

**Quilpie Shire Council****P:** 07 4656 0500**E:** admin@quilpie.qld.gov.au**A:** 50 Brolga Street, Quilpie Q 4480**P:** PO Box 57, Quilpie QLD 4480**W:** quilpie.qld.gov.au**ABN** 53 680 434 639

Our Reference: 280144 : Dominique Wells
DA10 25-26

25 September 2026

Quilpie Shire Council
C/- Hartecs Group
Cathedral Village, Office 26, Level 1
115 Wickham Street
FORTITUDE QLD 4006

Bkearney@hartecs.com.au

Dear Mr Kearney

Decision notice–Approval (with conditions)
(Given under section 83 of the *Planning Act 2016*)

I acknowledge the below application was properly made on 30 June 2026.

Application details

Approval Sought:	Change Application (Other) to existing Development Permit
Application Proposal:	Reconfiguring a Lot – One (1) into sixteen (16) lot industrial subdivision, new road and easements
Category of Assessment:	Code Assessment
Planning Scheme:	Quilpie Shire Planning Scheme

Location details

Street Address:	1, 10, 15, 18, 23, 28, 31, 36, 41, 43, 44, 52 and 54 Anzac Drive, Quilpie QLD 4480
Real Property Description:	Lots 2-4 & 15 in SP313216 & Lots 5-14 on SP273738

Decision

I wish to advise that, on 15 September 2026, the above change application was approved 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a Lot	N/A	☒	

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:

- Development Permit – Operational Works
- 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:	Applications can be prepared and referred to DILGP online by using MyDAS2. MyDAS2 can be accessed at https://prod2.dev-assess.qld.gov.au/suite/ Email: ToowoombaSARA ToowoombaSARA@dsdmip.qld.gov.au
Reason for Referral:	<i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold—</i>

State Assessment and Referral Agency (SARA)	
	(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1
	Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the premises are within 25m of a State transport corridor; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots adjacent to the State transport corridor is increased; (iii) there is a new or changed access between the premises and the State transport corridor; (iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and (c) the reconfiguration does not relate to government supported transport infrastructure Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1
	Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the premises are— (i) adjacent to a road (the relevant road) that intersects with a State-controlled road; and (ii) within 100m of the intersection; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots adjacent to the relevant road is increased; (iii) there is a new or changed access between the premises and the relevant road; and (c) the reconfiguration does not relate to government supported transport infrastructure Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1

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
PRJ-0860-06-SK01	Stage 02 – Layout & Staging Plan	29 May 2026
250238-1/03	Working Plan	17/06/2026

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 Dominique Wells on (07) 4656 0500 should you wish to discuss this matter further.

Yours faithfully



Eng Lim
CHIEF EXECUTIVE OFFICER (Acting)

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 1 –ASSESSMENT MANAGER CONDITIONS OF APPROVAL (QUILPIE SHIRE COUNCIL)**Development Conditions**

