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File: DA02 23-24 :246090
Enquiries to: Dominique Wells

23 January 2024

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

Attention: Mr Andrew Bullen
By Email: 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 8 August 2023.

Application details

Approval Sought:	Development Permit
Application Proposal:	• Preliminary Approval – Variation Request under section 50(3) of the <i>Planning Act 2016</i> (Quilpie Transport and Travel Precinct); and • Development Permit for a Material Change of Use to establish a Service Station
Category of Assessment:	Impact Assessment
Planning Scheme:	Quilpie Shire Planning Scheme

1. Location details

Street Address:	Murana Road, Quilpie QLD 4480
Real Property Description:	Lot 3 on SP258470

Decision

I wish to advise that, on 15 January 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	N/A	☐ ☐ ☒ ☐ ☐	☐ ☒ ☐ ☐

Variation Approval Details

A preliminary approval which includes a variation approval is given and the assessment manager has approved a variation to the local planning instrument(s):

- Quilpie Shire Planning Scheme 2018

The variation(s) approved is:

- The adoption of the "Quilpie Transport and Travel Precinct" Variation Scheme Document as a new planning instrument within the Quilpie Shire Planning Scheme 2018.

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:

- **Preliminary Approval**
 - Development Permit – Material Change of Use
 - Development Permit – Operational Work
- **Development Permit – Material Change of Use**
 - Development Permit – Building Work
 - Compliance Permit – Plumbing Work

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name and address of referral agency	Response
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	State Assessment and Referral Agency (SARA) Darling Downs South West Regional Office PO Box 825, Toowoomba QLD 4350 Email: ToowoombaSARA@dsdilgp.qld.gov.au	SARA has advised by letter dated 17 October 2023 that the development is approved, subject to conditions.

Properly made submissions

There were no properly made submissions received during public notification of the development application.

Approved plans, specifications and drawings

Copies of the following approved plans, specifications and/or drawings are enclosed.

Plan/Document Number	Plan/Document Name	Date
3152RH01 – SD102	Concept Plan 1_2000	08/12/2020

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

Variation Approval

- (2) *A variation approval for development lapses to the extent the development is not completed within—*
- (a) *if a development condition required the development to be completed within a stated period or periods — the stated period or periods; or*
 - (b) *if paragraph (a) does not apply — the period or periods the applicant nominated in the development application; or*
 - (c) *otherwise — 5 years after the approval starts to have effect.*

Development Permit

- (a) *for any part of the development approval relating to a material change of use — if the first change of use does not happen within —*
 - (i) *the period stated for that part of the approval; or*
 - (ii) *if no period is stated — 6 years after the approval starts to have effect;*

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>.

For further information, please contact Council, on the phone number provided below or via email to council@quilpie.qld.gov.au.

Yours faithfully



Justin Hancock
Chief Executive Officer

- 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

Variation Approval

- (2) *A variation approval for development lapses to the extent the development is not completed within—*
- (d) if a development condition required the development to be completed within a stated period or periods — the stated period or periods; or*
 - (e) if paragraph (a) does not apply — the period or periods the applicant nominated in the development application; or*
 - (f) otherwise — 5 years after the approval starts to have effect.*

Development Permit

- (b) for any part of the development approval relating to a material change of use — if the first change of use does not happen within —*
 - (iii) the period stated for that part of the approval; or*
 - (iv) if no period is stated — **6 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

VARIATION REQUEST – QUILPIE TRANSPORT AND TRAVEL PRECINCT

Affected Area

1. The area affected by the preliminary approval – variation request is the entirety of Lot 3 on SP258470.

Variation Scheme Document

2. All future development of the affected area must be undertaken in accordance with the provisions of the approved Quilpie Transport & Travel Precinct Variation Scheme Document, version 3, dated August 2023.
3. Where the Variation Scheme document is 'silent' on a particular issue, the provisions contained within the Quilpie Shire Planning Scheme 2018 will take effect.

Flooding

4. The minimum habitable floor levels of any future accommodation buildings must be built a minimum 300mm above the defined flood level current at the time of construction.
5. Control panels and critical services for all buildings must be constructed a minimum of 300mm above the defined flood level current at the time of construction.

