



Quilpie Shire Council

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Our Reference: 253993 : Dominique Wells

2 September 2024

Quilpie Shire Council
PO Box 57
QUILPIE QLD 4480

Dear Sir/Madam

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

I acknowledge the below application was properly made on 13 August 2024.

Application details

Approval Sought:	Development Permit
Application Proposal:	Reconfiguring a Lot – One (1) lot into Two (2) lots
Category of Assessment:	Code Assessment
Planning Scheme:	Quilpie Shire Planning Scheme

Location details

Street Address:	2 Boobook Place, Quilpie
Real Property Description:	Lot 46 on SP234965

Decision

I wish to advise that, on 27 August 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a Lot	N/A	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**.

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

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
SP348634	Plan of Lots 10 & 11	17/07/2024

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



Julie Reitano
(Acting) CHIEF EXECUTIVE OFFICER

Enc: Attachment 1 - Assessment Manager Conditions of Approval (Quilpie Shire Council)
Attachment 2 - Appeal Provisions
Attachment 3 - Statement of Reasons
Attachment 4 - Approved Plans and Specifications

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

General Advice

- I. The relevant planning scheme for this development is the *Quilpie Shire Planning Scheme*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to this planning scheme.
- II. A development permit for a Material Change of Use will be required for any activity or development on the approved lot(s) that does not comply with the accepted development criteria in the *Quilpie Shire Planning Scheme*.
- III. All persons involved in the development have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- IV. New development on any of the approved lots must be provided with an adequate supply of electricity. In the event that an adequate supply of electricity cannot be achieved through efficient design and alternative energy technologies, a connection to the reticulated electricity network must be made available. Prospective purchasers and/or developers of the newly created lots are encouraged to contact the relevant electricity provider to determine the availability and costs associated with connecting to the reticulated network.
- V. This approval lapses if a plan for the reconfiguration is not given to the Council within four (4) years of the approval taking effect.
- VI. The plan for the reconfiguration must be duly signed by the registered proprietor of the land and the surveyor, and submitted to Council for approval in a form acceptable to Council within the relevant period.
- VII. Unless otherwise stated all conditions shall be completed prior to the Council endorsing the relevant plan of survey.
- VIII. 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 establishment of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- IX. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities that are associated with the approved development, including any permits/approvals required by any State Agencies.
- X. 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. Council should be contacted for advice in the event of any potential change in circumstances.

- XI. 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 Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.

Development Conditions

Development

1. The approved development is for Reconfiguring a Lot (One (1) lot into Two (2) lots) as shown on the approved plans.
2. Complete and maintain the approved development as follows:
 - a. in accordance with development approval documents; and
 - b. strictly in accordance with 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.

Compliance

3. Unless otherwise stated, all conditions must be complied with prior to the Council endorsing the relevant Survey Plan.

Approved plans

4. The approved development is to be carried out in accordance with following approved plans and documents 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:
SP348634	Plan of Lots 10 & 11	17/07/2024

Existing buildings and structures

5. Existing buildings, structures, infrastructure and services located on the development site are not to encroach on the proposed allotment boundaries.

Services provision

6. Each approved lot must be connected to Council's reticulated water supply system in accordance with the applicable Water Services Association of Australia (WSAA) publication, at no cost to Council.
7. Each approved lot must be connected to Council's reticulated sewerage disposal system in accordance with the applicable Water Services Association of Australia (WSAA) publication at no cost to Council.

8. Any connection to or works associated with Council's sewerage infrastructure must be completed by a qualified plumber/drainlayer under Council supervision. No works are to be undertaken on Council sewerage infrastructure without first obtaining the express permission of Council.
9. An electricity supply must be made available to each lot. This supply must be in accordance with the relevant standards of the electricity distributor.

Note: Confirmation that an electricity supply is available and network connections can be made to all new lots from the electrical provider will be required prior to endorsement of the plan of survey.

10. Where it is necessary for existing reticulated infrastructure networks to be extended to provide the required service connections to the approved lots, such works will require development approval for Operational Works or must otherwise be completed by private works agreement with Council.
11. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

Stormwater and drainage

12. Stormwater runoff from the site must not adversely impact on flooding or drainage of properties or roads that are upstream, downstream or adjacent to the site as a result of the development.
13. Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding is to be created as a result of the development.

Access and roads

14. The landowner is responsible for the construction and maintenance of crossovers from the road carriageway to the property boundary and all internal vehicle access ways, and for obtaining any approvals that may be required and for complying with the applicable designs and standards.

Protection of infrastructure

15. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets. Any damage to existing infrastructure (road pavement, existing underground assets, etc.) attributable to the development, 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

16. 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.

ATTACHMENT 2 – 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 3 – 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 Two (2) lots
Assessment benchmarks	The proposed development was assessed against the following Assessment benchmarks: <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	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. Any residual inconsistency with the assessment benchmarks has been considered against the following relevant matters: <ul style="list-style-type: none"> • the proposed lots are considered to be functional with the intent of the Township Zone; • the proposal will not conflict with the ongoing safe and efficient use of the local road network; and • there is an absence of any significant impacts that result from the development.

ATTACHMENT 4 – APPROVED PLANS AND SPECIFICATIONS