



Our Ref: LM:DA/4203 AD2020/0005004  
Your Ref: M10-19

17 November 2020

Diversified Agriculture Pty Ltd  
c/- U&i Town Plan  
51 Macquarie Street  
Teneriffe QLD 4005  
E-mail: [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au)  
Attention: Ramon Samanes

Dear Mr Samanes

**Decision Notice - approval (with conditions)**  
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on 24 July 2020.

**Applicant details**

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Applicant name: Diversified Agriculture Pty Ltd  
C/- U&i Town Plan

**Applicant contact details:** 51 Macquarie Street  
Teneriffe Qld 4005  
E-mail: [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au)  
Attention: Ramon Samanes

**Application details**

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Application number: DA/4203

Approval sought: Material Change of Use

Description of the development: Non-Resident Workforce Accommodation and  
Caretaker's Accommodation

**Location details**

Street address: Palmerville Road, Palmer 4892

Real property description: Lot: 14 PT: A SP: 250040 TL: 14/5422

**Decision**

Date of decision: 10 November

Decision Details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

**Details of the approval**

Development Permit Material Change of Use for Non-Resident Workforce Accommodation and Caretaker's Accommodation

**Conditions**

This approval is subject to the conditions in Attachment 1.

**Further development permits**

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

1. Development Permit for carrying out Building Works;
2. Development Permit for Plumbing/Drainage Works.

**Properly made submissions**

Not applicable - no part of the application required public notification.

**Referral Agencies**

The referral agencies for the application are:

Referral Agency	Referral Matter	Referral Role
State Assessment Referral Agency (SARA) – Queensland Treasury  Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: (07) 07 4037 3209 Email: CairnsSARA@dsmip.qld.gov.au	Schedule 10, Part 3, Division 4, Table 3 – Native Vegetation Clearing	Concurrence

MyDAS2 online referrals: <a href="https://prod2.dev-assess.qld.gov.au/">https://prod2.dev-assess.qld.gov.au/</a>		
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**Approved plans and specifications**

Copies of the approved are enclosed in 'Appendix A'.

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**Currency period for the approval**

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016* (refer to Condition 15).

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**Lapsing of approval if development started but not completed**

Any period required under a development condition.

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**Rights of appeal**

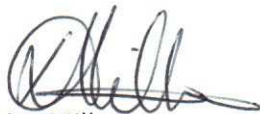
The rights of applicants to appeal to a tribunal or the Planning and Environment court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may be also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (Attachment 2).

For further information please contact Town Planning, Planning and Environment Services or alternatively email: [mail@cook.qld.gov.au](mailto:mail@cook.qld.gov.au) on 07 4082 0500.

Yours sincerely



Lisa Miller  
Manager  
Environment and Planning

cc: Chief Executive – Department of State Development, Infrastructure, Local Government and Planning (formerly Queensland Treasury)

Far North Queensland Regional Office  
Cairns QLD 4870  
Email: [CairnsSARA@dsmip.qld.gov.au](mailto:CairnsSARA@dsmip.qld.gov.au)

enc: **Attachment 1 (Part 1)** – Conditions imposed by the assessment manager

**Attachment 1 (Part 2)** – Conditions imposed by the State Assessment & Referral Agency (SARA)

**Attachment 2** – Extract of Appeal Provisions (Chapter 6, Part 1 and Part 2 and Schedule 1 of the *Planning Act 2016*).

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## Attachment 1 (Part 1) – Conditions imposed by the Assessment Manager (Council)

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### A. Assessment Manager (Council) Conditions

#### Approved Plan

1. The development must be carried out generally in accordance with the Proposal Plans submitted with the application, except for any variations required to comply with the conditions of this approval. This includes:
  - Site Access Plan – Prepared by: U&i Town Plan – Plan No: M10/19 (2) – Date: 12/12/2019;
  - Site Plan for Development – Prepared by: U&i Town Plan – Plan No: M10/19 (1) – Date: 12/12/2019;
  - DONGA 1 – Standard Room and Accommodation Layout – Prepared by U&i Town Plan – Plan No: M10/19 (3) – Date: 12/12/2019; and
  - Kitchen Layout – Prepared by U&i Town Plan – Plan No: M10/19 (4) – Date: 12/12/2019.

#### Water Supply

2. A potable water supply must be provided prior to the commencement of the use. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 100,000 litres. Where an alternative source of water supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.

#### Effluent Disposal

3. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – ‘On-site domestic wastewater management’. Details are to be provided at the time of lodgement of a Plumbing and/or Building application.

#### Amenity

4. There shall be no adverse impact on the amenity of the surrounding area by reason of light, nuisance, dust, or noise.

#### Fire Management

5. The development must be maintained at all times to a standard so as not to create a fire hazard. Specifically, a cleared buffer of must be maintained between the approved structures and adjacent vegetation equal to 1.5 times the height of the

tallest adjacent tree or 20m (whichever is greatest).

### **Electricity Supply**

6. The applicant is to ensure that the non-resident workforce accommodation and caretaker's accommodation have a reliable electricity supply, prior to the commencement of the use.

### **Stormwater**

7. Stormwater must be directed to a legal point of discharge.

### **Recreation**

8. The recreation space between the accommodation buildings must be roofed and sealed with concrete and/or formally landscaped prior to the commencement of the use.

### **Facilities**

9. One building is to contain a kitchenette, laundry and storage facilities suitable for the proposed use, with a separate outdoor clothes drying area.

### **Kitchenette Living Conditions**

10. The kitchenette must be designed and constructed to the requirements of the Australia New Zealand Food Standards Code- Standard 4.2.3 - Food Premises and Equipment.
11. The kitchenette must be roofed and enclosed by 4 walls and a solid wall must be used to separate the kitchenette from any area that is not used for food preparation and storage.

### **Environmental Protection**

12. During the construction phase of the development, the applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

### **Compliance**

13. The conditions of this development permit must be complied with to the satisfaction of Council's Manager Planning and Environment prior to the commencement of the use.

14. The applicant must notify Council that all the conditions of the development permit have been complied with prior to the commencement of the use.