DEVELOPMENT PERMIT – MATERIAL CHANGE OF USE TO ESTABLISH A SERVICE STATION

Use

1. The approved development is a Material Change of Use – “Service Station” as defined in the Planning Scheme and as shown on the approved plans.
2. A development permit for building works must be obtained prior to commencing construction of the use.

Compliance inspection

3. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted within these conditions.
4. Prior to the commencement of use, the applicant shall contact Council and arrange a development compliance inspection.

Approved plans and documents

5. Future development is to be carried out generally as shown in the listed concept plans, subject to detailed design and compliance with conditions of this approval.

Plan/Document Number	Plan/Document Name	Date
3152RH01 – SD102	Concept Plan 1_2000	08/12/2020

6. Prior to submission of a Building Application, detailed proposal plans are to be provided to Council for approval. These plans must comply with the following, and all other conditions of this approval:
 - The Service Station is to be orientated towards and address Murana Road;
 - The Service Station will not exceed two (2) storeys or 8.5 metres in height;
 - Building site cover is not to exceed 60% of the site area;

Development works

7. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.
8. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).
9. All civil and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ-Civil) who are competent in the construction of the works. RPEQ certification is to be provided to Council for all works involving Council infrastructure that are authorised by this development approval and any related approval. This must include a Design Certificate with application/s for Operational work and a Construction Supervision Certificate at completion of the approved works and/or prior to Council's acceptance of any works on-maintenance.
10. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

Applicable Standards

11. All works must comply with:
 - a) the development approval conditions;
 - b) any relevant Acceptable Solutions of the applicable codes of the planning scheme for the area;
 - c) Council's standard designs for such work where such designs exist;
 - d) any relevant Australian Standard that applies to that type of work.

Despite the requirements of paragraphs a-d above, Council may agree in writing to an alternative specification. This alternative specification prevails over those specified in paragraphs a-d in the event of any inconsistency.

The developer must also ensure that any works do not conflict with any requirements imposed by any concurrence lawful requirements outside those stated above.

Avoiding nuisance

12. No unreasonable nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

13. Air (odour and dust) and noise emissions from the development shall not cause environmental nuisance or exceed the relevant quality objectives listed in the *Environmental Protection Policy 2019*, as measured at any sensitive or commercial place.
14. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.

Note: The Queensland Government *Environmental Protection Act 1994* includes controls for light nuisances.

15. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
16. Dust emanating as a result of operations carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.
17. Unless otherwise approved in writing by the Council, approved hours of construction are restricted to Monday – Saturday 6.30am to 6.30pm – noise permitted. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.

Hours of Operation

18. The facility is permitted to operate up to 24 hours per day, seven days per week.

Screening mechanical equipment

19. All mechanical equipment (including air conditioners and the like) and rainwater tanks are to be screened from the adjoining roadway and nearby properties.

Stormwater drainage

20. Stormwater drainage is to be provided in accordance with:
 - a) Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013;
 - b) Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987; and
21. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed. The developer shall ensure that in all cases, discharge of stormwater runoff from the development drains freely to the legal point/s of discharge for the development.
22. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.
23. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
24. All contaminated stormwater shall pass through an approved oil/water separator prior to discharge to the sewer network. Wastes (contaminates and solids) separated from the separator are to be collected and disposed of at a licensed facility. A hydrocarbon sensor must be installed with a shut off valve at the stormwater filter outlet.

25. Only rainwater from uncontaminated areas is to drain directly into the stormwater drainage system. The activity must not be conducted in a manner that may or will cause the contamination of surface stormwater runoff.
26. Ensure fuel spillage is not released or allowed to enter into stormwater infrastructure, roadside gutters or other waters outside the property.

Waste Management

27. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
28. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

Refuse storage

29. Adequate refuse storage areas and facilities must be provided on the site to service the approved development.
30. At all times while the use continues, waste containers shall be provided on the site and maintained in a clean and tidy state and emptied, and the waste removed from the site on a regular basis. All waste containers are to be located in a convenient and unobtrusive position, fully enclosed to be shielded from the view of users of the premises, travelling public and neighbours, and accessible by the vehicles used by Council, its agents and/or others.
31. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the Waste Reduction & Recycling Act 2011.

