

12 July 2021

Our Reference: DA210013

Telstra Corporation Ltd
C/- Downer EDI
Level 7, 19 Lang Parade
MILTON QLD 4064

Dear Sir/Madam,

Decision notice

(Given under section 22 of the Development Assessment Rules version 1.2 OR section 63 of the *Planning Act 2016*)

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
TELECOMMUNICATIONS FACILITY (11.1M MONOPOLE AND ANCILLARY
EQUIPMENT) AT 18416 BURNETT HIGHWAY, BINJOUR QLD 4625 ON LAND
DESCRIBED AS LOT 177 ON BON270**

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 21 May 2021 and taken to be properly made on 26 May 2021.

Please find attached the Decision notice for this development application.

Section 71 and 72 of the Planning Act 2016 identifies when a development approval has effect and the development may start. In summary, a development approval generally has immediate effect, except when—

- If there is an appeal, after the appeal has ended.
- If there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

Please quote Council's application number DA210013 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services Department on 1300 696 272.

Yours sincerely,



Jeff Miles
Planning & Environment Manager

Enc: Decision notice
Approved plans

Decision notice — approval (with conditions)

(Given under section 63 of the *Planning Act 2016*)

Thank you for your development application detailed below which was considered properly made on 21 May 2021. The North Burnett Regional Council has assessed your application and decided it as follows—

1. Applicant's details

Name: Telstra Corporation Ltd C/- Downer EDI
 Postal Address: Level 7, 19 Lang Parade, Milton QLD 4064

2. Location details

Street address: 18416 Burnett Highway, Binjour QLD 4625
 Real property description: Lot 177 on BON270
 Local government area: North Burnett Regional Council

3. Details of the proposed development

Application number: DA210013
 Approval sought: Development permit
 Nature of development: Material Change of Use – Telecommunications facility (11.1m monopole and ancillary equipment)

4. Decision

Date of decision: 12 July 2021
 Decision details: Approved in full subject to conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given—

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

5. Approved plans & other documents

Copies of the following plans and other documents are enclosed in Attachment 3—

Document title	Prepared by	Date	Reference no.
Small cell site 334929 Binjour Plateau State School	Downer	24/06/21	Drawing No: Q116824 Sheet 2
Small cell site 334929 Binjour Plateau State School	Downer	24/06/21	Drawing No: Q116824 Sheet 2.1
Small cell site 334929 Binjour Plateau State School	Downer	24/06/21	Drawing No: Q116824 Sheet 3
Small cell site 334929 Binjour Plateau State School	Downer	24/06/21	Drawing No: Q116824 Sheet 4

6. Conditions

This approval is subject to the conditions in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

7. Further development permits

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

- Building Work

8. Properly made submissions

Not applicable—no part of the application required public notification

9. Referral agencies for the application

The referral agencies for this application are—

For an application involving	Name of referral agency and address	Advice or concurrence agency
State transport corridors and future State transport corridors Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the <i>Planning Regulation 2017</i> . Material change of use of premises near a State transport corridor or that is a future State transport corridor	Department of State Development, Infrastructure, Local Government and Planning State Assessment and Referral Agency (SARA) E: WBBSARA@dsmip.qld.gov.au P: PO Box 979 Bundaberg QLD 4670	Concurrence

10. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*—refer <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sec.85>. A hard copy of section 85 of *Planning Act 2016* can be provided upon request.

11. Conditions about infrastructure

No conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*.

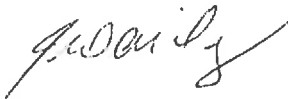
12. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular 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*).

A copy of the relevant appeal provisions is included in Attachment 4.

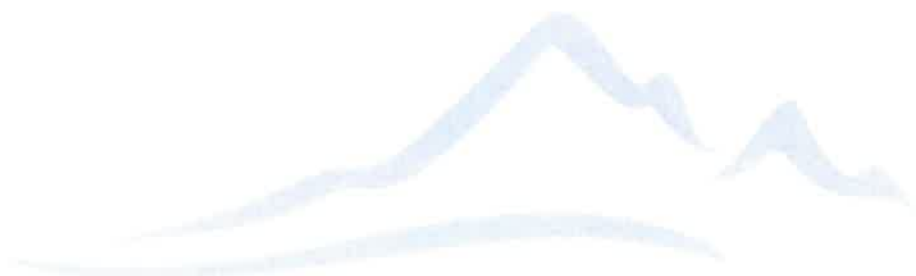
Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Yours faithfully,



Jeff Miles
Planning & Environment Manager

Enc: Attachment 1 – Conditions imposed by the assessment manager
Attachment 2 – Conditions imposed by concurrence agency
Attachment 3 – Approved plans
Attachment 4 – Appeal rights



Attachment 1 – Conditions Imposed by the Assessment Manager

General

- 1) Carry out the approved development in accordance with the approved plans and documents identified in section 5 “Approved plans” of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between conditions of this approval and details shown on the approved plans and documents, the conditions prevail.
- 3) The facility is to comply with the current mandatory standard for human exposure to electromagnetic energy emissions.
- 4) At time of building, the development is to be provided with connection to the reticulated electricity network that is sufficient to sustaining operation/s.
- 5) Implement and maintain an erosion and sediment control plan on-site, until all exposed and disturbed soil areas are permanently stabilised, to prevent the release of sediment or sediment laden stormwater from the site.
- 6) Remove and clean-up sediment or other pollutants in the event that they are tracked/released onto adjoining road/s or stormwater systems.
- 7) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 8) Comply with all conditions of this development permit prior to the use commencing on the site, unless otherwise explicitly identified.

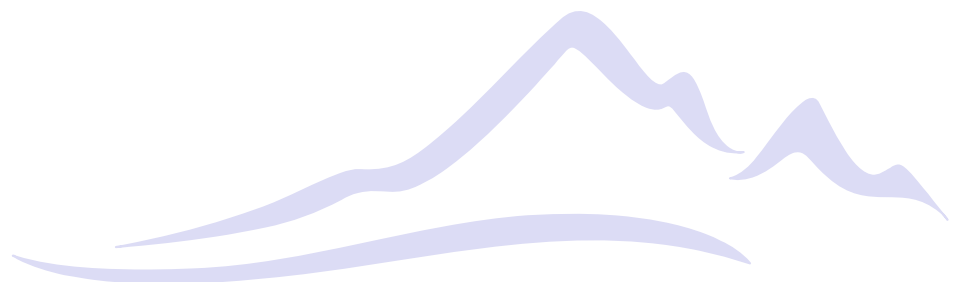
Advice to the applicant

- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant’s responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on the North Burnett Regional Council website (www.northburnett.qld.gov.au). For information about State and Commonwealth requirements please consult with these agencies directly
- This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Attachment 2 – Conditions imposed by Concurrence Agency

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Please refer to the following pages for the conditions imposed by concurrence agency





SARA reference: 2106-22865 SRA
 Council reference: DA210013

1 July 2021

Chief Executive Officer
 North Burnett Regional Council
 PO Box 390
 GAYNDAH QLD 4625
 admin@northburnett.qld.gov.au

Attention: Jeff Miles

Dear Mr Miles

SARA Response—18416 Burnett Highway, Binjour—Material Change of Use for Telecommunication Facility

(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 2 June 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of Response:	1 July 2021
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
		Telecommunication Facility				
SARA Role:	Referral Agency					
SARA Trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017					
	Development application for a material change of use within 25 metres					

of a State controlled road

SARA Reference: 2106-22865 SRA

Assessment Manager: North Burnett Regional Council

Street Address: 18416 Burnett Highway, Binjour

Real Property Description: Lot 177 on BON270

Applicant Name: Telstra Corporation Ltd

Applicant Contact Details: c/- Downer EDI Limited
Level 7, 19 Lang Parade
Milton QLD 4064
liz.wasiel@downergroup.com

State Controlled Road Access Permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR21-033168
- Date: 25 June 2021

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at WBB.IDAS@tmr.qld.gov.au.

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 Cavannah Deller, Planning Officer, on (07) 4331 5614 or via email WBBSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Garth Nolan
Manager, Planning – South East Queensland (North)

cc Downer EDI Limited, liz.wasiel@downergroup.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions

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
Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—State Transport Corridors and Future State Transport Corridors—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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):		
1.	<p>(a) The road access location is to be located approximately 450 metres from the Southern property boundary of lot 177 on BON270.</p> <p>(b) Road access works comprising a Rural Property Access (minimum Type B) must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Department of Transport and Main Roads Standard Drawing: Property Access – Rural Property Access, prepared by Department of Transport and Main Roads, dated July 2020, standard drawing no. 1807, revision A.</p>	<p>(a) At all times</p> <p>(b) and (c) Prior to commencement of use</p>

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 2.6. If a word remains undefined it has its ordinary meaning.
Further Development Permits Required	
2.	<p>The condition of this referral agency response requires works be completed. These works may constitute road works on a state-controlled road. Under Section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process will require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact the Department of Transport and Main Roads’ as soon as possible to ensure that gaining approval does not delay construction.</p> <p>For further information about this matter, please contact the Department of Transport and Main Roads’ Bundaberg Office either via email to WBB.IDAS@tmr.qld.ov.au or by phone on (07) 4154 0200.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The development is for a material change of use for a telecommunication facility.
- The development will not generate significant traffic movements.
- The development will use the existing road access location between the premises and the State controlled road. The design of the road access requires an upgrade to ensure safe vehicle movements between the premises and the State controlled road.
- The development is unlikely to result in stormwater or drainage impacts on the State controlled road.
- Conditions are required to ensure the development complies with State Code 1: Development in a State Controlled Road Environment of the State Development Assessment Provisions (version 2.6).

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation 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.

asfryerOur ref TMR21-033168
Your ref
Enquiries Ian Leyton



Department of
Transport and Main Roads

25 June 2021

Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number DA210013, lodged with North Burnett Regional Council involves constructing or changing a vehicular access between Lot 177BON270, the land the subject of the application, and Burnett Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Liz Wasiel
Level 7 19 Lang Parade
MILTON QLD 4064

Application Details

Address of Property 18416 Burnett Highway, BINJOUR QLD 4625
Real Property Description 177BON270
Aspect/s of Development Development Permit for Material Change of Use for Telecommunication Facility (11.1m monopole and ancillary equipment)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is approximately 450 metres from the southern boundary of Lot 177 BON270, in accordance with: <ul style="list-style-type: none">TMR Layout Plan TMR21-033168	At all times.
2	Road access works comprising rural property access must be provided at the permitted access location, generally in accordance with: <ul style="list-style-type: none">a) Minimum of Type B as shown on Department of Transport	Prior to commencement of use and to be maintained at all times thereafter.

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
	and Maim Roads Standard Drawing 1807 prepared by the Department of Transport and Main Roads dated 07/2020 revision A.	