**Currency Period**

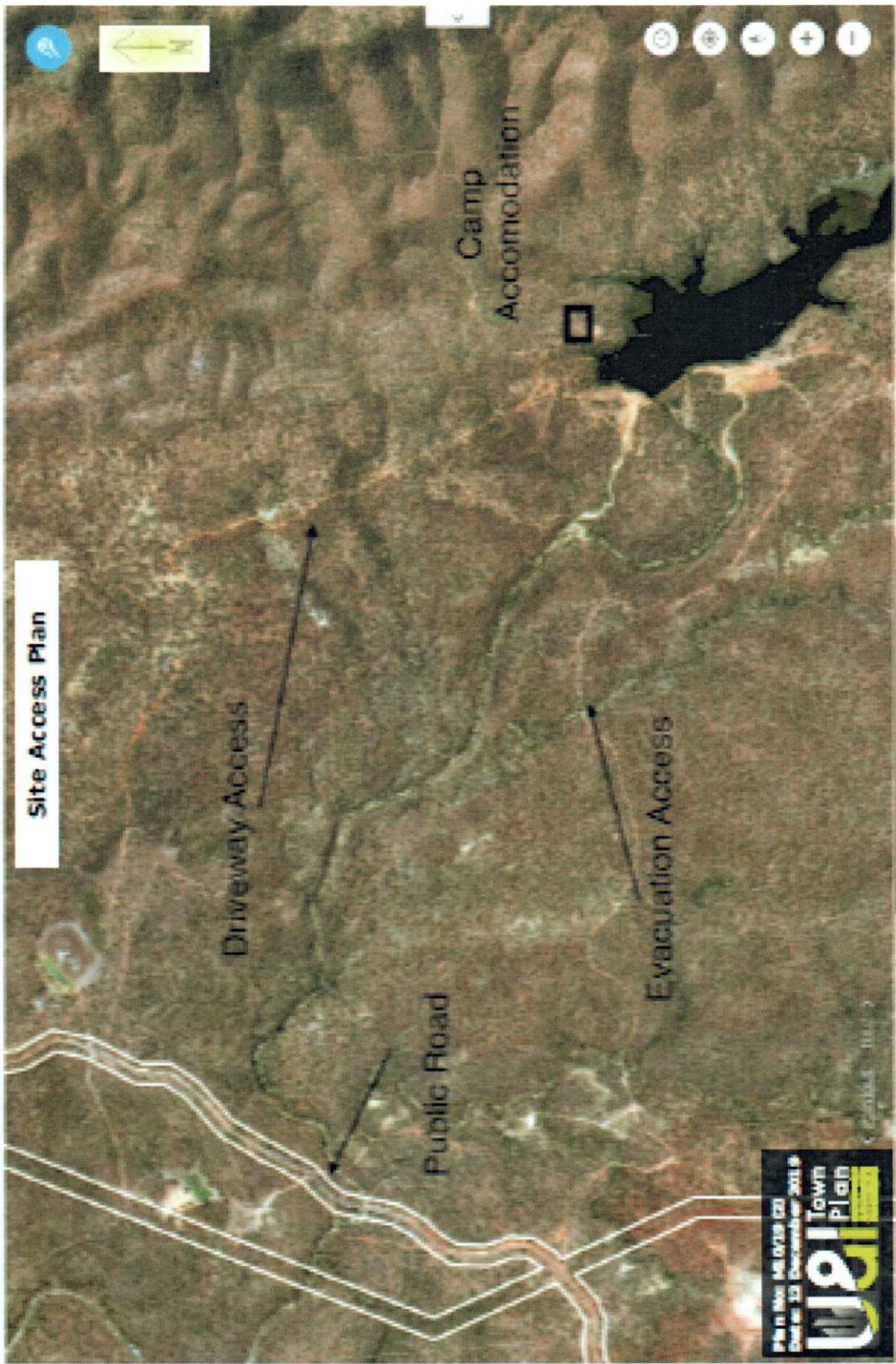
15. The currency period for this Development Permit is six (6) years. Should the use not be established within this time, the approval shall lapse.

**Outstanding Charges**

16. All rates, service charges, interest, and other charges levied on the land are to be paid prior to the commencement of the use.

**A. Assessment Manager (Council) Advice**

1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/Compliance Permit is required for plumbing and drainage works prior to the construction of any buildings associated with this development.
2. The applicant/owner must notify Council of their intention to commence the use after acceptance of and compliance with these conditions or negotiated decisions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
3. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003*, and in particular – ‘the duty of care’ that it imposes on all landowners.



Site Access Plan

Driveway Access

Public Road

Evacuation Access

Camp Accommodation

File No: M6/0738/CO  
Date: 23 December 2019  
**W&P** Town Plan

This plan is confidential and for discussion purposes only. It is a draft. All information and data shown are public. Any copyright, trademark, or other rights are reserved. All rights reserved. 2019



# Site Plan For Development



- SUMMARY:**
- Donga 1:
    - 4 x 1 bedrooms + ensuite
  - Donga 2:
    - 3 x Rooms
    - 2 x Toilets and showers and bunks
  - Donga 3:
    - 3 x Rooms
    - 2 x Toilets and showers and bunks
  - Kitchen:
    - 1 x 600mm to new 40 foot container
    - 2 x Dishwasher
    - 1 x Cook
    - 1 x BBQ
    - 1 x Microwave
    - 2 x Fridges
    - 2 x sink
  - Temporary Seasonal Managers Office:
    - 1 x Toilet
    - 1 x Shower
  - Storage Container:
    - 1 x New 40 foot container

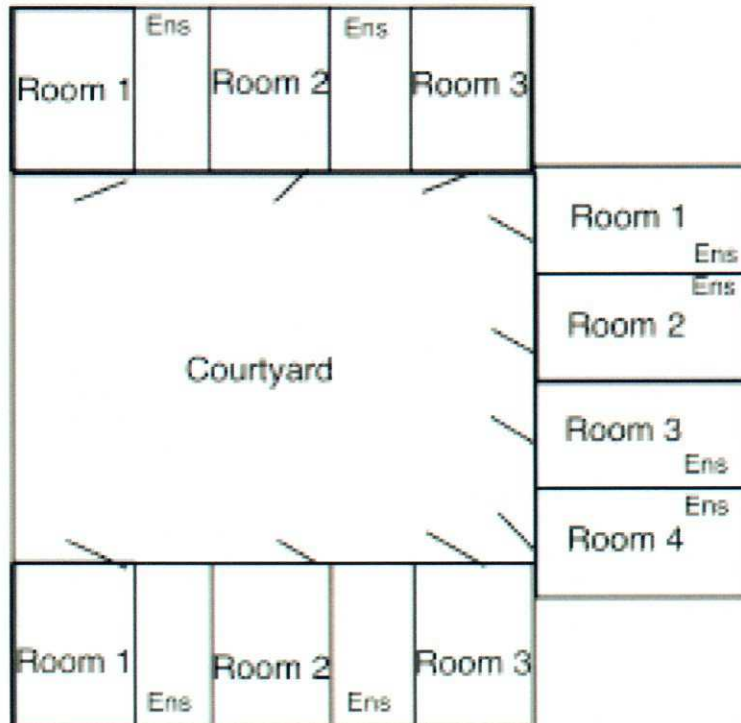
Plan No: M10/25 (1)  
 Date: 12 December 2019

This plan is conceptual and for discussion purposes only. All uses, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and local Authority and Agency approvals.

### DONGA 1 – Standard Room Layout



### Accommodation Layout



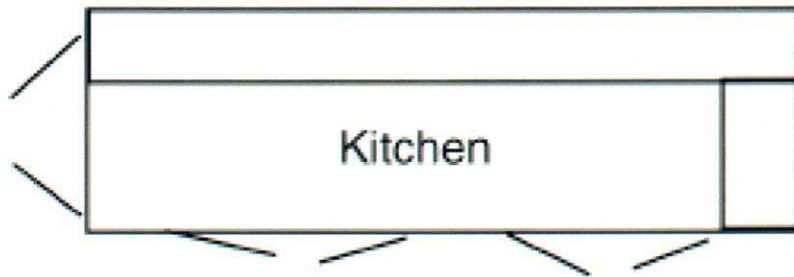
Plan No: M10/19 (3)

Date: 12.12.19



This plan is conceptual and for illustrative purposes only. All areas, dimensions and level are preliminary, subject to investigation, survey, engineering and local authority and agency approvals.

