



27 May 2026

Our Ref: 5259973  
File Ref: OPW2026/0005  
Enquiries: Mark Alivio

Cloanboash Pty Ltd  
C/ - SMCE Pty Ltd  
Attn: Ryan McKenzie  
**18 Ingham Road**  
**WESTEND QLD 4820**

Sent via email: [admin@smce.net.au](mailto:admin@smce.net.au)

Dear Ryan,

**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**

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Applicant name: Cloanboash Pty Ltd C/ - SMCE Pty Ltd (Ryan McKenzie)

**Location details**

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Street address: 3 Boystown Lane and 3 Vulture Street, Charters Towers City 4820  
Real property description: Lot 2 of SP260871 and Lot 3 of SP260871  
Current lawful use: Residential

**Application details**

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Application number: OPW2026/0005  
Approval type: Development Permit  
Development type: Operational Works  
Category of assessment: Code Assessment  
Description of development: Civil Works for Multiple Dwelling Unit Development in relation to MCU2024/0003  
Definition of use: As per Planning Scheme  
Categorising instrument: Charters Towers Regional Town Plan Version 2

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](mailto:mail@charterstowers.qld.gov.au) | **ABN.** 67 731 313 583

[www.charterstowers.qld.gov.au](http://www.charterstowers.qld.gov.au)



## 1. Details of the approval

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

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 2. Conditions of approval

Condition Number	Condition	Timing																																			
<b>Approved Plans/Documents</b>																																					
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"> <thead> <tr> <th>Drawing Title:</th> <th>Prepared by:</th> <th>Date:</th> <th>Ref No.</th> <th>Rev.:</th> </tr> </thead> <tbody> <tr> <td>Hydraulic Services Title Page and Notes</td> <td>Parker Hydraulic Designs</td> <td>09/03/ 2026</td> <td>25-055-H100</td> <td>A</td> </tr> <tr> <td>Hydraulic Services Sanitary Plumbing and Drainage</td> <td>Parker Hydraulic Designs</td> <td>09/03/ 2026</td> <td>25-055-H200</td> <td>A</td> </tr> <tr> <td>Hydraulic Services Water Reticulation</td> <td>Parker Hydraulic Designs</td> <td>09/03/ 2026</td> <td>25-055-H300</td> <td>A</td> </tr> <tr> <td>Hydraulic Services Building Stormwater</td> <td>Parker Hydraulic Designs</td> <td>09/03/ 2026</td> <td>25-055-H400</td> <td>A</td> </tr> <tr> <td>Sewer and Water Site Services Layout Plan</td> <td>SMCE</td> <td>04/02/ 2026</td> <td>24106QK</td> <td>A</td> </tr> <tr> <td>Sewerage Master Plan</td> <td>SMCE</td> <td>27/04/2026</td> <td>24106QK</td> <td>A</td> </tr> </tbody> </table>	Drawing Title:	Prepared by:	Date:	Ref No.	Rev.:	Hydraulic Services Title Page and Notes	Parker Hydraulic Designs	09/03/ 2026	25-055-H100	A	Hydraulic Services Sanitary Plumbing and Drainage	Parker Hydraulic Designs	09/03/ 2026	25-055-H200	A	Hydraulic Services Water Reticulation	Parker Hydraulic Designs	09/03/ 2026	25-055-H300	A	Hydraulic Services Building Stormwater	Parker Hydraulic Designs	09/03/ 2026	25-055-H400	A	Sewer and Water Site Services Layout Plan	SMCE	04/02/ 2026	24106QK	A	Sewerage Master Plan	SMCE	27/04/2026	24106QK	A	At all times
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Condition Number	Condition	Timing
2.	<p>Submit to Council As Constructed drawings, including asset information, prepared and certified by a Registered Professional Engineer Queensland, for review and acceptance prior to inspections or placing the construction 'on maintenance'. The data is to be submitted with a cover note detailing the development application reference, legal description of the land, address and consultant's name and contact details. Information to be provided:</p> <ul style="list-style-type: none"> <li>• asset information with costing breakdown (further requirement information available)</li> <li>• ADAC compliant XML files (preferred), and/or</li> <li>• PDF and DWG or DXF files that include relevant asset attributes (in the GDA2020 coordinate system)</li> <li>• Pre-On-Maintenance Inspection Checklist (by RPEQ)</li> </ul>	After completion of construction
<b>General</b>		
3.	<p>a) Comply with all conditions within this Development Permit and MCU2024/0003 (Ref: 4987550) 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>	At all times
<b>Environmental</b>		
4.	Ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control is to be in accordance with International Erosion Control Association – Best Practice Erosion & Sediment Control guidelines and the Queensland Urban Drainage Manual 2017.	As part of construction and thereafter
5.	The construction of the development (not operation) must be limited to 0630—1830 Monday to Saturday and not at all on Sunday and public holidays as per Section 440R of the Environmental Protection Act 1994. Noise generated from construction must be within the limits set by the Environmental Protection Act 1994 and the Environmental Protection (Noise) Policy 20019.	At all times
6.	<p>Ensure that:</p> <p>a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants.</p> <p>b) The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state, and</p> <p>c) All construction materials are contained wholly within the premises.</p>	As part of construction



