and property through natural hazards or unreasonable impacts from existing lawful uses.

Performance outcomes	Acceptable outcomes	Response
a) natural hazards; and b) unreasonable impacts from noise dust, odour or other nuisance from existing lawful uses.		
PO7 Reconfiguration is designed to ensure integration with the surrounding locality, having regard to: a) connections to surrounding streets, pedestrian and cycle networks and other infrastructure networks; b) open space networks, habitat areas or corridors; c) connections to centres, employment areas and recreation areas; d) surrounding landscaping and streetscape treatments; and e) the interface between adjoining land uses.	No acceptable outcome is nominated.	The reconfiguration is designed to ensure integration with the surrounding locality. The subject site is in area that is characterised by rural-residential uses.
Neighbourhood design in the General residential zone		
PO8 Reconfigurations are designed to ensure: a) the creation of seamless interlinked neighbourhoods with residential character and identity; b) pedestrian movement is encouraged; and c) neighbourhoods are concentrated around community focus points such as centres and parks.	No acceptable outcome is nominated.	The proposal is not in the general residential zone.
PO9 A variety of lot sizes are provided in close proximity to centres and parks to promote a wider housing choice and mix that are consistent with zone outcomes.	No acceptable outcome is nominated.	The proposal is not in the general residential zone.
PO10 Neighbourhood design provides for safer communities by maximising opportunities for casual surveillance and minimising opportunities for crime and vandalism.	No acceptable outcome is nominated.	The proposal is not in the general residential zone.
PO11	No acceptable outcome is nominated.	The proposal is not in the general residential zone.

Performance outcomes	Acceptable outcomes	Response
Movement and open space networks are: a) safe, clearly legible and have a high degree of connectivity; and b) interconnected through a grid or modified grid pattern.		
PO12 Movement networks prioritise walking and cycling within neighbourhoods.	No acceptable outcome is nominated.	The proposal is not in the general residential zone.
PO13 The permeability and connectivity of streets is not compromised by the use of cul-de-sacs unless no alternative arrangement is possible.	No acceptable outcome is nominated.	The proposal is not in the general residential zone.
Climate responsive design		
PO14 Neighbourhood layouts are designed to respond to local climate conditions and enable energy efficient dwellings.	No acceptable outcome is nominated.	The proposal is suitable in this regard.
Lot reconfiguration in the Industry zone		
PO15 Reconfiguration facilitates all types of industrial activities through: a) the creation of functional activity areas and building footprints; b) a range of lot sizes; c) accommodating appropriate waste water management capabilities; and d) maximising access to significant roads, highways and railways.	No acceptable outcome is nominated.	The proposal is not in the industry zone.
PO16 Where reconfiguration adjoins land in another zone, lots are of a sufficient size to mitigate any noise, air quality and visual impacts on that adjoining land.	No acceptable outcome is nominated.	The proposal is not in the industry zone.
Lot reconfiguration in the Rural zone		
PO17 Reconfiguration:	AO17	As above, the two lots proposed as part of the reconfiguration do not comply with the minimum lot

Performance outcomes	Acceptable outcomes	Response
a) maintains rural, open space and landscape character; b) protects the productive capacity of rural land resources; c) allows for the efficient operation of rural activities and viable farming and grazing practices; and d) development does not adversely impact extractive and mining operations.	Lots comply with the minimum lot size and dimensions for the rural zone specified in Table 8.3.3.3(b)–Minimum lot size and dimensions.	size and dimensions specified for the rural zone. Despite this, it is asserted that the proposal reflects the surrounding pattern of development and will maintain the existing rural, open space and landscape character. Further, the surrounding area is characterised less by agricultural activities and more by rural-residential uses, such that the proposal will protect the productive capacity of rural land resources and allow for the efficient operation of rural activities. Finally, the proposal is not located near to any extractive and mining operations.
PO18 Reconfiguration of land identified as Class A and B Agricultural land does not: a) adversely impact on the viability of land for productive agricultural purposes; and b) constrain existing farming activities.	AO18 Lots comply with the minimum lot size and dimensions for the rural zone specified in Table 8.3.3.3(b)–Minimum lot size and dimensions.	While the very eastern extent of the site is identified as Class A and B Agricultural land, it is asserted that the proposal will not adversely impact on the viability of land for productive agricultural purposes or constrain existing farming activities.
Infrastructure and services		
PO19 Each reconfigured lot is provided with infrastructure and services appropriate to its intended use and location in a manner that: a) is efficient; b) is adaptable to allow for future infrastructure upgrades; c) minimises risk of adverse environmental or amenity-related impacts; d) promotes the efficient use of water resources; and e) minimises whole of life cycle costs for that infrastructure.	AO19.1 Lots created within the Priority Infrastructure Area are designed and configured to connect to a reticulated water supply and a reticulated sewerage in accordance with the Development works Town plan policy.	The site is not in the Priority Infrastructure Area.
	AO19.2 Lots created outside the Priority Infrastructure Area are designed and configured to: a) connect to a potable on site water supply in accordance with the Development works Town plan policy; and b) treat wastewater on site in accordance with the Development works Town plan policy.	Any future development will be designed to connect to a potable on site water supply and treat wastewater on site.
	AO19.3 Lots are designed and configured to provide for stormwater infrastructure in accordance with the	Any future development will be designed to provide for stormwater infrastructure.

