

5 November 2019

Your Reference:
Our Reference: 169/19 - #956989

JB Serisier Surveyors
58 Lyons Street
MUNDUBBERA QLD 4626

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT—BOUNDARY REALIGNMENT (5 LOTS INTO 4 LOTS) AT CANIA ROAD AND YOULAMBIE ROAD, THREE MOON ON LAND DESCRIBED AS LOT 86 ON RP809461; LOT 87 ON RW169; LOT 92 ON RW555; LOT 93 ON RW159 AND LOT 1 ON RP809461 AND BUILDING WORKS NOT ASSOCIATED WITH A MATERIAL CHANGE OF USE ON LOT 93 ON RW159

Thank you for your Development Application for Reconfiguring a Lot—Boundary Realignment (5 lots into 4 lots) at Cania Road and Youlambie Road, Three Moon on land described as Lot 86 on RP809461; Lot 87 on RW169; Lot 92 on RW555; Lot 93 on RW159 and Lot 1 on RP809461 and Building Works Not Associated With A Material Change of Use on lot 93 on RW159 lodged with Council on 10 August 2019.

Please find attached the Decision Notice for the above-mentioned development application.

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

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

Please quote Council's application number: 169/19 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 telephone 1300 696 272.

Yours sincerely,



Jeff Miles
Planning & Environment Manager

Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 24 September 2019. The North Burnett Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: JB Serisier Surveyors
 Postal Address: 58 Lyons Street
 MUNDUBBERA QLD 4626
 Email:
 Phone No.:
 Mobile No.: 0428 76 9224

2. Location details

Street address: 1357 Youlambie Road; 1364 Youlambie Road, 271 Cania Road, and 264 Cania Road, Moonford QLD 4630
 Real property description: Lot 86 on RP809461; lot 87 on RW169, lot 92 on RW555, lot 93 on RW159 and lot 1 on RP809461
 Local government area: North Burnett Regional Council

3. Decision

Application number: 169/19
 Date of decision: 5 November 2019
 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 a concurrence agency imposed them.

4. Details of proposed development

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

5. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/ issue
Proposed Reconfiguration – lots 1, 87, 92 & 93	JB Serisier Surveyors	29.08.2019	19022/01	
House Site 2 showing distance from boundary	K & K Muller	12.09.2019	19022	

6. Conditions

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

7. Further development permits

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

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

8. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

- (1) A part of a development approval lapses at the end of the following period (the **currency period**)—
 - (a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—
 - (i) the period stated for that part of the approval; or
 - (ii) if no period is stated—6 years after the approval starts to have effect;
 - (b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—
 - (i) the period stated for that part of the approval; or
 - (ii) if no period is stated—4 years after the approval starts to have effect;
 - (c) for any other part of the development approval—if the development does not substantially start within—
 - (i) the period stated for that part of the approval; or
 - (ii) if no period is stated—2 years after the approval starts to take effect.

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 are included in [Attachment 2](#).

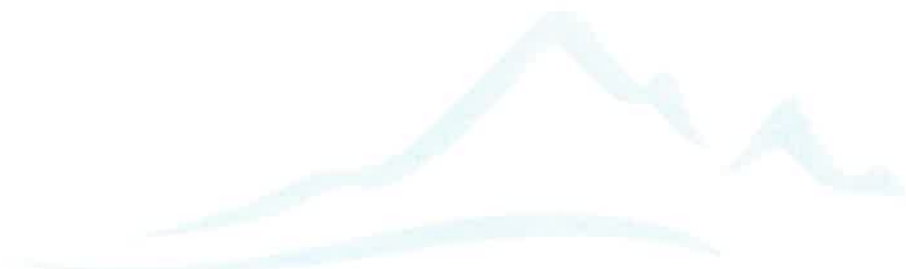
Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Yours faithfully


Jeff Miles

Planning & Environment Manager

- Enc: Attachment 1a-conditions imposed by assessment manager
Attachment 1b-conditions imposed by concurrence agency/s
Attachment 2-appeal rights
Attachment 3-plans



Attachment 1a – Conditions Imposed by Assessment Manager

General

- 1) Carry out the approved development generally in accordance with the approved plans identified in section 5 "Approved Plans" of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between conditions of this approval and details shown on the approved plans, the conditions prevail.
- 3) Comply with all of the conditions of this development permit prior to the commencement of the use, unless otherwise and maintain compliance whilst the use continues.
- 4) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.

