



3 June 2026

Our Ref: 5264319
File Ref: OPW2025/0003
Enquiries: Peter Boyd

Burdekin Clarke Pty Ltd and Burdekin Doonan Pty Ltd
C/- BNC Planning
Attn: Benjamin Collings
PO Box 5493
TOWNSVILLE QLD 4810

Sent via email: enquire@bncplanning.com.au

Dear Ben

Decision Notice – Approval
(Given under Section 63 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was approved under delegated authority on 26 May 2026. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

Applicant details

Applicant name: Burdekin Clarke Pty Ltd and Burdekin Doonan Pty Ltd

Location details

Street address: 9 Blacks Road, Broughton
Real property description: Lot 4 on SP200726

Application details

Application number: OPW2025/0003
Approval type: Development Permit
Development type: Operational Work
Category of assessment: Code Assessment
Description of development: Civil Works associated with Reconfiguring a Lot (1 into 7 lots)
Definition of use: Development Permit
Categorising instrument: Charters Towers Regional Town Plan Version 2

1. Details of the approval

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

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charterstowers.qld.gov.au | **ABN.** 67 731 313 583

www.charterstowers.qld.gov.au



	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Operational work for reconfiguring a lot, if the reconfiguration is also assessable development	Schedule 10, part 12, division 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Conditions of approval

Condition Number	Condition	Timing								
Approved Plans/Documents										
1.	<p>Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:</p> <table border="1" data-bbox="288 922 1230 1025"> <thead> <tr> <th>Drawing Title:</th> <th>Prepared by:</th> <th>Date:</th> <th>Ref No:</th> </tr> </thead> <tbody> <tr> <td>Project 190105/230109</td> <td>APECS</td> <td>19/01/2026</td> <td>Sheet 501</td> </tr> </tbody> </table>	Drawing Title:	Prepared by:	Date:	Ref No:	Project 190105/230109	APECS	19/01/2026	Sheet 501	At all times
Drawing Title:	Prepared by:	Date:	Ref No:							
Project 190105/230109	APECS	19/01/2026	Sheet 501							
General										
2.	<p>a) Comply with all conditions within this Development Permit and RAL25/00015 with conditions prevailing over the approved plan(s) and document(s) in all instances;</p> <p>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure including roads, water, sewer and stormwater services; and</p> <p>c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</p>	At all times								
General										
3.	<p>The development is approved to be carried out in two (2) stages as shown on the approved plans.</p> <p>a) Comply with all conditions within this Development Permit and RAL2025/0015 with conditions prevailing over the approved plan(s) and document(s) in all instances;</p> <p>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure; and</p> <p>c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</p>	As stated								
Amended Plans										
4.	<p>Prior to the Pre-Start Meeting, amended engineering drawings must be submitted to and approved by Council. The amended drawings must:</p> <p>a) specify water pipe material, being PVC-M PN16 or PE100 PN20 pipework;</p>	As stated								



Condition Number	Condition	Timing
	<ul style="list-style-type: none"> b) demonstrate that all vehicle movement areas within Easement A are designed to be constructed, sealed and maintained with a minimum two coat bitumen seal over a 150mm deep gravel pavement, with a minimum sealed pavement width of 9 metres; c) detail a concrete or other Council approved surface to the turning area, designed to accommodate the largest anticipated vehicle, being a 53.5 metre long vehicle, including appropriate geometry and swept path; and d) be certified by a Registered Professional Engineer of Queensland (RPEQ). <p>All works must be carried out in accordance with the approved plans.</p>	
Environmental		
5.	Ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control are to be in accordance with <i>International Erosion Control Association – Best Practice Erosion & Sediment Control guidelines and the Queensland Urban Drainage Manual 2017</i> .	At all times
6.	The construction of the development must be limited to 0630—1830 Monday to Saturday and not at all on Sunday and public holidays as per Section 440R of the <i>Environmental Protection Act 1994</i> . Noise generated from construction must be within the limits set by the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 2019</i> .	At all times
7.	Ensure that: <ul style="list-style-type: none"> a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants; b) The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state; and c) All construction materials are contained wholly within the premises. 	As part of construction works
Damage		
8.	The developer is responsible for the repair of any damage that is caused to Council infrastructure as a result of construction works associated with the proposed development. The developer must make any damage safe and then notify Council immediately. Council will make the decision as to who will carry out the rectification works and the timing for completion of those works.	At all times
Pre-construction		
9.	Contact Council to arrange a pre-start meeting. The pre-start meeting must include the following: <ul style="list-style-type: none"> a) Notification of the principal contractor for the works; b) A copy of the contractor's public liability insurance policy for a minimum of twenty million dollars indemnifying Council against all claims resulting from the construction works of this development; c) A program of works, demonstrating all major activities and milestones; and d) A Traffic Management Plan addressing proposed works. 	Prior to commencement of construction



