NORTH BURNETT
REGIONAL COUNCIL

Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

22 April 2021

Our Reference: DA56/20

Colcha Enterprises
PO Box 14
BIGGENDEN QLD 4621

Minor Change to an Existing Approval
Planning Act 2016

Dear Mr Chapman,

RE: MINOR CHANGE APPLICATION FOR RECONFIGURING A LOT – SUBDIVISION (1 LOT INTO 13 LOTS) AT 598 GOOROOLBA-BIGGENDEN ROAD, DEGILBO, KNOWN AS LOT 1 ON SP252634 (PREVIOUSLY KNOWN AS LOT 3 ON C37989)

Thank you for your request under section 78 of the *Planning Act 2016* to make a change to existing approval DA 294/10, decided on 9 February 2012. On 22 April 2021 Council decided to approve your requested changes.

Please find attached the amended Decision Notice. This replaces the previous development approval issued. **The change includes amendments to the approved plans identified in section 5.**

Please quote Council's application number: DA56/20 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 team on 1300 696 272.

Yours sincerely,

Jeff Miles
Manager Planning & Environment

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Amended Decision notice — change application

(Given under section 83 of the Planning Act 2016)

Thank you for request under section 78 of the Planning Act 2016, received by the North Burnett Regional Council on 30 March 2021, to make a minor change to existing approval DA294/10. The North Burnett Regional Council has assessed your application and decided it as follows:

Location details

Street address:	Gooroolba-Biggenden Road DEGILBO QLD 4621
Real property description:	Lot 1 on SP252634 (previously known as Lot 3 on C37989)
Local government area:	North Burnett Regional Council

Details of original approval

Application for Reconfiguring a Lot – Subdivision (1 into 13 lots)

Date of approval:	2 Feb 2011
Application number:	DA 294/10

Application for Change to Reconfiguring a Lot – Subdivision (1 into 13 lots)

Date of approval:	9 February 2012
Application number:	DA 294/10

Decision for change application

Application for Reconfiguring a Lot – Subdivision (1 into 13 lots)

Date of decision:	22 April 2021
Decision details:	Approved the change. These amendments are set out in Schedule 1. Changes approved are in **bold red**.

The changes agreed to are:

- Remove reference stage 2 to reflect approved staging arrangements of one allotment per stage.

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).

Schedule 1 – Decision notice

1. Applicant's details

Name:	Colcha Enterprises
Postal Address:	PO Box 14 BIGGENDEN QLD 4621
Phone No.:	0419 670 729
Email:	bigeng@bigpond.com

2. Location details

Street address:	Gooroolba-Biggenden Road DEGILBO QLD 4621
Real property description:	Lot 1 on SP252634
Local government area:	North Burnett Regional Council

3. Decision

Application number:	DA 56/20
Date of decision:	22 April 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.

4. Details of proposed development

	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 – Reconfiguring a Lot	☒	☐

5. Approved plans

Copies of the following plans are enclosed in Attachment 3.

Document title	Prepared by	Reference no.	Date	Rev.
1739-3	DJ Matheson Pty Ltd	1739-3	19.4.2011	D

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

Not applicable

8. Properly made submissions

Not applicable — No part of the application required public notification.

9. 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 2.

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

Yours faithfully

Jeff Miles
Manager Planning & Environment

Enc: Attachment 1-Conditions imposed by assessment manager
Attachment 2-Appeal rights
Attachment 3-Plans

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Attachment 1 – Conditions Imposed by Assessment Manager

General

1) The subject site is to be developed in **individual lot stages** ~~two (2)~~ stages in accordance with the proposal plan titles 'Proposed Re-configuration of Lot 3 on C37989' prepared by D.J. Matheson Pty Ltd Cadastral Surveyors no. 1739-3, Revision D, dated 19/04/2011, except where amended in accordance with condition of this approval—referred to in this approval as the 'approved plan of development'.

2) The relocation or installation of any infrastructure or services required as a result of this approval, including these conditions, is to be carried out at no cost to Council.

3) All services are to be retained within the lot boundaries.

4) Pay to Council any outstanding rates, charges or expenses levied by the Council over the subject land.

5) Reinstate survey marks and install new survey marks in their correct position in accordance with the plan of subdivision. Such work is to be certified in writing by a Licensed Surveyor.

6) All lots are to be given appropriate street numbers.

7) Property boundaries are to be located to ensure that the setbacks of existing buildings to property boundaries comply with the Building Regulation.

8) The subject site is to be adequately drained and all stormwater shall be disposed of to the satisfaction of Council and in accordance with Planning Scheme Schedule 1, Division 5: Standards for stormwater Drainage, section 5.1.

