

Our Ref: BJ: lmc:DA/4974 AD2025/0007629

Your Ref: 416361

19 December 2025

Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin and Sharprock Pty Ltd
c/- RPS Group AAP Consulting Pty Ltd
PO Box 1949
CAIRNS QLD 4870
E-mail: patrick.clifton@rpsgroup.com.au

Attention: Patrick Clifton

Dear Mr Clifton

Decision Notice - Approval
Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4974) please find attached the relevant Decision Notice, which was approved by Cook Shire Council in full, subject to conditions.

Details of the decision are as follows:

Decision Details

Date of Decision:	Council approved the Development Application by delegation to the Chief Executive Officer on 18 December 2025 .
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Approval Details:	Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.
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Application Details

Application Number:	DA/4974
Approval Sought:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguration of a Lot (1 into 2 lots)
Category of Development:	Assessable Development
Category of Assessment:	Code Assessment
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0

Premises Details

Location - Street Address: 94 Peninsula Developmental Road LAKELAND 4871

Location - Real Property Description: Lot 214 on RP884196

All or part of above land: All

Local Government Area: Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in **Attachment 1**.

Further Development Permits

Not Applicable.

Properly Made Submissions

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

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA) Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214 E-mail: CairnsSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor (<i>Planning Regulation 2017</i>)

Variation approval details

Not Applicable

Other requirements under section 43 of the *Planning Regulation 2017*

Not Applicable.

Approved Plans and Specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.

Currency Period for the Approval

This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to a local government for approval is not given within *four (4) years*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 4 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely

Brian Joiner
Chief Executive Officer
Cook Shire Council

cc: State Assessment and Referral Agency (SARA)
CairnsSARA@dsdilgp.qld.gov.au

enc: **Attachment 1 (A)** Conditions Imposed by the Assessment Manager
Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D25/44275)
Attachment 2 Approved Plans (D25/46658)
Attachment 3 Notice of Decision – Statement of Reasons (AD2025/0007628)
Attachment 4 Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Attachment 1 (A) Conditions Imposed by the Assessment Manager

A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS

No.	Condition	Timing
GENERAL		
1.	COMPLIANCE WITH CONDITIONS The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer.	At all times.
2.	OUTSTANDING CHARGES All rates, service charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey.
3.	WORKS – APPLICANT’S EXPENSE The cost of all works associated with the development and construction of the development, including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.	At all times.
4.	WORKS - DAMAGE TO INFRASTRUCTURE The Developer must repair any damage to existing infrastructure that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, must be repaired immediately.	At all times.
5.	WORKS – DESIGN & STANDARD Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards.	At all times.
6.	WORKS – SPECIFICATION & CONSTRUCTION All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland (RPEQ).	At all times.

APPROVED PLANS & DOCUMENTS					
7.	APPROVED PLANS & DOCUMENTS Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):				At all times.
	Title	Ref.	Date	Prepared By	
	Reconfiguration of a Lot - Cancelling Lot 214 on RP884196 Peninsula Developmental Road, Lakeland	416351 - 1	23/09/2025	RPS Group	
8.	CONDITIONS OF APPROVAL & APPROVED PLANS Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.				At all times.

ON-SITE WATER SUPPLY		
9.	A reliable and independent potable water supply must be provided to Lot 1 & Lot 2 and wholly contained within each respective allotment at the time of construction of a dwelling house. Where an alternative potable water source exists within an allotment, the applicant may submit certified evidence demonstrating adequate flow rate and water quality to reduce or remove the requirement for on-site water storage.	At the time of construction of a dwelling house.
10.	All existing water supply infrastructure must be wholly contained within the boundaries of the respective allotment prior to Council's endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey.
ON-SITE SEWERAGE SUPPLY		
11.	An on-site wastewater system must be provided for proposed Lot 1, & Lot 2 and wholly contained within each respective allotment at the time of construction of a dwelling house. Where an alternative location for an on-site wastewater system is proposed within the allotment, a Plumbing Application for wastewater treatment and disposal must be submitted to Council and include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000.	At the time of construction of a dwelling house.

12.	Any existing on-site wastewater infrastructure must be entirely contained within each respective allotment prior to Council's endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey
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ELECTRICITY SUPPLY		
13.	A reliable electricity supply must be provided to Lot 1 & Lot 2 and wholly contained within each respective allotment at the time of construction of a dwelling house. Where an alternative form of electricity supply is proposed, full details of the system must be submitted to Council for approval.	At the time of construction of a dwelling house.
14.	All existing electrical infrastructure must be wholly contained within the boundaries of the respective allotments.	Prior to Council endorsement of the Plan of Survey.

TELECOMMUNICATIONS		
15.	A reliable telecommunication supply must be provided to Lot 1 & Lot 2, and wholly contained within each respective allotment at the time of construction of a dwelling house. Where an alternative telecommunications service is proposed, full details of the system must be submitted to Council for approval prior to endorsement of the Plan of Survey.	At the time of construction of a dwelling house.
16.	All existing telecommunication infrastructure must be wholly contained within the boundaries of the respective allotments.	Prior to Council endorsement of the Plan of Survey.

BUSHFIRE MANAGEMENT		
17.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times.
18.	Any new building (other than a Class 10a) erected on proposed Lot 1 & Lot 2 must: (i) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater; (ii) Be provided with a source of water for fire-fighting purposes of not less than 10,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the	At the time of construction of a dwelling house.

	habitable buildings.	
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VEGETATION CLEARING		
19.	Vegetation clearing must be limited to that required for firebreaks, dwelling houses, and associated infrastructure. Any regulated vegetation not required for building works or bushfire management purposes must be retained as per approved plans.	At all times.

EXTERNAL ACCESS		
20.	Access to Lot 1 & Lot 2 must be taken in accordance with the approved plan of development and from a vehicular crossover along Peninsula Developmental Road and in accordance with the State Assessment Referral Agency (SARA) Response dated 2 December 2025, reference 2510-49069 SRA.	At all times.

STORMWATER		
21.	Any site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site. This is inclusive of any clearing activities, earthworks within the building envelopes and access driveways within the allotments created by this development.	At all times.
22.	Existing watercourse systems and drainage areas within the subject site must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.	At all times.
23.	All stormwater from the subject site must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.	At all times.

