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Queensland  
Government

01 June 2009

Chief Executive Officer  
Rockhampton Regional Council  
Gracemere Office  
PO Box 1860  
Rockhampton Qld 4700

Dear Sir

**REFERRAL AGENCY'S RESPONSE**

**Rockhampton Region: Capricorn Highway (Rockhampton - Duaringa)  
Proposed Reconfiguring of Lot (40 Lot Subdivision)  
Application N° AF-30-03.777 D-230/2009  
Lot 80 on RP604012 & Lot 2 on RP615695  
Situated at Capricorn Street and Middle Road, Gracemere  
For Czislowski Holdings Pty Ltd**

I refer to the above application received by this department on 21 May 2009 requesting an assessment of any impacts of the proposal on the road network.

**Part A – Developer Conditions**

In reference to section 3.3.16 of the *Integrated Planning Act 1997*, the department of Main Roads as a concurrence agency, has assessed the impact of the proposed development on the State-controlled road network and advises that it is prepared to issue new conditions as outlined in the attached **Conditions of Development and Statement of Reasons**.

Please note that the department's previous conditions of approval dated 10 November 2008, with reference number 830/780 SPR:hlm E33541 (DCT 1076), are hereby rescinded.

Main Roads requires a copy of Council's decision notice regarding the application within five (5) business days after the day the decision is made (in accordance with Section 3.5.15 of the *Integrated Planning Act 1997*).

Road Business Group / Regional Operations  
Fitzroy Region / Rockhampton Office  
31 Knight Street North Rockhampton Queensland 4701  
PO Box 5096 Central Queensland Mail Centre 4702

ABN 57 836 727 711

Our ref 830/780 KMA:hlm E37540 (DCT 1076)  
Your ref AF-30-03.777 D-230/2009  
Enquiries Kristofina Asino  
Telephone +61 7 4931 1686  
Facsimile +61 7 4927 5020  
Website [www.transportandmainroads.qld.gov.au](http://www.transportandmainroads.qld.gov.au)

**Part B – Advice to Council**

A copy of this letter and the Conditions of Development and Statement of Reasons has been sent to the applicant.

Yours sincerely

  
Terry Hill  
**Regional Director (Fitzroy)**

Please Note:

*This is a response from the Department of Transport and Main Roads as a referral agency for state controlled roads previously under the control of the former Department of Main Roads. You may receive further correspondence relating to other transport matters previously under the control of the former Queensland Transport.*

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For Cziowski Holdings Pty Ltd



**Queensland Government**

Department of Main Roads

**MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)**

No	Conditions of Development	Reasons	Comments or Additional Information
1.	<p><b>DEVELOPMENT PLANS</b></p> <p>1.1 Development shall be carried out generally in accordance with the following plans except as modified by the conditions:</p> <p>1.1.1 Capricorn Survey Group's undated Drawing Number 4663A-PRO (sheet 2 of 2 sheets) titled <i>Cziowski Holdings Pty Ltd 40 Lot Industrial Subdivision Capricorn Street Gracemere</i>.</p>	<p>The development needs to be completed to the department's required standard and satisfaction.</p>	<p>Main Roads has the power under section 3.3.16 of the <i>Integrated Planning Act 1997</i>.</p>
2.	<p><b>INTERSECTION TREATMENT</b></p> <p>2.1. Ranger Street Intersection: Contribution to Intersection Upgrade</p> <p>2.1.1 Prior to the signing and dating of the plan of survey by Council the applicant/landowner shall pay to council a contribution of \$807 per additional created lot, towards the upgrading of the intersection of Ranger Street and Lawrie Street.</p>	<p>The department is concerned that the development will generate an increase in traffic at the intersection of the State-controlled Road (Lawrie Street) and Ranger Street that will adversely impact on the safety and efficiency of the State-controlled Road.</p>	<p>Main Roads has the power under section 6.1.54 of the <i>Integrated Planning Act 1997</i> to ensure that developments do not adversely impact on a transport route.</p>