Reasons for the decision

The reasons for this decision are as follows:

- a) A development application has been lodged for a material change of use for a telecommunications tower. This has resulted in a change of use for the existing access which is a minor increase in traffic when constructed.
- b) Access between a state-controlled road the Bruce Highway and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- c) An access at the proposed location should not create an unreasonable impact on safe operation of Burnett Highway if maintained according to the conditions above and used in accordance with the road rules.
- d) The existing access location is satisfactory and can be upgraded to a suitable standard.
- e) The existing use is a rural use. To cater for the addition of the telecommunications facility an upgrade to the access standard is required.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

- 1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
- 2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

- 1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
- 2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
- 3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed

before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ian Leyton, Development Control Officer (Adjacent Land Management) should be contacted by email at WBB.IDAS@tmr.qld.gov.au or on (07) 5482 0367.

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road the Burnett Highway and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to decide about road access.
- The access is at an existing location to the Burnett Highway. Visibility is good and continuation of access at this location as proposed is acceptable as the additional use is low impact once constructed.
- The standard of road access work specified, if used in accordance with the road rules, should not have any unreasonable adverse impact on safety of the Burnett Highway.
- The existing access location is satisfactory and can be upgraded to a suitable standard.
- The existing use is a rural use. To cater for the addition of the telecommunications facility and to meet current standards for access an upgrade to the access standard is required.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	Current as at 21 July 2020	---	
Road Access Policy	Department of Transport and Main Roads		---	V1.0
Road Planning and Design Manual 2 nd Edition	Department of Transport and Main Roads	Current as at 31 March 2021	---	--
Planning Report and appendices	Downer EDI Ltd	May 2021	4017585.01 Binjour Plateau State School	

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

TMR LAYOUT PLAN TMR21-033168



Author	Department of Transport and Main Roads
Date	18 June 2021
Source	Queensland Globe, accessed by Department of Transport and Main Roads on the 18 June 2021.

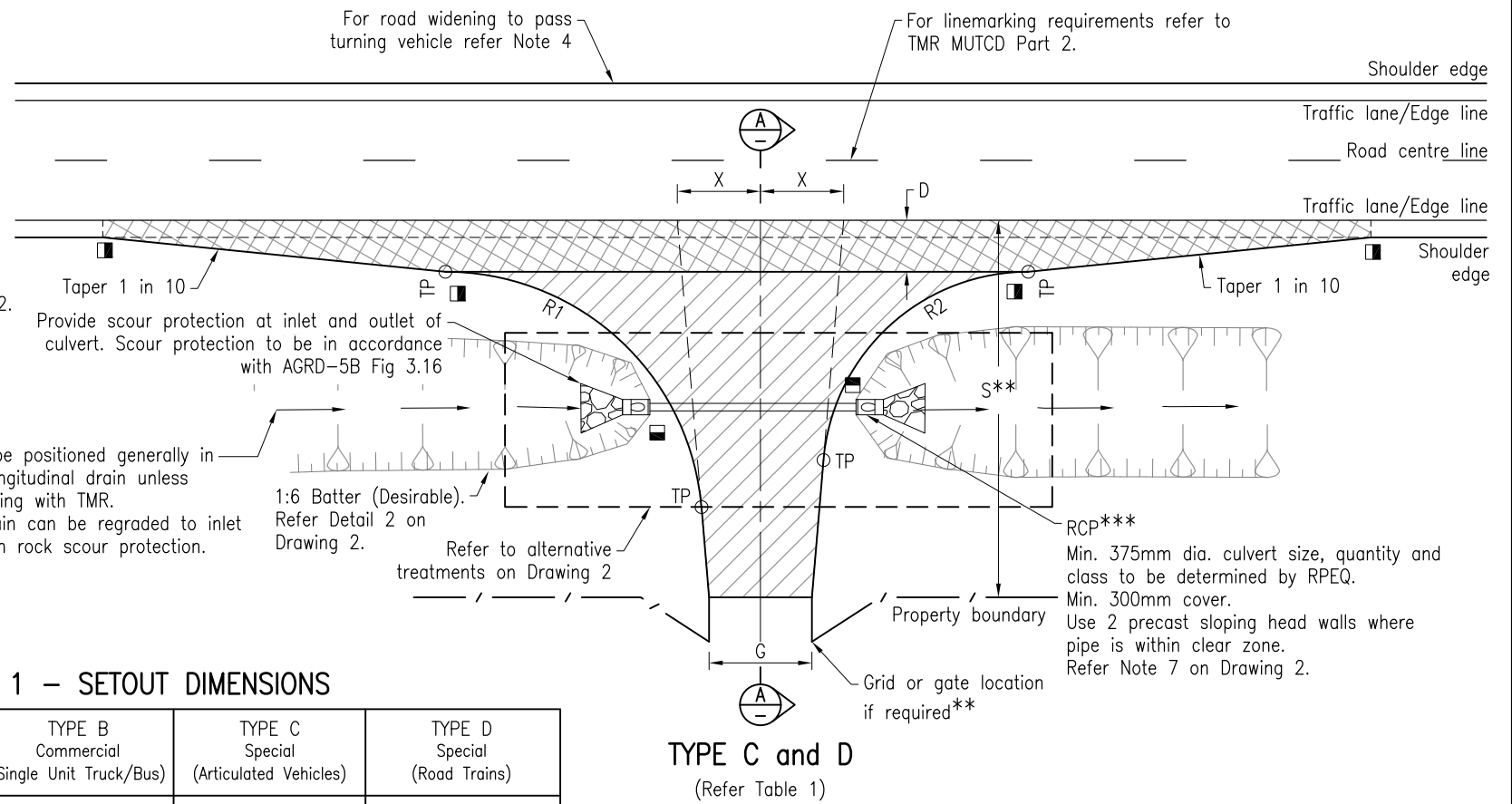
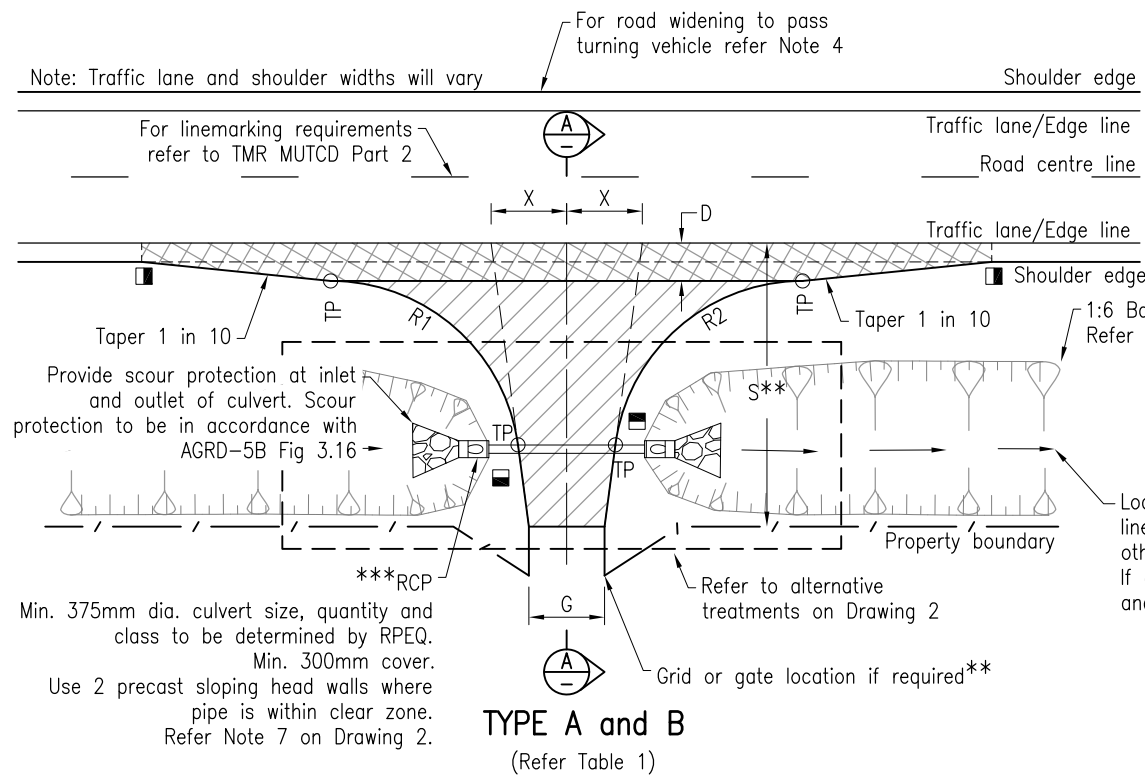


TABLE 1 – SETOUT DIMENSIONS

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C Special (Articulated Vehicles)	TYPE D Special (Road Trains)
R1	10m	10m	15m	20m
R2	10m	10m	12m	12m
D	2m	2m	3m	3m
X	3m	5m	4m	5m
S	12m	15m	22m	30m**
G	4–6m ∅	4–6m ∅	6m	6m
∅	6m Minimum width for two-way two-lane access.			

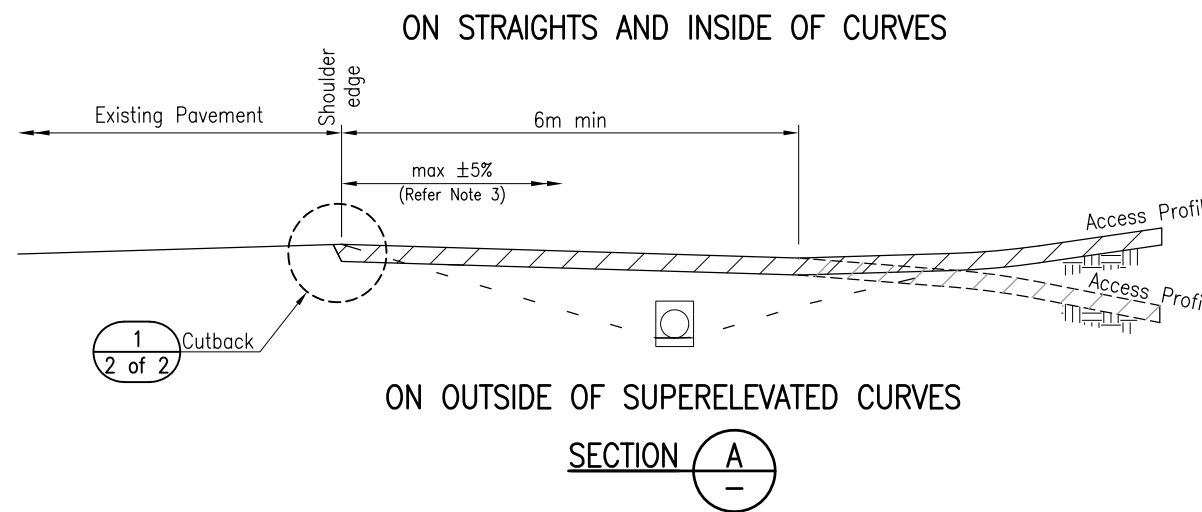
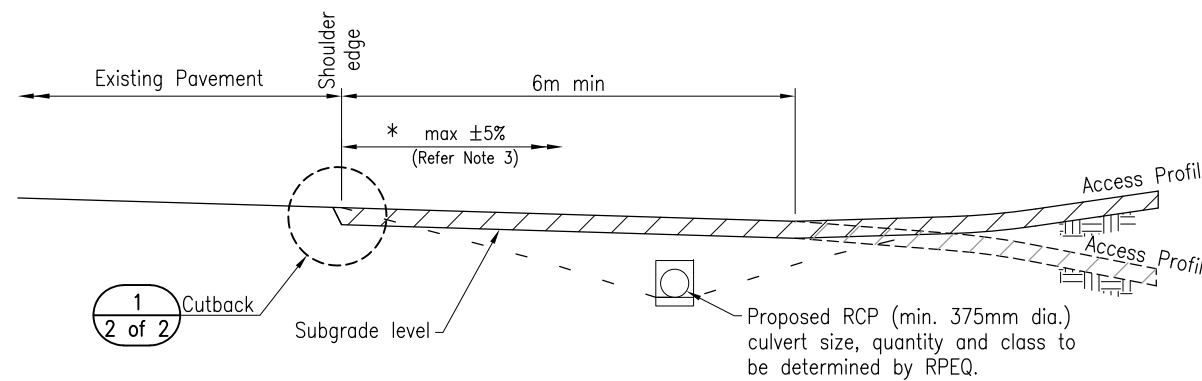
LEGEND