ENVIRONMENTAL		
24.	PEST MANAGEMENT No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times.

AMENITY		
25.	EXTERNAL IMPACTS The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.	At all times.

COMPLIANCE		
26.	All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.	As stated.

B. ASSESSMENT MANAGER (COUNCIL) ADVICE

1. The Reconfiguring a Lot (1 into 2) approval DA/4974 authorised under this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within **four (4) years** from the commencement of this approval or the approval will lapse in accordance with *Section 85 of the Planning Act 2016*.
2. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
3. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
4. Property Notation to be placed on Council's Register for Lot 1 and Lot 2:
 - (i) All buildings, structures, water infrastructure and onsite effluent disposal areas must be located entirely within each allotment (Council Reference: DA/4974).
5. The applicant/owner is to ensure compliance with the requirements of the Aboriginal Cultural Heritage Act and in particular 'the duty of care' that it imposes on all landowners.
6. Removal of Protected Vegetation

This development approval does not approve or authorise the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:

- *Environment Protection and Biodiversity Conservation Act 1999 (Cth);*
- *Nature Conservation Act 1999 (Qld);*
- *Vegetation Management Act 1999 (Qld).*

Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D25/44275)

SARA reference: 2510-49069 SRA
Council reference: DA/4974:AD2025/0006741
Applicant reference: 416361

2 December 2025

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

Dear Sir/Madam

SARA referral agency response—94 Peninsula Developmental Road, Lakeland

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 3 November 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	2 December 2025
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 (1 into 2 lots)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor (Planning Regulation 2017)
SARA reference:	2510-49069 SRA

Assessment manager:	Cook Shire Council
Street address:	94 Peninsula Developmental Road, Lakeland
Real property description:	Lot 214 on RP884196
Applicant name:	Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin and Sharprock Pty Ltd C/- RPS AAP Consulting Pty Ltd
Applicant contact details:	PO Box 1949 Cairns QLD 4870 patrick.clifton@rpsconsulting.com
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: TMR25-048270 • Date: 28 November 2025 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au</p>
<i>Human Rights Act 2019</i> considerations:	<p>The decision has been assessed for compatibility with human rights under the <i>Human Rights Act 2019</i> (the Act). The decision has been found to limit human rights but only to the extent that is lawful, reasonable, and demonstrably justifiable in accordance with section 13 of the Act therefore, it is reasonable to conclude that the decision is compatible with human rights.</p>

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 Helen Reilly, Planning Officer, on 4037 3239 or via email CairnsSARA@dssip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Poppy Ellis-Southwell', written in a cursive style.

Poppy Ellis-Southwell
A/Manager

cc Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin and Sharprock Pty Ltd,
Patrick.Clifton@rpsconsulting.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
	10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):	
1.	<p>(a) Road accesses are located generally in accordance with TMR Layout Plan 1 and Plan 2 (90B – 0.98km) prepared by Queensland Government Transport and Main Roads, dated 28/11/2025, Reference TMR25-048270, Issue B (as amended in red by SARA).</p> <p>(b) Provide road access works at the road access locations illustrated by TMR Layout Plan 2, referred to in part (a) of this condition comprising of (as amended in red by SARA):</p> <ul style="list-style-type: none"> • a sealed 'Type A' rural property access at vehicular access to the residential dwelling; and • a sealed 'Type B' rural vehicular access to the rural shed and roadside stall. <p>(c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with (as amended in red by SARA):</p> <ul style="list-style-type: none"> i) Department of Transport and Main Roads Rural Property Access, Sheets 1 & 2, Standard Drawing No. 1807, Type A – Rural Property Access, dated 3/2024, Revision C. ii) Department of Transport and Main Roads Rural Property Access, Sheets 1 & 2, Standard Drawing No. 1807, Type B – Rural Property Access, dated 3/2024, Revision C. 	<p>(a) At all times.</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval.</p>
2.	<p>(a) Close and remove the unapproved vehicular property access located between Lot 214 on RP884196 (proposed Lot 2) and the Peninsula Developmental Road as illustrated by TMR Layout Plan 2 (90B – 0.98km) prepared by Queensland Government Transport and Main Roads, dated 28/11/2025, Reference TMR25-048270, Issue B (as amended in red by SARA).</p> <p>(b) The road works to close and remove access, referred to in part (a) of this condition, must be in accordance with Department of Transport and Main Roads' Road Planning and Design Manual, 2nd edition. The applicant must provide evidence that the unapproved gravel access via the Peninsula Developmental Road has been closed and permanently removed.</p>	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) (version 3.3). If a word remains undefined it has its ordinary meaning.
Roadside stall	
2.	All vehicle movements and transactions associated with the approved roadside stall are to be undertaken within Lot 214 on RP884196 (proposed Lot 2) via the approved vehicular access via the Peninsula Developmental Road.
Road works approval	
3.	<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 road works on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application for road works approval.</p> <p>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>Please contact the 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 SARA's decision are:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.3:
 - State code 1: Development in a state-controlled road environment (State code 1).
- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
 - does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
 - does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
 - does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
 - does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure.

Material used in the assessment of the application:

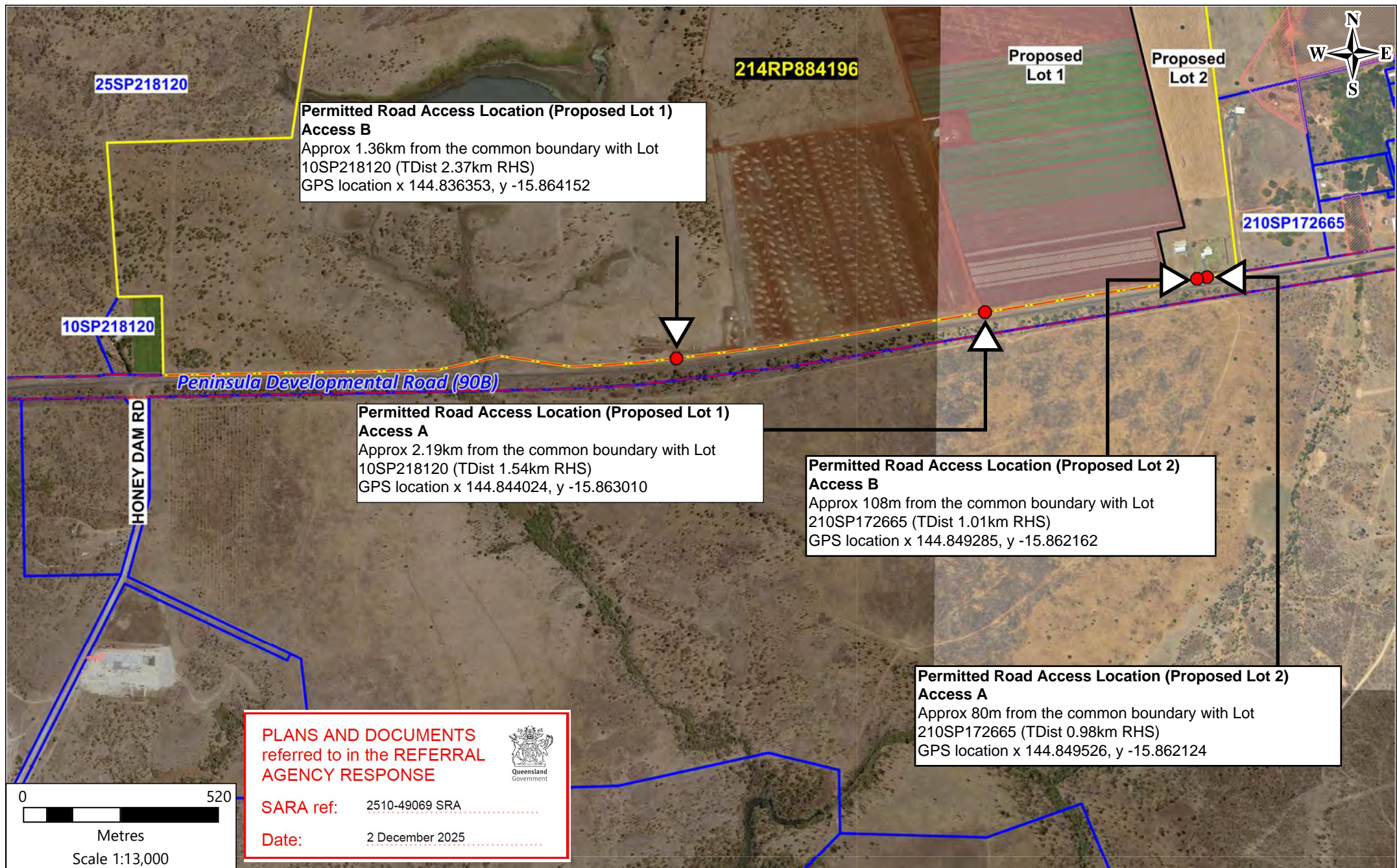
- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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Branch/Unit : **Corridor Management / Far North District**

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

File ref: TMR25-048270



Land parcel



Subject land



Proposed boundary



State-controlled road corridor

TMR Layout Plan 1 (90B - 0.98km)