Condition Number	Condition	Timing
7.	Do not place earth fill adjacent or in proximity to any site boundary unless: <ul style="list-style-type: none"> <li>a) The fill is retained on the boundary with approval from Council, and</li> <li>b) Adjoining properties are not adversely affected with respect to a loss of privacy and safety (caused by the ability for example to look over boundary fences) and changes in the natural drainage pattern because of the works.</li> </ul>	As part of construction
<b>Pre-construction</b>		
8.	Contact Council to arrange a pre-start meeting. The pre-start meeting must include the following: <ul style="list-style-type: none"> <li>a) Notification of the principal contractor for the works</li> <li>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</li> <li>c) A programme of works, demonstrating all major activities and milestones, and</li> <li>d) A Traffic Management Plan addressing the following:               <ul style="list-style-type: none"> <li>i) safe and accessible pedestrian movement in and around the site over the life of the project:</li> <li>ii) access and egress for the site over the life of the project</li> <li>iii) haul routes for earthworks and other construction activities over the life of the project</li> <li>iv) general traffic guidance around the site over the life of the project, and proposed parking areas for construction vehicles, staff working on-site and visitors.</li> </ul> </li> </ul>	Prior to commencement of construction
<b>Earthworks</b>		
9.	All site and earthworks must: <ul style="list-style-type: none"> <li>a) Be undertaken in accordance with <i>AS/NZ 3798 Guidelines on Earthworks for Commercial and Residential Developments</i></li> <li>b) Be in accordance with <i>Australian Standard 1289 Methods of Testing Soils for Engineering Purposes</i>,</li> <li>c) Comprise of clean fill and be compacted to building pad standard. A Supervision certificate by a <i>Registered Professional Engineer of Queensland</i> must be submitted to Council upon completion of works, and</li> <li>d) Ensure compliance with Part 3B of the Environmental Protection Act 1994, which prohibits unlawful environmental nuisance caused by dust, beyond the boundaries of the property.</li> </ul>	As part of construction



Condition Number	Condition	Timing
<b>Maintenance Periods</b>		
10.	A maintenance and defects bond calculated at 5% of the total cost of construction for all works which are to be transferred to Council upon the completion of the development is to be paid. The costs of the construction are to be an itemised bill of quantities provided by a RPEQ. The bond is to be held by Council in trust until the works are considered 'off maintenance'.	Prior to works being requested to be 'on maintenance'
11.	An 'on maintenance' inspection is required to be undertaken and the works which are to be transferred to Council must be placed 'on maintenance' for a minimum period of twelve months (maintenance period) following the satisfactory demonstration and inspection of the final works.	After completion of construction
12.	Upon the completion of the 'maintenance period', rectification of all defects identified by Council are to be completed to the satisfaction of Council. Upon Council being satisfied with the results of an 'off maintenance' inspection and compliance against development approvals conducted by council Officers following the end of the maintenance period.	After completion of maintenance period

<b>Advisory Notes</b>	
<b>Scale or Intensity of Use</b>	
A.	Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the <i>Planning Act 2016</i> and would have to comply with the requirements of the relevant provisions.
<b>Local and State Heritage</b>	
B.	The Charters Towers Regional Council local government area contains significant Local and State heritage features including stone pitch kerbing and channels and footbridges. Persons damaging or removing Local or State heritage features may be prosecuted and fined with the maximum penalty under the <i>Planning Act 2016</i> . Please contact Council prior to commencing any works, to determine if there are any Local or State heritage features within or adjacent to the premises.
<b>Aboriginal and Cultural Heritage</b>	
C.	The <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: <a href="https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care">https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care</a>
<b>Abandoned Mine Shafts</b>	



**Advisory Notes**

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

**Workplace Health and Safety**

- |    |  |
|----|--|
| E. | Ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers. |
|----|--|

**Environmental nuisance**

- |    |   |
|----|---|
| F. | <p>Ensure compliance with the <i>Environmental Protection Act 1994</i>. It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p>Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.</p> |
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<b>Advisory Notes</b>	
<b>Building Works Near Sewer Mains</b>	
G.	<p><b>Any building works located or near any existing sewer on this site</b> is subject to an <a href="#">Application for Building works where Council is Referral Agency – for Permission to Build over/and or adjacent to Sewer Mains</a>. The design of the building and footings over or near the sewer are to comply with the performance criteria in Section MP 1.4 of the <i>Queensland Development Code</i> where relevant.</p> <p>Please also see <a href="#">Guide to building over or adjacent to local government sewerage infrastructure</a></p>
<b>Council Forms, Policies and Drawings</b>	
H.	<p>In achieving compliance with conditions, the below Council forms will need to be completed for this development:</p> <ul style="list-style-type: none"> <li>a) <a href="#">F0227 - Application to carry out works on a Council Road (including pathways)</a></li> <li>b) <a href="#">Standard drawings and specifications for driveways and roads</a></li> <li>c) <a href="#">F0313 – Request for water supply connection or disconnection</a></li> </ul>

### 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 (2) years.

### 4. Further development permits

Not applicable

### 5. Referral agencies

There are no referral agencies for this application.