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**Queensland Government**

Department of Main Roads

**MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)**

No	Conditions of Development	Reasons	Comments or Additional Information
	<p><b>2.2 Turn-out to Sommerset Road and Capricorn Highway Intersection</b></p> <p><b>2.2.1</b> Prior to the signing and sealing of the plan of survey by Council the applicant/landowner shall:</p> <p><b>2.2.1.1</b> Upgrade the current constructed intersection - turn out Sommerset Road and the Capricorn Highway (Rockhampton - Duaringa) to a CHR, AUL with a right turn east bound acceleration lane. The design of the road intersection is to be in accordance with the requirements of Main Roads' <i>Road Planning and Design Manual</i> (Chapter 13).</p> <p>NOTE: this also includes lighting requirements as specified in the Main Roads' <i>Road Planning and Design Manual</i> (Chapter 17).</p>	<p>Vehicular access at the permitted road access location, constructed to Main Roads standards will provide an acceptable access to the subject land without compromising the safety and efficiency of the state-controlled road network.</p>	<p>Main Roads has the power under section 6.1.54 of the <i>Integrated Planning Act 1997</i> to ensure that developments do not adversely impact on a transport route.</p> <p>These conditions constitute a notice pursuant to section 67 of the <i>Transport Infrastructure Act 1994 (TIA)</i>, for section 62(1) approval for conditions on the use of a permitted road access location.</p> <p>In accordance with section 70 of the TIA, you are bound by this decision.</p> <p>Cardno Eppell Olsen's Traffic Report - 40 Lot Industrial Development, Capricorn Street, Gracemere, dated August 2008.</p>

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Department of Main Roads

**MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)**

N°	Conditions of Development	Reasons	Comments or Additional Information
			<p>Any persons whose interests are affected by the decision may –</p> <ul style="list-style-type: none"> <li>(i) under section 485 – ask for the decision to be reviewed and appeal against the reviewed decision; and</li> <li>(ii) under the <i>Transport Planning and Coordination Act 1994</i>, part 5 – ask for the decision or the reviewed decision to be stayed.</li> </ul> <p>There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.</p> <p>In accordance with Section 50 of the <i>Transport Infrastructure Act 1994</i>, you must have written approval to carry out-road access works on a state-controlled road. <b>These development conditions do not constitute such an approval. You will need to contact Main Roads (Rockhampton) to make an application for approval under section 50 of the TIA to carry out these road access works.</b></p>
			<p><b>The works approval process will include the</b></p>

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**Queensland Government**

Department of Main Roads

**MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)**

No	Conditions of Development	Reasons	Comments or Additional Information
3.	<p><b>WORKS WITHIN STATE-CONTROLLED ROAD RESERVES (WWSCRR)</b></p> <p>Preparation of plans (in accordance with RFCD-0101) and submission of plans to the Rockhampton office of the Department of Main Roads for approval.</p> <p><b>NO WORKS (INCLUDING INSTALLATION OF SERVICES) ARE TO COMMENCE WITHIN THE STATE-CONTROLLED ROAD RESERVE UNTIL APPROVAL OF THE PLAN/S SHOWING THE PROPOSED WORKS IS ISSUED BY THE DEPARTMENT.</b></p>	<p>Plans are required to be submitted to the department to demonstrate the works proposed to be constructed within the State-controlled road reserve. Amendments may be required to the plans showing the works prior to the issuing of the approval to construct.</p>	<p>submission of a design prepared by an RPEQ certified Engineer and the preparation of a road traffic management plan for when you are carrying out the road access works.</p> <p>The Main Roads' technical manuals can be accessed via the Main Roads web site <a href="http://www.mainroads.qld.gov.au">www.mainroads.qld.gov.au</a> (click on: "Suppliers Partners Site" - "Technical Reference Centre").</p>
			<p>Main Roads has the power under section 33 of the <i>Transport Infrastructure Act 1994</i> to require plans of proposed works to be submitted for review and acceptance prior to the works commencing.</p>

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For Cziowski Holdings Pty Ltd



**MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)**

No	Conditions of Development	Reasons	Comments or Additional Information
	This approval may be subject to conditions related to the works construction process.		
<b>4. GENERAL</b>	<p>All conditions stated above are required to be completed prior to the issue of the Certificate of Classification for Building Works for the relevant stage of the development unless otherwise stated within the condition.</p> <p>Bonding of any of the conditions not completed prior to the issue of the Certification of Classification for Building Works for the development or other requisite date as stated in the particular condition will not be permitted unless the Department of Main Roads has given written agreement to the bonding of the condition.</p>	<p>The Department is concerned the non fulfilment of its conditions and the bonding of the conditions without the Department's agreement can compromise the safety and efficiency objectives of the state-controlled road.</p>	<p>The department has power under the <i>Integrated Planning Act 1997</i> to ensure that conditions are complied with.</p>





Department of Infrastructure,  
Local Government and Planning

Our reference : SPD-0316-026095  
Your reference : D-R/230-2009

6 April 2016

The Chief Executive Officer  
Rockhampton Regional Council  
[enquiries@rrc.qld.gov.au](mailto:enquiries@rrc.qld.gov.au)

Dear Sir,

**Notice about request to extend relevant period**

Lot on plan	Street address
5SP223829	119 Douglas - Gracemere, Rockhampton Regional - QLD
6SP223829	2 Capricorn - Gracemere, Rockhampton Regional - QLD

(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning (the department) received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 23 March 2016 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is for an additional four (4) years.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

Further advice to applicant

The department requests the Council advise the applicant that should any further extension to the relevant period be proposed, the department will require an updated Road Impact Assessment Report as supporting information for such time extension.