Car parking

32. Car Parking on this site is to be provided to comply with the following provisioning rates:
 - a. Service Station
 - i. Passenger vehicles – 1 space per 30m² of Gross Floor Area;
 - ii. Dedicated Heavy vehicle parking – minimum 3 spaces;
 - b. Commercial Activities – 1 space per 50m² of gross floor area.
33. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

Access and manoeuvring

34. All access and egress points, from the edge of the existing bitumen to the property boundary, shall be constructed to a sealed commercial standard to the satisfaction of and at no cost to Council.
35. All access and egress points must be:
 - Located more than 6m from the upgraded Murana Road / Diamantina Developmental Road intersection; and
 - clear of all gully pits, street lights, power poles and other infrastructure located within the road reserve with a minimum separation distance of 1 metre.
36. Access to the site is to facilitate the separation of light and heavy vehicle traffic to avoid access and circulation conflicts and enhance safety.
37. The developer is responsible for the construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards. Should any damage be caused at

the approved access locations, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

38. All upgrades to the Murana Road / Diamantina Development Road intersection are to be designed, constructed and maintained in accordance with the relevant Department of Transport and Main Roads standards as specified in the Concurrence Agency Response dated 17 October 2023.
39. All access, vehicle manoeuvring and parking areas are to be imperviously sealed.
40. All vehicle movements within the site are to be clear of proposed parking areas, buildings and landscape treatments. Vehicle parking bays must not encroach into swept paths for vehicle movements onsite.
41. All vehicles entering and exiting the development site must be able to enter and leave in forward direction. Reversing out of the development site is not permitted. Vehicle manoeuvres in this regard are to be totally contained within the development site boundaries.
42. Car parking and manoeuvring areas are to be designed in accordance with:
 - a) AS2890.1 – Parking Facilities;
 - b) Austroads AP-34/95 - Design Vehicles and Turning Path Templates; and
 - c) The 'Access to Premises Standard' (Vol 1 of the National Construction Code).

Directional Signage

43. Signage shall be installed internal to the site at strategic locations that clearly demonstrate the direction that vehicles are to travel through the site.
44. Signage shall be installed in proximity of the site access points clearly advising the required entry and exit points for vehicle manoeuvres associated with the use. Signage must be in accordance with the Manual of Uniform Traffic Control Devices – Part 13: Local Area Traffic Management.

Earthworks and Construction

45. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadways.

Landscaping and fencing

46. Landscaping on site must be provided such that:
 - a. A minimum of 10% of the site is to be landscaped; and
 - b. Perimeter landscaping is to be provided along the Murana Road frontage and have a minimum width of two (2) metres.
47. A Landscaping Plan is to be submitted to and approved by Council prior to the submission of a Building Application. The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants and the irrigation system. Plants are to be drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.
48. All landscaping works are to be completed prior to the commencement of the approved use.
49. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
50. Landscaping must not interfere with sight lines at access driveways for vehicle traffic.

Emergency events

51. A Flood Management Plan shall be prepared prior to the commencement of the use having regard to the site characteristics and management procedures in the event of flood. All staff must be made aware of the Flood Management Plan, its content, and the procedures that need to be followed in the case of a major flood event.
52. All reasonable efforts should be made to advise visitor/s/customers in advance of premises closures that are required due to inclement weather events.
53. Control panels and critical services for all buildings must be constructed a minimum of 300mm above the defined flood level current at the time of construction.

Provision of services

54. The development must be connected to Council's reticulated water supply network in accordance with the applicable standards and policies.
55. The development must be connected to Council's reticulated sewerage system in accordance with the applicable standards and policies.
56. The development must be connected to an adequate electricity supply system in accordance with the relevant building standards, requirements and specifications (as relevant).
57. If the premises is connected to a telecommunications service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
58. All services installation connections to the respective networks, must comply with (i) the development approval conditions, (ii) any relevant provisions in the planning scheme for the area, (iii) Council's standard designs for such work where such design exist, (iv) any relevant Australian Standard that applies to that type of work and (v) any alternative specifications that Council has agreed to in writing and which the development must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Advertising signage

59. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach on adjoining properties or roads.
60. Any free standing advertising signage or structure constructed on the subject site shall be designed by an RPEQ (Structural) Engineer and certification provided for both design and construction.

No cost to Council

61. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

Latest versions

62. 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 publicly 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.

Application documentation

63. It is the developer's responsibility to ensure all entities associated with this Development Approval have a legible copy of the Decision Notice and the Approved Plans and Approved Documents bearing 'Council Approval'.