Performance outcomes	Acceptable outcomes	Response
	design requirements of the Development works Town plan policy.	
	AO19.4 Lots are connected to electricity and telecommunications infrastructure in accordance with the standards of the relevant regulatory authority prior to the commencement of any use of the site.	The lots will be suitably connected to electricity and telecommunications infrastructure.
PO20 Where reconfiguration proposes individual on site wastewater disposal, it must be demonstrated that: a) the soil type and permeability, slope, and hydrology of the land is capable of accommodating the proposed loads within the lot; b) there is sufficient area within the lot for an alternative disposal area should it be required; and c) individually and collectively, the impacts of the existing and proposed systems do not adversely impact on the groundwater quality of the locality.	No acceptable outcome is nominated.	No development requiring on site wastewater disposal is proposed as part of the reconfiguration. However, it is acknowledged that the reconfiguration is proposed to enable such development. The large lot areas and the nature of the land can comfortably accommodate on site wastewater disposal, including any alternative disposal area should it be required. While there are existing systems in the surrounding area, it is expected that the widely spaced nature of these systems will avoid any adverse impacts on the groundwater quality of the locality.
Access and road design		
PO21 Lots have safe access for vehicles and pedestrians through: a) direct frontage to a properly constructed public road or to common property having a direct frontage to a properly constructed public road created under a community management statement; and b) providing access appropriate for the type of vehicle associated with development.	AO21 Lots are designed to achieve safe vehicle and pedestrian access in accordance with the Development works Town plan policy.	While no development requiring vehicle and pedestrian access is currently proposed, it is acknowledged that the reconfiguration is proposed to enable such development. The design of the reconfiguration means that safe access to the appropriate standard will be able to be provided by direct frontage to a properly constructed public road.
PO22 Reconfiguration involving the creation of new roads must:	No acceptable outcome specified.	No new roads are proposed.

Performance outcomes	Acceptable outcomes	Response
a) provide for the safe, efficient and convenient movement for all modes of transport; b) are designed and constructed to support their intended function for all relevant design vehicle types; c) provide safe and easy access to the frontage of lots; d) are designed and constructed to give priority to pedestrian and bicycle pathways at intersections; e) where practicable, align with open space corridors and waterways; and f) where appropriate provide connections to adjoining land.		
PO23 New roads ensure streetscape and landscape treatments are provided that: a) create an attractive and legible environment which establishes character and identity; b) maintain important views and vistas where possible; c) enhance safety and comfort, and meet user needs; d) complement the function of the street in which they are located by reinforcing desired traffic speed and behaviour; e) support safe pedestrian and cycling movement; f) maximise infiltration of stormwater runoff wherever practicable; g) provide shade through street trees along road frontages; and h) minimise maintenance and whole of lifecycle costs.	No acceptable outcome specified.	No new roads are proposed.
PO24 Reconfiguration includes appropriate pedestrian and cycle infrastructure that:	No acceptable outcome is nominated.	No pedestrian and cycle infrastructure are proposed.

Performance outcomes	Acceptable outcomes	Response
a) provides a high level of connectivity and permeability that links residential areas with schools; centres, community activity uses; parks and employment areas; b) provides for safe street crossings and for safety between pedestrians and cyclists; c) is designed taking into account topography and convenience for users; and d) meets disability access standards.		
Stormwater management		
PO25 Reconfiguring a lot development: a) manages the stormwater quality, quantity and velocity flow characteristics from the lot to maintain or improve the pre-development levels; and b) where practicable incorporates stormwater reuse	No acceptable outcome is nominated.	The design of the reconfiguration, including the large lot areas, means that stormwater can be comfortably managed on site, where there is ample area for it to drain away naturally.
Parks and open space		
PO26 Reconfiguring a lot provides parkland or open space which: a) meets the needs of the community for a range of active and passive uses; and b) is of a sufficient size and shape to accommodate recreation activities with associated equipment and facilities.	AO26 Parkland is provided in accordance with the Local Government Infrastructure Plan.	No parks or open space are proposed.
PO27 The design of parkland or open space: a) contributes to the character of the neighbourhood or area; b) is safe and functions as a focal point for the neighbourhood or community;	No acceptable outcome is nominated.	No parks or open space are proposed.