- Pavement Type 1 – Bitumen surfacing, 2 coat bitumen seal. Pavement depth and type to match existing or proposed through road pavement. Refer to Table 2 for minimum depths.
- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimise gravel on through road) to be determined by the RPEQ.
- * Maintain existing shoulder crossfall and superelevation.
- ** Length 'S' to property boundary by TMR. Where length 'S' is greater than the road reserve boundary, then fencing and grid/gate shall be recessed at the cost of owner from property boundary to ensure vehicle does not impede through lane.
- *** RCBC (min. size 600x300) can be used instead of RCP, or invert option where table drain is of insufficient depth for a culvert.
- Denotes Road Edge Guide Post
- The Filled in portion denotes a red reflector and the open portion a white reflector.

TABLE 2 – MINIMUM PAVEMENT DETAILS AND DEPTH

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C & D Special (Articulated Vehicles)
Sealed Pavement Base Course	150mm(Min.) Type 2.2 or match existing	200mm(Min.) Type 2.2 or match existing	280mm(Min.) Type 2.2 or match existing
Unsealed Pavement Base Course	150mm(Min.) Type 2.4 or match existing	200mm(Min.) Type 2.4 or match existing	#

- NOTE:
- Pavement to be sealed if through road is sealed to minimum of width 'D' of Table 1.
 - Where access is located on curves, intersections or is Type C, or excessive screwing motion will occur, pavement seal to extend to property boundary at the owner's cost to the engineer's/designer's discretion.
- # Bitumen sealed pavement only.
◆ Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.



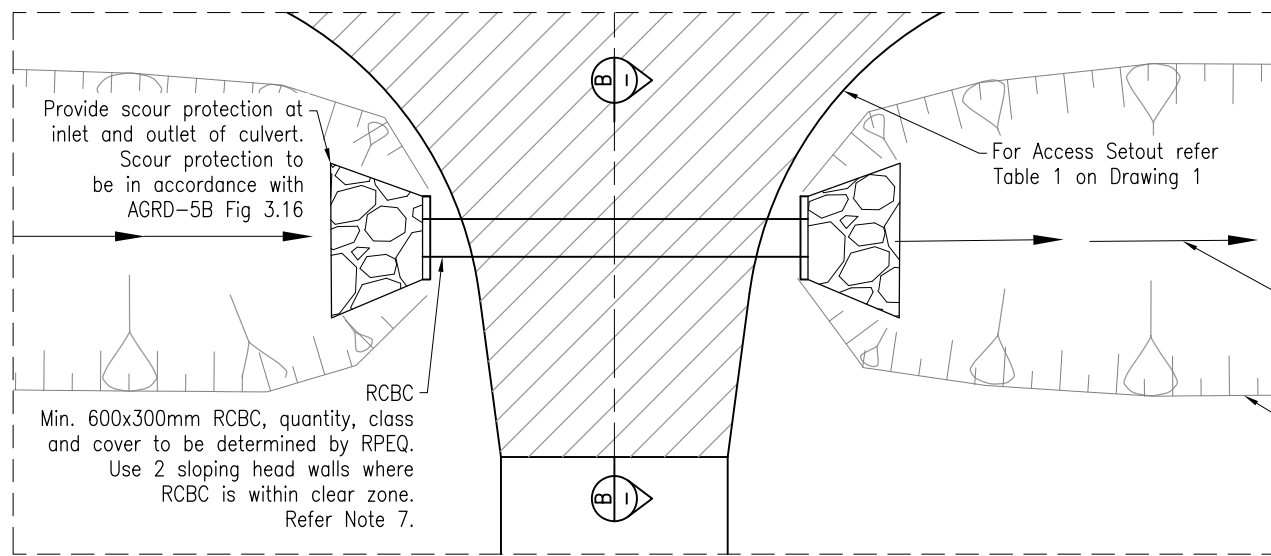
NOTES:

- Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to Sections 7.2.1 and 7.2.3 of the AGRD-4 (2009).
- For sight distance requirements refer to Section 3.4 of the RPDM (2nd Edition) Volume 3 Supplement to AGRD-4A, and Section 3 of the AGRD-4A (2010).
- Vertical clearance checks to be carried out for proposed vehicle in accordance with AS 2890.2 – Parking Facilities Off-Street Commercial Vehicle Facilities.
- RPEQ or designer to conduct traffic impact assessment to determine if turning treatments are required. Urban right-turn treatments maybe appropriate, refer to Section 7.5 of the AGRD-4A (2010) for pavement widening requirements. Pavement type to match existing or minimums specified in Table 2 of this drawing.
- This drawing is to be read in conjunction with Drawing 2 of 2.
- All dimensions in metres and are minimum unless specified.

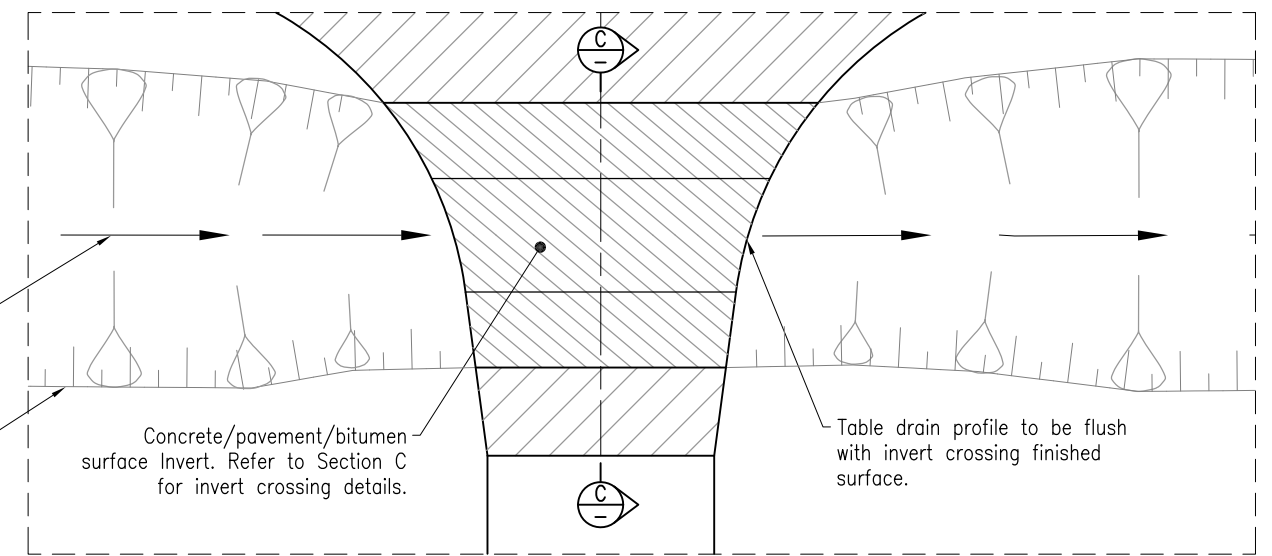
REFERENCED DOCUMENTS:

- Departmental Standard Drawings:
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 - 1305 Pipe Culverts - Headwall and Apron for Pipe Diameter 375 to 675
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- AGRD-4 (2009) Part 4: Intersections and Crossings – General (2009)
 - AGRD-4A (2010) Part 4A: Unsignalised and Signalised Intersections (2010)
 - AGRD-5B (2013) Part 5B: Drainage – Open Channels, Culverts and Floodways (2013)

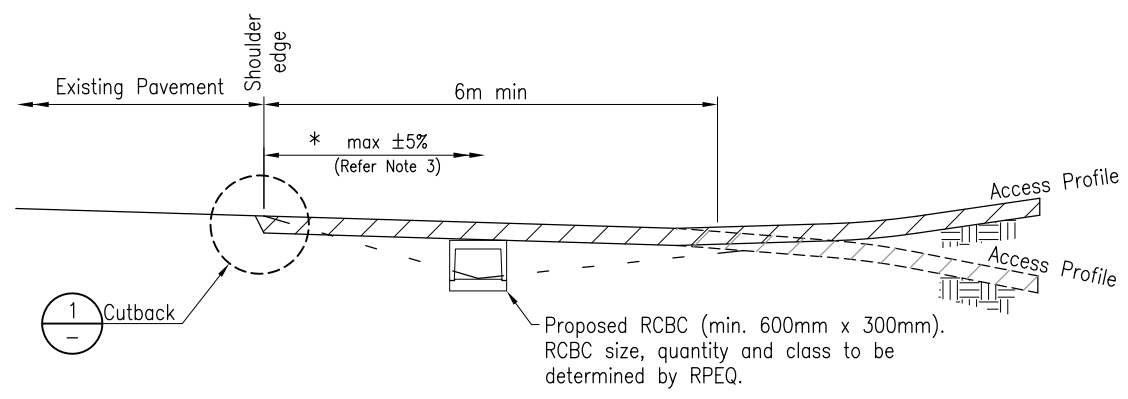
Department of Transport and Main Roads			
PROPERTY ACCESS		© The State of Queensland (Department of Transport and Main Roads) 2020 http://creativecommons.org/licenses/by/3.0/au	
RURAL PROPERTY ACCESS DRAWING 1 OF 2		A3 Not to Scale A	Standard Drawing No 1807 Date 07/2020