9) Any new earthworks or structures are not to concentrate or impeded the natural flow of water across property boundaries and onto other lots.

10) That no works required by Council as conditions of this approval be undertaken in such a manner as to impeded the natural flow of overland drainage or to create a nuisance.

11) Arrange for the provision of telephone services to each lot. Evidence of an agreement to provide these telephone services is to be submitted to Council at the time of sealing the survey plan.

12) Prior to sealing the survey plan for **each individual lot** ~~both stages~~ of the proposed development. Provide evidence of an agreement between the applicant and Ergon Energy to provide electricity reticulation mains and connections at the developer's cost.

13) All works necessitated by the conditions of approval for crossovers, roadwork, stormwater drainage, utilities and earthworks are to be completed prior to the submission to Council of the plan of survey.

14) Prior to sealing the survey plan for **lot 1, 2, and/or 3 (individually or grouped),** ~~Stage 2~~, upgrade Sunset Street **north of lot 4** to comply with the Council road Standards for New Development-Roads-Rural and Urban (standard attached). The road is classified as 9C – Option B. If the existing in situ road base material has a CBR less than 15, the existing bitumen sealed road cannot be used. If the CBR is greater than or equal to 15, the existing road must be widened to the standard mentioned above with a new seal provided over the entire road.

14a) Prior to sealing the survey plan for lot 9, 10 and/or 11 (individually or grouped), upgrade Sunset Street south of lot 8 to comply with the Council road Standards for New Development-Roads-Rural and Urban (standard attached). The road is classified as 9C – Option B. If the existing in situ road base material has a CBR less than 15, the existing bitumen sealed road cannot be used. If the CBR is

greater than or equal to 15, the existing road must be widened to the standard mentioned above with a new seal provided over the entire road.

15) Prior to sealing the survey plan for **lot 1, 2, 3, 9, 10 and/or 11 (individually or grouped)** ~~stage 2~~, Sunset Street south to provide access to proposed 11 and north to provide to provide access to proposed Lot 1. The new works must be to the standard mentioned in Condition 14. If the CBR of the existing material is greater than 15, the minimum design can be implemented. The final design must be approved by Council's Engineers prior to the commencement of work.

16) Prior to sealing the survey plan for **all or one of lots 1, 2, 3, 9, 10 and/or 11 (individually or grouped)** ~~Stage 2~~, upgrade the intersection of Sunset Street and Bromelton Street as per Council's standard drawings. The final design must be approved by Council's Engineer prior to the commencement of work.

17) Construct vehicle crossovers to each of the proposed lots to the satisfaction of Council and to relevant engineering standards in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.3 (1) and (2).

18) Prior to the sealing the survey plan for **all or one of lots 1, 2, 3, 9, 10 and/or 11 (individually or grouped)** ~~Stage 2~~, construct an appropriate barrier on each end of Sunset Street to provide a clear termination point.

19) During construction, soil erosion and sediment is to be controlled in accordance with standards contained in the Planning Scheme, Schedule 1, Division 1—Standards for Construction Activities, Section 1.1.

20) Any excavation or filling that undertaken must be carried out in accordance with Schedule 1 Division 1: Standards for Construction Activities, Section 1.1.

21) Dust prevention measures to be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent premises, during and after construction.

Conditions imposed by the Department of Transport and Main Roads as a Concurrence Agency

Refer to Attachment 1 Part 2 of the referral response from the Department of Transport and Main Roads dated 17 January 2011.

Conditions imposes by Ergon Energy as an Advice Agency

Refer to Attachment 1 Part 3 for the referral response letter from Ergon Energy dated 18 November 2010.

Advice to the applicant

- The Sustainable Planning Act 2009 provides that the approval will lapse if it is not acted upon within a period of four (4) years.
- The developer will be required to negotiate electricity arrangements by applying in writing to Ergon Energy, or by contacting them on 13 10 46.
- 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.

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Attachment 2 – Concurrence Agency Response

Intentionally left blank

Please refer to the following pages for concurrence agency decision notice.

Queensland Government

Queensland Treasury

Our reference: 2007-18037 SPD
Council reference: 294-10

19 August 2020

Colcha Enterprises
PO Box 14
BIGGENDEN QLD 4621
bigeng@bigpond.com

Attention: Ms Julie Chapman

Dear Ms Chapman

Decision notice—change application
(Given under Section 83 of the *Planning Act 2016*)

Your change application under Section 78 of the *Planning Act 2016* for the development approval dated 17 January 2012 was made to the State Assessment and Referral Agency (SARA) on 30 July 2020.