Plan:
1 / 1

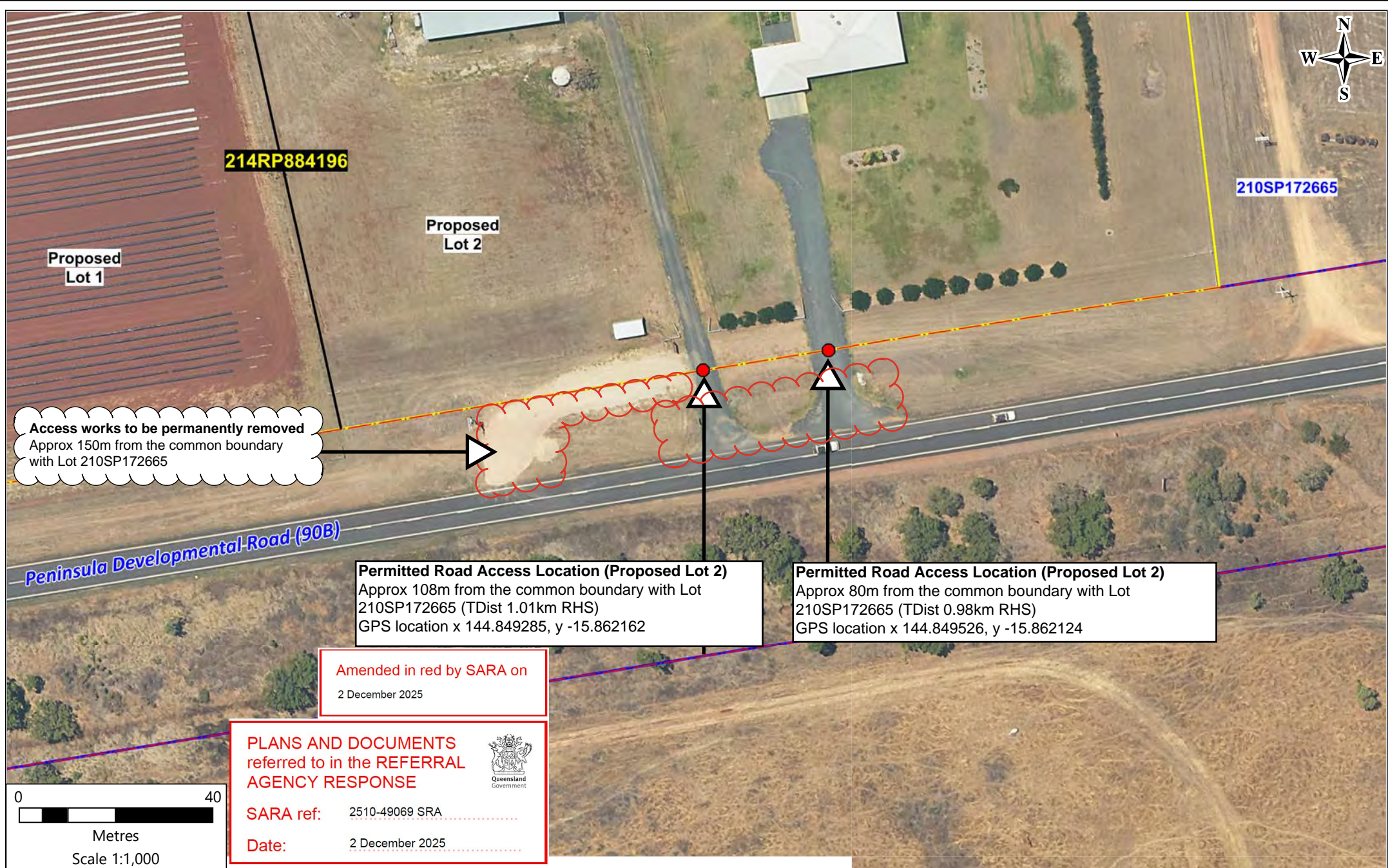
Issue: **B**




Drawn by:
RPK

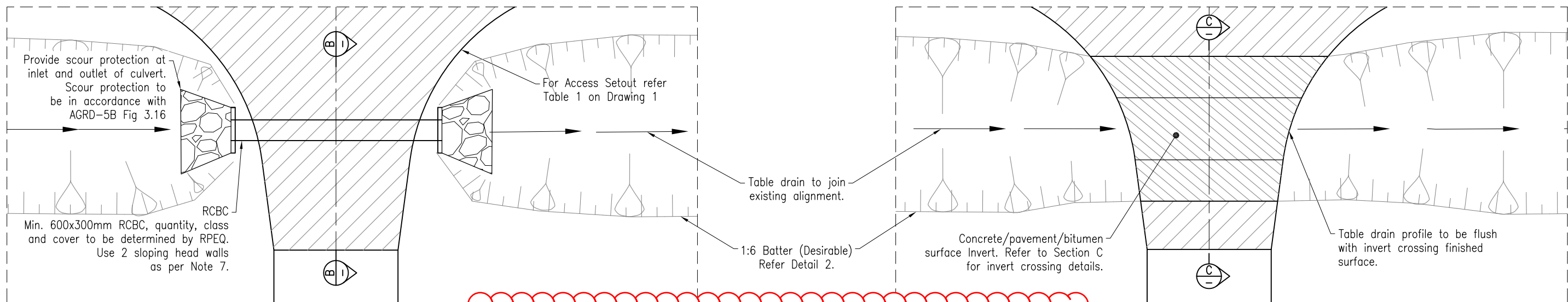


Queensland Government
Transport and Main Roads

Date:
28/11/2025



Department of Transport and Main Roads		  <p>© The State of Queensland (Department of Transport and Main Roads) 2024 http://creativecommons.org/licenses/by/4.0/</p>	
PROPERTY ACCESS			
RURAL PROPERTY ACCESS DRAWING 1 OF 2		A3 Not to Scale	Standard Drawing No <div style="font-size: 2em; font-weight: bold;">1807</div> Date 3/2024
A	B	C	



RC BOX CULVERT PLAN VIEW

INVERT CROSSING PLAN VIEW

ADDITIONAL NOTES:
a) In all cases, bitumen seal to extend a minimum of 10m from road edge.
b) Annexure to construction drawings is to be read in conjunction with standard drawing 1807.

LEGEND

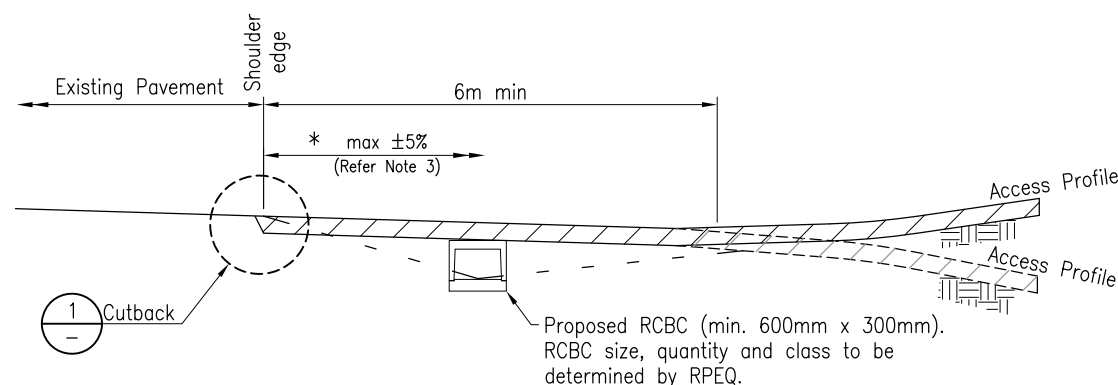
Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.

Invert crossing surface

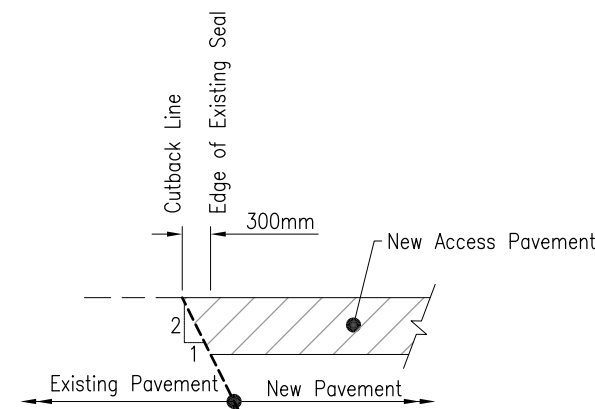
* Maintain existing shoulder crossfall and superelevation.