**Kitchen Layout**



**Internal Picture of Kitchen**



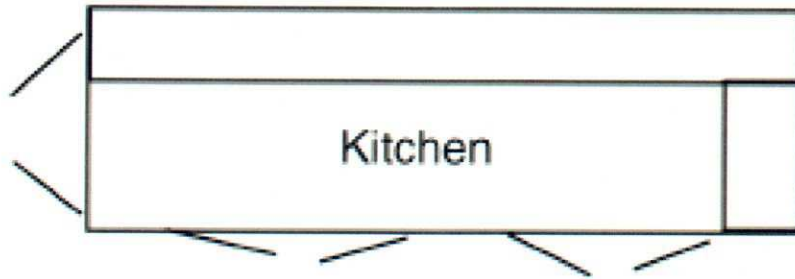
**Plan No: M10/19 (4)**

**Date: 12.12.19**



**This plan is conceptual and for illustrative purposes only. All areas, dimensions and land use are preliminary, subject to investigation, review, engineering and local authority and agency approvals.**

**Kitchen Layout**



**Internal Picture of Kitchen**



**Plan No:** M10/19 (4)

**Date:** 12.12.19



The plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and local Authority and Agency approvals.

## Attachment 1 (Part 2) – Conditions imposed by the State Assessment & Referral Agency (SARA)

RA6-N



Queensland Treasury

SARA reference: 2008-18235 SRA  
Council reference: DA/4203  
Applicant reference: M10-19

29 September 2020

Chief Executive Officer  
Cook Shire Council  
PO Box 3  
Cooktown Qld 4895  
mail@cook.qld.gov.au

Attention: Michael Fallon

Dear Sir/Madam

### **SARA response—Palmerville Station – Non-Resident Workforce Accommodation and Caretaker's Accommodation**

(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 on 14 August 2020.

#### **Response**

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Outcome:	Referral agency response – with conditions.
Date of response:	29 September 2020
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

#### **Development details**

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Description:	Development permit	Material Change of Use for Non-Resident Workforce Accommodation and Caretaker's Accommodation
SARA role:	Referral Agency.	
SARA trigger:	<b>Schedule 10, Part 3, Division 4, Table 3</b> (Planning Regulation 2017)	

Material change of use involving native vegetation clearing

SARA reference: 2008-18235 SRA  
Assessment Manager: Cook Shire Council  
Street address: Palmerville Station, Palmer  
Real property description: Lot 14 on SP250040  
Applicant name: Diversified Agriculture Pty Ltd  
Applicant contact details: C/- U&I Town Plan  
PO Box 426  
Cooktown QLD 4895  
ramon@uitownplan.com.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 Anthony Westbury, Planning Officer, on 40373215 or via email [CaImSARA@dsdmip.qld.gov.au](mailto:CaImSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Diversified Agriculture Pty Ltd, [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

### Attachment 1—Referral agency conditions

(Under section 55(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use]</b>		
Schedule 10, Part 3, Division 4, Table 3 – Material change of use involving native vegetation clearing — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mining and Energy 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.	The clearing of vegetation under this development approval is limited to the areas identified as Area A (A <sup>1</sup> – A <sup>10</sup> ) and Area B (B <sup>1</sup> – B <sup>3</sup> ) as shown on attached Technical Agency Response Plan (TARP) 2008-18235 SRA dated 10 September 2020.	At all times.
2.	No built structure, other than for fences, roads and underground services, is to be established, constructed or located outside of areas identified as Area A (A <sup>1</sup> -A <sup>10</sup> ) as shown on attached Technical Agency Response Plan (TARP) 2008-18235 SRA dated 10 September 2020.	At all times.
3.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing.

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2010</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	Despite this development approval, other permits or approvals may be required for the clearing of vegetation. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to <a href="http://www.qld.gov.au">www.qld.gov.au</a> (search 'vegetation clearing requirements').
3.	The State of Queensland publishes technical descriptions ( <a href="http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/technical-descriptions/">http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/technical-descriptions/</a> ) which provide a detailed description of the normal range in structure and floristic composition of remnant regional ecosystems and their component vegetation communities. They should be used in conjunction with the fields from the Regional Ecosystem Description Database (REDD) ( <a href="http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/download/">http://www.qld.gov.au/environment/plants-animals/plants/ecosystems/download/</a> ) for a normal description of the regional ecosystem.
4.	To request an electronic file of the Derived Points (Attached to Plan: 2008-18235 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy at <a href="mailto:northvegetation@dnrme.qld.gov.au">northvegetation@dnrme.qld.gov.au</a> and include application reference (2008-18235 SRA).



### **Attachment 3—Reasons for referral agency response**

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

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**The reasons for the department's decision are:**

- Vegetation clearing associated with the required new buildings and access road has been reasonably avoided where possible, and the impacts of clearing have been minimised where clearing cannot be avoided.
- Adverse impacts to wetland areas near the dam (lake) are considered negligible, and associated watercourses will not be adversely impacted by the vegetation clearing.
- The lot is extensively vegetated, and the required clearing will have an insignificant impact on ecological connectivity within the lot and in the adjacent landscape.
- There is negligible risk that the clearing will contribute to land degradation through waterlogging, or salinisation of groundwater, surface water or soil.
- The proposed development complies with the relevant provisions of State code 16: Native vegetation clearing.

**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)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

## Attachment 4—Change representation provisions

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(page left intentionally blank – attached separately)

**Attachment 5—Approved plans and specifications**

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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 Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.