Decision for change application

Date of decision:	19 August 2020
Decision details:	Make the change to development staging (one allotment per stage) and delete existing conditions

The changes agreed to are:

1. Delete Condition No. 5 (construct the Gooroolba-Biggenden Road/Exhibition Street intersection to a rural Type BAR standard)
2. Delete Condition No. 6 (submit detailed engineering plans and specifications to the Department of Transport and Main Roads (DTMR) prior to submitting the Plan of Survey to Council for approval)
3. Delete Condition No. 7 (works shall be constructed in accordance with Form CMO-SC005 (*Standard Conditions – Construction of Private Roadworks*))
4. Delete Condition No. 8 (the client for construction works shall be responsible for all works, including relocating and/or dealing with issues relating to services)
5. Delete Condition No. 9 (submit executed copy of the 'Agreement and Indemnity Form' to the DTMR prior to submitting the Plan of Survey to Council for approval)

Wide Bay Burnett regional office
Level 1, 7 Takalvan Street
PO Box 979, BUNDABERG QLD 4670

6. Remove references to ‘Stage 1 (Lots 12 and 13)’ and ‘Stage 2 (Lots 1 to 11)’ to reflect approved staging arrangements (one allotment per stage)

The SARA decision to delete Condition Nos. 5 through 9 is based on the low traffic volumes on Gooroolba-Biggenden Road, scale of the proposed development, an assessment of the current Gooroolba-Biggenden Road/Exhibition Street intersection standard and change in how road traffic noise is assessed for proposed developments.

As discussed with the applicant via telephone on 17 August 2020, the request to construct the Gooroolba-Biggenden Road/Sunset Street intersection has been refused by the SARA based on the following facts and circumstances:

- Alternative vehicle access presently exists for the proposed development via the Gooroolba-Biggenden Road/Exhibition Street intersection (the current standard of the aforementioned intersection is considered to be satisfactory based on the decision to delete Condition Nos. 5 through 9)
- The existing traffic volumes on Gooroolba-Biggenden Road are considered to be low and there is considered to be limited need to create a new intersection in association with the proposed development
- The creation of a new intersection at the Gooroolba-Biggenden Road/Exhibition Street intersection is considered to detrimentally impact on road safety based on information provided by the Department of Transport and Main Roads (proposed Basic Access Right (BAR) inclusive of approach/departure tapers for the design speed of Gooroolba-Biggenden Road)

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 4331 5603 or via email WBBSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Anthony Walsh
Manager, Planning

cc Department of Transport and Main Roads
Wide.Bay.Burnett.IDAS@tmr.qld.gov.au

North Burnett Regional Council
admin@northburnett.qld.gov.au

Queensland Government

Department of
State Development, Manufacturing, Infrastructure and Planning

Changed referral agency response
Our reference: 2007-18037 SPD

Referral agency response—with conditions
(Given under Section 56 of the *Planning Act 2016*)

Date of original response: 17 January 2012
Original reference: 500/327(1) P14917 P16785 (DTMR Reference)

The development application described below was properly referred to the State Assessment and Referral Agency (SARA) on 30 July 2020.

Applicant details

Applicant name:	Colcha Enterprises
Applicant contact details:	PO Box 14 BIGGENDEN QLD 4621 bigeng@bigpond.com

Location details

Street address:	Gooroolba-Biggenden Road, DEGILBO Lot 1 on SP252634 (formerly Lot 3 on C37989)
Local government area:	North Burnett Regional Council

Application details

Development Permit	Reconfiguring a Lot – Subdivision (1 Lot into 13 Lots)

Referral triggers
The development application was referred to the SARA under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State transport corridor
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 – Reconfiguring a lot near a State-controlled road intersection

Conditions
Under Section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval (deleted text in strikethrough).

Reasons for decision to impose conditions
The SARA must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Wide Bay Burnett regional office
Level 1, 7 Takalvan Street
PO Box 979, BUNDABERG QLD 4670

Approved plans and specifications

The SARA requires that the plans and specifications set out below and enclosed must be attached to any development approval—see Attachment 3.