### 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.

<b>Description of the development:</b>	Operational Works for Civil Works for Multiple Dwelling Unit Development associated with a current development approval MCU2024/0003 – Dual Occupancy x2.
<b>Reasons for the decision:</b>	The application for the Operational Works has been assessed against the relevant provisions of the North Queensland Regional Plan 2020 and the Charters Towers Regional Town Plan



	Version 2. It is considered that the proposal is reasonable and is recommended for approval subject to relevant conditions.	
<b>Assessment benchmarks:</b>	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan Version 2 including the: 1) 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.	
	<b>Assessment benchmark:</b>	<b>Reasons for the approval despite non-compliance with benchmark:</b>
	N/A	N/A
<b>Relevant matters:</b>	N/A	
<b>Matters raised in submissions:</b>	<b>Submission Point:</b>	<b>Council Response:</b>
	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**

Enc. Approved Documentation

PO Box 189 Charters Towers Qld 4820

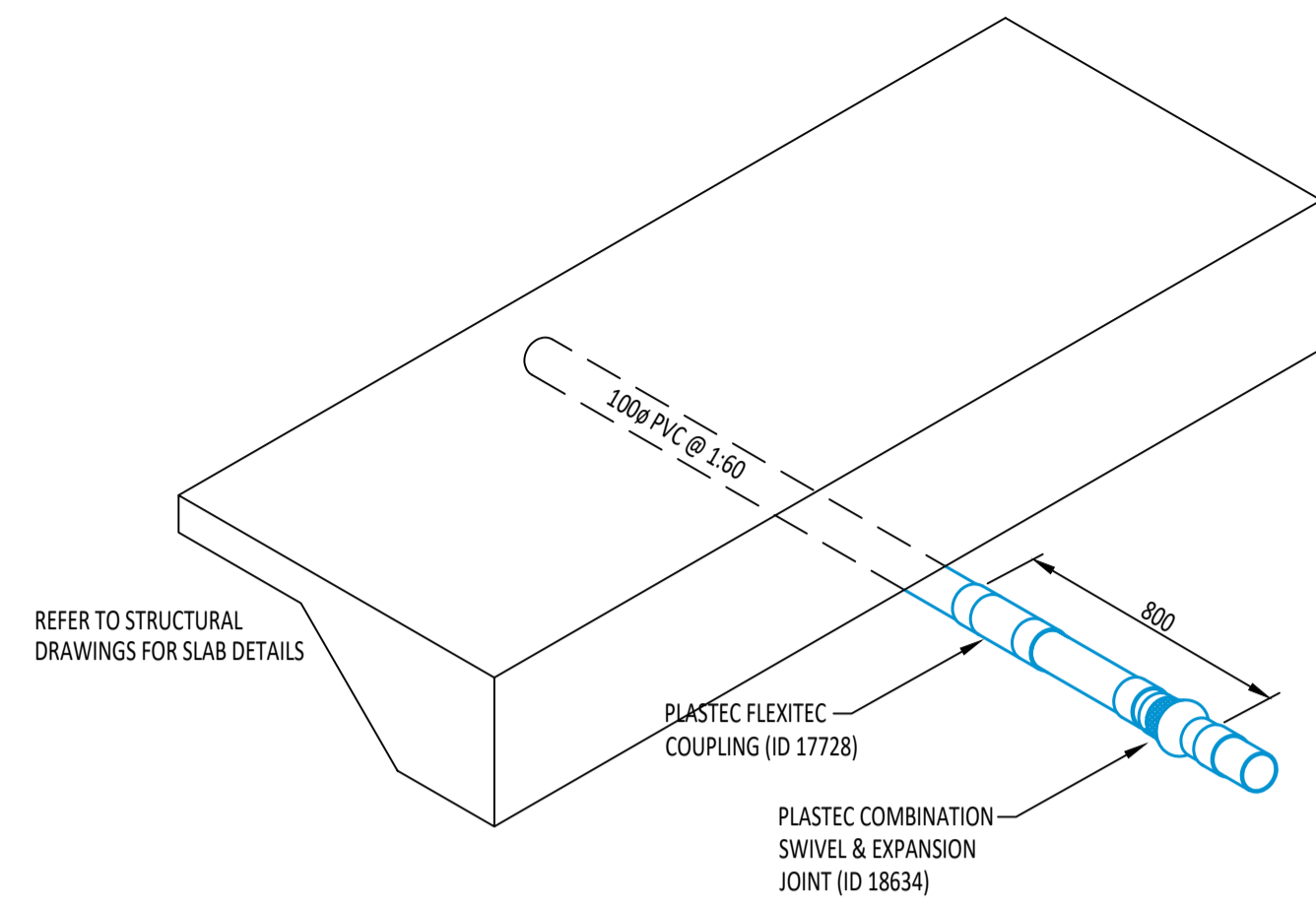
**ADMINISTRATION:** 12 Mosman Street Charters Towers Qld 4820 Australia