If you require any further information, please contact Carl Porter, Senior Planning Officer, on 07 4924 2918 or via email at [RockhamptonSARA@dilgp.qld.gov.au](mailto:RockhamptonSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

Anthony Walsh  
A/Manager Planning - Fitzroy and Central





Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0316-025761  
Your reference: D-R/230-2009

23 March 2016

Czislowski Holdings Pty Ltd c/- Capricorn Survey Group (CQ) Pty Ltd  
PO Box 1391  
ROCKHAMPTON QLD 4700  
reception@csgcq.com.au

Dear Sir/Madam,

**Notice of decision—Changed concurrence agency response (responsible entity)**  
119 Douglas St & 2 Capricorn St, Gracemere (Lots 5 and 6 on SP223829)  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 9 March 2016 for the original decision described below.

#### **Applicant details**

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Applicant name:	Czislowski Holdings Pty Ltd
Applicant contact details:	c/- Capricorn Survey Group (CQ) Pty Ltd PO Box 1391 Rockhampton QLD 4700 reception@csgcq.com.au

#### **Site details**

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Street address:	119 Douglas St & 2 Capricorn St, Gracemere
Lot on plan:	Lots 5 and 6 on SP223829
Local government area:	Rockhampton Regional

### Application details

Proposed development: Request for a permissible change to a Development Permit for a Reconfiguration of a Lot (2 into 31 Lots in 5 stages, to be amended to (2 into 21 Lots) in 4 Stages).

### Nature of the changes

The nature of the changes agreed to are:

1. reduction of the number of industrial lots from thirty-one (31) to twenty-one (21)
2. revised lot layout and reduction of staging from five (5) stages to four (4) stages with the deletion of Stage 2
3. subsequent amendment to condition 1 of the concurrence agency response
4. delete condition 2.2 of the concurrence agency response.

### Original concurrence agency response

Date of original concurrence agency response: 1 June 2009

Original concurrence agency response details: Approved subject to conditions

### Changed concurrence agency response

Date of changed concurrence agency response: 23 March 2016

Changed concurrence agency response details: Approved subject to conditions

### Conditions

This approval is subject to:

- the changed concurrence agency conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

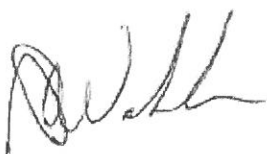
### Amended approved plans and specifications

Copies of the following amended approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Request for a permissible change to a Development Permit for a Reconfiguration of a Lot (2 into 31 Lots, to be amended to (2 into 21 Lots) in 4 Stages).</b>				
<b>Industrial Estate Lot 1 on RP615695 Lot 82 on RP604012 Stages 1 and 3-5</b>	<b>Capricorn Survey Group</b>	<b>1 March 2016</b>	<b>4663A-PRO Sheet 1 of 2</b>	<b>Revision D</b>
<b>Industrial Estate Lot 6 on SP223829 Stages 1 and 3-5</b>	<b>Capricorn Survey Group</b>	<b>1 March 2016</b>	<b>4663A-PRO Sheet 2 of 2</b>	<b>Revision D</b>

For further information please contact Carl Porter, Senior Planning Officer, on 07 4924 2918 or via email at [RockhamptonSARA@dilgp.qld.gov.au](mailto:RockhamptonSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely,



Anthony Walsh  
A/Manager Planning  
Fitzroy and Central

enc: Attachment 1 - Changed Concurrence agency conditions  
SPA appeal provisions  
Amended plans and specifications

cc: The Chief Executive Officer, Rockhampton Regional Council, [enquiries@rrc.qld.gov.au](mailto:enquiries@rrc.qld.gov.au)

