



Quilpie Shire Council

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ABN 53 680 434 639

Our Reference: 252257 : Dominique Wells

23 July 2024

Quilpie Shire Council
C/- Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

andrew@precinctplan.com.au

Dear Andrew

Decision notice–Approval (with conditions)
(Given under section 63 (2) of the *Planning Act 2016*)

I acknowledge the below application was properly made on 6 February 2024.

Application details

Approval Sought:	Development Permit
Application Proposal:	Reconfiguring a Lot – One (1) lot into 30 rural residential lots, two (2) park lots and road reserves
Category of Assessment:	Code Assessment
Planning Scheme:	Quilpie Shire Planning Scheme

Location details

Street Address:	Diamantina Development Road, Quilpie QLD 4480
Real Property Description:	Lot 1 on SP277802

Decision

I wish to advise that, on 16 July 2024, the above development application was approved in full subject to relevant, reasonable and enforceable conditions (refer to the conditions contained in **Attachment 1**) by the Quilpie Shire Council.

Details of the approval

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approval is given:

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a Lot	N/A	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

Conditions

This approval is subject to conditions in **Attachment 1 and Attachment 2**.

Further development permits

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

- Survey Plan Endorsement

Referral agencies for the application

The referral agencies for this application are:

State Assessment and Referral Agency (SARA)	
Address for hand delivery:	128 Margaret Street, Toowoomba QLD 4350
Address for post:	PO Box 825 TOOWOOMBA QLD 4350
Address for electronic submission:	Email: ToowoombaSARA ToowoombaSARA@dsmip.qld.gov.au
Reason for Referral:	<i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i> <i>(a) all or part of the premises are within 25m of a State transport corridor; and</i> <i>(b) 1 or more of the following apply—</i> <i>(i) the total number of lots is increased;</i> <i>(ii) the total number of lots adjacent to the State transport corridor is increased;</i>

	<p>(iii) <i>there is a new or changed access between the premises and the State transport corridor;</i></p> <p>(iv) <i>an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</i></p> <p>(c) <i>the reconfiguration does not relate to government supported transport infrastructure</i></p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1</p>
	<p><i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i></p> <p>(a) <i>all or part of the premises are—</i></p> <p>(i) <i>adjacent to a road (the relevant road) that intersects with a State-controlled road; and</i></p> <p>(ii) <i>within 100m of the intersection; and</i></p> <p>(b) <i>1 or more of the following apply—</i></p> <p>(i) <i>the total number of lots is increased;</i></p> <p>(ii) <i>the total number of lots adjacent to the relevant road is increased;</i></p> <p>(iii) <i>there is a new or changed access between the premises and the relevant road; and</i></p> <p>(c) <i>the reconfiguration does not relate to government supported transport infrastructure</i></p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1</p>

Properly made submissions

Not applicable – The application did not require public notification.

Approved plans, specifications and drawings

Copies of the following approved plans are enclosed.

Plan/Document Number	Plan/Document Name	Date
23002-02_02	Concept Plan – Future Lot Layout	03-11-2023

Currency period for the approval (s.85 of the *Planning Act 2016*)

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*

Appeal rights

The rights of an applicant to appeal to a tribunal or 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*. For certain 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*).

Appeal by an applicant

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.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Attachment 3 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights.

To stay informed about any appeal proceedings which may relate to this decision visit:

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

Please do not hesitate to contact me on (07) 4656 0500 should you wish to discuss this matter further.

Yours faithfully



Justin Hancock

CHIEF EXECUTIVE OFFICER

Cc: Toowoomba SARA – ToowoombaSARA@dscilgp.qld.gov.au

- enc. Attachment 1 - Assessment Manager Conditions of Approval (Quilpie Shire Council)
Attachment 2 – Concurrence Agency Response
Attachment 3 - Appeal Provisions
Attachment 4 - Statement of Reasons
Attachment 5 - Approved Plans and Specifications

ATTACHMENT 1 –ASSESSMENT MANAGER CONDITIONS OF APPROVAL (QUILPIE SHIRE COUNCIL)

General Advice

- I. Relevant Period
 - (b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—
 - i. the period stated for that part of the approval; or
 - ii. if no period is stated—**4 years** after the approval starts to have effect;
- II. All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- III. The *Environmental Protection Act 1994* 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 operation of the approved works are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- IV. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities for the approved use.
- V. In completing an assessment of the proposed development, council has relied on the information submitted in support of the development application as true and correct. any change to the approved plans and documents may require a new or changed development approval. it is recommended that the applicant contact council for advice in the event of any potential change in circumstances.