Survey

- 5) Reinstate survey marks where required and install new survey marks in their correct position in accordance with the approved plan. The Subdivision Plan is to be endorsed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated regulations and standards.
- 6) Lodge a plan of subdivision with Council in accordance with Schedule 18 of the *Planning Regulation 2017* on or before the end of the currency period.

Construction

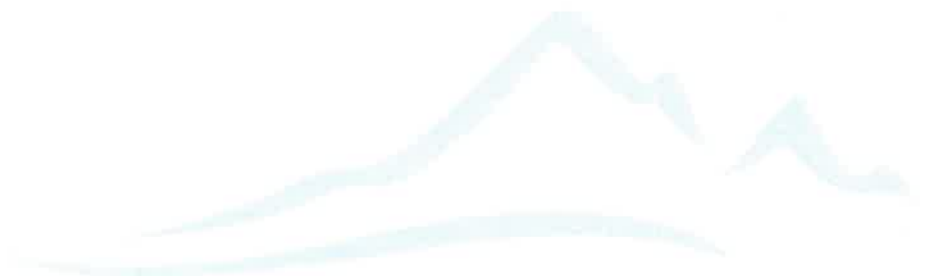
- 7) All floors to habitable rooms shall be located at least 300mm above 270AHD.
- 8) Rainwater tanks to be located as high as possible to the 1% AEP level.
- 9) On-site wastewater system to be located at above 270AHD.
- 10) Survey plan is to be lodged and registered with Titles Office, Department of Natural Resources, Mines and Energy before building or plumbing approvals are granted.

Advice to the applicant

- Unless otherwise explicitly identified, conditions 1-6 of this development permit must be completed to Council's satisfaction prior to the subdivision plan being endorsed by Council.
- All rates, charges or any expenses levied by Council over the land must be paid prior to the subdivision being endorsed by Council.
- The 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 details and should be consulted before proceeding.

- The subject lands is identified as being located within the Bushfire Hazard Overlay, and the Natural Features or Resources Overlay of the North Burnett Regional Planning Scheme. These overlays may need to be considered for any further development including building work.
- Category B vegetation has been identified on future lot 87 and 92, consideration needs to be given for any future fire break clearing.



Attachment 1b – Conditions Imposed by Concurrence Agency

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**Please refer to the following pages for the conditions imposed
by the Concurrence Agency.**

SARA reference: 1909-13346 SRA
Council reference: 169-19

28 October 2019

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

Attention: Jeff Miles

Dear Mr Miles

SARA response—1364 Youlambie Road, Moonford; 1357 Youlambie Road, Moonford; 271 Cania Road, Moonford

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 27 September 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	28 October 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Reconfiguring a Lot for Boundary Realignment (5 Lots into 4 Lots)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 of the Planning Regulation 2017	
	Development application for reconfiguring a lot within 25 metres of a railway corridor of a State transport corridor and there is a new or	

changed access between the premises and the State transport corridor

SARA reference: 1909-13346 SRA

Assessment Manager: North Burnett Regional Council

Street address: 1364 Youlambie Road, Moonford; 1357 Youlambie Road, Moonford; 271 Cania Road, Moonford

Real property description: Lots 1 on RP809461, 86 on RP809461, 87 on RW169, 92 on RW555, and 93 on RW159

Applicant name: JB Serisier Surveyors

Applicant contact details: 58 Lyons Street
MUNDUBBERA QLD 4626
jbs.surv@bigpond.net.au