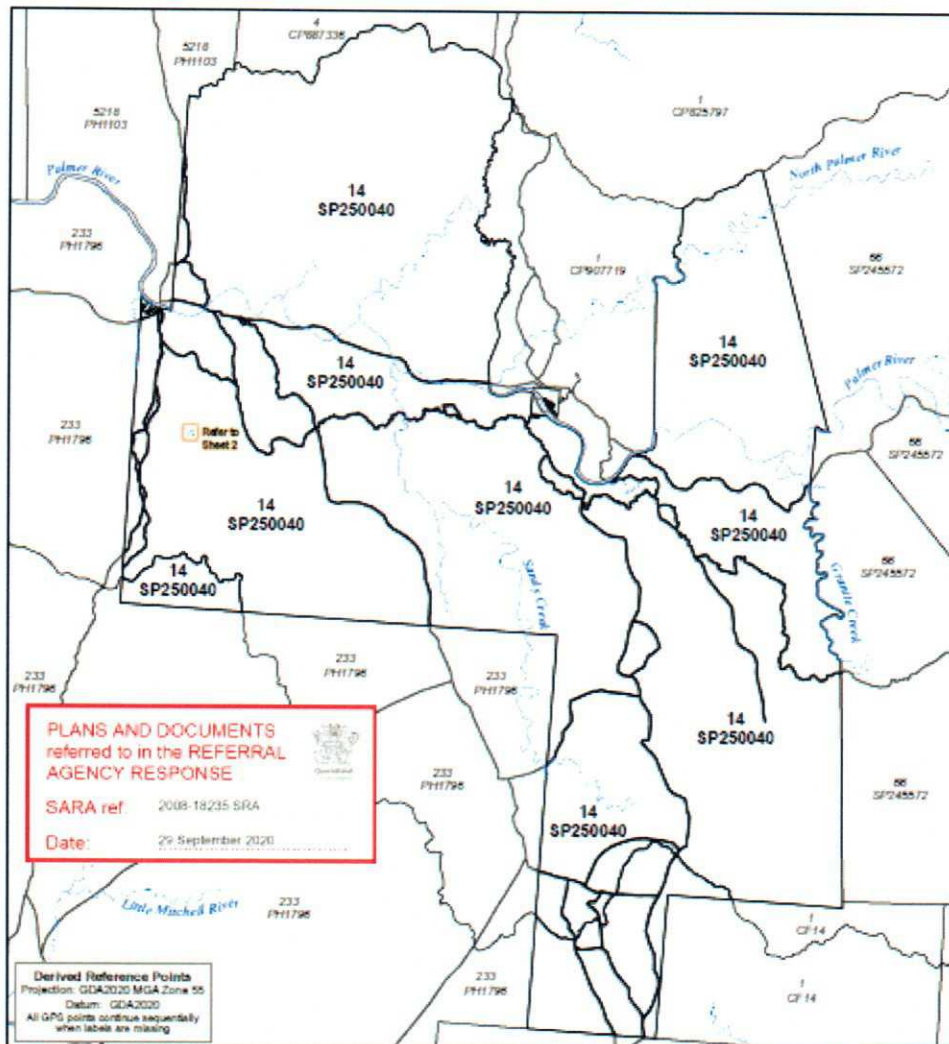
## Part 7: Miscellaneous

### 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.<sup>3</sup>

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<sup>3</sup> 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.



1:200 000 @ A3 size  
 0 5 10 15 20 km  
 Projection: GDA2020 MGA Zone 55 Datum: GDA2020

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.  
**This plan must be read in conjunction with Decision Notice 2008-18235 SRA**

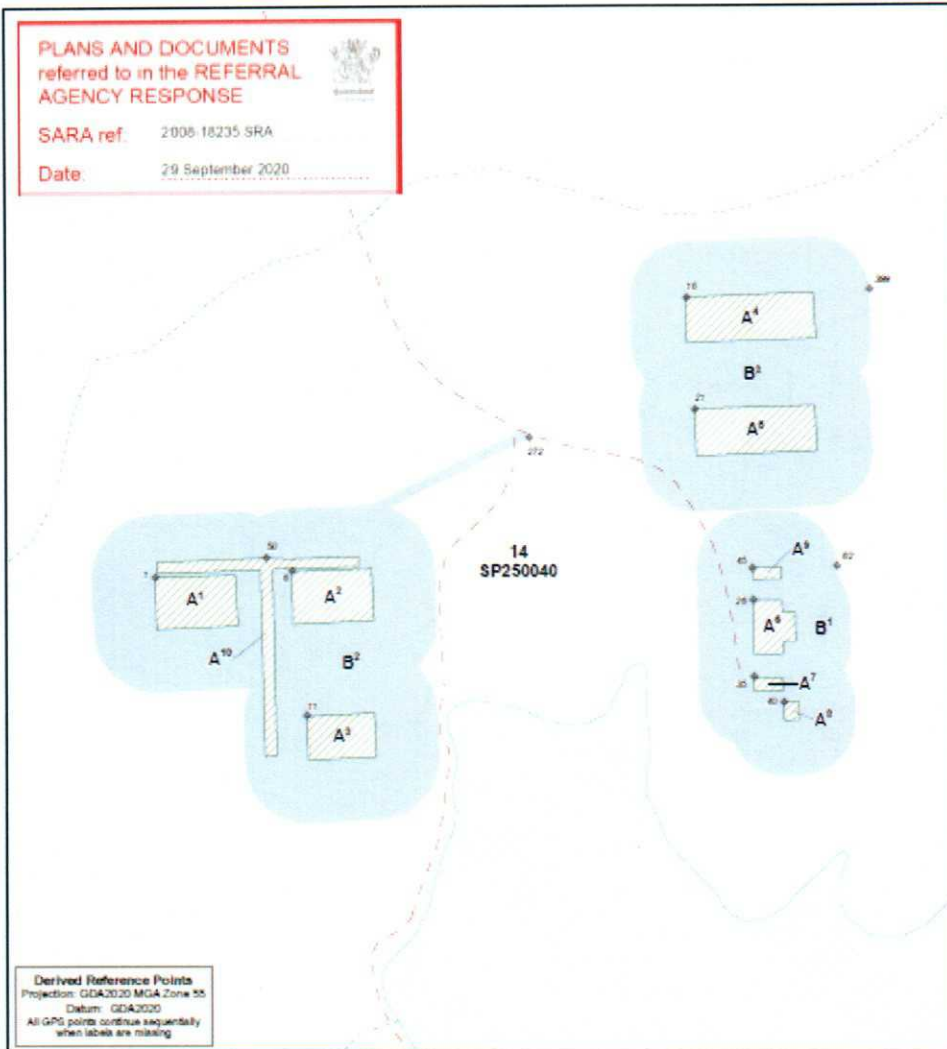
<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>Derived Reference Points for GPS (see Abstract to plan) (Area start points shown only)</li> <li>Watercourses and storage features</li> <li>Subject Lot(s)</li> <li>Area A (Parts A<sup>1</sup> - A<sup>10</sup>)</li> <li>Area B (Parts B<sup>1</sup> - B<sup>5</sup>)</li> </ul> <p><small>Note: This is a colour plan and should only be reproduced in colour</small></p>	<p><b>Technical Agency Response Plan</b>  <b>Plan of Area A (Parts A<sup>1</sup> - A<sup>10</sup>) and Area B (Parts B<sup>1</sup> - B<sup>5</sup>)</b>  <b>in Lot 14 on Plan SP250040</b></p> <p>WLRD Case ID: 2020012536</p> <p>LOCAL GOVT: Cook Shire, Marneba Shire          LOCALITY OF Palmer, Groganville, Mount Mulgrave</p> <p>Completed from: GCSM, RMA &amp; TORRCS notes on file</p> <p>Prepared by: SAH / JSH / Department: DNRMS / Region: NORTH / Date: 10 September 2020</p>	 Version 1 <p><b>TARP</b>  <b>2008-18235 SRA</b>  <b>Sheet 1 of 2</b></p>
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**PLANS AND DOCUMENTS**  
referred to in the REFERRAL  
AGENCY RESPONSE



SARA ref: 2008-18235 SRA

Date: 29 September 2020



**Derived Reference Points**  
Projection: GDA2020 MGA Zone 55  
Datum: GDA2020  
All GPS points continue sequentially  
when labels are missing



Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

**This plan must be read in conjunction with Deedon Notice 2008-18235 SRA**

<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>• Derived Reference Points for GPS (see Attachment to plan) (Arrow start points shown only)</li> <li>--- Watercourses and drainage features</li> <li>- - - Existing Tracks (Approximated)</li> <li>▭ Subject Lot(s)</li> <li>▨ Area A (Parts A<sup>1</sup> - A<sup>10</sup>)</li> <li>▨ Area B (Parts B<sup>1</sup> - B<sup>5</sup>)</li> <li>▨ Water (Approximate)</li> </ul> <p><small>Note: This is a colour plan and should only be reproduced in colour</small></p>	<p align="center"><b>Technical Agency Response Plan</b> <b>Plan of Area A (Parts A<sup>1</sup> - A<sup>10</sup>) and Area B (Parts B<sup>1</sup> - B<sup>5</sup>)</b> <b>In Lot 14 on Plan SP250040</b></p> <p align="right">eLVAS Case ID: 2020012536</p> <p>LOCAL GOVT: Cook Shire, Maranoa Shire LOCALITY OF: Palmer, Groganville, Mount Mulgrave</p> <p><small>Compiled from: DCOB, RVM &amp; NRM notes on file</small></p> <p><small>Prepared by: SAH - 5517 Department: DNRMS Region: NORTH Date: 10 September 2020</small></p>	<div style="text-align: center;">  N         </div> <div style="text-align: center;">  Government of Queensland         </div> <p align="center">Version: 1</p> <p align="center"><b>TARP</b> <b>2008-18235 SRA</b> <b>Sheet 2 of 2</b></p>
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Attachment to Plan: 2008-18235 SRA  
 Derived Reference Points for GPS  
 Datum: GDA2020, Projection: MGA Zone 55

PLANS AND DOCUMENTS  
 referred to in the REFERRAL  
 AGENCY RESPONSE



SARA ref: 2008-18235 SRA

Date: 27 September 2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries.  
 Responsibility for locating these boundaries lies solely with the landholder and designated contractor.  
 Coordinates listed in a point indicated on the accompanying plan and presented in a tabular structure.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
A1	1	188445	8221753	A10	81	188811	8221744	81	121	188808	8221817
A1	2	188452	8221754	81	82	188847	8221756	81	122	188820	8221817
A1	3	188464	8221754	81	83	188847	8221756	81	123	188820	8221818
A1	4	188448	8221752	81	84	188847	8221756	81	124	188820	8221818
A1	5	188445	8221753	81	85	188848	8221752	81	125	188820	8221818
A2	6	188538	8221738	81	86	188850	8221750	81	126	188827	8221815
A2	7	188575	8221738	81	87	188851	8221728	81	127	188828	8221815
A2	8	188574	8221737	81	88	188851	8221727	81	128	188828	8221815
A2	9	188527	8221738	81	89	188853	8221724	81	129	188828	8221815
A2	10	188528	8221738	81	90	188853	8221723	81	130	188817	8221815
A3	11	188534	8221801	81	91	188854	8221722	81	131	188818	8221815
A3	12	188574	8221803	81	92	188854	8221719	81	132	188814	8221815
A3	13	188575	8221802	81	93	188855	8221718	81	133	188812	8221815
A3	14	188530	8221825	81	94	188855	8221718	81	134	188810	8221818
A3	15	188534	8221801	81	95	188855	8221714	81	135	188838	8221818
A4	16	188750	8221827	81	96	188855	8221713	81	136	188838	8221817
A4	17	188804	8221800	81	97	188855	8221806	81	137	188838	8221817
A4	18	188805	8221873	81	98	188856	8221806	81	138	188838	8221818
A4	19	188750	8221871	81	99	188856	8221805	81	139	188831	8221818
A4	20	188750	8221867	81	100	188855	8221801	81	140	188798	8221820
A5	21	188720	8221802	81	101	188855	8221800	81	141	188798	8221820
A5	22	188820	8221804	81	102	188855	8221800	81	142	188798	8221822
A5	23	188830	8221807	81	103	188854	8221800	81	143	188798	8221823
A5	24	188720	8221804	81	104	188854	8221804	81	144	188794	8221824
A5	25	188720	8221802	81	105	188853	8221802	81	145	188792	8221828
A5	26	188720	8221778	81	106	188853	8221800	81	146	188791	8221827
A5	27	188813	8221778	81	107	188851	8221878	81	147	188794	8221828
A5	28	188813	8221772	81	108	188852	8221877	81	148	188798	8221828
A5	29	188822	8221772	81	109	188853	8221876	81	149	188797	8221832
A5	30	188823	8221805	81	110	188854	8221874	81	150	188797	8221833
A5	31	188813	8221805	81	111	188853	8221872	81	151	188796	8221833
A5	32	188813	8221807	81	112	188856	8221870	81	152	188793	8221838
A5	33	188720	8221807	81	113	188856	8221869	81	153	188792	8221837
A5	34	188720	8221778	81	114	188857	8221866	81	154	188791	8221837
A5	35	188720	8221873	81	115	188857	8221865	81	155	188778	8221838
A7	36	188813	8221873	81	116	188857	8221864	81	156	188777	8221840
A7	37	188813	8221800	81	117	188857	8221862	81	157	188778	8221841
A7	38	188720	8221800	81	118	188857	8221861	81	158	188774	8221843
A7	39	188720	8221873	81	119	188858	8221860	81	159	188773	8221844
A8	40	188813	8221868	81	120	188858	8221849	81	160	188772	8221845
A8	41	188820	8221858	81	121	188858	8221847	81	161	188770	8221848
A8	42	188820	8221848	81	122	188857	8221844	81	162	188770	8221848
A8	43	188816	8221848	81	123	188857	8221843	81	163	188769	8221850
A8	44	188813	8221858	81	124	188857	8221841	81	164	188768	8221853
A8	45	188727	8221738	81	125	188856	8221838	81	165	188767	8221854
A8	46	188814	8221738	81	126	188856	8221837	81	166	188767	8221855
A8	47	188814	8221732	81	127	188855	8221836	81	167	188766	8221858
A8	48	188727	8221731	81	128	188854	8221833	81	168	188766	8221860
A8	49	188727	8221738	81	129	188853	8221832	81	169	188765	8221861
A10	50	188811	8221744	81	130	188853	8221831	81	170	188765	8221862
A10	51	188824	8221744	81	131	188851	8221828	81	171	188765	8221864
A10	52	188820	8221742	81	132	188850	8221827	81	172	188765	8221873
A10	53	188820	8221739	81	133	188849	8221826	81	173	188765	8221873
A10	54	188813	8221738	81	134	188847	8221824	81	174	188765	8221873
A10	55	188817	8221828	81	135	188846	8221823	81	175	188765	8221878
A10	56	188810	8221827	81	136	188845	8221822	81	176	188765	8221879
A10	57	188808	8221712	81	137	188842	8221821	81	177	188765	8221880
A10	58	188807	8221737	81	138	188841	8221820	81	178	188765	8221881
A10	59	188447	8221738	81	139	188840	8221819	81	179	188765	8221883
A10	60	188448	8221742	81	140	188837	8221818	81	180	188765	8221885