Development Conditions

1. The approved development is for a Reconfiguration of a Lot (One (1) lot into 30 rural residential lots, two (2) park lots and road reserves) as shown on the approved plans.
2. The approval development is over two (2) stages as follows:
 - a. Stage 1 –Lots 2-6, Easement A
 - b. Stage 2 – Lots 7-33, Easement B and road reservesConditions within this approval apply to all stages, unless otherwise specified.

General

3. Complete and maintain the approved development in accordance with:
 - a. development approval documents; and
 - b. those parts of the approved development that have been specified in detail by the

Council unless the Council agrees in writing that those parts will be adequately complied with by amended specifications.

4. All engineering and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ) who are competent in the construction of the works.

Compliance inspection

5. The applicant shall contact Council to arrange a development compliance inspection prior to the endorsement of the survey plan.
6. Unless otherwise stated all conditions must be completed prior to Council endorsing the plan of survey.

Approved plans

7. The approved development is to be carried out in accordance with following approved plans and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
23002-02_02	Concept Plan – Future Lot Layout	03-11-2023

Easements

8. Easement A is to be provided over Lot 2 in favour of Council for stormwater drainage purposes. A copy of the easement documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision for Stage 1.
9. Easement B is to be provided over Lot 16 in favour of Council for stormwater drainage purposes. A copy of the easement documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision for Stage 2.

Engineering Works

10. Submit to Council, an Operational Work application for all civil and electrical works including services, earthworks, roadworks and erosion and sediment control.
11. Submit to Council, certification from a Registered Professional Engineer of Queensland (RPEQ-Civil) that all work authorised by this development approval and any related approval issued by Council, have been designed and constructed in accordance with the requirements of the development approval:
 - 11.1 submit a Design Certificate with an application for Operational Work; and
 - 11.2 submit a Construction Supervision Certificate at completion of the approved work and/or prior to Council's acceptance of the work on-maintenance.

Water – Extension

12. Design and construct a 150mm diameter water main extension from the western end of existing infrastructure to Eagle Drive to provide frontage access to service all lots within Stage 1 of the proposed development in accordance with a development approval for Operational Work.
13. Design and construct a 150mm diameter water ring main from the main constructed in Stage

1, along the new road to Diamantina Developmental Road to provide frontage access to service all lots within Stage 2 of the proposed development in accordance with a development approval for Operational Work.

14. The proposed water system must provide suitable volumes and fire flows required by WSAA Guidelines.
15. Any water mains must be heat rated adequate to cater for artesian water temperatures available for supply.
16. Install fire hydrant valves in accordance with WSAA Guidelines to ensure that all allotments are within a suitable distance of the nearest hydrant.
17. Provide isolation valves, hydrant markers and RPMs in accordance with WSAA Codes and Council's standards.

On-site sewage treatment

18. Prior to commencement of any building on the proposed lots, future development must be connected to an on-site effluent disposal system, in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code.

Services provisions

19. All services installation, including sewerage and water connections, must comply with:
 - a) the development approval conditions;
 - b) the relevant service provider's requirements and specifications;
 - c) any relevant provisions in the planning scheme for the area;
 - d) Council's standard designs for such work where such designs exist;
 - e) any relevant Australian Standard that applies to that type of work; and
 - f) any alternative specifications that the Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
20. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval of any proposed changes.

Stormwater and drainage

21. All proposed lots must have a lawful point of discharge determined in accordance with the Queensland Urban Drainage Manual (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the lodgement of the survey plan.

For any proposed lot where it cannot be satisfactorily demonstrated that roof-water associated with future building works can be directed to the frontage or alternative lawful point of discharge, an inter-allotment drainage system must be designed and constructed in accordance with QUDM.

22. Post-development stormwater runoff flows, the characteristics of which include volume, concentration and velocities from the development site, must not exceed pre-development stormwater runoff flows to adjoining properties.

23. There must be no increases in any silt loads or contaminants in any overland flow from the property during the course of any works required to establish the approved development or to fulfil the development approval conditions.