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

- Approved
- Reference: TMR19-028405
- Date: 22 October 2019

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

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Holly Sorohan, Principal Planner, on (07) 4331 5614 or via email WBBSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc JB Serisier Surveyors, jbs.surv@bigpond.net.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 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a Lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 of the Planning Regulation 2017—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The access locations between Cania Dam Road and lots 1, 87, 92 and 93 must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Proposed Reconfiguration – Lots 1, 87, 92 & 93, prepared by JB Serisier Surveyors, dated 16 October 2019, reference 19022/01(Rev 02), revision 2 	Prior to submitting the Plan of Survey to the local government for approval

Attachment 2—Advice to the applicant

General Advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.5. If a word remains undefined it has its ordinary meaning.
Further Development Permits Required	
2.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out works within a State controlled road. Please contact the Department of Transport and Main Roads, Wide Bay Burnett District on (07) 4154 0200 or via WBB.IDAS@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the State controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The development maintains existing as of right access between the development site and the State controlled road. The existing accesses have sufficient sight distance to ensure the safety and efficiency of the State controlled road is maintained.
- The development proposes an additional access between lot 93 and the State controlled road. The new access is located to ensure the safety and efficiency of the State controlled road is maintained. The new access is required to provide for a future dwelling on the site outside the flood hazard area.
- The proposed development improves the existing lot configuration by reducing the number of vincula lots in the area from four to one.

Material used in the assessment of the application:

- Development application common material
- *Planning Act 2016*
- Planning Regulation 2017
- *State Development Assessment Provisions (version 2.5)*
- Development Assessment Rules
- Development Assessment Mapping System
- State Planning Policy Mapping System

Attachment 4—Change representation provisions

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Attachment 5—Approved plans and specifications

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Our ref TMR19-028405
Your ref 19022
Enquiries Ian Leyton



Department of
Transport and Main Roads

22 October 2019

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

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

Development application reference number 169-19, lodged with North Burnett Regional Council involves constructing or changing a vehicular access between the land the subject of the application including proposed lot 93 on J B Serisier Surveyors Drawing 19022/01 (Rev 02) dated 16/10/2019 and Cania Dam Road (a state-controlled road).

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

Applicant Details

Name and address JB Serisier Surveyors
56 Lyons Street
Mundubbera QLD 4626

Application Details

Address of Property 271 Cania Road, Moonford QLD 4630
Real Property Description 1RP809461, 86RP809461, 87RW169, 92RW555, 93RW159
Aspect/s of Development Development Permit for Reconfiguration of a lot for Boundary Realignment - 5 Lots into 4 Lots, s62 and s33 Approvals

Decision (given under section 67 of TIA)

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

No.	Conditions of Approval	Condition Timing
1	The permitted road access locations between Cania Dam Road and Lot 93 must be in accordance with Proposed Reconfiguration Lots 1,87,92 & 93 prepared by J B Serisier Surveyors dated 16/10/2019 reference Drawing no 19022/01 (Rev02) and describe as follows: (a) approximately 435 metres (chainage 2.635R) from the southern boundary (new access), (b) at the southern boundary (chainage 2.207R) (new access) and (c) at northern boundary (chainage 3.336R) (existing access).	At all times.

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

No.	Conditions of Approval	Condition Timing
2	<p>Road access works comprising of a Standard Access Type A-1 size 5 in accordance with the department's plan D12-1F must be provided at the permitted access location specified in condition 1(b) such that it does not interfere with the adjacent access to Lot 94 on RW556 and does not interfere with the existing drainage on Cania Dam Road.</p> <p><i>Please note: due to existing topography and drainage at the site installation of a pipe and headwalls to facilitate drainage may not be necessary. Please consult with the department during the construction approval process to confirm.</i></p>	Prior to submitting the Plan of Survey to the local government for approval
3	Direct access is prohibited between Cania Dam Road and proposed lot 93 at any other location other than the permitted road access locations described in Condition 1.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) The development application is for a boundary realignment. Access is existing at two of the approved locations and will serve as access for the combined lot 93 for pre-existing use. Continuation of these accesses is acceptable for the reconfigured parcel of land.
- b) Subject to construction of the new access to the specified standard, new access as proposed in that location is suitable and will not result in unreasonable impact on road safety in that location.