Attachment 1—Changed conditions to be imposed

No.	Conditions
Development Permit for Reconfiguring a Lot – Subdivision (1 Lot into 13 Lots)	
Schedule 10, Part 9, Division 4, Subdivision 4, Table 1, Item 1 and Schedule 10, Part 9, Division 4, Subdivision 4, Table 3, Item 1 (Planning Regulation 2017) – The Chief Executive administering the *Planning Act 2016* nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):	
~~Stage 1 (Lots 12 & 13)~~	
1.	Direct access to the Gooroolba-Biggenden Road from Lots 12 & 13 is permitted, as shown on DJM Matheson's Drawing Ref. No. 1739-3 Revised 19 April 2011. The standard of the existing accesses to Lots 12 & 13 is suitable for a single residence to those lots.
2.	The permitted road access location for Lot 12 (i.e. the mid point of the access at the property boundary) is about 8m from the common boundary with Lot 13.
3.	The permitted road access location for Lot 13 (i.e. the mid point of the access at the property boundary) is about 8m from the common boundary with Lot 12.
~~Stage 2 (Lots 1 - 11)~~	
~~4.~~	~~Access for Lots 1 to 11 shall be via Sunset Street. Direct access to the Gooroolba-Biggenden Road is prohibited.~~
~~5.~~	~~Prior to submitting the plan of survey to the Council for approval, the Gooroolba-Biggenden Road/Exhibition Street intersection shall be constructed to a rural Type BAR standard, in accordance with the department's *Interim Guide to Road Planning and Design Practice* (May 2010).~~
~~6.~~	~~Prior to commencing any construction works in the state-controlled road, submit to Transport and Main Roads for approval, detailed engineering plans and specifications for the proposed intersection. The design shall be in accordance with the following (current at that time):~~ ~~(a) The department's *Interim Guide to Road Planning and Design Practice* (May 2010);~~ ~~(b) The *Manual of Uniform Traffic Control Devices*;~~ ~~(c) The attached Form CMO-SC004 (*Standard Conditions – Design of Private Road Works Within State-Controlled Road Boundaries*);~~ ~~(d) Any other relevant Transport and Main Roads standards and specifications and Australian Standards;~~ ~~(e) All final detailed designs shall be certified by a Registered Professional Engineer of Queensland (RPEQ); and~~ ~~(f) If requested by the department, a safety audit for the detailed design shall be provided by a Registered Safety Auditor, in accordance with Austroads publication Road Safety Audit (2nd Edition).~~

~~7.~~	~~The works shall be constructed in accordance with the attached Form CMO-SC005 (*Standard Conditions – Construction of Private Roadworks*).~~ ~~Note~~ ~~– Prior to undertaking any construction works within the state-controlled road, make written application to the department for construction approval.~~ ~~– No works shall commence in the state-controlled road until an *Approval to Commence Work* notice is issued.~~ ~~– The department will require a bond (e.g. cheque or bank guarantee in favour of Transport and Main Roads) to the value of one third of the estimated final cost of the works, prior to an *Approval to Commence Work* notice being issued.~~ ~~The bond will be refunded when the department accepts the works Off Maintenance.~~
~~8.~~	~~The client for the construction works shall be responsible for all costs associated with the works, including relocating and/or dealing with issues relating to services (e.g. Telstra, Ergon).~~
~~9.~~	~~Prior to submitting the plan of survey to Council for approval, comply with one of the following options, (a) or (b) for road traffic noise.~~ ~~(a) Prior to Council sealing the Survey Plan, submit to Transport and Main Road an executed copy of the "Agreement and Indemnity" form.~~ ~~The executed form is an agreement between the applicant and Transport and Main Roads that acknowledges the development is creating a noise-sensitive area adjacent to the Gooroolba-Biggenden Road, and that the prescribed noise level objective may not be achieved without the provision of noise ameliorative treatments. It also acknowledges that Transport and Main Roads will not provide amelioration to the proposed lots.~~ ~~**OR**~~ ~~(b) Submit to Transport and Main Road a traffic noise study undertaken by a qualified acoustical consultant that: -~~ ~~• Is prepared in accordance with the department's *Road Traffic Noise Management: Code of Practice*;~~ ~~• Demonstrates that the noise level objective can be achieved for the development, for both low-set and high-set residences; and~~ ~~• Allows for 10 years traffic growth.~~ ~~If specific measures are required to meet the acoustic criteria, they must be constructed and/or implemented to the department's requirements. These measures may require certification by an Acoustical Engineer.~~ ~~Note: The applicant submitted a completed Infrastructure Agreement and Indemnity regarding noise to the department on 4 January 2011. The department returned a signed original to the applicant on 20 January 2011.~~ ~~In executing the Infrastructure Agreement and Indemnity the applicant has satisfied Condition No. 9 of this Notice of Decision. Accordingly, the applicant is not required to submit to Transport and Main Roads a traffic noise study for the proposal.~~