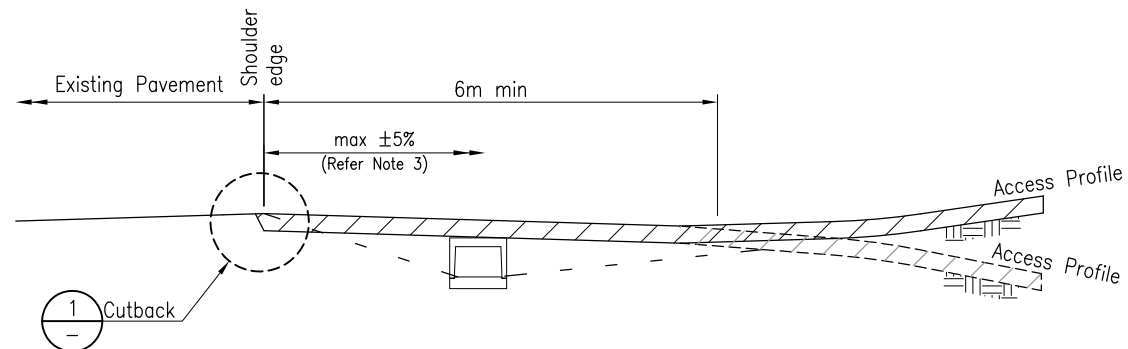
RC BOX CULVERT PLAN VIEW



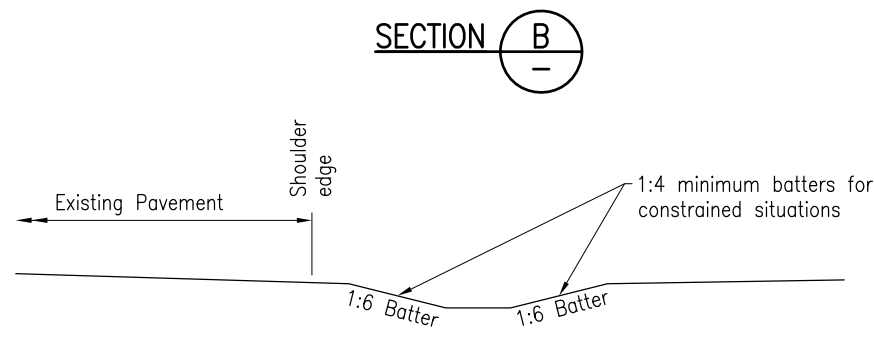
INVERT CROSSING PLAN VIEW



ON STRAIGHTS AND INSIDE OF CURVES

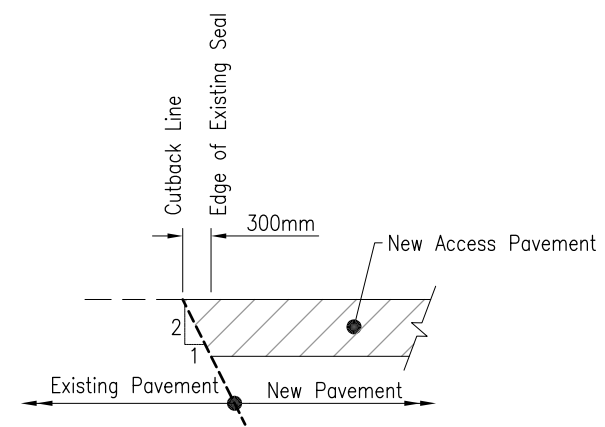


ON OUTSIDE OF SUPERELEVATED CURVES



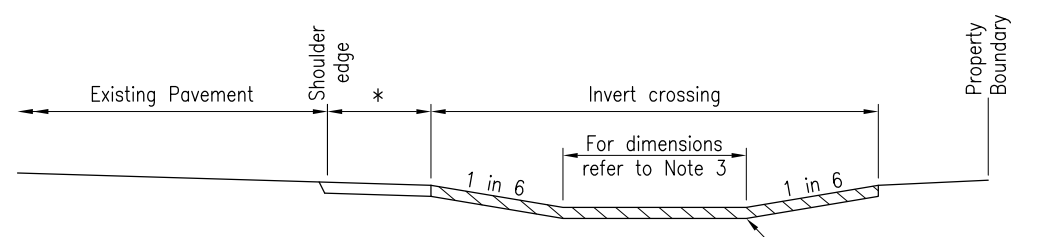
BATTER DETAIL

DETAIL 2



CUTBACK DETAIL

DETAIL 1



INVERT CROSSING

SECTION C

LEGEND

- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.
- Invert crossing surface
- * Maintain existing shoulder crossfall and superelevation.

NOTES:

1. This drawing is to be read in conjunction with Drawing 1 of 2.
2. Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
3. 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
4. Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
5. For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
6. Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub-base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
7. Culvert clear zone varies with location and speed environment. Refer to TMR Road Planning and Design Manual – Supplement to AGRD Part 6, and Austroads Guide to Road Design - Part 6.

REFERENCED DOCUMENTS:

- Departmental Standard Drawings:
- 1260 R C Box Culverts and Slab Link Box Culverts – Culverts Height = 375 To 600
 - 1033 Kerb and Channel – Profiles
- Australian Standards Documents:
- AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities

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PROPERTY ACCESS			
RURAL PROPERTY ACCESS DRAWING 2 OF 2	A3	Standard Drawing No	
	Not to Scale	1807	
A		Date 07/2020	

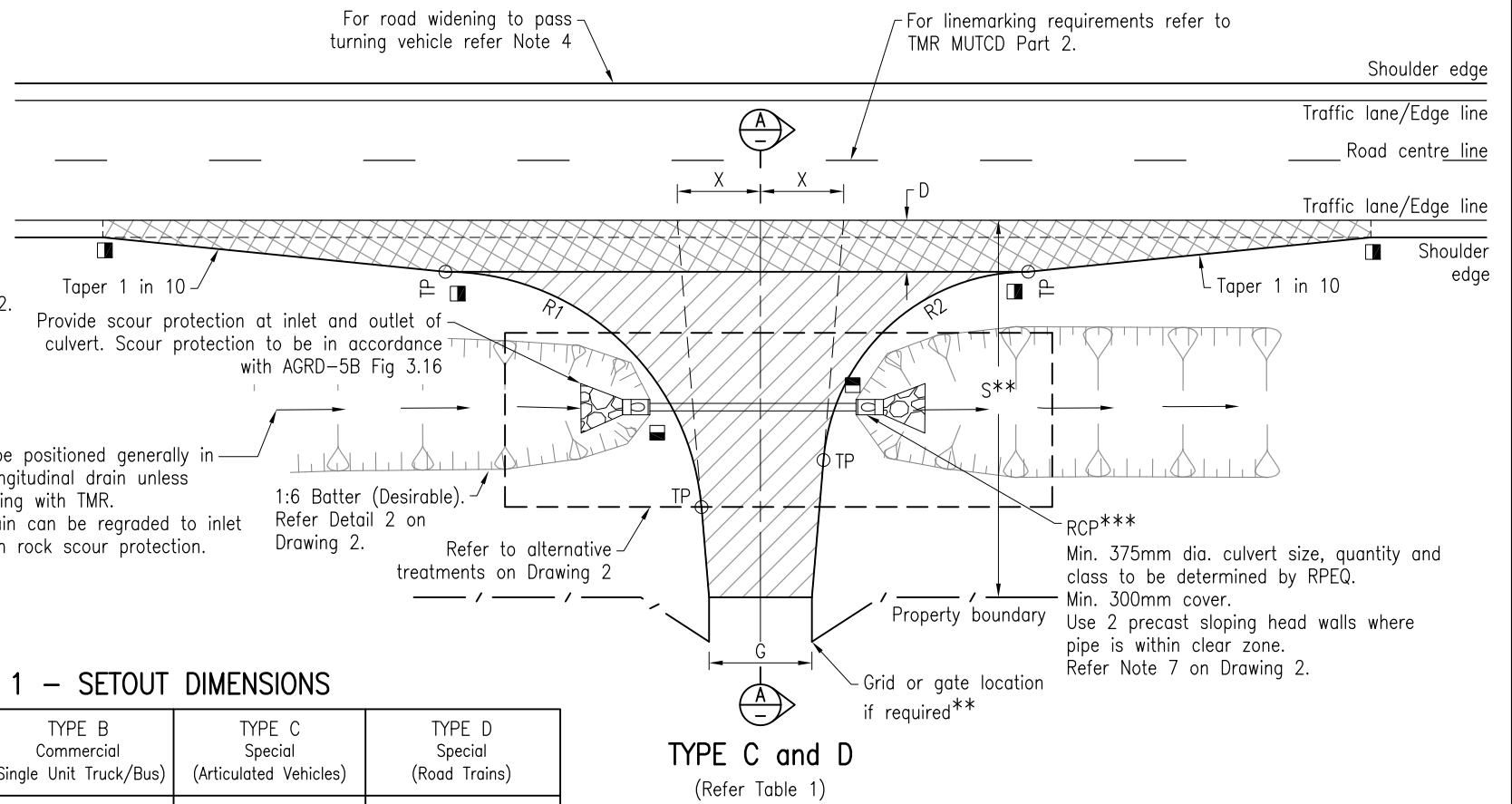
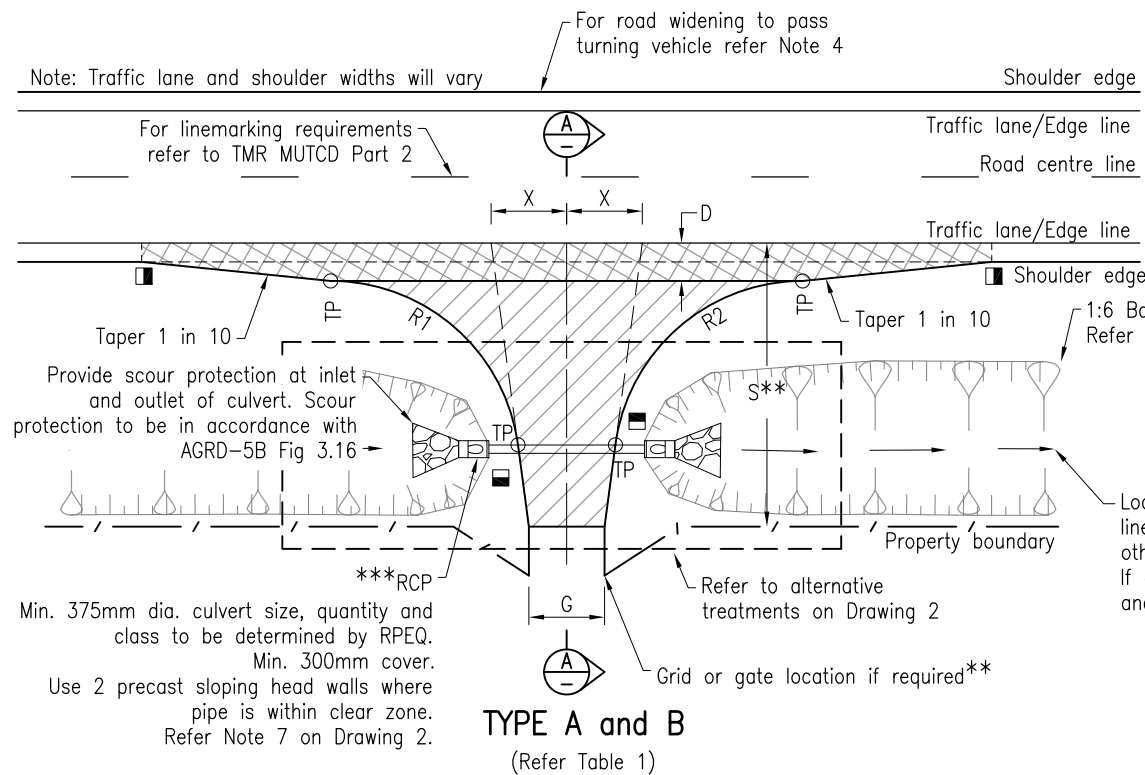


TABLE 1 – SETOUT DIMENSIONS

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C Special (Articulated Vehicles)	TYPE D Special (Road Trains)
R1	10m	10m	15m	20m
R2	10m	10m	12m	12m
D	2m	2m	3m	3m
X	3m	5m	4m	5m
S	12m	15m	22m	30m**
G	4–6m ∅	4–6m ∅	6m	6m
∅	6m Minimum width for two-way two-lane access.			