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

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

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

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.

2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

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

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

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

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

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

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The *Transport Infrastructure Act 1994* aims to provide a safe and efficient road network
- The Department of Transport and Main Road is the manager of the Cania Dam Road Road which is a state-controlled road.
- There is a development application to use this access location.
- The applicant has applied for an access at this location.
- The subject land has two historical existing accesses that permits access for rural purposes. Continued use of these accesses is acceptable to cater for the development without causing any unreasonable impact on road safety
- A proposed access for the new prospective house site. The location proposed has sight distance that is acceptable in both directions. Subject to construction to the basic rural access standard specified the new access location is acceptable.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	In force at 12 September 2019	-	-
Report on Proposed Development	J.B. Serrisier Surveyors	04/09/19	19022	--
Proposed Reconfiguration Lots 1,87,92 & 93	J B Serisier Surveyors	16/10/2019	19022/01 (Rev 02)	02
Additional Information on proposed development for K & K Muller	J.B. Serrisier Surveyors	Received 2 October 2019	19022	

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

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

(9) In this section—

relevant entity means—

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

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

35 Time for making appeals

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

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

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

(2) However, if—

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

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

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

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

Our ref TMR19-028405
Your ref 19022
Enquiries Ian Leyton



Department of
Transport and Main Roads

22 October 2019

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

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

Development application reference number 169-19, lodged with North Burnett Regional Council involves constructing or changing a vehicular access between the land the subject of the application including proposed lot 92 on on J B Serisier Surveyors Drawing 19022/01 (Rev 02) dated 16/10/2019, and Cania Dam Road (a state-controlled road).

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

Applicant Details

Name and address JB Serisier Surveyors
56 Lyons Street
Mundubbera QLD 4626

Application Details

Address of Property 271 Cania Road, Moonford QLD 4630
Real Property Description 1RP809461, 86RP809461, 87RW169, 92RW555, 93RW159
Aspect/s of Development Development Permit for Reconfiguration of a lot for Boundary Realignment - 5 Lots into 4 Lots, s62 and s33 Approvals

Decision (given under section 67 of TIA)

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

No.	Conditions of Approval	Condition Timing
1	The permitted road access location between Cania Dam Road and Lot 92 is approximately 420 metres from the southern boundary (chainage 2.621L), in accordance with: <ul style="list-style-type: none">- Drawing titled Proposed Reconfiguration Lots 1, 87, 92 & 93 prepared by J B Serisier Surveyors dated 16/10/2019 reference Drawing no 19022/01 (Rev02).	At all times.
2	Direct access is prohibited between Cania Dam Road and Lot 92	At all times.

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

No.	Conditions of Approval	Condition Timing
	at any other location other than the permitted road access location described in Condition 1.	

Reasons for the decision

The reasons for this decision are as follows:

- a) The development application is for a boundary realignment. Access is existing at this location and will serve as access for the combined lot 92. Continuation of this access is acceptable for the reconfigured parcel of land.