NOTES:

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



ON STRAIGHTS AND INSIDE OF CURVES



CUTBACK DETAIL

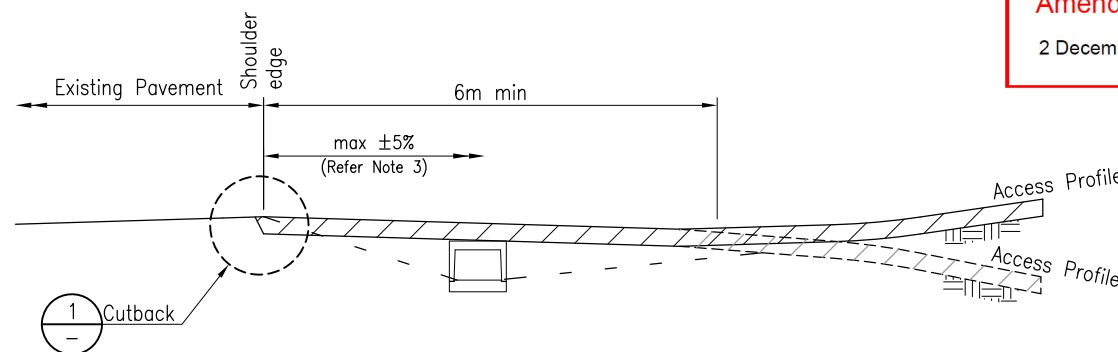
DETAIL 1

Amended in red by SARA on
2 December 2025

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

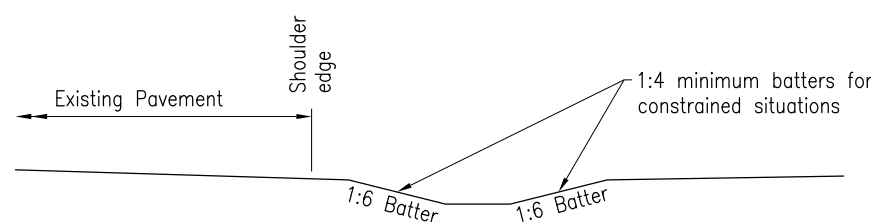
SARA ref: 2510-49069 SRA

Date: 2 December 2025



ON OUTSIDE OF SUPERELEVATED CURVES

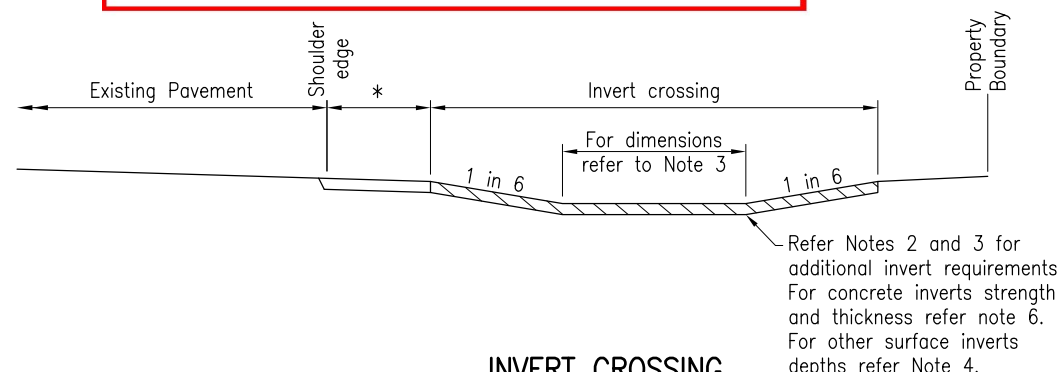
SECTION B



BATTER DETAIL

DETAIL 2

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.



INVERT CROSSING

SECTION C

REFERENCED DOCUMENTS:

Departmental Standard Drawings:




1260 R C Box Culverts and Slab Link Box Culverts – Culverts Height = 375 To 600

1033 Kerb and Channel – Profiles

Australian Standards Documents:

AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities

Department of Transport and Main Roads					
PROPERTY ACCESS		Standard Drawing No		1807	
RURAL PROPERTY ACCESS		A3		Date 3/2024	
DRAWING 2 OF 2		Not to Scale			
		A		B	

Department of Transport and Main Roads		  <p>© The State of Queensland (Department of Transport and Main Roads) 2024 http://creativecommons.org/licenses/by/4.0/</p>	
PROPERTY ACCESS			
RURAL PROPERTY ACCESS DRAWING 1 OF 2		A3 Not to Scale	Standard Drawing No <div style="font-size: 2em; font-weight: bold;">1807</div> Date 3/2024
A	B	C	

Our ref TMR25-048270
Your ref
Enquiries Ronald Kaden



28 November 2025

Department of
Transport and Main Roads

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 DA/4974, lodged with Cook Shire Council involves constructing or changing a vehicular access between Lot 214RP884196, the land the subject of the application, and the Peninsula Developmental 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 Peter & Franziska Inderbitzin and Sharprock Pty Ltd
c/- RPS Group AAP Consulting Pty Ltd
PO Box 1949
Cairns QLD 4870

Application Details

Address of Property 94 Peninsula Developmental Road, Lakeland QLD 4871
Real Property Description 214RP884196
Aspect/s of Development Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots)

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.	<p>The permitted road access locations between Lot 214 on RP884196 and the Peninsula Developmental Road are:</p> <p>(1) Proposed Lot 1</p> <p>(A) Access A Approximately 2.19 kilometres from the common boundary with Lot 10SP218120, and</p> <p>(B) Access B Approximately 1.36 kilometres from the common boundary with Lot 10SP218120,</p> <p>(2) Proposed Lot 2</p>	At all times.

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

No.	Conditions of Approval	Condition Timing
	<p>(A) Access A Approximately 80 metres from the common boundary with Lot 210SP172665.</p> <p>(B) Access B Approximately 108 metres from the common boundary with Lot 210SP172665.</p> <p>in accordance with:</p> <ol style="list-style-type: none"> 1. TMR Layout Plan 1 (90B - 0.98km) Issue B 28/11/2025, and 2. TMR Layout Plan 2 (90B - 0.98km) Issue B 28/11/2025. 	
2.	<p>Direct access is prohibited between the Peninsula Developmental Road and the subject land (Lot 214 on RP884196) at any other location other than the Permitted Road Access Locations described in Condition 1.</p>	At all times.
3.	<p>The use of the permitted road access locations described in Condition 1 (1) (A), Condition 1 (1) (B), and Condition 1 (2) (B) is to be restricted to:</p> <p>(a) Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle**</p> <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
4.	<p>The use of the permitted road access location described in Condition 1 (2) (A) is to be restricted to:</p> <p>(a) Design vehicles up to a maximum size short vehicle - Class 2 Short Vehicle Towing**</p> <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
5.	<p>Road Access Works comprising of a sealed rural property access must be provided at the permitted access locations for proposed Lot 2, at the locations described in Condition 1, generally in accordance with:</p> <p>Condition 1 (2) (A) - Access A</p> <ul style="list-style-type: none"> • Rural Property Access (Type A) Sheets 1 & 2 prepared by Department of Transport and Main Roads, reference Standard Drawing No. 1807, dated 3/2024, Revision C. <p>Condition 1 (2) (B) - Access B</p> <ul style="list-style-type: none"> • Rural Property Access (Type B) Sheets 1 & 2 prepared by Department of Transport and Main Roads, reference Standard Drawing No. 1807, dated 3/2024, Revision C. 	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.

