Enquiries to: Planning Department
Our Reference: RAL25/0010

Address all communications to
The Chief Executive Officer

PO Box 974, Ayr Qld 4807
T (07) 4783 9800 | **F** (07) 4783 9999
planning@burdekin.qld.gov.au
www.burdekin.qld.gov.au

2 March 2026

Aleesha Clarke
93 Railway Parade
Pomona QLD 4568
Via email: sakamblue@yahoo.com.au

Dear Aleesha

Development Application No. RAL25/0010
Decision Notice – Development Permit for Reconfiguring a Lot – Subdivision (One (1) Lot into Two (2) Lots) and Access Easement on land located at 20 Queen Street, Ayr (Lot 71 on RP702309).

I refer to your development application seeking a Development Permit for Reconfiguring a Lot – Subdivision (One (1) Lot into Two (2) Lots) and Access Easement, on land as described above.

Your development application was assessed by relevant officers and Council approved the proposed development on **24 February 2026**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the aspects of the development's condition of approval, currency period, approved plans and includes extracts from the *Planning Act 2016*, with respect to the making of representations about conditions, suspension of the appeal period, negotiated decisions and lodgement of an appeal, should you wish to do so.

Yours sincerely,

James Stewart

Director Infrastructure, Planning and Environmental Services

Enc: **Decision Notice**
Appeal Rights
Conditions of Approval
Approved Plan

Decision Notice

Planning Act 2016

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2 March 2026

This decision notice is given under Section 63 of the *Planning Act 2016.*

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	RAL25/0010
Applicant Details:	Aleesha Clarke 93 Railway Parade Pomona QLD 4568 *Via email: sakamblue@yahoo.com.au*
Owner Details:	Nardia Chapman & Nathan Clarke ATF 20 Queen Street Ayr QLD 4807
Street Address:	20 Queen Street, Ayr
Real Property Description:	Lot 71 on RP702309
Proposal:	Reconfiguring a Lot – Subdivision (One (1) Lot into Two (2) Lots) and Access Easement
Planning Scheme:	*Burdekin Shire Council Planning Scheme 2022*
Level of Assessment:	Code

Decision Details

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provision of the Planning Act 2016.

Type of Decision:	Approval with conditions
Date of Decision:	24 February 2026
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the *Planning Act 2016*

Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice. The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except as amended by the conditions of this permit. The approved plans are included in **Attachment B** of this Decision Notice.

Referral Agencies

The development application did not trigger referral to any referral agencies under the *Planning Regulation 2017.*

Further Approvals Required

Refer to **Attachment A** - Conditions of Approval.

Infrastructure Charges

The proposal is a development that triggers infrastructure charges to be applied, as per Council's Infrastructure Charges Resolution. The full Infrastructure Charges Notice is attached.

Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be the right to make an application for a declaration by Tribunal (refer Chapter 6, Part 2 of the Planning Act 2016).

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*. A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Reconfiguring a Lot component of the Development Approval will lapse four (4) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Development works code
- Reconfiguring of a lot code
- Flood hazard overlay code

Compliance with Assessment Benchmarks and Reasons for the Decision

The proposed development was assessed against all assessment benchmarks listed above and complies or has been conditioned to comply with the relevant benchmarks.

Council exercises its discretion to approve the application even though the development may not strictly comply with an aspect of the assessment benchmarks, as the proposed development can, or can be conditioned to generally comply with the Strategic Framework and the intent of the relevant codes that apply including the flood hazard overlay code, development works code, and reconfiguring a lot code.

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the Planning Act 2016)

(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*—
    a. 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
    b. 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
    c. 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
    d. 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 has 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 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 the rules of the P&E Court.

Attachment A –Conditions of Approval

Condition	Reason	Timing
1 General and Administration Compliance with Conditions 1.1 The Applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with: 1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports. 1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) to Council's satisfaction, and best practice engineering. 1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail. 1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation. Works – Applicant's Responsibility/Expense 1.4 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met by the applicant, at no cost to the Council. 1.5 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately. Infrastructure Conditions 1.6 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the *Planning Act 2016 (the Act)*, should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		At all times.
2. Approved Plans and Documents Approved Plans & Documents 2.1 The proposed development must be completed, comply with and maintained generally in accordance with the drawings/ documents identified in the above, except as otherwise specified and/or amended by any condition of this approval.	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	At all times.