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

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

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

Further information about the decision

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

Further approvals

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

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of

engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

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

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

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

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The *Transport Infrastructure Act 1994* aims to provide a safe and efficient road network
- The Department of Transport and Main Road is the manager of the Cania Dam Road Road which is a state-controlled road.
- The development application proposes to use this access location.
- The applicant has applied for an access at this location.
- The subject land has an historical existing access that permits access for residential purposes and rural purposes.
- The location and standard of access in place at the time of this approval is suitable to cater for the development without causing any unreasonable impact on road safety.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	In force at 12 September 2019	-	-
Report on Proposed Development	J.B. Serrisier Surveyors	04/09/19	19022	--
Proposed Reconfiguration Lots 1,87,92 & 93	J B Serisier Surveyors	16/10/2019	19022/01 (Rev 02)	02

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

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

(9) In this section—

relevant entity means—

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

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

35 Time for making appeals

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

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

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

(2) However, if—

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

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

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

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

Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

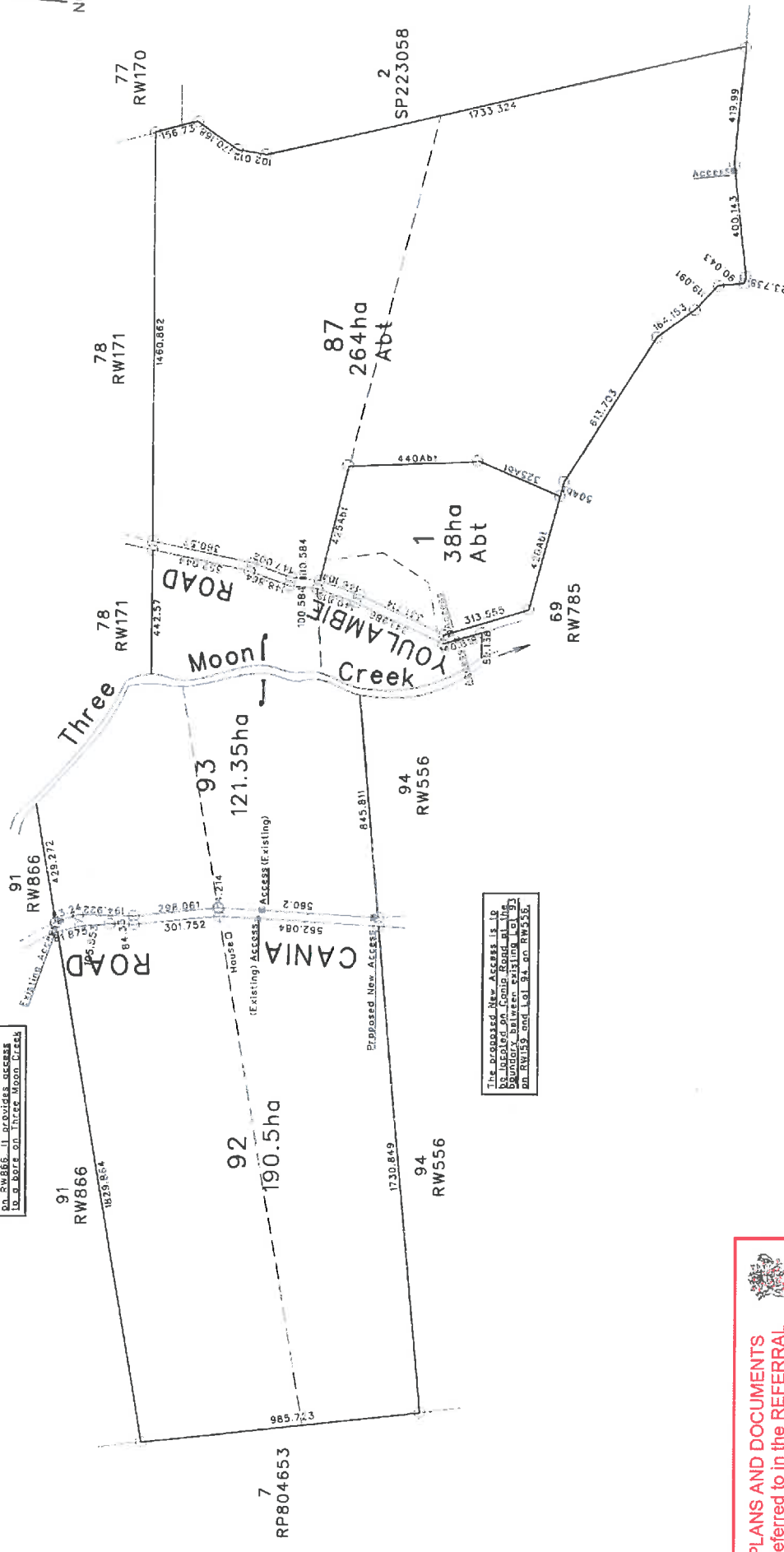
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