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

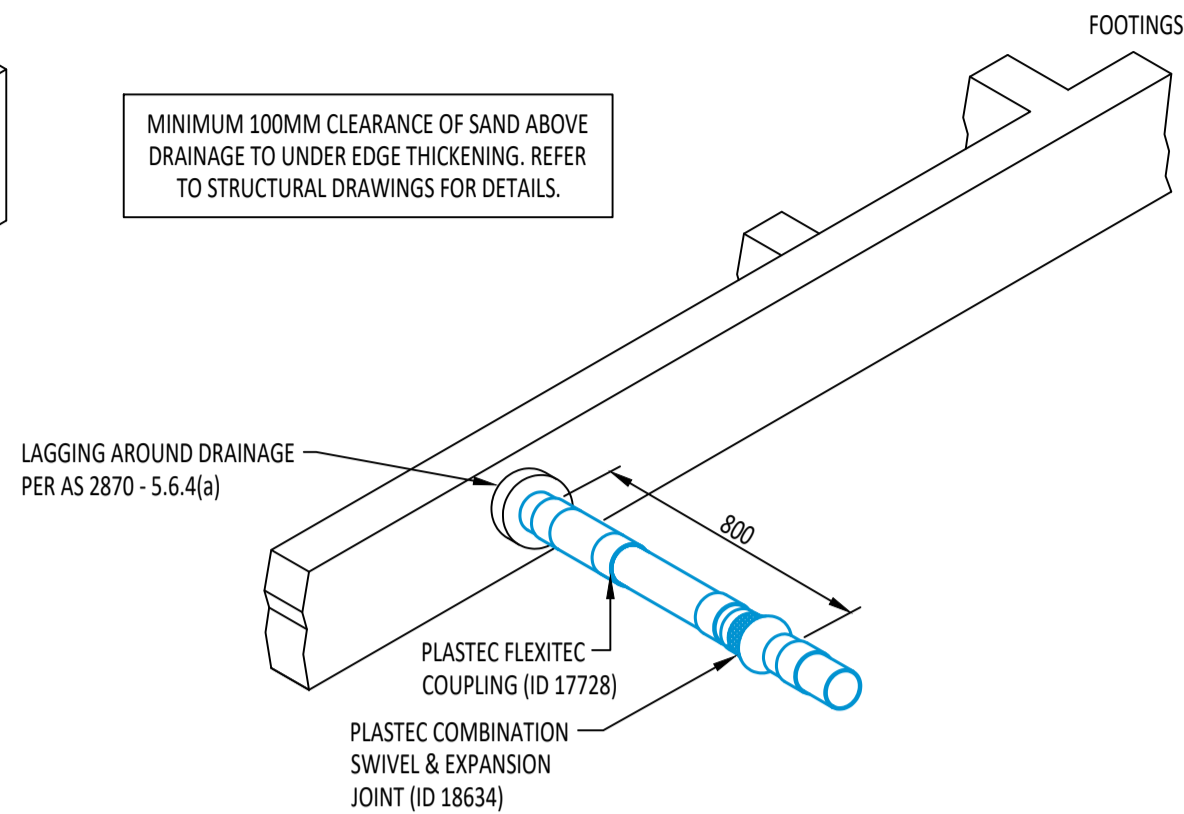
[www.charterstowers.qld.gov.au](http://www.charterstowers.qld.gov.au)