No.	Condition									
1	Approval is granted for the purpose of Reconfiguring a Lot (1 into sixteen (16) Lot Industrial Subdivision, New Road and Easements).									
2	~~The development shall be generally in accordance with supporting information supplied by the applicant with the development application including the plans listed in Item 11 (above) of this Decision Notice.~~									
2	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. <table><tr><th>Plan/Document Number</th><th>Plan/Document Name</th><th>Date</th></tr><tr><td>PRJ-0860-06-SK01</td><td>Stage 02 – Layout & Staging Plan</td><td>29 May 2026</td></tr><tr><td>250238-1/03</td><td>Working Plan</td><td>17/06/2026</td></tr></table>	Plan/Document Number	Plan/Document Name	Date	PRJ-0860-06-SK01	Stage 02 – Layout & Staging Plan	29 May 2026	250238-1/03	Working Plan	17/06/2026
Plan/Document Number	Plan/Document Name	Date								
PRJ-0860-06-SK01	Stage 02 – Layout & Staging Plan	29 May 2026								
250238-1/03	Working Plan	17/06/2026								
3	The new road shall have a minimum reservation width generally in accordance with the approved plans.									
4	The new road shall be sealed, designed and constructed in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.1(1) of the Quilpie Shire Planning Scheme or to other accepted and endorsed engineering standards.									
5	The new road shall be appropriately named.									
6	Each proposed lot shall be given an appropriate street number in accordance with Australian Standard AS4819.									
7	Street lighting shall be provided in the new road in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.1(1) of the Quilpie Shire Planning Scheme or to other accepted and endorsed engineering standards.									
8	Each proposed lot shall have vehicle access from a formed road in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Area and Access, Section 2.3 (1) and (2) of the Quilpie Shire Planning Scheme or to other accepted and endorsed engineering standards.									
9	The existing water supply main shall be extended to the subject site within the road reserves, and of sufficient length to facilitate direct connection from each proposed lot to the water supply main, with capacity sufficient for the development, including adequate pressure for fire fighting purposes, in accordance with Schedule 1, Division 3: Standards for Water Supply, Section 3.1(1) of the Quilpie Shire Planning Scheme or to or to other accepted and endorsed engineering standards.									

No.	Condition
10	Each proposed lot shall be connected to Council's reticulated water supply system, in accordance with Schedule 1, Division 3: Standards for Water Supply, Section 3.1 of the Quilpie Shire Planning Scheme or to other accepted and endorsed engineering standards.
11	Fire hydrants shall be provided in the new road reserve in accordance with the accepted and endorsed engineering standards.
12	Prior to the submission to Council of the Plan of Survey required by Condition 26, reporting demonstrating that each lot can be adequately provided with an on-site effluent disposal system in accordance with Schedule 1, Division 4: Standards for On-Site Sewerage, Section 4.2 or to other accepted and endorsed engineering standards, shall be prepared by a Registered Professional Engineer Queensland (RPEQ)-Civil or other suitably qualified person and shall be submitted to and for the endorsement of Council.
13	Each proposed lot shall have stormwater collected and discharged in accordance with Schedule 1, Division 5: Standards for Stormwater Drainage, Section 5.1 of the Quilpie Shire Planning Scheme or to other accepted and endorsed engineering standards.
14	Each proposed lot, shall be connected to the reticulated electricity supply system in accordance with relevant standards required by the service provider.
15	A statutory covenant, pursuant to section 97A of the Land Title Act 1994, shall be registered over Easements A to G as shown on the approved plans, for the purpose of retaining vegetation for screening and visual amenity along and for the entire length of the subject site where it has frontage to Diamantina Developmental Road
16	Easements A to G generally as shown on the approved plans, shall be provided in favour of Council to facilitate access by Council to the covenant areas required by Condition 15 for the purpose of vegetation amenity and maintenance.
18	All utility services shall be located within the road reserve where possible in accordance with accepted and endorsed engineering standards.
19	Any filling or excavation necessitated to meet the conditions of this approval shall be undertaken in accordance with Schedule 1, Division 1: Standards for Construction Activities, Section 1.1 of the Quilpie Shire Planning Scheme or to other accepted and endorsed engineering standards.
20	Best practice soil erosion control techniques shall be used at the location of all works to be completed on the subject site in accordance with Schedule 1, Division 1: Standards for Construction Activities, Section 1.1 of the Quilpie Shire Planning Scheme or to other accepted and endorsed engineering standards, and shall remain in place for the duration of construction.
21	No construction shall take place until the appropriate erosion control and silt collection measures are in place as required by Condition 20 (above). Such erosion control and silt collection measures shall remain on-site throughout the construction period.
22	Prior to undertaking any works required by the conditions of approval for the road (including street lighting), vehicle crossovers, water supply main extension (including fire hydrants), water supply connections and stormwater drainage, engineering plans and specifications shall be prepared by a Registered Professional Engineer Queensland (RPEQ)-Civil in accordance with the relevant standards required by the conditions of approval, and shall be submitted to and for the endorsement of Council.