**Attachment to Plan: 2008-18235 SRA  
Derived Reference Points for GPS  
Datum: GDA2020, Projection: MGA Zone 55**

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2008-18235 SRA

Date: 24 September 2020



**Notes:** Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and obligated contractor(s). Coordinates listed a point included on the accompanying plan and provided in a clockwise direction.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
W1	181	186760	8221867	W1	241	186845	8221780	W2	261	186812	8221821
W1	182	186760	8221719	W1	242	186845	8221749	W2	262	186811	8221816
W1	183	186760	8221720	W1	243	186845	8221748	W2	263	186810	8221811
W1	184	186760	8221723	W1	244	186847	8221744	W2	264	186807	8221806
W1	185	186760	8221724	W1	245	186847	8221743	W2	265	186803	8221802
W1	186	186760	8221725	W1	246	186847	8221741	W2	266	186800	8221798
W1	187	186760	8221726	W1	247	186847	8221739	W2	267	186798	8221796
W1	188	186760	8221727	W1	248	186797	8221736	W2	268	186796	8221792
W1	189	186760	8221729	W1	249	186797	8221731	W2	269	186793	8221787
W1	190	186764	8221730	W1	250	186814	8221732	W2	270	186810	8221782
W1	191	186764	8221738	W1	251	186814	8221739	W2	271	186807	8221789
W1	192	186764	8221739	W1	252	186797	8221738	W2	272	186804	8221784
W1	193	186764	8221740	W1	253	186798	8221739	W2	273	186800	8221779
W1	194	186760	8221743	W1	254	186798	8221897	W2	274	186807	8221778
W1	195	186760	8221744	W1	255	186815	8221897	W2	275	186802	8221773
W1	196	186760	8221746	W1	256	186815	8221895	W2	276	186807	8221767
W1	197	186760	8221748	W1	257	186823	8221898	W2	277	186821	8221769
W1	198	186760	8221750	W1	258	186822	8221712	W2	278	186824	8221794
W1	199	186767	8221751	W1	259	186815	8221712	W2	279	186820	8221749
W1	200	186768	8221754	W1	260	186815	8221719	W2	280	186826	8221743
W1	201	186769	8221755	W1	261	186798	8221719	W2	281	186810	8221740
W1	202	186769	8221756	W1	262	186798	8221873	W2	282	186811	8221713
W1	203	186771	8221759	W1	263	186798	8221895	W2	283	186812	8221708
W1	204	186772	8221760	W1	264	186815	8221898	W2	284	186812	8221707
W1	205	186773	8221761	W1	265	186815	8221873	W2	285	186811	8221702
W1	206	186775	8221763	W1	266	186798	8221873	W2	286	186810	8221697
W1	207	186776	8221764	W1	267	186815	8221892	W2	287	186808	8221692
W1	208	186777	8221765	W1	268	186815	8221844	W2	288	186806	8221687
W1	209	186780	8221766	W1	269	186823	8221844	W2	289	186803	8221682
W1	210	186781	8221767	W1	270	186823	8221892	W2	290	186803	8221681
W1	211	186782	8221768	W1	271	186815	8221892	W2	291	186800	8221676
W1	212	186786	8221769	W1	272	186800	8221815	W2	292	186800	8221675
W1	213	186786	8221770	W1	273	186804	8221774	W2	293	186800	8221674
W1	214	186787	8221770	W1	274	186807	8221773	W2	294	186800	8221673
W1	215	186790	8221771	W1	275	186802	8221770	W2	295	186800	8221672
W1	216	186790	8221771	W1	276	186807	8221767	W2	296	186800	8221671
W1	217	186793	8221771	W1	277	186821	8221769	W2	297	186804	8221667
W1	218	186793	8221771	W1	278	186824	8221794	W2	298	186820	8221666
W1	219	186797	8221772	W1	279	186820	8221794	W2	299	186824	8221672
W1	220	186814	8221772	W1	280	186826	8221749	W2	300	186820	8221671
W1	221	186815	8221772	W1	281	186810	8221743	W2	301	186824	8221677
W1	222	186818	8221771	W1	282	186810	8221740	W2	302	186810	8221674
W1	223	186820	8221771	W1	283	186812	8221713	W2	303	186810	8221673
W1	224	186821	8221771	W1	284	186812	8221708	W2	304	186811	8221672
W1	225	186824	8221770	W1	285	186812	8221707	W2	305	186808	8221668
W1	226	186826	8221770	W1	286	186811	8221702	W2	306	186808	8221667
W1	227	186827	8221769	W1	287	186810	8221697	W2	307	186808	8221666
W1	228	186828	8221769	W1	288	186808	8221692	W2	308	186808	8221665
W1	229	186831	8221767	W1	289	186803	8221687	W2	309	186808	8221664
W1	230	186832	8221767	W1	290	186803	8221682	W2	310	186808	8221663
W1	231	186834	8221766	W1	291	186803	8221680	W2	311	186810	8221662
W1	232	186835	8221764	W1	292	186802	8221676	W2	312	186810	8221661
W1	233	186838	8221763	W1	293	186803	8221673	W2	313	186810	8221660
W1	234	186838	8221761	W1	294	186808	8221669	W2	314	186808	8221659
W1	235	186839	8221760	W1	295	186810	8221663	W2	315	186808	8221658
W1	236	186840	8221759	W1	296	186811	8221658	W2	316	186803	8221657
W1	237	186842	8221758	W1	297	186812	8221654	W2	317	186803	8221656
W1	238	186843	8221758	W1	298	186813	8221652	W2	318	186803	8221655
W1	239	186843	8221754	W1	299	186813	8221629	W2	319	186800	8221654
W1	240	186845	8221751	W1	300	186813	8221627	W2	320	186800	8221653

Attachment to Plan: 2008-18235 6RA  
 Derived Reference Points for GPS  
 Datum: GDA2020, Projection: MGA Zone 55

PLANS AND DOCUMENTS  
 Related to: the REFERRAL  
 AGENCY RESPONSE



GARANTY 1888 (A2) 6RA

Date: 29 September 2022

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and designated contractor(s). Coordinates of all points indicated on the accompanying plan and provided in a coordinate database.