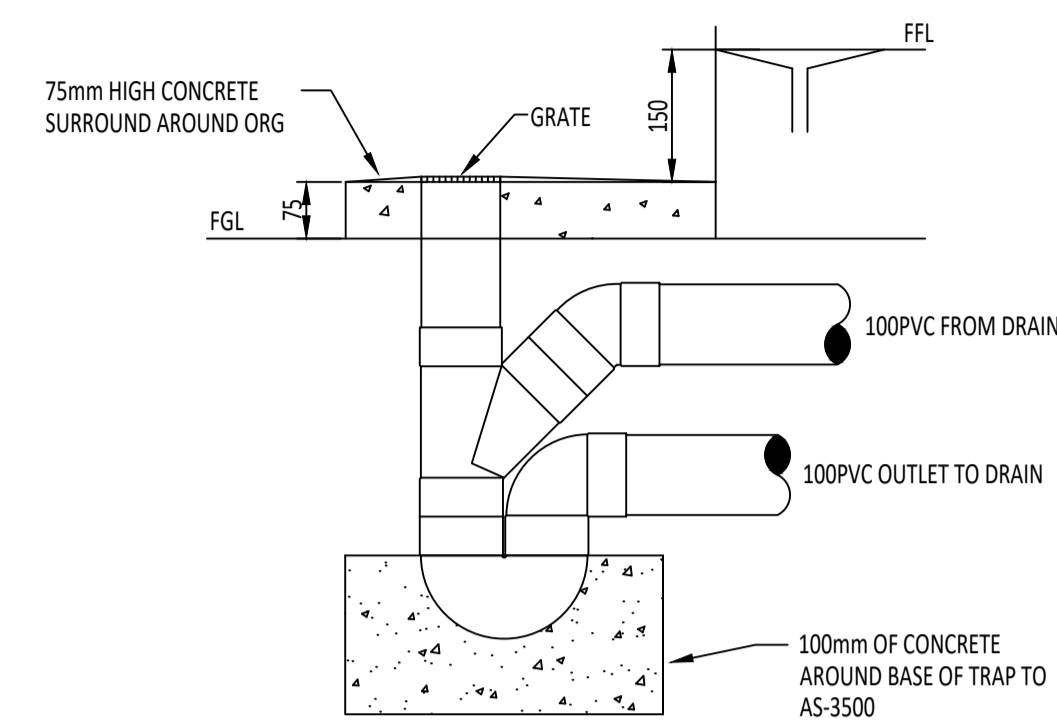




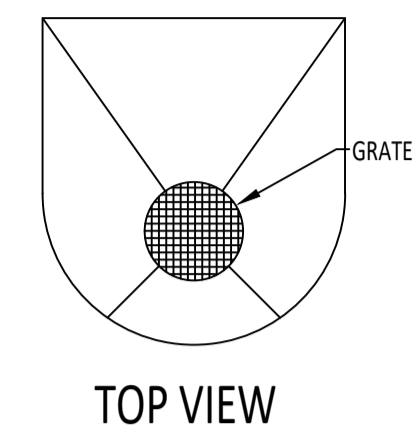
MINIMUM 100MM CLEARANCE OF SAND ABOVE DRAINAGE TO UNDER EDGE THICKENING. REFER TO STRUCTURAL DRAWINGS FOR DETAILS.



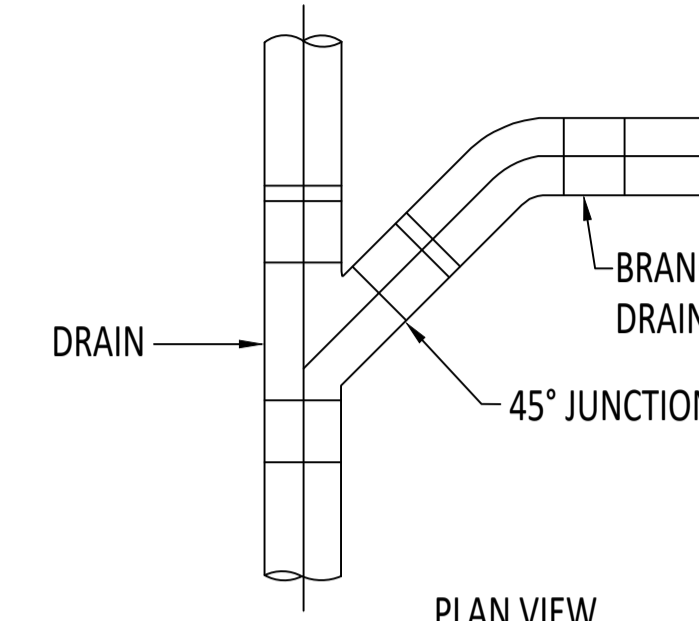
**FLEXIBLE CONNECTIONS EXITING SLAB DETAIL (PVC)**  
 N.T.S.



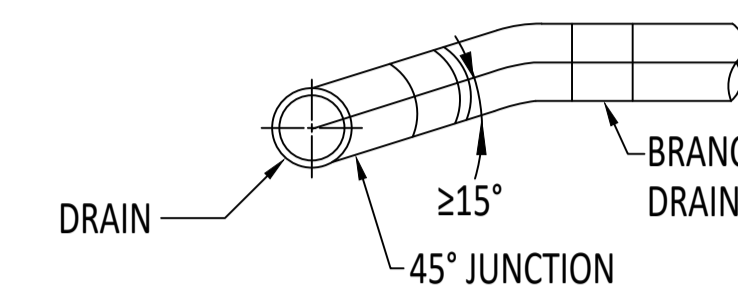
**ORG DETAIL**  
 N.T.S.