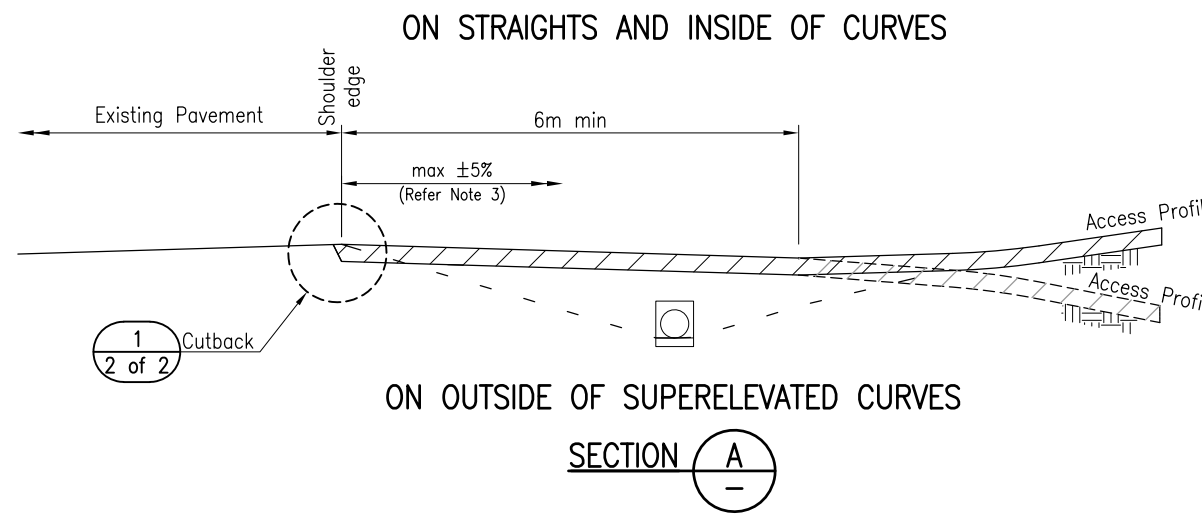
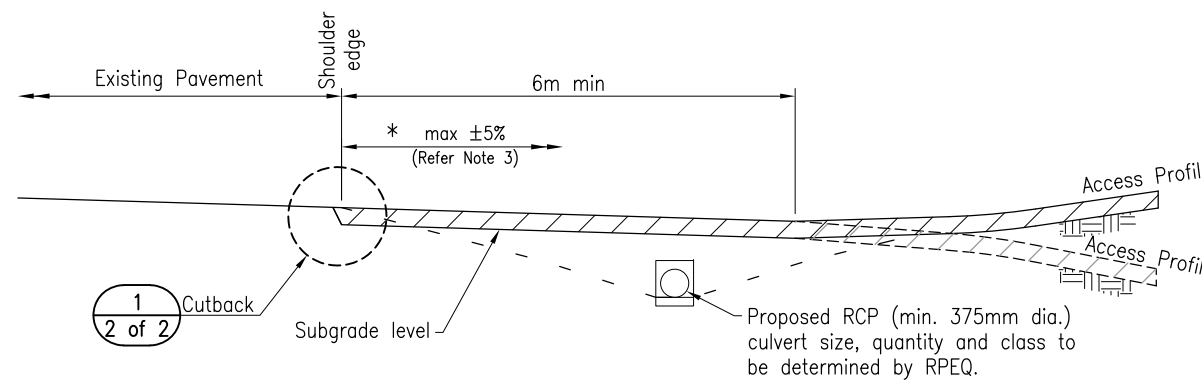
LEGEND

- Pavement Type 1 – Bitumen surfacing, 2 coat bitumen seal. Pavement depth and type to match existing or proposed through road pavement. Refer to Table 2 for minimum depths.
- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimise gravel on through road) to be determined by the RPEQ.
- * Maintain existing shoulder crossfall and superelevation.
- ** Length 'S' to property boundary by TMR. Where length 'S' is greater than the road reserve boundary, then fencing and grid/gate shall be recessed at the cost of owner from property boundary to ensure vehicle does not impede through lane.
- *** RCBC (min. size 600x300) can be used instead of RCP, or invert option where table drain is of insufficient depth for a culvert.
- Denotes Road Edge Guide Post
- The Filled in portion denotes a red reflector and the open portion a white reflector.

TABLE 2 – MINIMUM PAVEMENT DETAILS AND DEPTH

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C & D Special (Articulated Vehicles)
Sealed Pavement Base Course	150mm(Min.) Type 2.2 or match existing	200mm(Min.) Type 2.2 or match existing	280mm(Min.) Type 2.2 or match existing
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- NOTE:
- Pavement to be sealed if through road is sealed to minimum of width 'D' of Table 1.
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- # Bitumen sealed pavement only.
 ◆ Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.



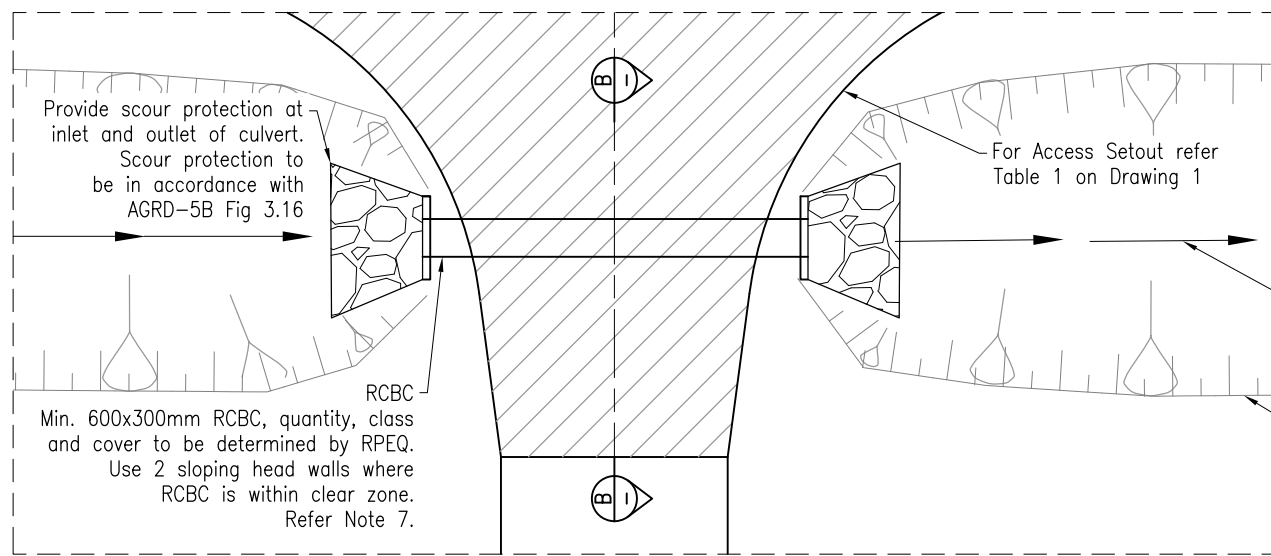
NOTES:

- Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to Sections 7.2.1 and 7.2.3 of the AGRD-4 (2009).
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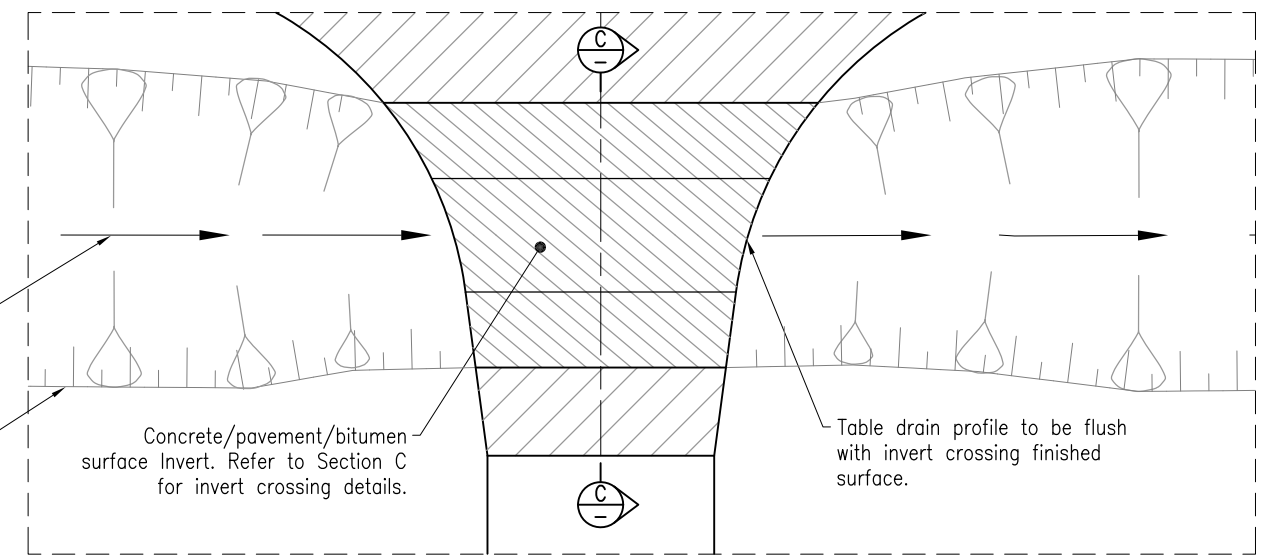
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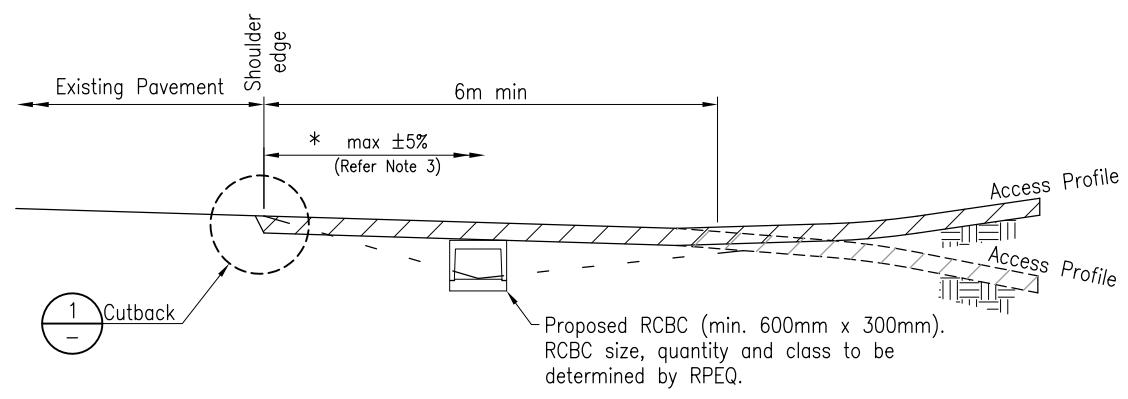
Department of Transport and Main Roads			
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RURAL PROPERTY ACCESS DRAWING 1 OF 2		A3 Not to Scale	Standard Drawing No 1807 Date 07/2020