Roadworks - New Roads

24. Prior to the submission of the survey plan for Stage 2, design and construct the new roads as shown on the approved plan as a Major Road in accordance with the IPWEAQ Lower Order Road Design Guideline, including the following project specific standards:
 - 24.1 a minimum road reserve width of 25m;
 - 24.2 a minimum bitumen sealed carriageway width of 7m;
 - 24.3 formed table drains with maximum batters of 1 on 4;
 - 24.4 a minimum cul-de-sac head radius of 9m with an approach radius of 18m;
 - 24.5 provision for signage and street lighting associated with the required road works and road reserve transitions between existing and proposed roads.
25. The intersection of Cemetery Road and Diamantina Development Road must be upgraded in accordance with the Concurrence Agency Response, dated 23 May 2024, prior to submission of the survey plan for Stage 2.
26. Prior to submission of the survey plan for Stage 2, Design and construct the intersection of Eagle Drive and the new road in accordance with Austroads Guide to Road Design Part 4a – Unsignalised and Signalised Intersections.
27. Prior to submission of the survey plan for Stage 2, design and construct the intersection of Cemetery Road and the new road in accordance with Austroads Guide to Road Design Part 4a – Unsignalised and Signalised Intersections.
28. Install and/or relocate any street signs and/or line marking in accordance with the Manual of Uniform Traffic Control Device (MUTCD).
29. Provide all new signage with Class 1 retro-reflective material in accordance with Australian Standard 1743 - Road Signs - Specification.

New Road

30. The new roads shall be appropriately named, and all lots shall be given an appropriate street number. Submit to Council a prioritised list of proposed street names for consideration.

Access

31. Prior to commencement of any use on the Proposed Lots, suitable access must be designed and constructed from the road carriageway to the property boundary. The developer is responsible for obtaining any approvals that may be required and for complying with the applicable designs and standards.
32. Future vehicle crossovers to the proposed lots must be located a minimum distance of one metre from any power poles, road signage or other Council assets, unless otherwise specified in the applicable development standards and specifications.

Telecommunications

33. The Developer (at the Developer's expense) is to install telecommunications infrastructure,

such as lead-in conduits (LIC) or a fibre ready pit and pipe network (including trenching and ducting, design and third party certification), to NBN Co's specifications, to allow for the installation of suitable broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that infrastructure network. Prior to Council approving the plan of subdivision, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.

Electricity

34. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
35. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.
36. Remove all redundant electrical connections and reinstate the land.
37. Submit electrical plans for Council's review prior to Council's endorsement of the Survey Plan. Be responsible to check and ensure that electrical drawings do not conflict with the Civil Engineering design.

Street lighting

38. Design and install street lighting to intersections and all streets within the development in accordance with AS/NZS1158 to a P5 equivalent standard. Submit street light design plans showing the proposed public lighting system, to Council for endorsement.
39. New street lighting poles shall be set back a minimum of 0.5 metres from the road edge to the nearest face of the street lighting poles.
40. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.
41. Ensure that any new street light poles required on external streets are of a consistent standard (i.e. steel poles) to street light poles within the immediate vicinity of the development.

Avoiding nuisance

42. During the establishment of the approved development, no nuisance is to be caused to adjoining properties and occupiers, including by way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.

Land dedication

43. Dedicate, at no cost to Council, land shown on the Approved Plan of development identified as New Road, as Road Reserve.
44. Dedicate, at no cost to Council, land shown on the Approved Plan as Lots 32 and 33 as parkland.

Protection of infrastructure

45. The developer is responsible for locating and protecting any Council and public utility services,

infrastructure and assets. Any damage to existing infrastructure shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s) and at no cost to Council.

No cost to Council

46. All costs associated with the approved development are to be met by the developer, including costs of survey, registration, document lodgement, easement documentation preparation and plan sealing unless there is specific agreement by other parties, including the Council, to meeting those costs.

Latest versions

47. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are available at the time the first operational works or compliance approval is lodged with the assessment manager or approval agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

Rates and charges

48. All rates and charges of any description and all arrears of such rates and charges, together with interest outstanding thereon, on the land, due to Council, shall be paid prior to the Council endorsing the plan of survey.