**TOP VIEW**

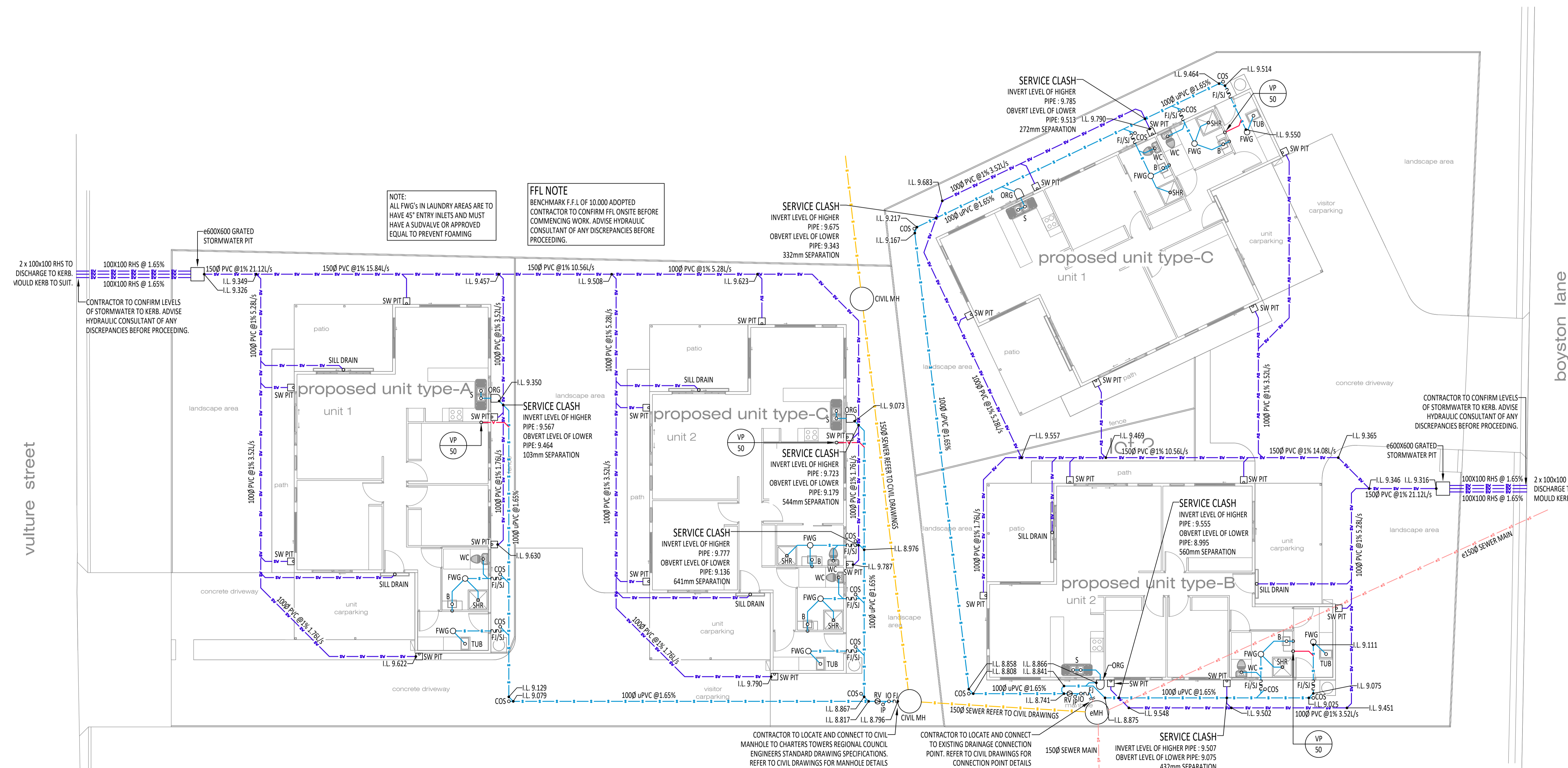


**PLAN VIEW**



**SIDE ELEVATION VIEW**

**TYPICAL ARRANGEMENT FOR A GRADED BRANCH DRAIN ENTERING ANOTHER DRAIN**



**NOTE:**  
 ALL FWG'S IN LAUNDRY AREAS ARE TO HAVE 45° ENTRY INLETS AND MUST HAVE A SUBVALVE OR APPROVED EQUAL TO PREVENT FOAMING

**FFL NOTE**  
 BENCHMARK F.F.L. OF 10.000 ADOPTED. CONTRACTOR TO CONFIRM FFL ON SITE BEFORE COMMENCING WORK. ADVISE HYDRAULIC CONSULTANT OF ANY DISCREPANCIES BEFORE PROCEEDING.

CONTRACTOR TO LOCATE AND CONNECT TO CIVIL MANHOLE TO CHARTERS TOWERS REGIONAL COUNCIL ENGINEERS STANDARD DRAWING SPECIFICATIONS. REFER TO CIVIL DRAWINGS FOR MANHOLE DETAILS

CONTRACTOR TO LOCATE AND CONNECT TO EXISTING DRAINAGE CONNECTION POINT. REFER TO CIVIL DRAWINGS FOR CONNECTION POINT DETAILS

CONTRACTOR TO CONFIRM LEVELS OF STORMWATER TO KERB. ADVISE HYDRAULIC CONSULTANT OF ANY DISCREPANCIES BEFORE PROCEEDING.

**SANITARY PLUMBING AND DRAINAGE PLAN**  
 Scale: 1:100@A1

A	FOR APPROVAL	09/03/2026
ISSUE	SUBJECT	DATE

**PROJECT**  
 2 BOYSTOWN LANE UNIT DEVELOPMENT

**ADDRESS**  
 2 BOYSTOWN LANE, CHARTERS TOWERS CITY QLD 4820 LOT 2 & 3 SP 260871

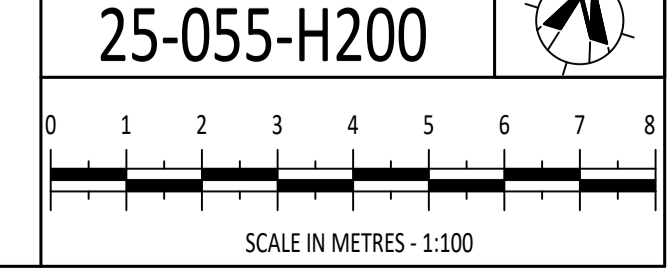
**ARCHITECT/BUILDING DESIGNER**  
 Concepts Building Design (Nq) Pty Ltd  
 22 Surrey St HYDE PARK Q 4812  
 07 4728 3228  
 QBCC: 1144862