No.	Condition
23	On completion of the works, "as constructed" plans shall be submitted to Council, with certification by a Registered Professional Engineer Queensland (RPEQ)-Civil that the works have been completed in accordance with the endorsed plans and any approved modifications.
24	The cost of carrying out works and providing services to each proposed lot, as required by conditions of approval, shall be at the expense of the applicant.
25	Council may identify lot/s for sale. In respect of those identified lot/s and prior to their release for sale by Council, all works necessitated by the conditions of approval for roads (including street lighting), vehicle crossovers, water supply main extensions (including fire hydrants), water supply connections, stormwater drainage, earthworks and reticulation of electricity shall be completed.
26	The applicant shall submit a detailed Plan of Survey, including the statutory covenant and easement documentation required by Conditions 15 and 16 prepared by a licensed surveyor, for the approval of Council.

General Advice

No.	Category	Condition
(a)	Relevant Planning Scheme	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.
(b)	Future Permits	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.
(c)	Duty of Care	This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> . Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i> , a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").
(f)	Environmental harm	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.
(g)	Necessary Permits	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.

No.	Category	Condition
(h)	Future changes	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.

ATTACHMENT 2 – CONCURRENCE AGENCY RESPONSE

DELIVERING
FOR QUEENSLAND



Department of
State Development,
Infrastructure and Planning

RA6-N
SARA reference: 2607-53777 SRA
Council reference: 277430: Dominique Wells DA10 25-26
Applicant reference: PRJ-0860

27 August 2026

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—1, 10, 15, 18, 23, 28, 31, 36, 41, 43, 44, 52 and 54 Anzac Drive, Quilpie QLD 4480

(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 28 July 2026.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	###Secondary1###	
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	Change application (Other) to existing Development Permit - Reconfiguring a Lot - 1 into 16 lot industrial subdivision, new road and easements
SARA role:	Referral agency	

Page 1 of 9

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

SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017)
	Development impacting on state transport infrastructure
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017)
	Reconfiguring a lot near a state transport corridor
	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:	2607-53777 SRA
Assessment manager:	Quilpie Shire Council
Street address:	1, 10, 15, 18, 23, 28, 31, 36, 41, 43, 44, 52 and 54 Anzac Drive, Quilpie QLD 4480
Real property description:	Lots 2-4 & 15 in SP313216 & Lots 5-14 on SP273738
Applicant name:	Quilpie Shire Council C/- Hartecs Group
Applicant contact details:	Cathedral Village, Office 26, Level 1, 115 Wickham Street Fortitude Valley QLD 4006 nicole@strategic-urban.com.au
Human Rights Act 2019 considerations:	The decision has been assessed for compatibility with human rights under the <i>Human Rights Act 2019</i> . The decision was found not to limit human rights under the <i>Human Rights Act 2019</i> therefore, it is reasonable to conclude the decision is compatible with 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 Ian McHugh, Principal Planning Officer, on 07 4616 7320 or via email ToowoombaSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