No.	Conditions of Approval	Condition Timing
6.	The unapproved gravel access situated between Lot 214 on RP884196 (proposed Lot 2) and the Peninsula Developmental Road must be permanently removed. The disturbed areas between the pavement edge and the property boundary must be revegetated with the existing surrounding conditions.	Prior to commencement of use.

Reasons for the decision

The reasons for this decision are as follows:

- (a) The development is for a reconfiguration (1 Lot into 2 Lots).
- (b) Lot 214 on RP884196 (the subject site) has road frontage and vehicle access via Peninsula Developmental Road (PDR), a state-controlled road.
- (c) Currently there are three (3) approved access locations via the PDR.
- (d) An existing access to a residential dwelling and two (2) rural access locations.
- (e) The proposed reconfiguration is seeking to formalise an additional vehicular access via the PDR via Lot 214 on RP884196 (proposed Lot 2).
- (f) The additional vehicular access is existing and provides access to an existing large rural shed.
- (g) A review of the current access locations indicates that both vehicular access locations to the residential dwelling and rural shed are unsealed and are required to be upgraded.
- (h) No additional works are required to the existing rural farm access via Lot 214 on RP884196 (proposed Lot 1).
- (i) A new section 62 approval is required to be issued by TMR to formalise the additional vehicular access and for the access locations via proposed Lot 2 to be upgraded and sealed.
- (j) Furthermore, an unapproved gravel access is required to be closed and removed, access must be the approved access locations.

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 Ron Kaden, Development Control Officer, Corridor Management should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Liliya Yates
Principal Engineer (Civil)

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

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
TMR Layout Plan 1 (90B - 0.98km)	Queensland Government Transport and Main Roads	28/11/2025	TMR25-048270 Attachment D	B
TMR Layout Plan 2 (90B - 0.98km)	Queensland Government Transport and Main Roads	28/11/2025	TMR25-048270 Attachment D	B
Sharrock Partnership - Site 2 Reconfiguration of a Lot - Cancelling Lot 214 on RP884196 Peninsula Developmental Road, Lakeland	RPS	23-09-2025	416351-1	-
Type A – Rural Property Access	Queensland Government	3/2024	Standard Drawing No. 1807	C
Type B – Rural Property Access	Queensland Government	3/2024	Standard Drawing No. 1807	C
Vehicle Access to state- controlled roads policy	Queensland Government Transport and Main Roads	2023	-	-

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—

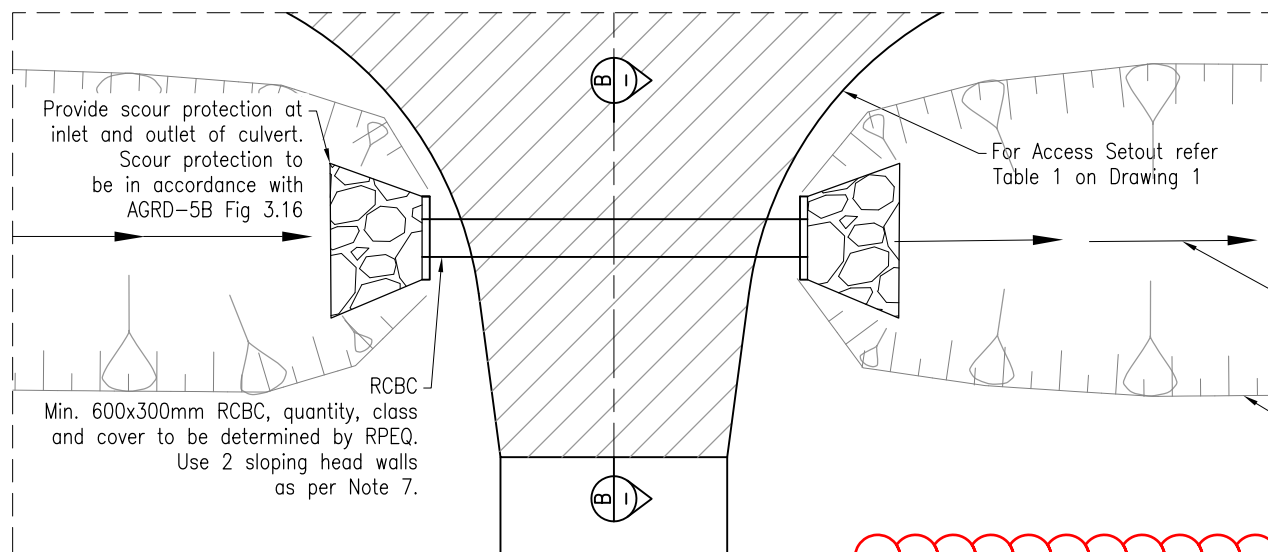
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