**HYDRAULIC CONSULTANT**  
**PARKER HYDRAULIC DESIGNS**  
 HYDRAULIC SERVICES & WET FIRE PROTECTION CONSULTANTS  
 ABN 46 658 444 145 QBCC - 15304577 ACN 658 444 145  
 UNIT 2 / 21 TAVERN STREET KIRWAN, 4817  
 PHONE - 07 4766 8363  
 EMAIL - admin@parkerhydraulicdesigns.com.au

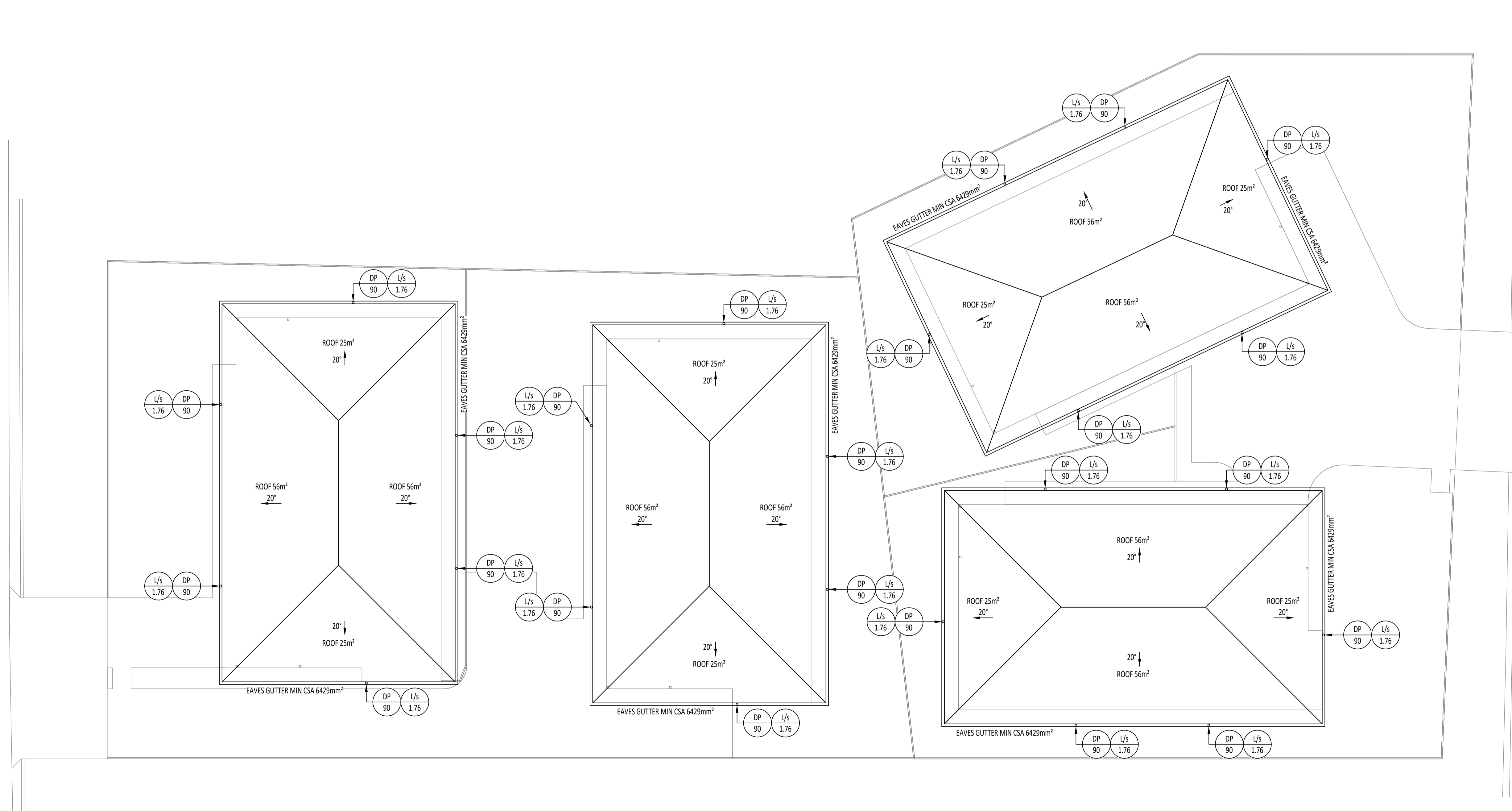
**CLIENT**  
 Q. KERSH

**TITLE**  
 HYDRAULIC SERVICES  
 SANITARY PLUMBING AND DRAINAGE

JOB No:	DESIGNED:	QBCC No:
25-055	MARK W PARKER	1292354
DATE:	DRAWN:	CHECKED:
09/03/2026	JS	MWP
DWG No:	ISSUE:	
25-055-H200	A	