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



This existing access is located at the boundary with Lot 91 on RW866. It provides access to a bore on Three Moon Creek.

The proposed New Access is to be located on Camp Road at the boundary between existing Lot 92 on RW159 and Lot 94 on RW556.



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 1909-13346 SRA
Date: 28 October 2019

J B SERISIER SURVEYORS
58 LYONS STREET
MUNDUBBERA Q4626
Ph: 41654468
Mob: 0428 769224
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PROPOSED RECONFIGURATION
LOTS 1, 87, 92 & 93
Cancelling Lot 86 on RP809461,
Lot 87 on RW169, Lot 92 on RW555
Lot 93 on RW159, Lot 1 on RP809461
Locality of Moonford
North Burnett Regional Council

DISCLAIMER
This plan has been prepared for a development only, and should not be used for any other purpose. Dimensions and areas shown are approximate only and may differ from the actual final surveyed data. This plan should not be altered or amended in any way without the express permission of J B Serisier Surveyors.

CLIENT
K & K Muller

FILE: 19022
DATE: 29/08/19

Drawing No: 19022/01(Rev 02)
Scale:- 1 : 15000

Further amendments on 16/10/2019

Attachment 2 – 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			
<p>1. Development applications An appeal may be made against—</p> <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ul style="list-style-type: none"> 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
<p>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—</p> <ul style="list-style-type: none"> (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)
<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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
<p>3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <ul style="list-style-type: none"> (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)
<ul style="list-style-type: none"> 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
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <ul style="list-style-type: none"> (a) the notice involved an error relating to— <ul style="list-style-type: none"> (i) the application of the relevant adopted charge; or <i>Examples of errors in applying an adopted charge—</i> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect 'use category', under a regulation, to the development <ul style="list-style-type: none"> (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	Column 4 Co-respondent by election (if any)