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

cc Quilpie Shire Council, nicole@strategic-urban.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) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a lot - 1 into 16 lot industrial subdivision		
10.9.4.1.1.1, 10.9.4.2.1.1 & 10.9.4.2.3.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads (DTMR) 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.	The development must be carried out generally in accordance with the following plan: Stage 02 Layout & Staging Plan prepared by Hartecs Group dated 19 May 2026, reference Drawing No. PRJ-0860-06-SK01 (Rev. B).	At all times
2.	(a) Stormwater management of the development must not cause worsening to the operating performance of the Quilpie-Thargomindah Road or Diamantina Development Road, such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the state-controlled corridors (ii) concentrate or increase the velocity of flows to the state-controlled corridors (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled corridors (iv) surcharge any existing culvert or drain on the state-controlled corridors (v) reduce the quality of stormwater discharge onto the state-controlled corridors (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled corridors (vii) reduce the floodplain immunity of the state-controlled corridors. (b) Submit Registered Professional Engineer Queensland (RPEQ) certification to DTMR confirming that the development has been designed in accordance with part (a) of this condition.	(a) At all times (b) Prior to obtaining development approval for operational work
3.	(a) Any excavation, filling, paving, landscaping, construction or any other works to the land must not: (i). create any new discharge points for stormwater runoff onto the state-controlled road; (ii). interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii). surcharge any existing culvert or drain on the state controlled road; and (iv). reduce the quality of stormwater discharge onto the state controlled road. (b) The applicant must provide RPEQ certification to DTMR that the development has been designed and constructed in accordance with parts (a) of this condition.	(a) At all times (b) Prior to obtaining development approval for operational work
4.	(a) Road works comprising the construction of the new road/Diamantina Developmental Road intersection, for which	Prior to submitting the Plan of Survey to the

	approval under section 33 of the <i>Transport infrastructure Act 1994</i> must be obtained, must be provided: i. Located generally in accordance with the site plan titled: Stage 02 Layout & Staging Plan prepared by Hartecs Group dated 19 May 2026, reference Drawing No. PRJ-0880-06-SK01 (Rev. B). ii. Road works comprising a Basic Left Turn (BAL) and Basic Right Turn (BAR) treatments catering for Type 2 Road Trains; and iii. The installation of lighting identified as required in accordance with DTMRs' Road Planning and Design Manual (2nd Edition) and any manuals/standards (including Australian Standards) referenced therein. (b) The road works (including lighting and external signage) must be designed and constructed in accordance with the following: i. Road Planning and Design Manual, prepared by DTMR, and ii. Manual of Uniform Traffic Control Devices (Queensland), prepared by DTMR.	local government for approval for Stage 1 of the development.
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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 3.6. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under section 58(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- The development complies with the assessment benchmarks of State codes 1 and 6 of SDAP in that the development:
 - o is suitably located and designed to prevent environmental harm to the acoustic and air environment, receiving waters, and sensitive land uses
 - o effectively prevents and minimises hazardous contaminants from release to the environment
 - o avoids impacts on matters of state environmental significance.
 - o does not adversely impact the structural integrity or physical condition of the state controlled road network
 - o does not adversely impact the function and efficiency of the state controlled road network

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.6), 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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Attachment 5—Documents referenced in conditions

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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.