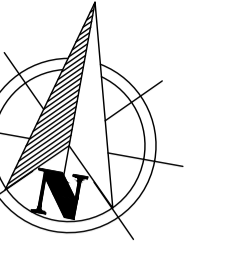


**BUILDING STORMWATER PLAN**  
 Scale: 1:100@A1

ISSUE	SUBJECT	DATE
A	FOR APPROVAL	09/03/2026

AMENDMENTS  
 PROJECT  
**2 BOYSTOWN LANE UNIT DEVELOPMENT**  
 ADDRESS  
**2 BOYSTOWN LANE, CHARTERS TOWERS CITY QLD 4820 LOT 2 & 3 SP 260871**  
 ARCHITECT/BUILDING DESIGNER  
 Concepts Building Design (Nq) Pty Ltd  
 22 Surrey St HYDE PARK Q 4812  
 07 4728 3228  
 QBCC: 1144862  
 HYDRAULIC CONSULTANT  
 **PARKER HYDRAULIC DESIGNS**  
 HYDRAULIC SERVICES & WET FIRE PROTECTION CONSULTANTS  
 ABN 46 658 444 145 QBCC - 15304577 ACN 658 444 145  
 UNIT 2 / 21 TAVERN STREET  
 KIRWAN, 4817  
 PHONE - 07 4766 8363  
 EMAIL - admin@parkerhydraulicdesigns.com.au  
 CLIENT  
**Q. KERSH**  
 TITLE  
**HYDRAULIC SERVICES BUILDING STORMWATER**  
 JOB No. 25-055 DESIGNED MARK W PARKER QBCC No. 1292354  
 DATE 09/03/2026 DRAWN JS CHECKED MWP ISSUE A  
 DWG. No. **25-055-H400**  
  
  
 SCALE IN METRES - 1:100





DEVELOPED SEWER LOADING ASSESSMENT				
PROPERTY	RATE	AMOUNT	TOTAL	
FUTURE LOT 1	2.8EP/ DWELLING	2	5.6	
FUTURE LOT 3	2.8EP/ DWELLING	2	5.6	
38 MILL STREET	2.8EP/ DWELLING	1	2.8	
ST PATS HOTEL	7.8EP/ 100m <sup>2</sup> GFA	780	60.8	
ST PATS HOTEL	2.8EP/ DWELLING	1	2.8	
			78	

CALCULATED SEWER LOADING (EP) ON EXISTING DOWNSTREAM DN150 SEWER LINE FROM EX. SEWER MANHOLE 5

**SEWER LOADING GENERATION COMMENTS**

1. AERIAL MAPPING AND SITE SURVEY HAS BEEN UTILIZED TO DETERMINE CATCHMENT BOUNDARIES ASSOCIATED WITH THE ASSESSMENT OF SEWER LOADING FOR THE PROPOSED UNIT DEVELOPMENT IMPACTS, FOR UPSTREAM AND ADJOINING RESIDENTIAL ALLOTMENTS, ONTO COUNCILS EXISTING SEWER NETWORK.
2. SEWER DEMAND LOADS HAVE BEEN SOURCED FROM PREVIOUS WSA02 GUIDELINES ON DEEMED TO COMPLY REQUIREMENTS (WSA02 TABLE T4.4) AND CURRENT GOLD COAST CITY COUNCIL WATER AND SEWER DEMAND TABLES (2019)
3. PRE-DEVELOPMENT CASE ACCOUNTED FOR TWO RESIDENTIAL DWELLINGS (2x 2.8EP= 5.6EP); THE PROPOSED DEVELOPMENT IS FOUR UNITS TOTAL (4x 2.8EP= 10.8EP)
4. PREVIOUS WSA02 DEEMED TO SATISFY REQUIREMENTS AND ENGINEERING PRINCIPLES ALLOW 600EP LOADING ON A DN150 SEWER MAIN, CALCULATED TOTAL LOADING IS 78EP

INCLUSION OF PROPOSED UNIT DEVELOPMENT SEWER LOADING ON EXISTING SEWER NETWORKS IS ALLOWABLE



SEWER MASTER PLAN  
1:100 AT A1

FOR APPROVAL

APPROVED PLAN  
Planning and  
Development  
CLANBOASH TOWNSHIP  
COUNCIL

DATE: 26 May 2026  
APPLICATION: OPW2026/0005

XDESIGN - 24-106QK DWG March 13, 2026

STATUS		FOR APPROVAL		SCALE	CONTRACTOR
REV	DESCRIPTION	DRAWN	DATE	A1	TBC
A	FOR APPROVAL	SOC	27/04/2026		

STATUS	FOR APPROVAL
SCALE	###
CONTRACTOR	TBC

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CLIENT	CLANBOASH
PROJECT	PROPOSED UNIT DEVELOPMENT LOT 3 VULTURE STREET, LOT 2 BOYSTONE LANE LOT 2 & 3 ON SP260871

DRAWING NAME		SEWERAGE MASTER PLAN				
SIGNED:	RJM	RPEQ No.	18480	DATE:	27/04/2026	
TASK	BY	INITIAL	DATE	PROJECT NUMBER	DRAWING NUMBER	REVISION
REVIEW	SMCE	SMCE	27/04/2026	24106QK	C07.2	A
DESIGN	SMCE	SMCE	27/04/2026			
DRAWN	SOC	SOC	27/04/2026			

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## Planning Act 2016

Reprint current from 2 August 2024

Chapter 6 > Part 1

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### 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.