ATTACHMENT 2 – CONCURRENCE AGENCY RESPONSE

RA6-N



SARA reference: 2403-39702 SRA
Council reference: DA06 23-24
Applicant reference: 2023-614

23 May 2024

Chief Executive Officer
Quilpie Shire Council
PO Box 57
QUILPIE QLD 4480
admin@quilpie.qld.gov.au

Attention: Dominique Wells

Dear Ms Wells

SARA referral agency response—Diamantina Developmental Road, Quilpie

(Referral agency response given under section 58 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 4 April 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	23 May 2024
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Reconfiguring a Lot - One (1) lot into 30 rural residential lots, two (2) park lots and road reserves.
SARA role:	Referral agency	
SARA trigger:	-	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state transport corridor

Page 1 of 6

Darling Downs South West regional office
128 Margaret Street, Toowoomba
PO Box 825, Toowoomba QLD 4350

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection

SARA reference: 2403-39702 SRA
 Assessment manager: Quilpie Shire Council
 Street address: Diamantina Developmental Road, Quilpie
 Real property description: Lot 1 on SP277802
 Applicant name: Quilpie Shire Council
 Applicant contact details: C/- Precinct Urban Planning Pty Ltd
 PO Box 3038
 Toowoomba QLD 4350
 james@precinctplan.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Danica Clark, Senior Planner, on (07) 3307 6175 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
 A/Manager

cc Quilpie Shire Council, james@precinctplan.com.au
 enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response provisions
 Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a Lot - One (1) lot into 30 rural residential lots, two (2) park lots and road reserves.		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state transport corridor and Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	(a) Road works comprising a BAL/BAR treatment, must be provided generally in accordance with the plan titled <i>BAR Design and Dimensions</i> prepared by RMA Engineers dated 02/05/2024, reference Drawing No. C-SK0001 (Issue A), Project No. 24E-0133. (b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' <i>Road Planning & Design Manual</i> and <i>Austrroads Guide to Road Design</i> .	Prior to submitting the Plan of Survey to the local government for approval.
2.	(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road (ii) concentrate or increase the velocity of flows to the state-controlled road (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road (iv) surcharge any existing culvert or drain on the state-controlled road (v) reduce the quality of stormwater discharge onto the state-controlled road (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road (vii) reduce the floodplain immunity of the state-controlled road. 	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	<p>Road access works approval: Under sections 82 and 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on (07) 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> <p>The applicant should note that reference to the approved plans imply conceptual approval only. Further modifications and inclusions are likely to be required in order for submitted detailed designs to comply with TMR standards at the roadworks application (s33 TIA) stage. Detailed designs may require, but should not be limited to, necessary lane widening for provision of cycle lanes, lengthening of turn lanes, installation of lighting, signage and line marking, pavements, utilities and services, and roadsides and roadside furniture.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

With conditions, the proposed development complies with the relevant provisions of the SDAP, State code 1: Development in a state-controlled road environment, in particular, the development does not:

- increase the likelihood or frequency of accidents, fatalities or serious injury for users of the state-controlled road
- adversely impact the structural integrity or physical condition of the state-controlled road
- adversely impact the function and efficiency of the state-controlled roads
- adversely impact the state's ability to plan, construct, maintain, upgrade or operate the state-controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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LEGEND:

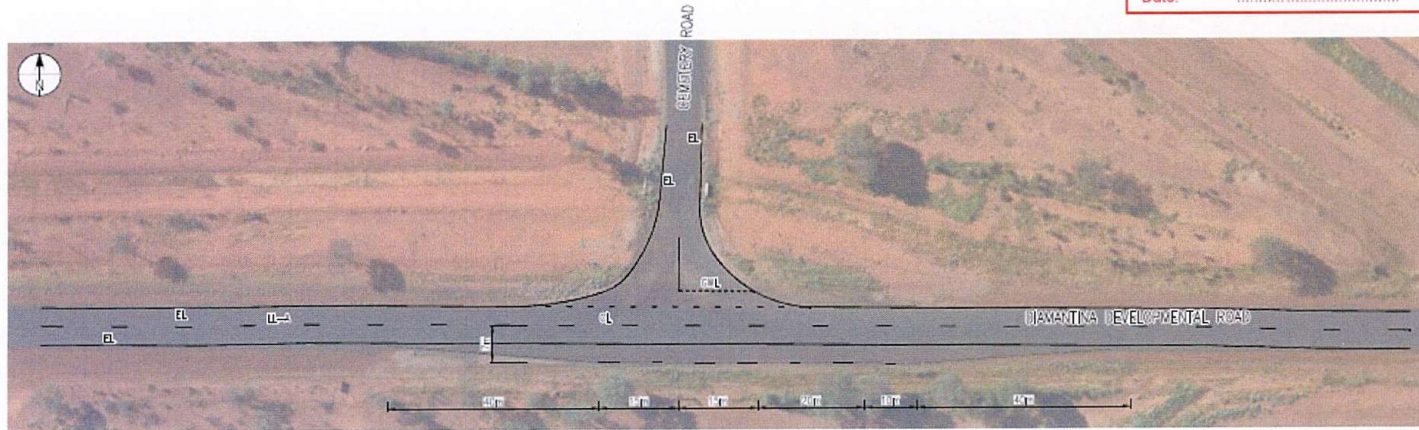
CL-A	Center line - two lane road
CL-B	Center line - four lane
EL	Edge lines (including shoulder lines)
CL	Center line
CAL	Give way lines