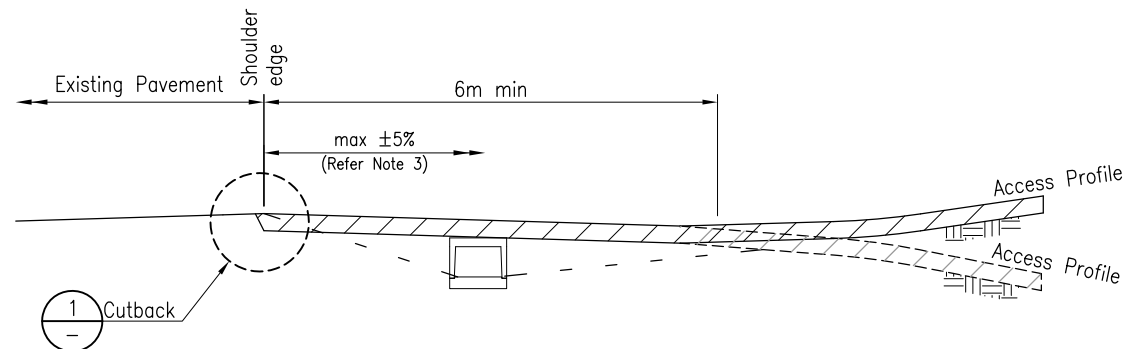
RC BOX CULVERT PLAN VIEW



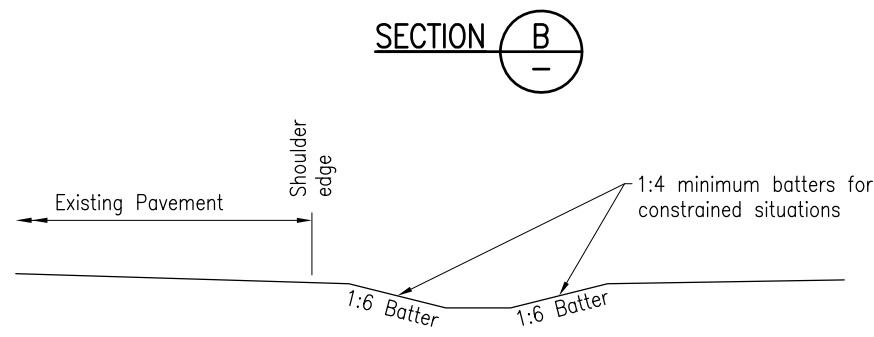
INVERT CROSSING PLAN VIEW



ON STRAIGHTS AND INSIDE OF CURVES

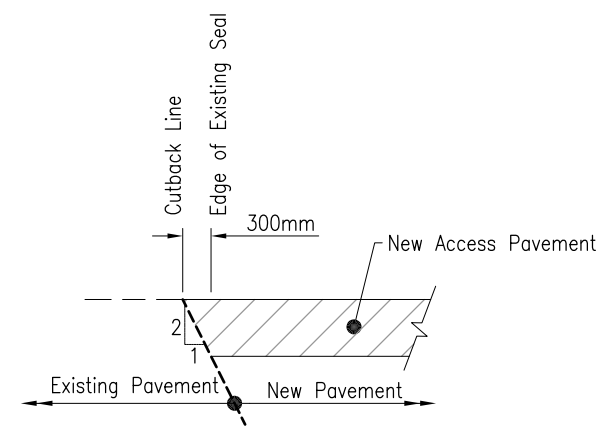


ON OUTSIDE OF SUPERELEVATED CURVES



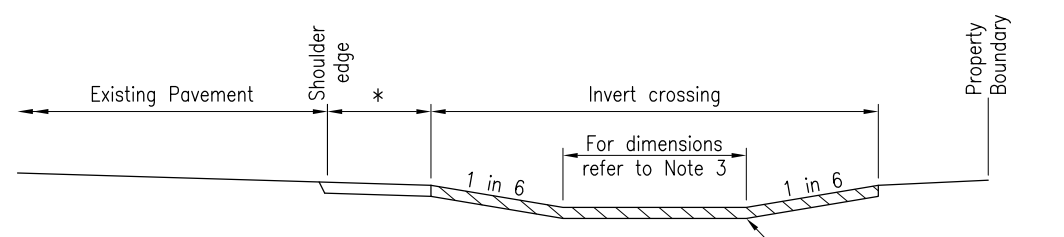
BATTER DETAIL

DETAIL 2



CUTBACK DETAIL



DETAIL 1



INVERT CROSSING

SECTION C

LEGEND



-  Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.
-  Invert crossing surface
- * Maintain existing shoulder crossfall and superelevation.

NOTES:

1. This drawing is to be read in conjunction with Drawing 1 of 2.
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- Australian Standards Documents:
- AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities

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PROPERTY ACCESS			
RURAL PROPERTY ACCESS DRAWING 2 OF 2		A3 Not to Scale A	Standard Drawing No 1807 Date 07/2020

Attachment 3 – Approved Plans

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Please refer to the following pages for the approved plans