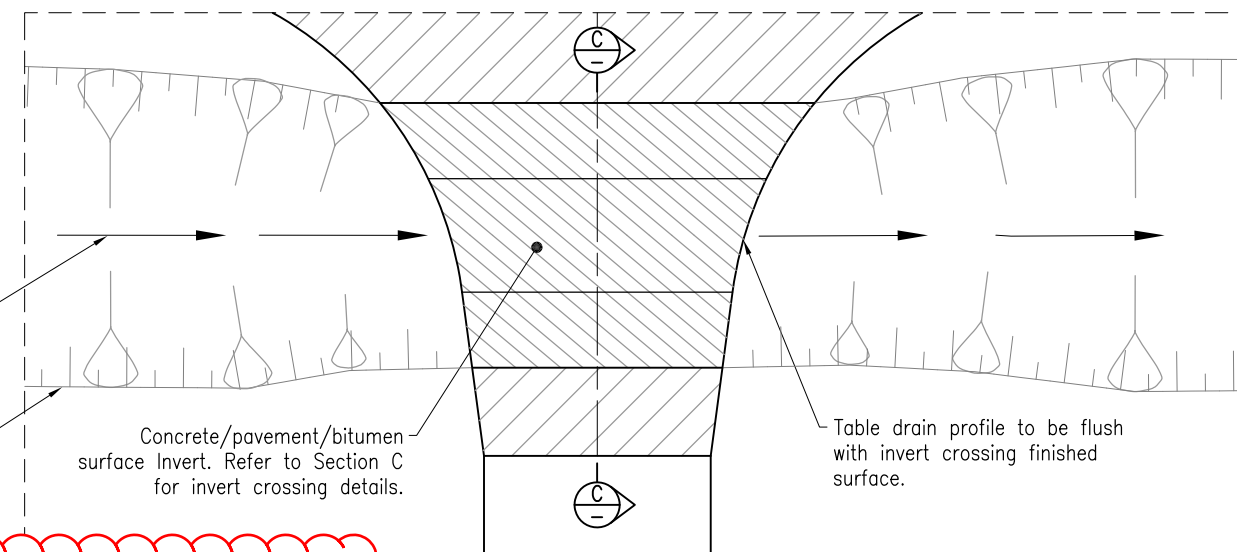
- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

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.

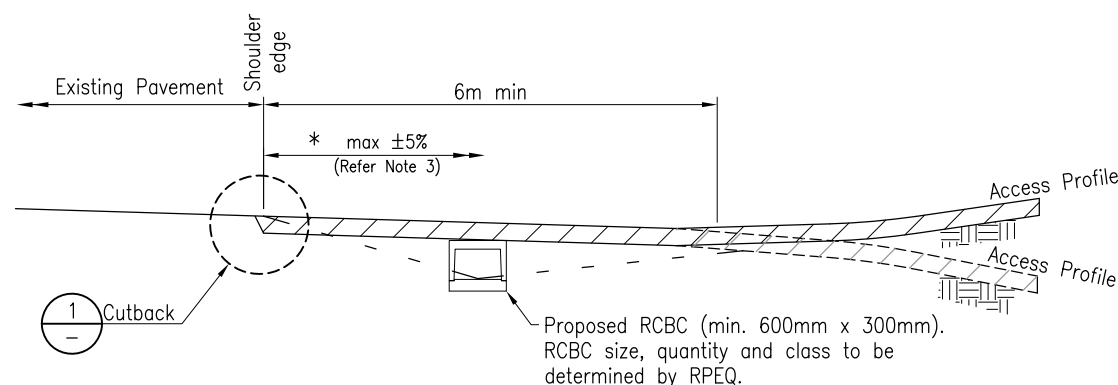


RC BOX CULVERT PLAN VIEW

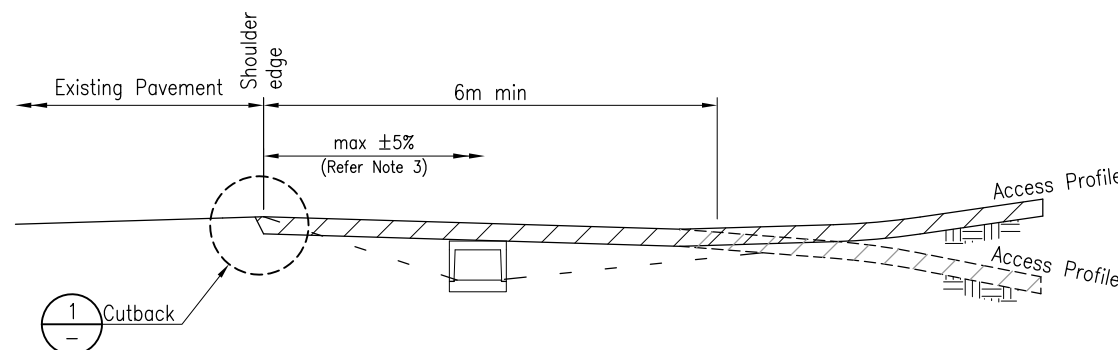


INVERT CROSSING PLAN VIEW

ADDITIONAL NOTES:
a) In all cases, bitumen seal to extend a minimum of 10m from road edge.
b) Annexure to construction drawings is to be read in conjunction with standard drawing 1807.