Condition Number	Condition	Timing
Earthworks		
10.	All site and earthworks must: a) Be undertaken in accordance with <i>AS/NZ 3798 Guidelines on Earthworks for Commercial and Residential Developments</i> ; b) Be in accordance with <i>Australian Standard 1289 Methods of Testing Soils for Engineering Purposes</i> ; c) Comprise of clean fill and be compacted to building pad standard. A Supervision certificate by a Registered Professional Engineer of Queensland must be submitted to Council upon completion of works; and d) Ensure compliance with Part 3B of the <i>Environmental Protection Act 1994</i> , which prohibits unlawful environmental nuisance caused by dust, beyond the boundaries of the property.	As part of construction
Discharge of Stormwater		
11.	Stormwater associated with development is discharged to: a) a lawful connection provided from the premises to Council's stormwater network; or b) land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or c) an easement for drainage purpose immediately adjoining to the premises; or d) where the site cannot discharge to a, b or c, stormwater is discharged from the site in a manner that does not result in: i. change to the location of stormwater discharge; ii. an increase to peak flow velocity or volume; or iii. a concentration in stormwater discharge.	At all times
Stormwater Nuisance		
12.	All stormwater from the land must be directed to a lawful point of discharge as per the approved plan(s) such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.	At all times
Open Channels		
13.	Open channels must be designed in accordance with the Queensland Urban Drainage Manual and must have smooth transitions with access provisions for maintenance and cleaning.	At all times
Stormwater Certification RPEQ		
14.	Within 5 business days of the completion of the work, provide RPEQ certification to Council that confirms that all stormwater works have been constructed in accordance with the certified drawings.	As stated

3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of two years.



4. Further development permits

None applicable.

5. Referral agencies

None applicable.

6. Submission(s)

Not applicable.

7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

Description of the development:	Operational Works for Civil Works associated with Development Permit for Reconfiguring a Lot for 1 lot into 7	
Reasons for the decision:	The proposed development was assessed against the Charters Towers Regional Town Plan Version 2 and was found to generally comply with the relevant Acceptable Outcomes and Performance Outcomes.	
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan Version 2 including the: <ol style="list-style-type: none"> 1) Natural environment overlay code 2) Development works code 	
	The proposed development was assessed against all the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	N/A	N/A
Relevant matters:	N/A	
Matters raised in submissions:	Submission Point:	Council Response:
	N/A	N/A

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

There are no other requirements.

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.



An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

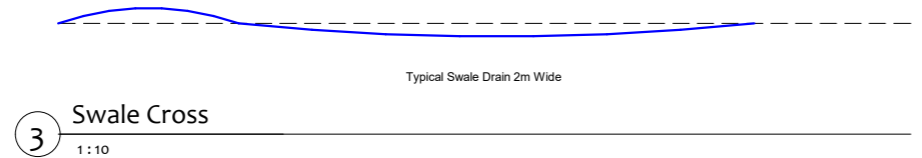
Should you wish to discuss this matter, please contact Council on (07) 4761 5300.