Point ID	Unique ID	Easting	Northing	Point ID	Unique ID	Easting	Northing	Point ID	Unique ID	Easting	Northing
82	385	188589	8221771	83	421	188687	8221841	83	481	188738	8221764
82	382	188528	8221770	83	422	188687	8221838	83	482	188738	8221766
82	383	188527	8221769	83	423	188687	8221839	83	483	188738	8221767
82	384	188511	8221771	83	424	188687	8221835	83	484	188738	8221768
82	385	188515	8221772	83	425	188687	8221832	83	485	188734	8221761
82	386	188520	8221773	83	426	188689	8221811	83	486	188734	8221762
82	387	188524	8221774	83	427	188689	8221833	83	487	188733	8221764
82	388	188511	8221775	83	428	188689	8221838	83	488	188733	8221767
82	389	188573	8221775	83	429	188689	8221837	83	489	188733	8221768
82	370	188693	8221820	83	430	188689	8221838	83	490	188733	8221769
82	371	188698	8221815	83	431	188689	8221833	83	491	188733	8221801
82	372	188695	8221745	83	432	188689	8221831	83	492	188733	8221802
82	373	188654	8221744	83	433	188689	8221830	83	493	188731	8221830
82	374	188611	8221744	83	434	188687	8221787	83	494	188730	8221831
82	375	188648	8221743	83	435	188687	8221788	83	495	188731	8221832
82	376	188647	8221738	83	436	188689	8221784	83	496	188731	8221838
82	377	188627	8221737	83	437	188689	8221782	83	497	188731	8221837
82	378	188638	8221719	83	438	188684	8221787	83	498	188731	8221838
82	379	188610	8221827	83	439	188684	8221786	83	499	188732	8221842
82	380	188617	8221828	83	440	188682	8221787	83	500	188732	8221843
82	381	188615	8221738	83	441	188687	8221788	83	501	188732	8221844
82	382	188608	8221738	83	442	188689	8221785	83	502	188734	8221847
82	383	188605	8221745	83	443	188689	8221783	83	503	188738	8221848
82	384	188628	8221738	83	444	188687	8221782	83	504	188734	8221849
82	385	188627	8221705	83	445	188689	8221781	83	505	188733	8221850
82	386	188614	8221707	83	446	188689	8221779	83	506	188731	8221853
82	387	188673	8221738	83	447	188682	8221778	83	507	188731	8221854
82	388	188628	8221738	83	448	188687	8221778	83	508	188730	8221855
82	389	188624	8221821	83	449	188689	8221777	83	509	188728	8221858
82	390	188620	8221823	83	450	188647	8221775	83	510	188728	8221859
82	391	188675	8221827	83	451	188648	8221778	83	511	188728	8221861
82	392	188614	8221853	83	452	188643	8221775	83	512	188727	8221863
82	393	188624	8221851	83	453	188641	8221775	83	513	188727	8221865
82	394	188644	8221704	83	454	188640	8221774	83	514	188728	8221866
82	395	188642	8221734	83	455	188638	8221774	83	515	188728	8221868
82	396	188645	8221733	83	456	188638	8221774	83	516	188728	8221870
82	397	188648	8221702	83	457	188637	8221774	83	517	188728	8221867
82	398	188644	8221704	83	458	188638	8221774	83	518	188728	8221868
82	399	188657	8221802	83	459	188759	8221771	83	519	188728	8221861
82	400	188658	8221877	83	460	188758	8221771	83	520	188728	8221863
82	401	188658	8221875	83	461	188758	8221771	83	521	188727	8221864
82	402	188658	8221874	83	462	188758	8221771	83	522	188723	8221867
82	403	188658	8221873	83	463	188758	8221771	83	523	188728	8221868
82	404	188658	8221872	83	464	188758	8221771	83	524	188728	8221870
82	405	188658	8221869	83	465	188753	8221771	83	525	188728	8221872
82	406	188658	8221867	83	466	188753	8221771	83	526	188728	8221874
82	407	188657	8221868	83	467	188753	8221771	83	527	188731	8221875
82	408	188657	8221863	83	468	188758	8221771	83	528	188733	8221871
82	409	188658	8221862	83	469	188758	8221772	83	529	188733	8221878
82	410	188658	8221860	83	470	188758	8221772	83	530	188734	8221879
82	411	188655	8221858	83	471	188753	8221773	83	531	188738	8221821
82	412	188654	8221858	83	472	188752	8221773	83	532	188738	8221822
82	413	188653	8221855	83	473	188749	8221773	83	533	188738	8221823
82	414	188651	8221853	83	474	188748	8221773	83	534	188741	8221825
82	415	188650	8221851	83	475	188747	8221773	83	535	188742	8221826
82	416	188649	8221850	83	476	188745	8221773	83	536	188743	8221828
82	417	188644	8221849	83	477	188743	8221773	83	537	188745	8221829
82	418	188645	8221848	83	478	188742	8221780	83	538	188747	8221828
82	419	188645	8221845	83	479	188740	8221780	83	539	188748	8221829
82	420	188646	8221844	83	480	188739	8221780	83	540	188750	8221829

Attachment to Plan: 2008-18235 SRA  
 Derived Reference Points for GPS  
 Datum: GDA2020, Projection: MGA Zone 55

PLANS AND DOCUMENTS  
 REFERRED TO IN THE REFERRAL  
 AGENCY RESPONSE



SARA ref: 2020-1631-194

Date: 24 September 2020

**Notes:** Derived Reference Points are provided to assist in the location of some boundaries.  
 Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).  
 Coordinates shall at a point indicated on the accompanying plan and printed in a clockwise direction.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
83	541	188753	8271890								
83	542	188754	8271890								
83	543	188756	8271890								
83	544	188757	8271890								
83	545	188803	8271890								
83	546	188804	8271890								
83	547	188805	8271890								
83	548	188806	8271890								
83	549	188809	8271890								
83	550	188841	8271890								
83	551	188844	8271891								
83	552	188845	8271891								
83	553	188848	8271890								
83	554	188849	8271899								
83	555	188850	8271899								
83	556	188851	8271898								
83	557	188854	8271898								
83	558	188855	8271895								
83	559	188856	8271894								
83	560	188858	8271892								
83	561	188859	8271891								
83	562	188860	8271890								
83	563	188862	8271818								
83	564	188862	8271818								
83	565	188863	8271815								
83	566	188864	8271813								
83	567	188865	8271811								
83	568	188865	8271810								
83	569	188866	8271807								
83	570	188866	8271806								
83	571	188866	8271805								
83	572	188867	8271803								
83	573	188867	8271802								
83	574	188759	8271897								
83	575	188759	8271871								
83	576	188805	8271873								
83	577	188804	8271890								
83	578	188759	8271897								
83	579	188763	8271892								
83	580	188765	8271894								
83	581	188808	8271897								
83	582	188805	8271894								
83	583	188763	8271892								

**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—

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- (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 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 be 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 to an appeal 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; or
  - (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 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 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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.

## Part 2 Development tribunal

### Division 1 General

#### 233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
  - (a) has the qualifications or experience prescribed by regulation; and
  - (b) has demonstrated an ability—
    - (i) to negotiate and mediate outcomes between parties to a proceeding; and
    - (ii) to apply the principles of natural justice; and
    - (iii) to analyse complex technical issues; and
    - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

- (2) The appointer may—
  - (a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice; and
  - (b) reappoint a referee, by notice, for further terms of not more than 3 years.
- (3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.
- (4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.
- (5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.
- (6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.
- (7) In this section—

*appointment notice* means—

  - (a) if the Minister gives the notice—a gazette notice; or
  - (b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

## 234 Referee with conflict of interest

- (1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—
  - (a) the tribunal is to hear a matter about premises—
    - (i) the referee owns; or
    - (ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or

- (iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or
  - (iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;
- (b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.
- (2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.
  - (3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.
  - (4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

### **235 Establishing development tribunal**

- (1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.
- (2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.
- (3) The chief executive must appoint a referee as the chairperson for each tribunal.
- (4) A regulation may specify the qualifications or experience required for particular proceedings.
- (5) After a tribunal is established, the tribunal's membership must not be changed.

**236 Remuneration**

A tribunal member must be paid the remuneration the Governor in Council decides.

**237 Tribunal proceedings**

- (1) A tribunal must ensure all persons before the tribunal are afforded natural justice.
- (2) A tribunal must make its decisions in a timely way.
- (3) A tribunal may—
  - (a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and
  - (b) sit at the times and places the tribunal decides; and
  - (c) hear an appeal and application for a declaration together; and
  - (d) hear 2 or more appeals or applications for a declaration together.
- (4) A regulation may provide for—
  - (a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or
  - (b) the required fee for tribunal proceedings.