Attachment 2—Changed reasons for decision to impose conditions

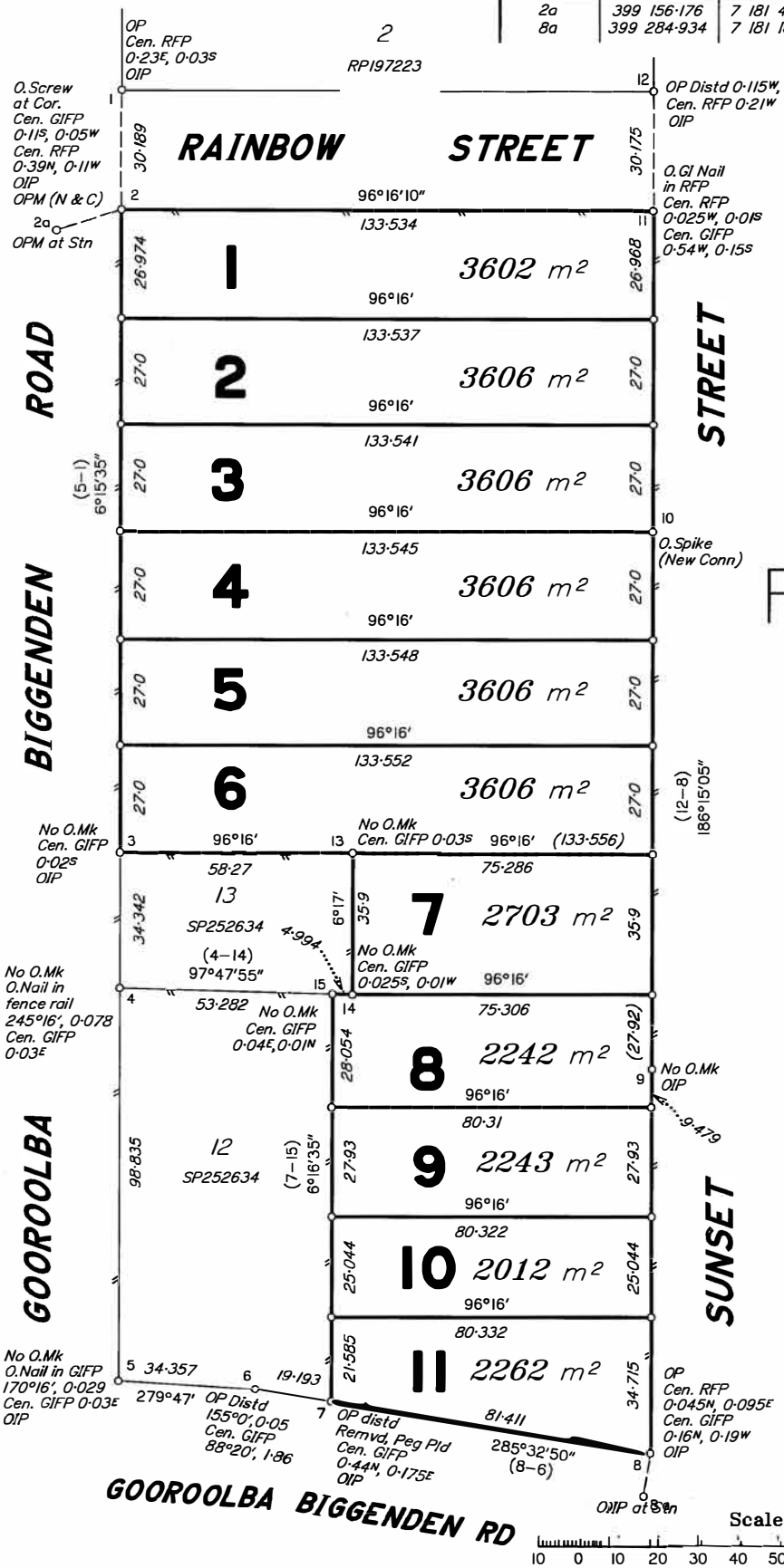
The reasons for this decision are:

- Alternative vehicle access presently exists for the proposed development via the Gooroolba-Biggenden Road/Exhibition Street intersection (the current standard of this intersection is considered to be satisfactory based on the decision to delete Condition Nos. 5 through 9)
- The existing traffic volumes on Gooroolba-Biggenden Road are considered to be low and there is considered to be limited rationale to create a new intersection in association with the proposed development (resulting in a detrimental safety and efficiency impacts on the state-controlled road)
- The creation of a new intersection at the Gooroolba-Biggenden Road/Exhibition Street intersection is considered to detrimentally impact on road safety based on information provided by the Department of Transport and Main Roads (proposed Basic Access Right (BAR) inclusive of approach/departure tapers for the design speed of Gooroolba-Biggenden Road)