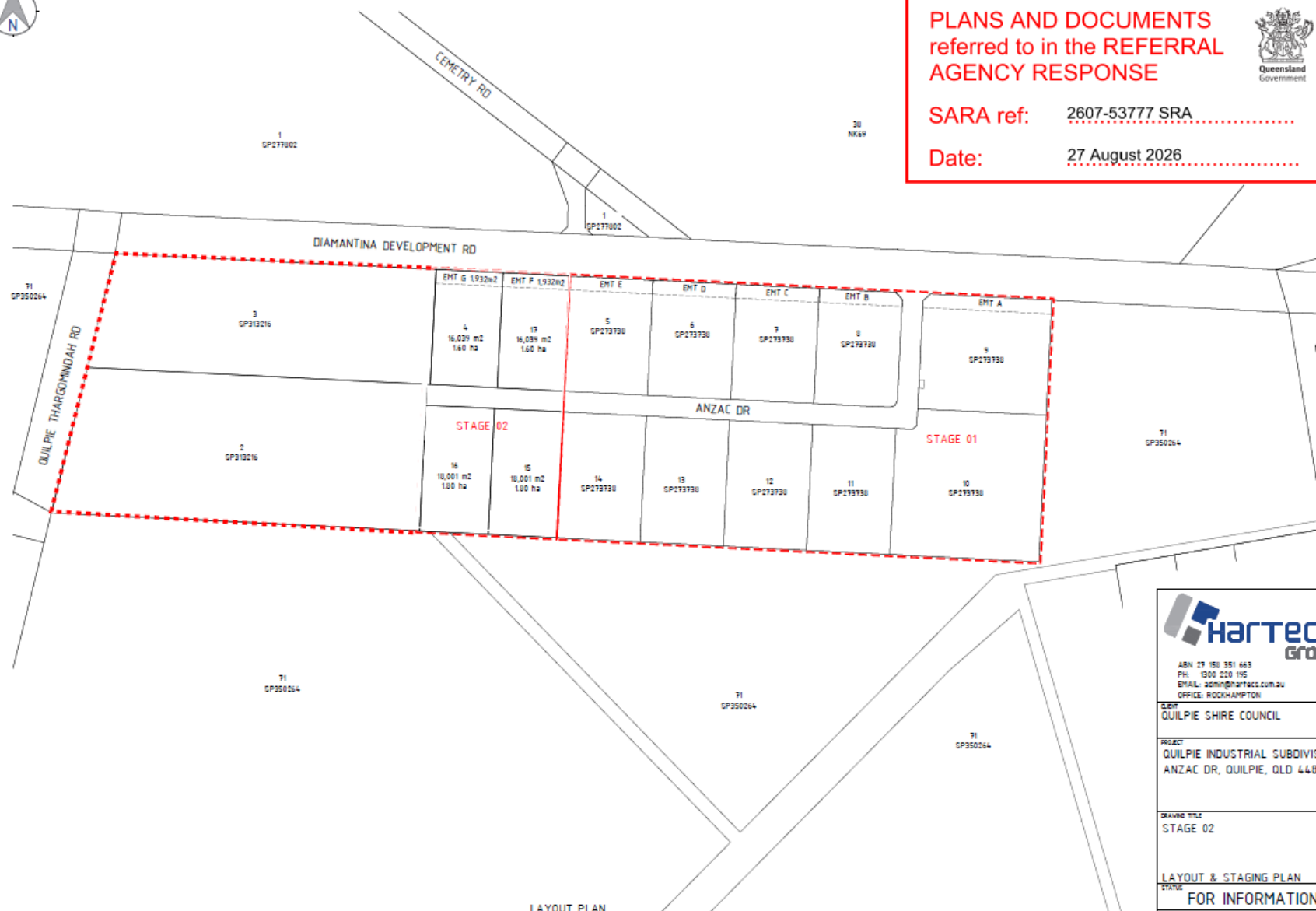


PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2607-53777 SRA.....

Date: 27 August 2026.....



LAYOUT PLAN
SCALE A1 - 1 : 2500
A3 - 1 : 5000



ABN 27 150 351 663
PH: 1300 220 195
EMAIL: admin@hartecs.com.au
OFFICE: ROCKHAMPTON

CLIENT
QUILPIE SHIRE COUNCIL

PROJECT
QUILPIE INDUSTRIAL SUBDIVISION
ANZAC DR, QUILPIE, QLD 4480

DRAWING TITLE
STAGE 02

LAYOUT & STAGING PLAN
STATUS
FOR INFORMATION

PROJ - DWE No.
PRJ-0860-06-SK01

REV: B

SHEET NO. 01 OF 01

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	Change Application (Other) to existing Development Permit for Reconfiguring a Lot – One (1) into sixteen (16) lot industrial subdivision, new road and easements
Assessment benchmarks	The proposed development was assessed against the following Assessment benchmarks: • the Regional Plan (i.e. South West Regional Plan); • the State Planning Policy; and • the Quilpie Shire Planning Scheme. ○ Part 7 Development Codes ▪ 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 non-compliance has been accepted based on: • The proposal creates safe and functional lots suitable for industrial land uses, consistent with the purpose of the zone; • All lots will be provided with suitable access to Anzac Drive and will be connected to all available urban infrastructure services. • The site is not mapped as containing any matters of state ecological significance.

ATTACHMENT 5 – APPROVED PLANS AND SPECIFICATIONS