Yours faithfully

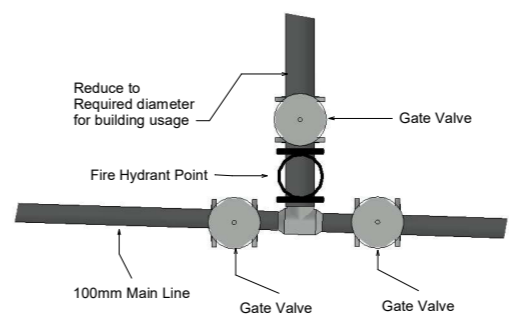


Timna Green
Manager Planning & Development

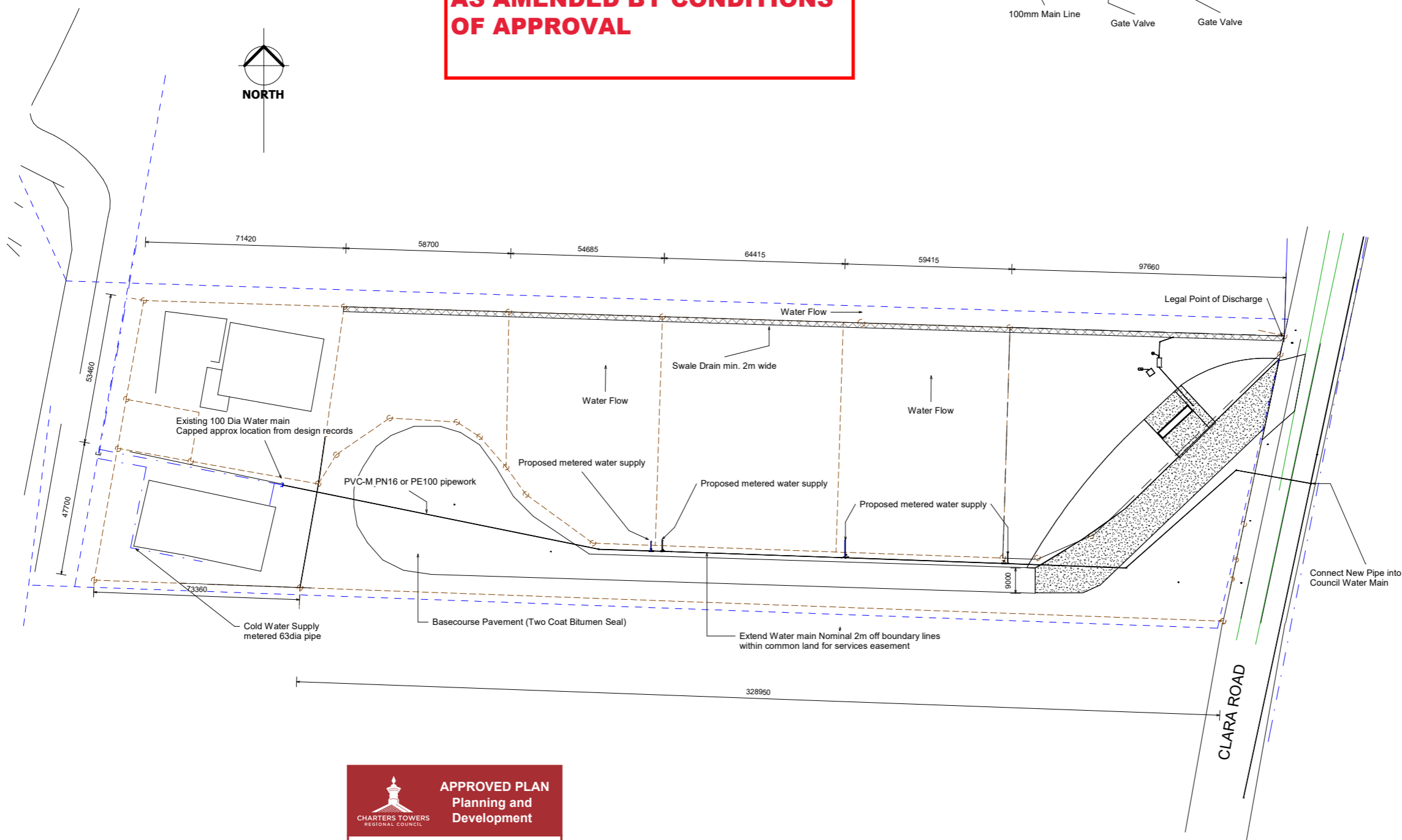




3 Swale Cross
1:10



AS AMENDED BY CONDITIONS OF APPROVAL



REV.	DESCRIPTION	BY	APPD	DATE
REVISION SCHEDULE				



DRAWN.		
DESIGNED.	PDD	
CHECKED.	PDD	
APPROVED.	SK	

For Approval

Client :
Peter Doonan

Project :
OP Works

Address :
CLARA ROAD
CHARTERS TOWERS Q
4820

Sheet Name :
Proposed Water Main Extn

SCALE	A1	As indicated
	ORIGINAL	A1

PROJECT
190105/230109

SHEET No	501	DATE ISSUED
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ISSUED 19-01-2026

APPROVED PLAN
Planning and
Development

CHARTERS TOWERS
REGIONAL COUNCIL

DATE: 26 MAY 2026
APPLICATION: OPW2025/0003

1 SITeworks DETAILS 2
Water Main (Fire)
1:750

Planning Act 2016

Reprint current from 2 August 2024

Chapter 6 > Part 1

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the

applicant gives the deemed approval notice to the assessment manager; or

- (g) for an appeal relating to the Plumbing and Drainage Act 2018—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the Plumbing and Drainage Act 2018, section 143(2)(a) (i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the Plumbing and Drainage Act 2018—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the Plumbing and Drainage Act 2018—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and

- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.