Attachment 3—Approved plans and specifications

M.G.A. COORDINATES GDA–94

STATION	EASTING	NORTHING	ZONE	P.U.	LINEAGE	METHOD	REMARKS
2a	399 156·176	7 181 424·139	56	0·012	Derived	AUSPOS	OPM176783
8a	399 284·934	7 181 103·689	56	0·014	Derived	AUSPOS	OIP



REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	OIP	D4708	276°16'05"	1·0
2	OIP	SP252634	266°39'05"	0·914
3	OIP	SP252634	235°34'40"	12·173
5	OIP	SP252634	353°31'05"	1·865
7	OIP	SP252634	182°57'40"	0·667
8	OIP	SP252634	195°30'	0·976
9	OIP	D4701	96°15'05"	15·087
9	Spike in bit		72°04'30"	17·621
10	Pin		99°13'	2·091
10	O.Spike in bit (New Conn)	SP252634	97°47'	14·885
12	OIP	D4708	96°16'	1·0

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO
2–OPM (N & C)	SP252634	257°46'	31·163	176783

TRAVERSES ETC

LINE	BEARING	DISTANCE
2–2a	257°46'	31·163
8–8a	195°30'	0·976

N

Peg placed at all new corners, unless otherwise stated.

Reinstatement report not required as all boundaries of the subject land have been reinstated directly from existing monuments and dimensions agree with the previous survey within the specified measurement accuracies.

Scale 1:1250 – Lengths are in Metres.

10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190

0 50 mm 100 mm 150 mm

State copyright reserved.

CULLEN & COUPER PTY. LTD. ACN 050 842 503 hereby certify that the land comprised in this plan was surveyed by the corporation, by Scott Ronald ARCHBOLD surveying associate for whose work the corporation accepts responsibility under the supervision of John Patrick BROE cadastral surveyor and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 26/07/2016.

Director

Director

Date 23.8.16

Plan of Lots 1–11

Cancelling Lot 1 on SP252634

LOCAL GOVERNMENT: North Burnett R C

LOCALITY: DEGILBO

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

Queensland Government

SARA ref: 2007-18037 SPD

Date: 19 August 2020

Scale: 1:1250

Format: STANDARD

Survey

SP292047

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 Rules[1] 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.

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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.

Planning Act 2016 – Appeal provisions

The following provisions are the **appeal rights** as defined in the Planning Act 2016, schedule 2.

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 schedule 1, table 1, item 1—each principal submitter for the development application; and

(d) for an appeal about a change application under schedule 1, table 1, item 2 —each principal submitter for the change application; and

(e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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, within 10 business days after the notice of appeal is given to the person.

(7) Despite any other Act or rules of court to the contrary, a copy 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.

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.

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) 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 decided by the Queensland Building and Construction Commission; or

(h) a decision to give an enforcement notice—

i in relation to a matter under paragraphs (a) to (g); or
ii under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

(j) the refusal, or deemed refusal, of a conversion application; or

(k) 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.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than a development application called in by the minister, an appeal may be made against—

(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

2. Change applications

For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—

(a) the responsible entity's decision on the change application; or

(b) a deemed refusal of a change application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. The applicant **2.** If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	**1.** A concurrence agency for the development application **2.** If a chosen assessment manager is the respondent—the prescribed assessment manager **3.** A private certifier for the development application **4.** Any eligible advice agency for the change application **5.** Any eligible submitter for the change application

3. Extension applications

For an extension application other than an extension application called in by the Minister, an appeal may be made against—

(a) The assessment manager's decision on the extension application; or
(b) A deemed refusal of the extension application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. The applicant **2.** For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

(a) the notice involved an error relating to—

(i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge:

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development

(ii) the working out of extra demand, for section 120; or
(iii) an offset or refund; or

(b) there was no decision about an offset or refund; or

(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or

(d) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

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	—	—

5. Conversion applications

An appeal may be made against—

(a) the refusal of a conversion application; or

(b) a deemed refusal of a conversion application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—

6. Enforcement notices

An appeal may be made against the decision to give an enforcement notice.

Column 1 **Appellant**	**Column 2** **Respondent**	**Column 3** **Co-respondent** **(if any)**	**Column 4 Co-respondent by election (if any)**
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

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—

(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	—	—

2. Eligible submitter appeals

For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against the decision to approve the application, to the extent the decision relates to—

(a) any part of the development application or change application that required impact assessment; or
(b) a variation request

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application **2.** For a change application—an eligible submitter for the change application	**1.** For a development application—the assessment manager **2.** For a change application—the responsible entity	**1.** The applicant **2.** If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

(a) any part of the development application or the change application, that required impact assessment; or
(b) a variation request.