Attachment A –Conditions of Approval

Condition	Reason	Timing
2.2 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. 2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
Approved Plans **Drawing Title** / **Drawing/Revision** / **Date** Proposed Reconfiguration of Lots 1, 2 & Easement A Cancelling Lot 71 on RP702309 / P16-049.dwg / 1 April 2016		
3. Payment of Rates, Charges and Expenses 3.1 Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land. 3.2 Pay the sum calculated at the current charge per lot to be levied on the Council by the Department of Resources, for each new valuation.	Confirmation to be provided to Council prior to the release of the Plan of Survey.	
Access and Roadworks		
4. Roadworks 4.1 The construction of any additional crossovers to give access to the land is the owner's responsibility. 4.2 An application must be made to and approved by Council before the construction of any additional access crossovers. 4.3 Approved crossovers must be constructed in accordance with requirements of the approval to the satisfaction of Council.	To provide appropriate access in accordance with relevant code/s and policy direction.	At all times.
Services and Infrastructure		
5. Stormwater 5.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.	To ensure that stormwater does not adversely affect surrounding properties or properties downstream from the development.	At all times

Condition	Reason	Timing
5.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
6. Water Supply 6.1 Provide a separate water service connection from Council's water supply infrastructure to each lot.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
7. Sewer 7.1 Provide a combined sewer connection from Council's sewer infrastructure to each lot. This combined drain is private infrastructure and will not be maintained by Council.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
8. Confirmation of Services Location (and/or Inter Allotment Services Easement) 8.1 The electricity, sewer, telecommunication and water services for each lot must be contained either within: (a) the individual allotment boundaries; or (b) a services easement that provides suitable access for the provision of services and maintenance. 8.2 Easement documents must be submitted to Council for review and approval to confirm compliance with the condition, at the time of lodgement of the Plan of Survey for endorsement with Council.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
9. Existing Structures 9.1 Submit to Council a written statement from a licensed building certifier confirming that all existing structures on the site comply with the setback requirements of the Burdekin Shire Council Planning Scheme relative to the proposed lot boundaries. 9.2 The statement must reference the approved proposal plan showing the location of existing structures and proposed boundaries and must form part of the development approval.	To ensure that the existing structures are provided with the required boundary setback.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
10. External Work – removal of redundant crossover 10.1 The redundant vehicle crossover at the Queen Street frontage must be permanently removed and kerb, channel and footpath reinstated to match the existing surrounding works, to the satisfaction of Council.	To ensure the provision of appropriate infrastructure.	Confirmation to be provided to Council prior to the release of the Plan of Survey.

Attachment A –Conditions of Approval

Condition	Reason	Timing
10.2 All works must be undertaken in accordance with Council standards and at the applicant's cost.		
11. Electricity and Telecommunications 11.1 Submit to Council a Certificate of Electricity Supply demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider. 11.2 Submit to Council a Provisioning of Telecommunication Services demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.