ATTACHMENT 2 – CONCURRENCE AGENCY RESPONSE

RA6-N



SARA reference: 2308-36289 SRA
Council reference: 240883

17 October 2023

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

Dear Sir/Madam

SARA referral agency response—Murana Road, Quilpie

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 22 August 2023.

Response

Outcome:	Referral agency response – with conditions
	Under section 56(2)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the variation request.
Date of response:	17 October 2023
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	Material change of use for service station
	Preliminary approval that includes a variation request	Material change of use for Preliminary Approval – Variation Request under section 50(3) of the <i>Planning Act 2016</i> (Quilpie Transport and Travel Precinct).
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning	

Regulation 2017)
Material change of use near a State transport corridor or that is a future State transport corridor

SARA reference: 2308-36289 SRA

Assessment manager: Quilpie Shire Council

Street address: Murana Road, Quilpie

Real property description: Lot 3 on SP258470

Applicant name: Quilpie Shire Council

Applicant contact details: C/-Precinct Urban Planning
PO Box 3038
Toowoomba QLD 4350
andrew@precinctplan.com.au

Human Rights Act 2019 considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 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 (section 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 Rodney O'Brien, Principal Planning Officer, on (07) 4616 7304 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Kieran Hanna
Manager (Planning)

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

cc Quilpie Shire Council, andrew@precinctplan.com.au

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)

No.	Conditions	Condition timing
Development permit for a material change of use for Service Station		
Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) – Material change of use near a State transport corridor or that is a future State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates 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 condition(s):		
Filling and excavation		
1.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures, batters and other works involving ground disturbance must not encroach or de-stabilise the state-controlled road including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
Road works on a state-controlled road		
2.	(a) Road works comprising a BAL / BAR treatment (designed to accommodate a Type 2 Road Train) must be provided at the intersection of Murana Road and Diamantina Developmental Road. (b) The existing intersection of Murana Road / Diamantina Developmental Road / Sommerfield Road must be reconfigured to accommodate the provision of a BAL / BAR treatment (for example: by realigning Murana Road and Sommerfield Road to form an offset T-intersection). (c) A conceptual design plan addressing (a) and (b) of this condition must be prepared and provided to the Department of Transport and Main Roads for review prior to making application for road works approval under section 33 of the <i>Transport Infrastructure Act 1994</i>. (d) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual.	(a) and (b) Prior to the commencement of use. (c) As indicated (d) Prior to commencement of use.
Stormwater management		
3.	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: (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;	At all times.

No.	Conditions	Condition timing
	(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.	

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.
Future land requirements	
2.	Land owner's consent must be obtained and provided to the Department of Transport and Main Roads should any portion of land adjoining a road reserve be required to enable the reconfiguration of the Murana Road / Diamantina Developmental Road / Sommerfield Road intersection (as per Condition 2 of this Referral agency response).

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 State code 1: Development in a state-controlled road environment the SDAP. Specifically, the development does not:

- increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

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
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

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	• Preliminary Approval – Variation Request under section 50(3) of the <i>Planning Act 2016</i> (Quilpie Transport and Travel Precinct); and • Development Permit for a Material Change of Use to establish a Service Station
Assessment benchmarks	The proposed development was assessed against the following Assessment benchmarks: • South West Regional Plan • State Planning Policy • <i>The Quilpie Shire Planning Scheme 2018</i> ○ Part 3 Strategic Framework ○ Part 5 Tables of Assessment ○ Part 6 Zones ▪ Part 6.2.2 Rural Zone Code ○ Part 7 Development Codes ▪ Part 7.3.1 General Development Code
Relevant matters	No relevant matters were identified in the assessment of the application.
Matters raised in submissions	No submissions were received during Public Notification of the development application.
Reasons for decision	It is considered that there are sufficient grounds to support the development, despite any conflicts with the applicable assessment benchmarks. Development conditions have been imposed to ensure compliance to the greatest extent possible. Any non-compliance has been accepted based on: • the development will support economic development in Quilpie and the Shire more broadly; • the development has been conditioned to ensure it does not generate noise, dust or any other environmental nuisance; and • there is an absence of any significant impacts that result from the development.

ATTACHMENT 5 – APPROVED PLANS AND SPECIFICATIONS