Column 1 **Appellant**	**Column 2** **Respondent**	**Column 3** **Co-respondent** **(if any)**	**Column 4 Co-respondent by election (if any)**

1. For a development application—an eligible submitter for the development application **2.** For a change application—an eligible submitter for the change application **3.** An eligible advice agency for the development application or change application	**1.** For a development application—the assessment manager **2.** For a change application—the responsible entity	**1.** The applicant **2.** If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

4. Compensation claims

An appeal may be made against—

(a) a decision under section 32 about a compensation claim; or
(b) a decision under section 265 about a claim for compensation; or
(c) a deemed refusal of a claim under paragraph (a) or (b).

Column 1 **Appellant**	**Column 2** **Respondent**	**Column 3** **Co-respondent** **(if any)**	**Column 4 Co-respondent by election (if any)**
A person dissatisfied with the decision	The local government to which the claim was made	—	—

5. Registered premises

An appeal may be made against a decision of the Minister under chapter 7, part 4.

Column 1 **Appellant**	**Column 2** **Respondent**	**Column 3** **Co-respondent** **(if any)**	**Column 4 Co-respondent by election (if any)**
1. A person given a decision notice about the decision **2.** If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises

6. Local laws

An appeal may be made against a decision of a local government, or conditions applied, under a local law about—

(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or

(b) the erection of a building or other structure.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3
Appeals and tribunal only

1. Building advisory agency appeals

An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	**1.** A concurrence agency for the development application related to the approval **2.** A private certifier for the development application related to the approval

2. Inspection of building work

An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—

3. Certain decisions under the Building Act and the Plumbing and Drainage Act

An appeal may be made against—

(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or

(b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision ws given or required to be given under that Act.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The person who made the decision	—	—

4. Local government failure to decide application under the Building Act

An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.

Column 1 **Appellant**	**Column 2** **Respondent**	**Column 3** **Co-respondent** **(if any)**	**Column 4 Co-respondent by election (if any)**
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—

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Attachment 3 – 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 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, table 1, item 1—each principal submitter for the development application; and
- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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, within 10 business days after the notice of appeal is given to the person.

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—
  - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (ii) the Plumbing and Drainage Act, part 4 or 5; or
- (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
- (i) a decision to give 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—
(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

2. Change applications
For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—
(a) the responsible entity's decision on the change application; or
(b) a deemed refusal of the change application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application

3. Extension applications
For an extension application other than an extension application called in by the Minister, an appeal may be made against—
(a) the assessment manager's decision on the extension application; or
(b) a deemed refusal of the extension application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

4. Infrastructure charges notices
An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—
(a) the notice involved an error relating to—
(i) the application of the relevant adopted charge; or
Examples of errors in applying an adopted charge—
- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development

(ii) the working out of extra demand, for section 120; or
(iii) an offset or refund; or
(b) there was no decision about an offset or refund; or
(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

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	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—

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— (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	—	—
2. Eligible submitter appeals For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3. Eligible submitter and eligible advice agency appeals For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval. 2 A private certifier for the development application related to the approval
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision.	—	—
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against— (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision.	The person who made the decision	—	—
4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—