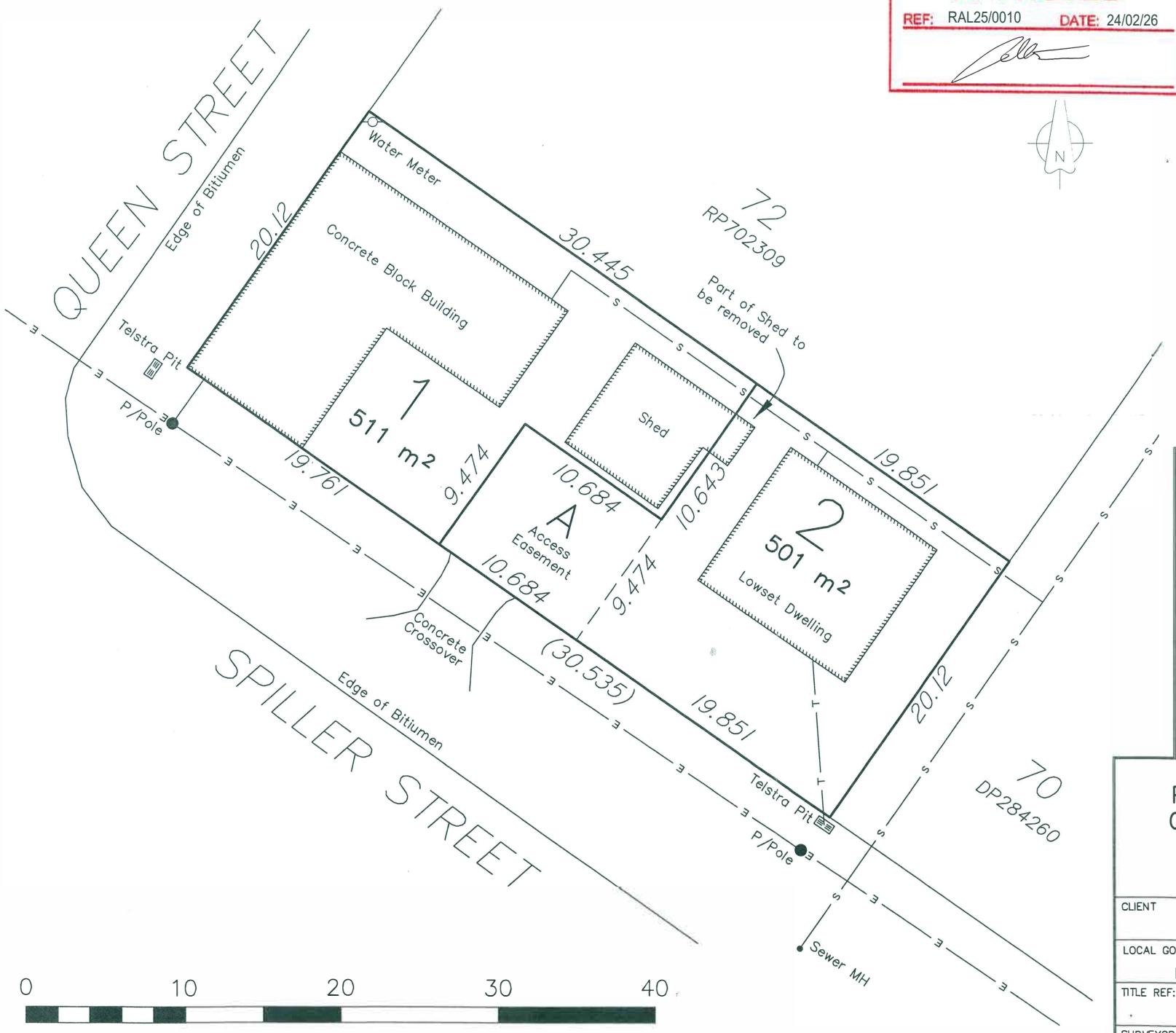
Attachment A –Conditions of Approval

Advice

1. Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the development permit is attached for your information
2. Compliance with Conditions Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.
3. Limitation of Approval 3.1 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant. 3.2 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnity and save the council harmless in respect of any claim so arising.
4. Acid Sulfate Soils Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.
5. Amenity Impacts Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the *Environmental Protection Act 1994.*
6. Earthworks Earthworks are not approved as part of this Development Permit. If any earthworks are required and deemed assessable development, an operational works development application is to be lodged with Council for assessment in accordance with relevant code/s and policy direction.
7. Miscellaneous The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au. If any item of cultural heritage is identified during site works, all work must cease, and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

Attachment B - Approved Proposal Plan

APPROVED
REF: RAL25/0010 DATE: 24/02/26



PARISH : ANTILL

COUNTY : GLADSTONE

LOCALITY: AYR

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

P16–049.dwg

Sheet 1 of 1

Form 1.4

This plan was prepared for the purpose and exclusive use of Aleesha Clarke

to accompany application to BURDEKIN SHIRE COUNCIL

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

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

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

PROPOSED RECONFIGURATION OF LOTS 1, 2 & EASEMENT A

Cancelling LOT 71 on RP702309

CLIENT: ALEESHA CLARKE		
LOCAL GOVERNMENT: BURDEKIN SHIRE COUNCIL		DATE: 1–04–16
TITLE REF: .	FILE: P16–049.dwg	SCALE: 1:250 @ A3
SURVEYOR REF.: 16–049	FIELDBOOK: Toughbook	DRAWN: IWF