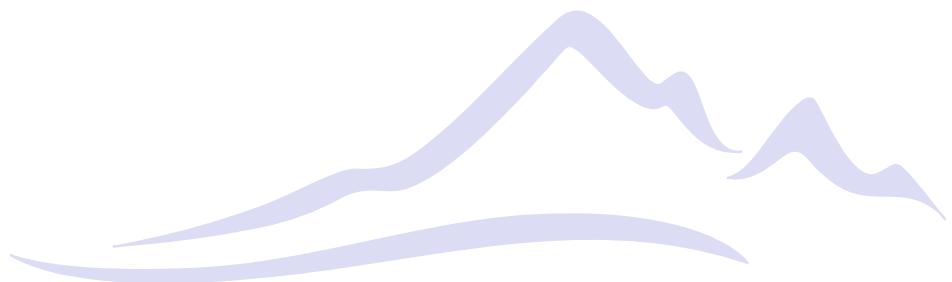




PHOTO 1 AERIAL VIEW - LOCALITY

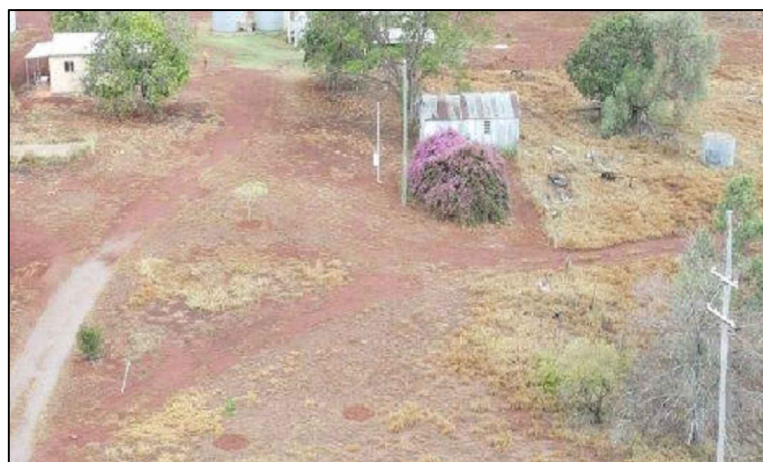


PHOTO 2 AERIAL VIEW - SITE

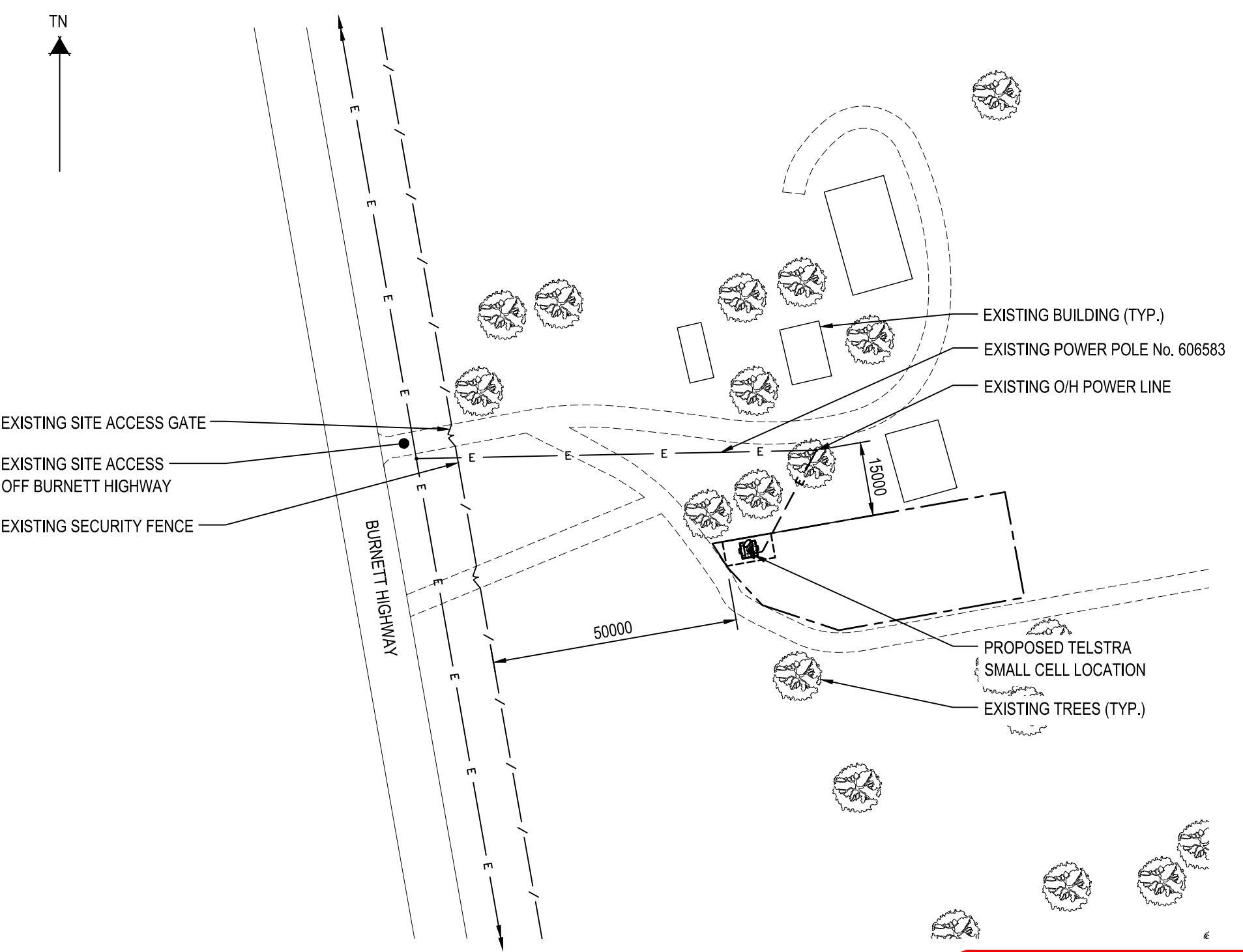


SERVICES LEGEND

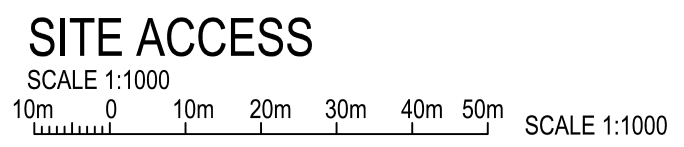
- T---T---T--- OPTICAL FIBRE BELOW GROUND
- E — E — ABOVE GROUND ELECTRICAL SUPPLY
- FE — FE — ABOVE GROUND FEEDER CABLES
- E — E — BELOW GROUND ELECTRICAL SUPPLY

NOTES:

1. FOR SITE PHOTOS REFER TO SHEETS 1 & 3.
2. ALL EXTERNAL FEEDERS AND TAILS MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
3. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE AND MUST BE CHECKED ON SITE.
4. FOR DESIGN, CONSTRUCTION AND STANDARD DRAWINGS REFER FIDO DOCUMENTATION.
5. CLEAR ALL TALL GRASS / WEEDS WITHIN THE COMPOUND TO MINIMISE SNAKE ACTIVITY.



UNAPPROVED DRAWING



COMPLIANCE BOX

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

NAME (PRINT) _____

SIGNATURE _____ DATE _____

FOR CONSTRUCTION

SHEET MUST BE PLOTTED IN COLOUR.
TO BE READ IN CONJUNCTION WITH SHEETS 1, 2-1, 3 & 4.

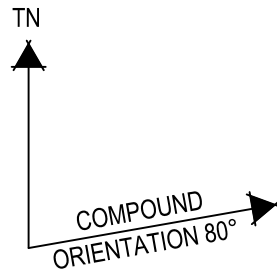
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4017615.01	JM	RB	FOR CONSTRUCTION - SP30082943WO194DOWN - L700	DP	PG	24.06.21	1

Telstra

SMALL CELL SITE 334929
BINJOUR PLATEAU STATE SCHOOL

PHOTOS AND SITE LAYOUT - SHEET 1 OF 2
18416-18559 BURNETT HIGHWAY, BINJOUR, QLD 4625





PROPOSED TELSTRA Ø1800 SATELLITE BACKHAUL DISH (1 OFF, A2) ON PROPOSED MOUNTING POLE. REFER TO DRAWING 017866P189 SHEET 44 FOR DETAILS

PROPOSED TELSTRA 9m HIGH INGAL SEESAW MONOPOLE WITH MOUNTING ADAPTOR TO ACCOMMODATE PROPOSED TELSTRA OMNI ANTENNA (1 OFF, A1). REFER TO DRAWINGS GA12505 FOR POLE DETAIL, GA13552 FOR BASE ADAPTOR DETAILS AND GA12500 FOR MOUNT ADAPTOR DETAIL

PROPOSED SIGN TO BE SECURED TO CABINET DOOR #13

PROPOSED TELSTRA GPS ANTENNA (1 OFF, A3) ON SCM3007 CABINET HOOD

PROPOSED TELSTRA SCM3007 CABINET WITH SCM0004 PLINTH TO ACCOMMODATE TELSTRA EQUIPMENT. REFER TO SHEET E5 FOR DETAILS

PROPOSED TELSTRA DESIGNATED SPACE FOR TILT MECHANISM (10m x 5m)

PROPOSED PRECAST CONCRETE PAD FOOTING (3.2m x 3.2m x 0.4m). REFER TO DRAWING 017866P189, SHEETS 26-30 FOR FOOTING DETAILS

EXISTING UNSEALED SITE ACCESS TRACK

EXISTING TREES (TYP.)

PROPOSED POWER 10A/1PH TO BE PROVIDED BY SITE PROVIDER. CABLE TO HAVE 3m EXCESS LENGTH, COILED AND WATERPROOF NEXT TO TELSTRA CABINET LOCATION

POLE TILT ORIENTATION 80° TN

#11 EME SIGN & "DO NOT CLIMB" SIGN ON SATELLITE DISH MOUNT

PROPOSED 150mm WIDE NEMA20B CABLE TRAY ON PAD FOOTING TO ACCOMMODATE PROPOSED TELSTRA LCF12-50J FEEDERS (2 OFF, 14m LONG) AND RG6 FEEDERS (2 OFF, 20m LONG). REFER TO DRAWING 017866P56 SHEET 1 FOR FIXING DETAIL

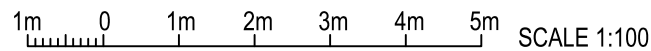
#6 PROPOSED SIGN TO BE SECURED 1.5m AGL TO POLE

#2 PROPOSED SIGN TO BE INSTALLED AT BASE OF OMNI ANTENNA



SITE LAYOUT

SCALE 1:100



UNAPPROVED DRAWING

SERVICES LEGEND

- T — — — — T — — — — T — — — — OPTICAL FIBRE BELOW GROUND
- E — — — — E — — — — ABOVE GROUND ELECTRICAL SUPPLY
- FE — — — — FE — — — — ABOVE GROUND FEEDER CABLES
- — — — E — — — — E — — — — BELOW GROUND ELECTRICAL SUPPLY

NOTES:

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3. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE AND MUST BE CHECKED ON SITE.
4. FOR DESIGN, CONSTRUCTION AND STANDARD DRAWINGS REFER FIDO DOCUMENTATION.
5. FOR EME SIGNS NOTED AS (#X) REFER TO DOCUMENT 005486 FOR DETAILS.
6. #2 EME SIGN TO BE SECURED TO THE BASE OF TELSTRA OMNI ANTENNA.
7. #6 EME SIGN TO BE SECURED 1.5m AGL TO MONOPOLE.
8. #11 EME SIGN TO BE SECURED ON SATELLITE DISH MOUNT WITH "DO NOT CLIMB" SIGN.
9. #13 EME SIGN AND / OR PROPERTY ID SIGN STAMPED WITH RFNSA ID TO BE SECURED ON CABINET DOOR (RFNSA REF 4625008).
10. CLEAR ALL TALL GRASS / WEEDS WITHIN THE COMPOUND TO MINIMISE SNAKE ACTIVITY.

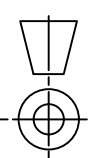
SHEET MUST BE PLOTTED IN COLOUR.
TO BE READ IN CONJUNCTION WITH SHEETS 1, 2, 3 & 4.

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERATIONS IN RED
 NAME (PRINT) _____
 SIGNATURE _____ DATE _____

FOR CONSTRUCTION

DO NOT SCALE

F



ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
4017615.01	JM	RB	FOR CONSTRUCTION - SP30082943WO194DOWN - L700	DP	PG	24.06.21	1

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SMALL CELL SITE 334929
 BINJOUR PLATEAU STATE SCHOOL
 PHOTOS AND SITE LAYOUT - SHEET 2 OF 2
 18416-18559 BURNETT HIGHWAY, BINJOUR, QLD 4625

DWG NO. **Q116824** SHT NO. 2-1

TELSTRA ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	PHYSICAL ANTENNA BEARING (x°T)	SECTOR NO. & TECHNOLOGY
A1	TONGYU TQJ-708006D-FT0 OMNI Ø200 x 998mm	INSTALL	10.1m BASE OF OMNI	0°	S0: LTE700 S0: LTE700
A2	PRODELIN 1194 Ø1800 SATELLITE BACKHAUL DISH	INSTALL	2.8m	307.4° TN 297.4° MN	DISH ELEVATION 45.8° POLARISATION: -45.8° POINTING AT SAT: 122.1 EAST ASIASAT 9
A3	ERICSSON KRE 101 2082/1 Ø68 x 96mm	INSTALL	2.2m BASE OF GPS	0°	-