NORTH BURNETT
REGIONAL COUNCIL

Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

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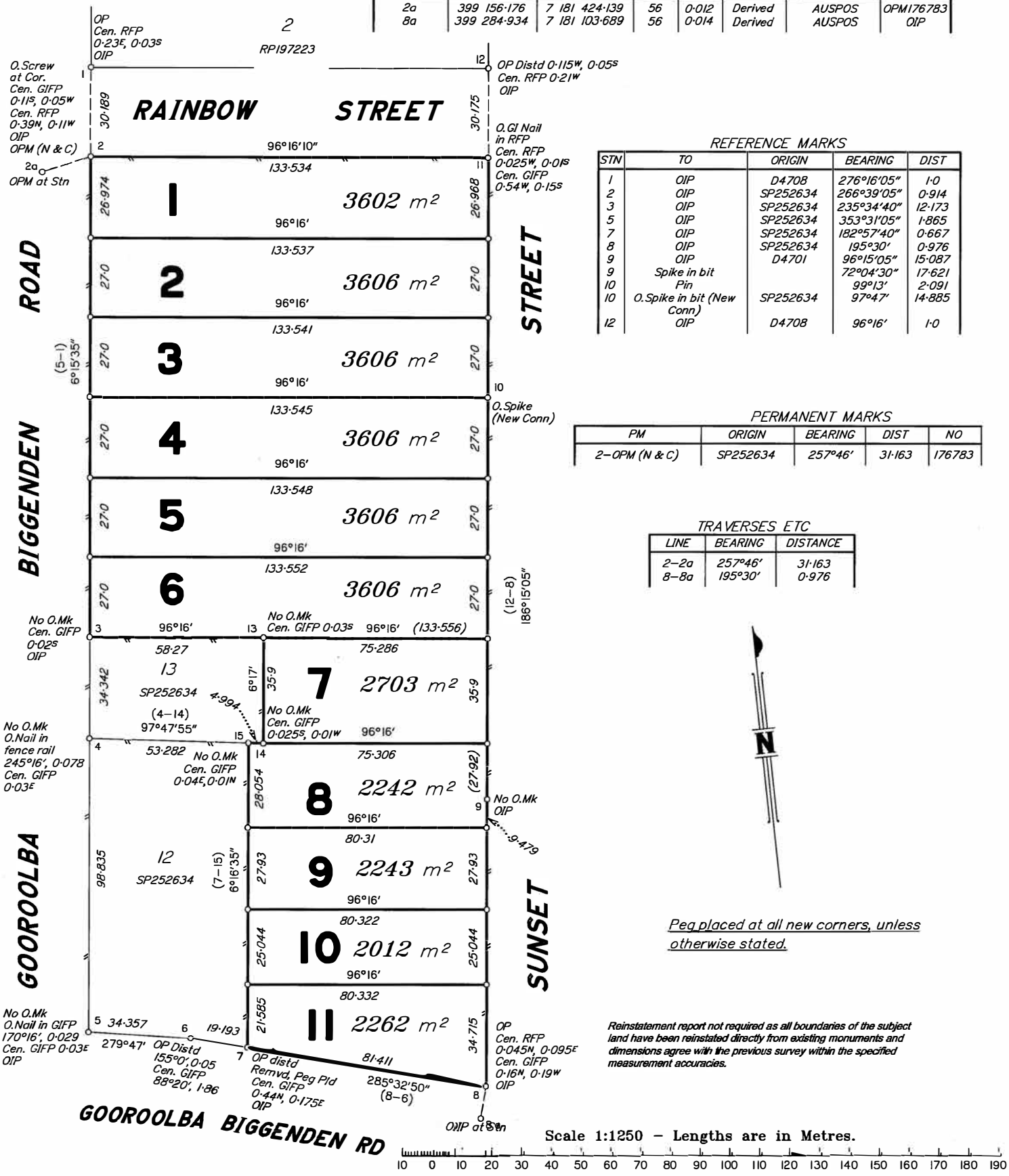
Please refer to the following pages for approved plans.

M.G.A. COORDINATES GDA–94

STATION	EASTING	NORTHING	ZONE	P.U.	LINEAGE	METHOD	REMARKS
2a	399 156·176	7 181 424·139	56	0·012	Derived	AUSPOS	OPM176783
8a	399 284·934	7 181 103·689	56	0·014	Derived	AUSPOS	OIP



REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	OIP	D4708	276°16'05"	1·0
2	OIP	SP252634	266°39'05"	0·914
3	OIP	SP252634	235°34'40"	12·173
5	OIP	SP252634	353°31'05"	1·865
7	OIP	SP252634	182°57'40"	0·667
8	OIP	SP252634	195°30'	0·976
9	OIP	D4701	96°15'05"	15·087
9	Spike in bit		72°04'30"	17·621
10	Pin		99°13'	2·091
10	O.Spike in bit (New Conn)	SP252634	97°47'	14·885
12	OIP	D4708	96°16'	1·0

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO
2–OPM (N & C)	SP252634	257°46'	31·163	176783

TRAVERSES ETC

LINE	BEARING	DISTANCE
2–2a	257°46'	31·163
8–8a	195°30'	0·976

Peg placed at all new corners, unless otherwise stated.

Reinstatement report not required as all boundaries of the subject land have been reinstated directly from existing monuments and dimensions agree with the previous survey within the specified measurement accuracies.

Scale 1:1250 – Lengths are in Metres.

10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190

0 50 mm 100 mm 150 mm

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CULLEN & COUPER PTY. LTD. ACN 050 842 503 hereby certify that the land comprised in this plan was surveyed by the corporation, by Scott Ronald ARCHBOLD surveying associate for whose work the corporation accepts responsibility under the supervision of John Patrick BROE cadastral surveyor and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 26/07/2016.

Date 23.8.16

Director

Director

Plan of Lots 1–11

Cancelling Lot 1 on SP252634

LOCAL GOVERNMENT: North Burnett R C

LOCALITY: DEGILBO

NORTH BURNETT REGIONAL COUNCIL
APPROVED PLANS
These plans are associated to the Decision Notice for application number
DA 56/20

Scale: 1:1250

Format: STANDARD

SP292047