Our reference: SPD-0316-025761  
 Your reference: D-R/230-2009

### Attachment 1 - Changed concurrence agency conditions

Aspect of development: Request for a permissible change to a Development Permit for a Reconfiguration of a Lot (2 into 31 Lots, to be amended to (2 into 21 Lots) in 4 Stages). (Amended 23 March 2015)		
No.	Conditions of development approval	Reasons
<p><i>State-controlled roads</i> - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
1.	<p><b>DEVELOPMENT PLANS</b></p> <p>Development shall be carried out generally in accordance with the following plans except as modified by the conditions:</p> <ul style="list-style-type: none"> <li>Capricorn Survey Group's undated Drawing Number 4663A-PRO (sheet 2 of 2 sheets) titled Cziolowski Holdings Pty Ltd 40 Lot Industrial Subdivision Capricorn Street Gracemere.</li> <li>Industrial Estate Lot 1 on RP615695 Lot 82 on RP604012 Stages land 3-5, prepared by Capricorn Survey Group, Drawing No. 4663A-PRO, Sheet 1 of 2, Revision D, and dated 1 March 2016;</li> <li>Industrial Estate Lot 6 on SP223829 Stages 1 and 3-5, prepared by Capricorn Survey Group, Drawing No. 4663A, Sheet 2 of 2, Revision D, and dated 1 March 2016.</li> </ul> <p><b>Amended 23 March 2016</b></p>	<p>The development needs to be completed to the department's required standard and satisfaction.</p>
2.	<p><b>INTERSECTION TREATMENT</b></p> <p>2.1. Ranger Street Intersection: Contribution to Intersection Upgrade</p> <p>2.1.1 Prior to the signing and dating of the plan of survey by Council the applicant/landowner shall pay to council a contribution of \$807 per additional created lot, towards the upgrading of the intersection of Ranger Street and Lawrie Street.</p> <p>2.2 <del>Turn-out to Somerset Road and Capricorn Highway Intersection</del></p> <p>2.2.1 <del>Prior to the signing and sealing of the plan of survey by Council the applicant/landowner shall:</del></p> <p>2.2.1.1 <del>Upgrade the current constructed intersection turn out Somerset Road and the Capricorn Highway (Rockhampton - Duaringa) to a CHR, AUL with a right turn east bound</del></p>	<p>The department is concerned that the development will generate an increase in traffic at the intersection of the State-controlled Road (Lawrie Street) and Ranger Street that will adversely impact on the safety and efficiency of the State-controlled Road.</p> <p><del>Vehicular access at the permitted road access location, constructed to Main Roads standards will provide an acceptable access to the subject land without</del></p>

	<p>acceleration lane. The design of the road intersection is to be in accordance with the requirements of Main Roads' Road Planning and Design Manual (Chapter 13).</p> <p>NOTE: this also includes lighting requirements as specified in the Main Roads' Road Planning and Design Manual (Chapter 17).</p> <p><b>Amended 23 March 2016</b></p>	<p>compromising the safety and efficiency of the state-controlled road network.</p>
3.	<p><b>WORKS WITHIN STATE-CONTROLLED ROAD RESERVES (WWSCRR)</b></p> <p>Preparation of plans (in accordance with RFCD-0101) and submission of plans to the Rockhampton office of the Department of Main Roads for approval.</p> <p><b>NO WORKS (INCLUDING INSTALLATION OF SERVICES) ARE TO COMMENCE WITHIN THE STATE-CONTROLLED ROAD RESERVE UNTIL APPROVAL OF THE PLAN/S SHOWING THE PROPOSED WORKS IS ISSUED BY THE DEPARTMENT.</b></p>	<p>Plans are required to be submitted to the department to demonstrate the works proposed to be constructed within the State-controlled road reserve. Amendments may be required to the plans showing the works prior to the issuing of the approval to construct.</p>
4.	<p><b>GENERAL</b></p> <p>All conditions stated above are required to be completed prior to the issue of the Certificate of Classification for Building Works for the relevant stage of the development unless otherwise stated within the condition.</p> <p>Bonding of any of the conditions not completed prior to the issue of the Certification of Classification for Building Works for the development or other requisite date as stated in the particular condition will not be permitted unless the Department of Main Roads has given written agreement to the bonding of the condition.</p>	<p>The Department is concerned the non-fulfilment of its conditions and the bonding of the conditions without the Department's agreement can compromise the safety and efficiency objectives of the state-controlled road.</p>

## ***Sustainable Planning Act 2009—Representation and appeal provisions***

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant cannot make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment



manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

#### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

**463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

**464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or

- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and

- (b) if the responsible entity is the assessment manager—
  - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
  - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.







# STAGES 3-5

SHEET 2 OF 2 SHEETS

PLANS AND DOCUMENTS  
Referred to in the  
DEVELOPMENT APPROVAL  
Date: 23/03/2016  
QUEENSLAND GOVERNMENT

## IMPORTANT NOTE

This plan was prepared for the purposes of the Planning and Development Act 2016 and is not to be used for any other purpose. The number of lots, areas and dimensions are subject to the final survey and the final survey should be used for all purposes. This plan should not be used for any other purpose.

Not to Scale / Not  
To be Used / Not to be  
Used / Not to be Used

**INDUSTRIAL ESTATE**  
**LOT 6 ON SP223829**

**STAGES 1 and 3-5**

**CAPRICORN SURVEY GROUP**

**CZISLOWSKI HOLDINGS**  
**PTY LTD**  
**SUBDIVISION**  
**CAPRICORN STREET**  
**GRACEMERE**

**21 LOT INDUSTRIAL**  
**STAGE 1**  
**2 Lots (Lots 12-15)**  
**Subdivision**  
**4 Lots (Lots 16-20, 28-31)**  
**Subdivision**  
**7 Lots (Lots 21-27)**

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