- PLAN NOTES:**
- P.1. This is a sketch plan only and is conceptual only.
 - P.2. The sketch plan represents design intent and concept only.
 - P.3. This plan shall not be used for tendering, building, siting or for any construction or any other intended purpose.
 - P.4. Information shown on these plans has been compiled from various sources and may not be accurate and will need verifying. This includes existing structures, property boundaries and natural surface data.
 - P.5. This plan shall not be relied upon for detailed design.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2403-38702 SRA.....

Date: 23 May 2024.....



BAR DESIGN AND DIMENSIONS
Scale: 1:400 (A1)



NO.	DESCRIPTION	DATE	CHK	CHK	APP

NOTES:
THIS DOCUMENT IS UNCONTROLLED AND IS NOT TO BE USED FOR CONSTRUCTION UNTIL THIS NOTE IS REMOVED AND A DIGITAL SIGNATURE PROVIDED IN ITS PLACE

RMA Engineers
www.rmaengineers.com.au

CLIENT:
QUILPIE SHIRE COUNCIL

PROJECT:
25 LOT SUBDIVISION
DIAMANTINA DEVELOPMENTAL ROAD/
CEMETERY ROAD INTERSECTION QUILPIE QLD

TITLE:
BAR DESIGN AND DIMENSIONS

ALL DRAWINGS ARE TO BE MADE IN CONFORMANCE WITH THE SURVEY ACT 1974 AND THE SURVEY REGULATIONS 1975.	PROJECT NO: AHD	DATE: MGA-56	REV: A1
VERIFY ALL ON SITE DIMENSIONS AND LEVELS PRIOR TO CONSTRUCTION. VERIFY AND SIGNIFICANTLY DIFFERENT TO BACKSPELLED.	OWNER:		
COPYRIGHT RMA ENGINEERS PTY LTD ©	PROJECT NO: 24E-0133	REVISION NO: C-SK00001	REV: A1

ATTACHMENT 3 – PLANNING ACT EXTRACT APPEAL RIGHTS

Chapter 6 Dispute resolution 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 an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) 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
- (f) 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
 - (d) schedule 1, table 1, item 1—each principal submitter for
 - (e) the development application; and
 - (f) for an appeal about a change application under
 - (g) schedule 1, table 1, item 2—each principal submitter for
 - (h) the change application; and
 - (i) each person who may elect to become a co-respondent
 - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (k) for an appeal to the P&E Court—the chief executive; and
 - (l) 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, 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, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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.

ATTACHMENT 4 – STATEMENT OF REASONS

The following information is provided in accordance with section 63 of the *Planning Act 2016*.

Description of Development	Reconfiguring a Lot – One (1) lot into 30 rural residential lots, two (2) park lots and road reserves
Assessment benchmarks	<p>The proposed development was assessed against the following Assessment benchmarks:</p> <ul style="list-style-type: none"> • <i>The Quilpie Shire Planning Scheme 2018</i> <ul style="list-style-type: none"> ○ Part 7.4.2 Reconfiguring a lot code
Relevant matters	No relevant matters were identified in the assessment of the application.
Matters raised in submissions	No applicable – this application was not required to be publicly notified.
Reasons for decision	<p>It is considered that the proposal presents no significant inconsistency with the applicable assessment benchmarks. Development conditions have been imposed to ensure compliance to the greatest extent possible.</p> <p>Any non-compliance has been accepted based on:</p> <ul style="list-style-type: none"> • The proposed lots are of a size and dimension that allows future development to comply with the intent of the rural residential zone ; • The proposal ensures lots are generally resilient from natural hazard events; • The proposal will not adversely impact areas of ecological significance; and • An appropriate level of servicing infrastructure will be provided to the development.

ATTACHMENT 5 – APPROVED PLANS AND SPECIFICATIONS