		(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

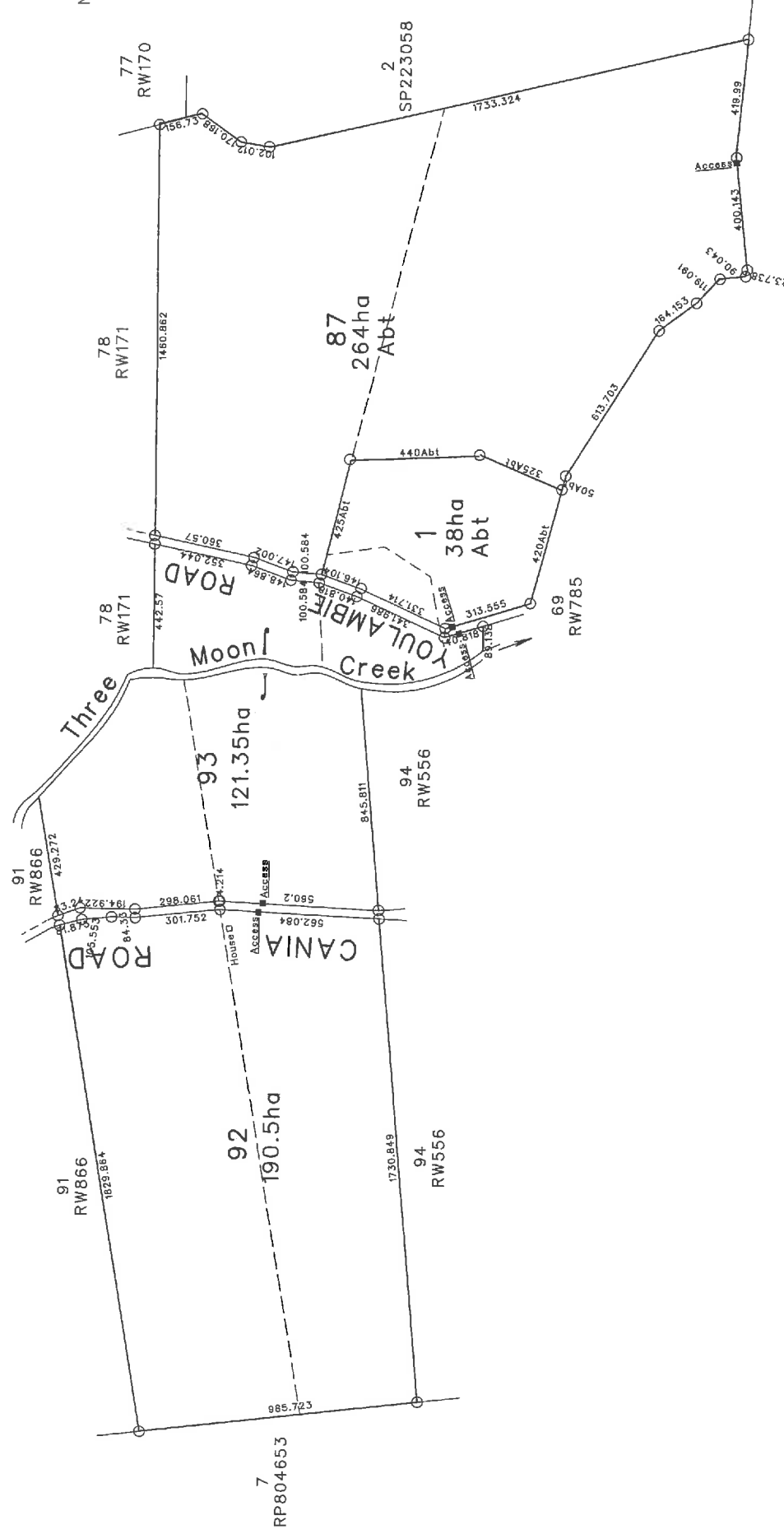
**Table 3
Appeals to a tribunal only**

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— <ul style="list-style-type: none"> (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	—	—

Attachment 3 – Approved Plans

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Please refer to the following pages for approved plans.



<p>J B SERISIER SURVEYORS 58 LYONS STREET MUNDUBBERA Q4626 Ph: 41654468 Mob: 0428 769224 jbs.surv@bigpond.net.au</p>	<p>PROPOSED RECONFIGURATION LOTS 1, 87, 92 & 93 Cancelling Lot 86 on RP809461, Lot 87 on RW169, Lot 92 on RW555 Lot 93 on RW159, Lot 1 on RP809461 Locality of Moonford North Burnett Regional Council</p>	<p>DISCLAIMER This plan has been prepared for a development only, and should not be used for any other purpose. Dimensions and areas shown are approximate only and may differ from the actual final surveyed dimensions. This plan should not be altered or amended in any way without the express permission of J B Serisier Surveyors.</p>	<p>CLIENT: K & K Muller FILE: 19022 DATE: 29/08/19 Drawing No: 19022/01 Scale: 1 : 15000</p>
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K & K Muller - ref 19022

House site 2 showing distance from boundary

24°47'21"S 151°2'22"E

24°47'21"S 151°2'38"E



24°47'35"S 151°2'22"E

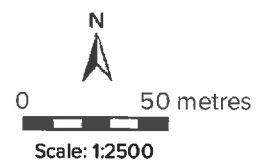
24°47'35"S 151°2'38"E

A product of



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Projection: Web Mercator EPSG 102100
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