Performance outcomes	Acceptable outcomes	Response
c) minimise the interface between residential lots and open space through appropriate treatments including alignment, fencing and landscaping; d) maximises road frontage to facilitate casual surveillance; e) incorporates natural areas including important local vegetation, waterways, ridgelines and wetlands; f) preserves landscape features important to the scenic amenity of a locality; g) is linked to existing parkland or open space networks wherever possible; h) offers a broad range of informal and formal experiences to the community; i) is cost effective to maintain; and j) provided in the early stages of staged developments.		
PO28 The location of parkland or open space is conveniently located to residential neighbourhoods.	No acceptable outcome is nominated.	No parks or open space are proposed.
PO29 Open space for conservation purposes protects riparian corridors, significant vegetation and wildlife habitat and movement corridors.	No acceptable outcome is nominated.	No parks or open space are proposed.
Volumetric reconfiguration		
PO30 Volumetric reconfiguration (subdivision of space above or below the surface of land): a) facilitates efficient development that is consistent with the intent for the zone; or b) is consistent with a development approval.	No acceptable outcome is nominated.	The proposal does not relate to volumetric reconfiguration.
Access easement		
PO31 The access easement must: a) be of adequate width;	AO31	The proposal does not relate to an access easement.

Performance outcomes	Acceptable outcomes	Response
b) be constructed to a standard appropriate to the situation; and c) not result in unreasonable detriment or nuisance to neighbours.	The access easement is designed in accordance with the design requirements of the Development works Town plan policy.	
Stock routes		
PO32 The stock route network identified in the State planning policy mapping – agriculture, development and construction, mining and extractive resources is protected from encroachment by sensitive and incompatible land uses and access works are robust, fit-for-purpose and provide for the safe passage of stock traversing the stock route.	A032 No new allotments are created adjacent to the stock route network.	The proposal is located well away from the stock route network.

Appendix 6: Letter of Support

Re: Support for Subdivision Application – Impact on Agricultural Viability

To the Regional Council Planning Department,

I write in support of the proposed subdivision of approximately 23 acres and wish to address the question of whether the subdivision will affect the viability of the land for stock grazing. Being only 100 hectares it is really not suitable for a Commercial grazing operation and more suited to a hobby.

The ability to grow crops on the property with use of the existing water licence would not be impacted at all, given that the proposed block to be partitioned off is not suitable for crops. The reduction of the main property size by less than 10 percent will have very little if any impact on the ability to support grazing.

The proposed subdivision will not result in any significant loss of productive grazing capacity. The land area remaining is sufficient to continue supporting stock grazing as a viable agricultural activity, and the subdivision does not materially reduce the property's ability to be managed for this purpose.

The proposal does not introduce any physical barriers or constraints that would prevent ongoing grazing operations. Existing and future paddocks can continue to be managed effectively, with livestock access, fencing, water supply, and general farm management remaining practical and achievable.

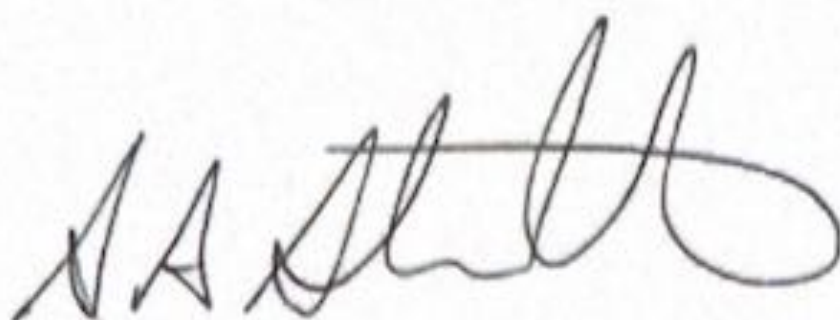
Furthermore, the subdivision will not lead to fragmentation of productive agricultural land to an extent that compromises its use. The land will continue to be capable of supporting grazing consistent with its current and intended agricultural purpose. The scale of the subdivision is such that it does not diminish the overall agricultural productivity or economic viability of the remaining grazing land.

It is also important to note that modern grazing enterprises vary considerably in size depending on stocking rates, pasture quality, management practices, and seasonal conditions. The proposed subdivision does not prevent these management practices from continuing, nor does it reduce the land below a size that would render it unsuitable for livestock grazing.

For these reasons, it is considered that the proposed 23-acre subdivision will have **no significant adverse impact on the viability of stock grazing** or the ongoing agricultural use of the land. The proposal remains consistent with maintaining productive rural land while allowing an appropriate subdivision that does not compromise agricultural outcomes.

Accordingly, I respectfully request that Council support and approve the subdivision application.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Shane Stretton', with a large, stylized flourish at the end.

Shane Stretton

Company Based Agent

Livestock/Real Estate

Nutrien Ag Solutions Charters Towers

9A Blacks Rd Charters Towers Qld 4820

Ph: 0427158115

Email: shane.stretton@nutrien.com.au



This plan was prepared for the purpose

to accompany application to
CHARTERS TOWERS REGIONAL

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

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

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

PROPOSED SUBDIVISION OF LOT 1 MPH40617

Cancelling LOT 1 ON MPH40617

CLIENT

Shane Downes

LOCAL GOVERNMENT

CHARTERS TOWERS REGIONAL

DATE

30-03-2026

FILE

P26_078

SCALE

1:6000 @ A3

SURVEYOR REF.

26_078

FIELDBOOK

n/a

DRAWN:

JG

LOCALITY: SEVENTY MILE

Atkinson
SURVEYS

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

CADASTRAL SURVEYS

P26_078

Sheet 1 of 1
Form 1.4