**238 Registrar and other officers**

- (1) The chief executive may, by gazette notice, appoint—
  - (a) a registrar; and
  - (b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.

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- (2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.

## **Division 2            Applications for declarations**

### **239    Starting proceedings for declarations**

- (1) A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
- (2) The application must be accompanied by the required fee.

### **240    Application for declaration about making of development application**

- (1) The following persons may start proceedings for a declaration about whether a development application is properly made—
  - (a) the applicant;
  - (b) the assessment manager.
- (2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.
- (3) The proceedings must be started by—
  - (a) the applicant within 20 business days after receiving notice from the assessment manager, under the development assessment rules, that the development application is not properly made; or
  - (b) the assessment manager within 10 business days after receiving the development application.
- (4) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.

- (5) In this section—  
*respondent* means—
- (a) if the applicant started the proceedings—the assessment manager; or
  - (b) if the assessment manager started the proceedings—the applicant.

**241 Application for declaration about change to development approval**

- (1) This section applies to a change application for a development approval if—
- (a) the approval is for a material change of use of premises that involves the use of a classified building; and
  - (b) the responsible entity for the change application is not the P&E Court.
- (2) The applicant, or responsible entity, for the change application may start proceedings for a declaration about whether the proposed change to the approval is a minor change.
- (3) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (4) In this section—  
*respondent* means—
- (a) if the applicant started the proceedings—the responsible entity; or
  - (b) if the responsible entity started the proceedings—the applicant.

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### **Division 3                    Tribunal proceedings for appeals and declarations**

#### **242    Action when proceedings start**

If a document starting tribunal proceedings is filed with the registrar within the period required under this Act, and is accompanied by the required fee, the chief executive must—

- (a) establish a tribunal for the proceedings; and
- (b) appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and
- (c) give notice of the establishment of the tribunal to each party to the proceedings.

#### **243    Chief executive excusing noncompliance**

- (1) This section applies if—
  - (a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and
  - (b) the document does not comply with any requirement under this Act for validly starting the proceedings.
- (2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).
- (3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect, because of the noncompliance, to the person who filed the document.
- (4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.
- (5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

## 244 Ending tribunal proceedings or establishing new tribunal

- (1) The chief executive may decide not to establish a tribunal when a document starting tribunal proceedings is filed, if the chief executive considers it is not reasonably practicable to establish a tribunal.

*Examples of when it is not reasonably practicable to establish a tribunal—*

- there are no qualified referees or insufficient qualified referees because of a conflict of interest
  - the referees who are available will not be able to decide the proceedings in a timely way
- (2) If the chief executive considers a tribunal established for tribunal proceedings—
- (a) does not have the expertise to hear or decide the proceedings; or
- (b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example);
- the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.
- (3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.
- (4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.
- (5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief executive gives the decision notice to the party who started the proceedings.
- (6) The decision notice must state the effect of subsection (5).



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**245 Refunding fees**

The chief executive may, but need not, refund all or part of the fee paid to start proceedings if the chief executive decides under section 244—

- (a) not to establish a tribunal; or
- (b) to end the proceedings.

**246 Further material for tribunal proceedings**

- (1) The registrar may, at any time, ask a person to give the registrar any information that the registrar reasonably requires for the proceedings.

*Examples of information that the registrar may require—*

- material about the proceedings (plans, for example)
- information to help the chief executive decide whether to excuse noncompliance under section 243
- for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.

- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

**247 Representation of Minister if State interest involved**

If, before tribunal proceedings are decided, the Minister decides the proceedings involve a State interest, the Minister may be represented in the proceedings.

**248 Representation of parties at hearing**

A party to tribunal proceedings may appear—

- (a) in person; or
- (b) by an agent who is not a lawyer.

## **249 Conduct of tribunal proceedings**

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.
- (2) The tribunal may decide the proceedings on submissions.
- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.
- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.
- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—
  - (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or
  - (b) for proceedings to be decided by hearing—the person, or the person's agent, does not appear at the hearing.
- (6) When hearing proceedings, the tribunal—
  - (a) need not proceed in a formal way; and
  - (b) is not bound by the rules of evidence; and
  - (c) may inform itself in the way it considers appropriate; and
  - (d) may seek the views of any person; and
  - (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and
  - (f) may prohibit or regulate questioning in the hearing.
- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

## 250 Tribunal directions or orders

A tribunal may, at any time during tribunal proceedings, make any direction or order that the tribunal considers appropriate.

*Examples of directions—*

- a direction to an applicant about how to make their development application comply with this Act
- a direction to an assessment manager to assess a development application, even though the referral agency's response to the assessment manager was to refuse the application

## 251 Matters tribunal may consider

- (1) This section applies to tribunal proceedings about—
  - (a) a development application or change application; or
  - (b) an application or request (however called) under an applicable Act if—
    - (i) the application or request relates to a decision made under that Act, other than a decision made by the Queensland Building and Construction Commission; and
    - (ii) an information notice about the decision was given or was required to be given under that Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
  - (a) the application or request was properly made; or
  - (b) if the application or request was not required to be properly made—the application or request was made.
- (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.
- (4) In this section—

***applicable Act*** means—

  - (a) the Building Act; or
  - (b) the *Plumbing and Drainage Act 2018*.

## **252 Deciding no jurisdiction for tribunal proceedings**

- (1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—
  - (a) on the tribunal's initiative; or
  - (b) on the application of a party.
- (2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.
- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.
- (4) The decision notice must state the effect of subsection (3).
- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

## **253 Conduct of appeals**

- (1) This section applies to an appeal to a tribunal.
- (2) Generally, the appellant must establish the appeal should be upheld.
- (3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.
- (4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.
- (5) However, the tribunal may, but need not, consider—
  - (a) other evidence presented by a party to the appeal with leave of the tribunal; or
  - (b) any information provided under section 246.

## 254 Deciding appeals to tribunal

- (1) This section applies to an appeal to a tribunal against a decision.
- (2) The tribunal must decide the appeal by—
  - (a) confirming the decision; or
  - (b) changing the decision; or
  - (c) replacing the decision with another decision; or
  - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or
  - (e) for a deemed refusal of an application—
    - (i) ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or
    - (ii) deciding the application.
- (3) However, the tribunal must not make a change, other than a minor change, to a development application.
- (4) The tribunal's decision takes the place of the decision appealed against.
- (5) The tribunal's decision starts to have effect—
  - (a) if a party does not appeal the decision—at the end of the appeal period for the decision; or
  - (b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

## 255 Notice of tribunal's decision

A tribunal must give a decision notice about the tribunal's decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

**256 No costs orders**

A tribunal must not make any order as to costs.

**257 Recipient's notice of compliance with direction or order**

If a tribunal directs or orders a party to do something, the party must notify the registrar when the thing is done.

**258 Tribunal may extend period to take action**

- (1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.
- (2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

**259 Publication of tribunal decisions**

The registrar must publish tribunal decisions under the arrangements, and in the way, that the chief executive decides.

## **Chapter 7 Miscellaneous**

### **Part 1 Existing uses and rights protected**

**260 Existing lawful uses, works and approvals**

- (1) If, immediately before a planning instrument change, a use of premises was a lawful use of premises, the change does not—
  - (a) stop the use from continuing; or