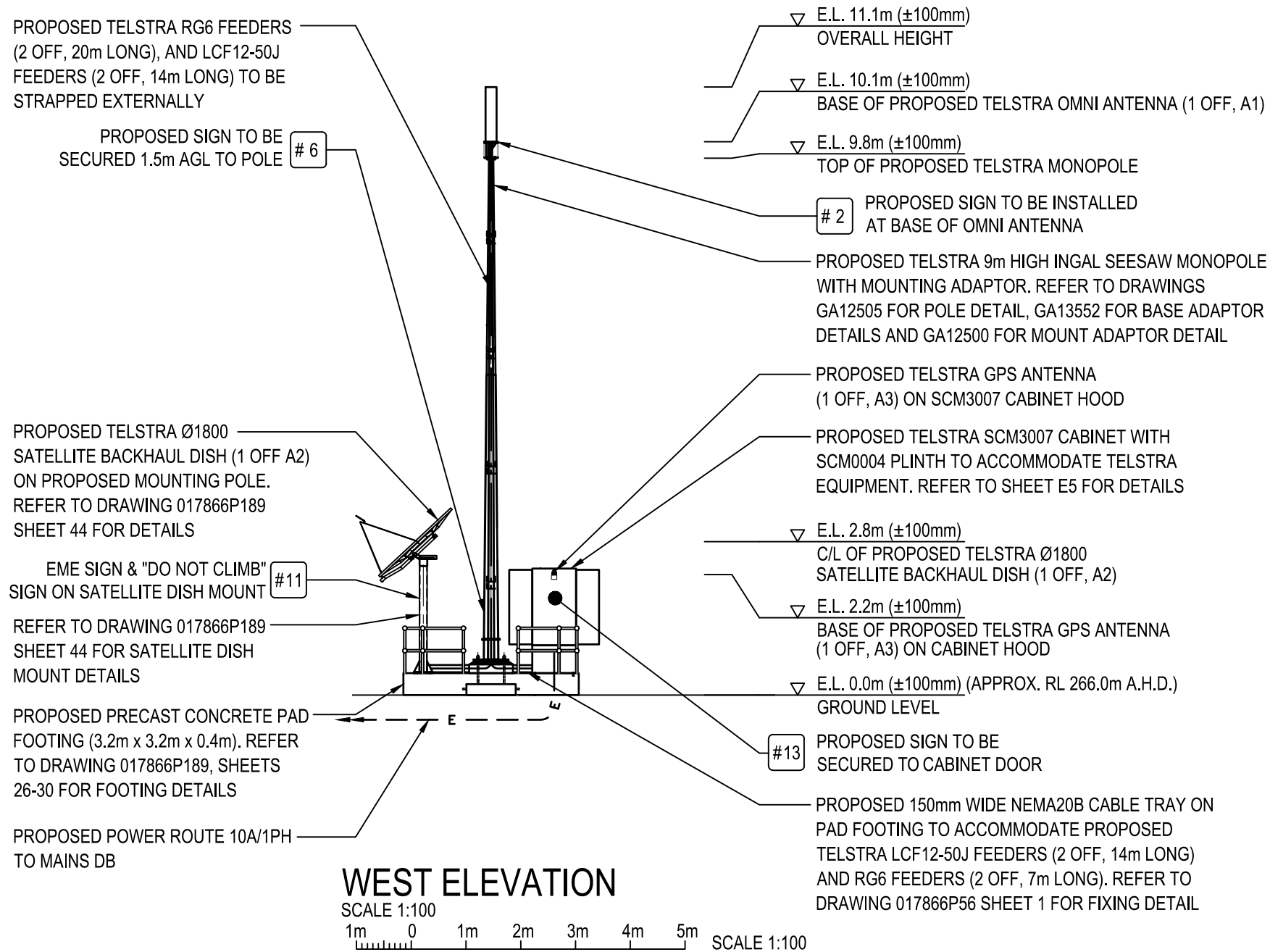


PHOTO 2 (WEST ELEVATION)

NOTES:

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- #6 EME SIGN TO BE SECURED 1.5m AGL TO MONOPOLE.
- #11 EME SIGN TO BE SECURED ON SATELLITE DISH MOUNT WITH "DO NOT CLIMB" SIGN.
- #13 EME SIGN AND / OR PROPERTY ID SIGN STAMPED WITH RFNSA ID TO BE SECURED ON CABINET DOOR (RFNSA REF 4625008).
- CLEAR ALL TALL GRASS / WEEDS WITHIN THE COMPOUND TO MINIMISE SNAKE ACTIVITY.

SHEET MUST BE PLOTTED IN COLOUR.
TO BE READ IN CONJUNCTION WITH SHEETS 1, 2 & 4.

FOR CONSTRUCTION

DO NOT SCALE





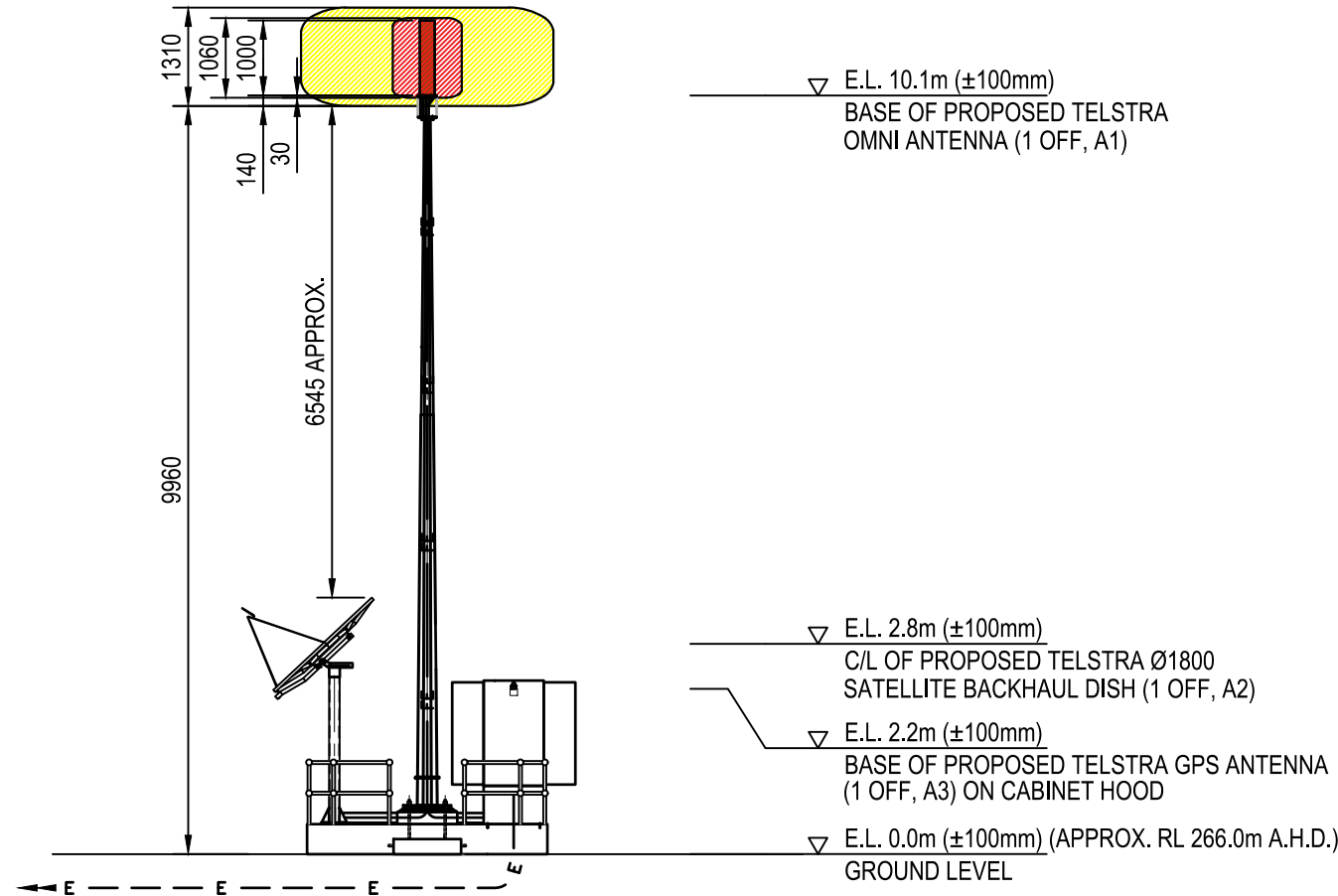
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
4017615.01	JM	RB	FOR CONSTRUCTION - SP30082943WO194DOWN - L700	DP	PG	24.06.21	1

Telstra	
SMALL CELL SITE 334929 BINJOUR PLATEAU STATE SCHOOL PHOTOS AND ELEVATION 18416-18559 BURNETT HIGHWAY, BINJOUR, QLD 4625	
DWG NO.	Q116824
SHT NO.	3

NOTE:
THE EME EXCLUSION ZONES SHOWN ON THIS DRAWING ARE BASED ON TONGYU TQJ-708006D-FT0 OMNI ANTENNA (1 OFF).

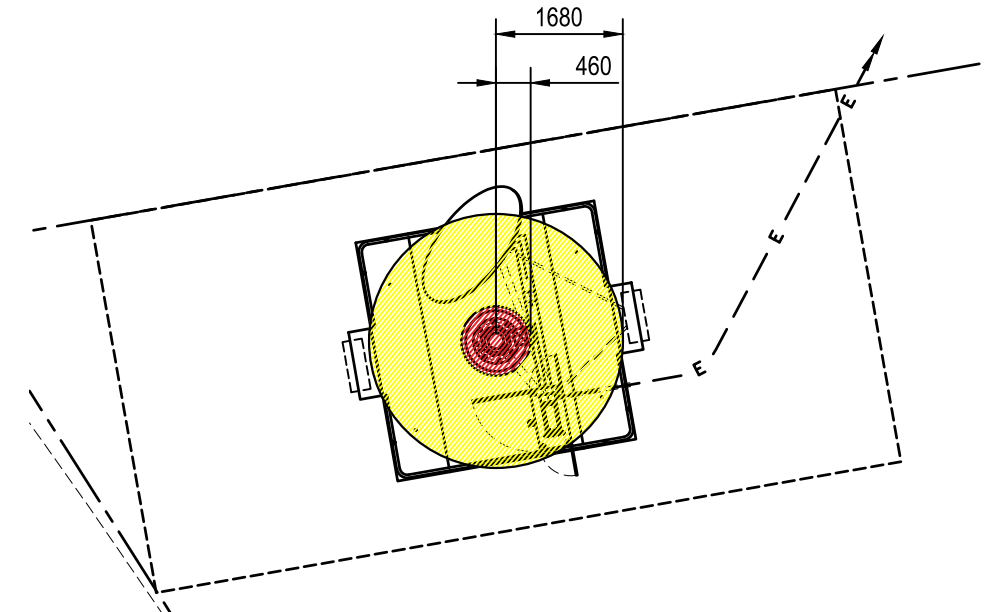
EXCLUSION ZONE LEGEND

-  AREAS ABOVE RPS3 OCCUPATIONAL LIMITS
-  AREAS ABOVE RPS3 PUBLIC LIMITS



EME EXCLUSION ZONES - ELEVATION VIEW

SCALE 1:100
 500 0 2500
 SCALE 1:50
 ANTENNA TYPE - TONGYU TQJ-708006D-FT0 OMNI ANTENNA
 2 x 20W LTE700 (DO NOT SCALE DRAWING)



EME EXCLUSION ZONES - PLAN VIEW

SCALE 1:100
 500 0 500 1000
 SCALE 1:25
 ANTENNA TYPE - TONGYU TQJ-708006D-FT0 OMNI ANTENNA
 2 x 20W LTE700 (DO NOT SCALE DRAWING)

**UNAPPROVED
DRAWING**

COMPLIANCE BOX

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

NAME (PRINT) _____

SIGNATURE _____ DATE _____

FOR CONSTRUCTION



- NOTES:**
1. FOR SITE PHOTOS REFER TO SHEETS 1, 2 & 3.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE AND MUST BE CHECKED ON SITE.
 3. FOR DESIGN, CONSTRUCTION AND STANDARD DRAWINGS REFER FIDO DOCUMENTATION.



SHEET MUST BE PLOTTED IN COLOUR.
TO BE READ IN CONJUNCTION WITH SHEETS 1, 2 & 3.

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
4017615.01	JM	RB	FOR CONSTRUCTION - SP30082943WO194DOWN - L700	DP	PG	24.06.21	1

Telstra

SMALL CELL SITE 334929
BINJOUR PLATEAU STATE SCHOOL
EME EXCLUSION ZONES
18416-18559 BURNETT HIGHWAY, BINJOUR, QLD 4625

Attachment 4 – Appeal Rights Planning Act 2016

CHAPTER 6, 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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
 - (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note — See the P&E Court Act for the court's power to extend the appeal period.*
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the development application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal 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—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person.
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice in relation to—
 - (i) a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

storey see the Building Code, part A1.1.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ol style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—

Table 2			
Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— <ol style="list-style-type: none"> (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—