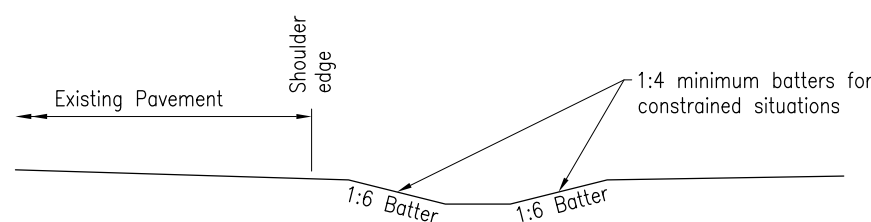


ON STRAIGHTS AND INSIDE OF CURVES



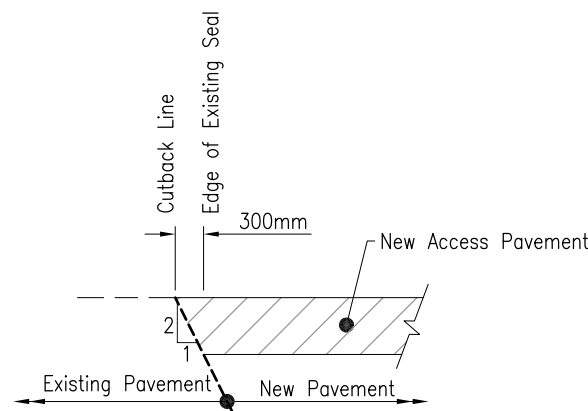
ON OUTSIDE OF SUPERELEVATED CURVES

SECTION B



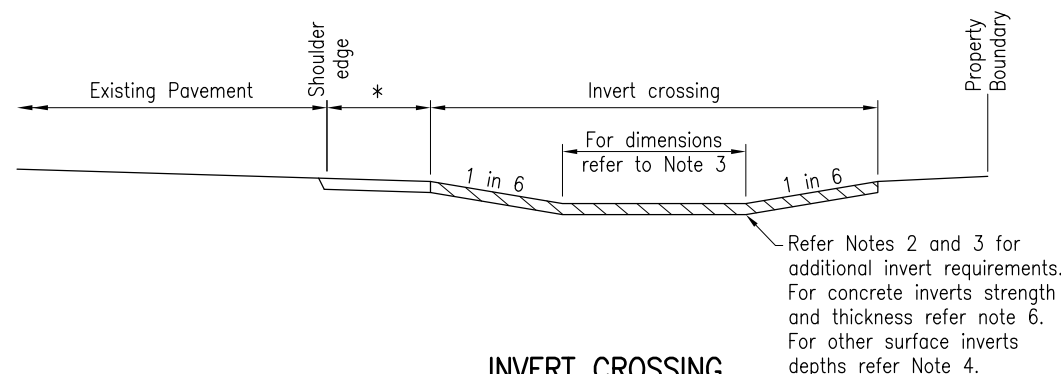
BATTER DETAIL

DETAIL 2



CUTBACK DETAIL

DETAIL 1



INVERT CROSSING

SECTION C

LEGEND

Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.

Invert crossing surface

* Maintain existing shoulder crossfall and superelevation.

NOTES:

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

REFERENCED DOCUMENTS:

Departmental Standard Drawings:

1260 R C Box Culverts and Slab Link Box Culverts – Culverts Height = 375 To 600

1033 Kerb and Channel – Profiles

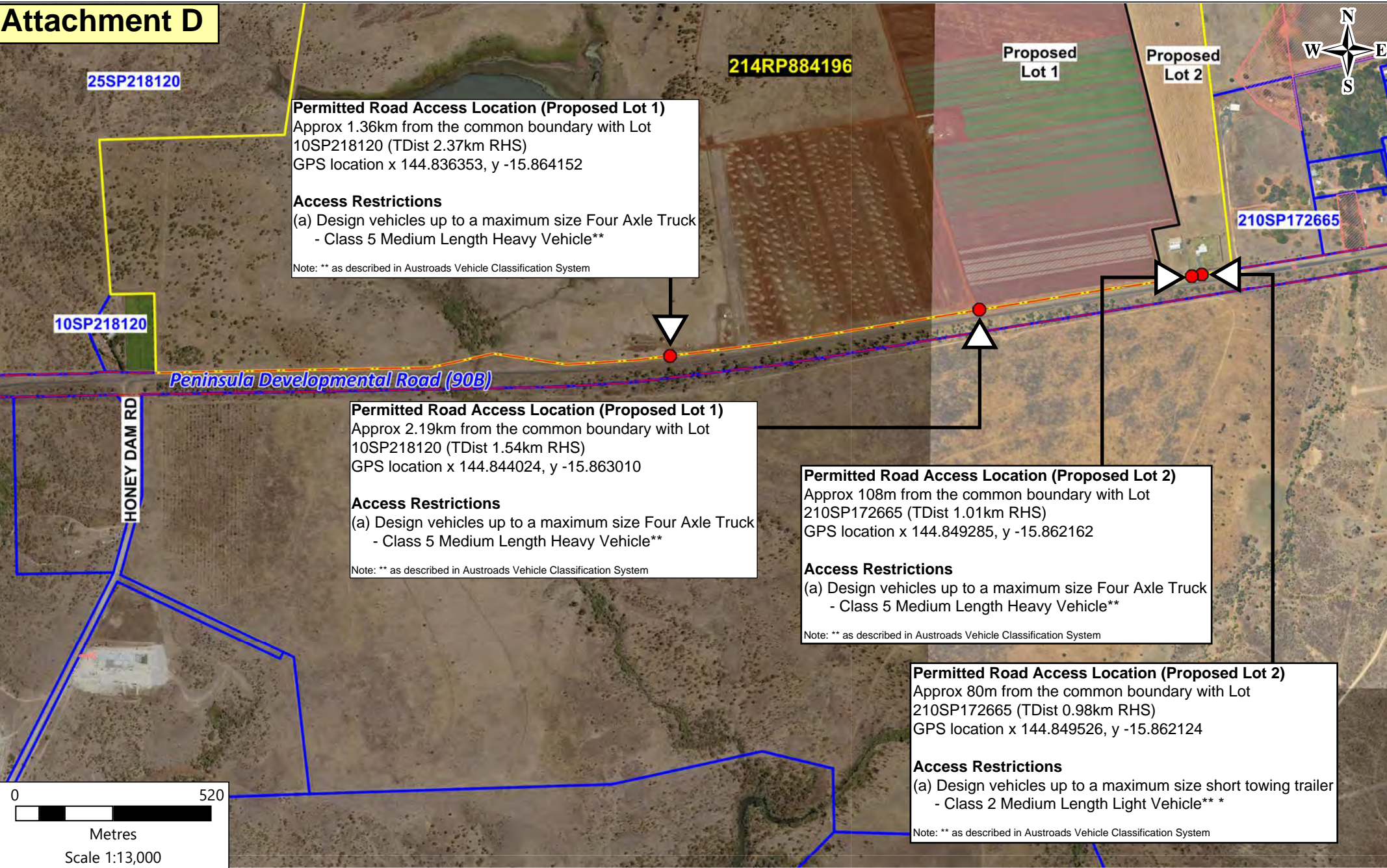
Australian Standards Documents:

AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities

Department of Transport and Main Roads					
PROPERTY ACCESS		Standard Drawing No		1807	
RURAL PROPERTY ACCESS		A3		Date 3/2024	
DRAWING 2 OF 2		Not to Scale			
		A		B	

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.

Attachment D

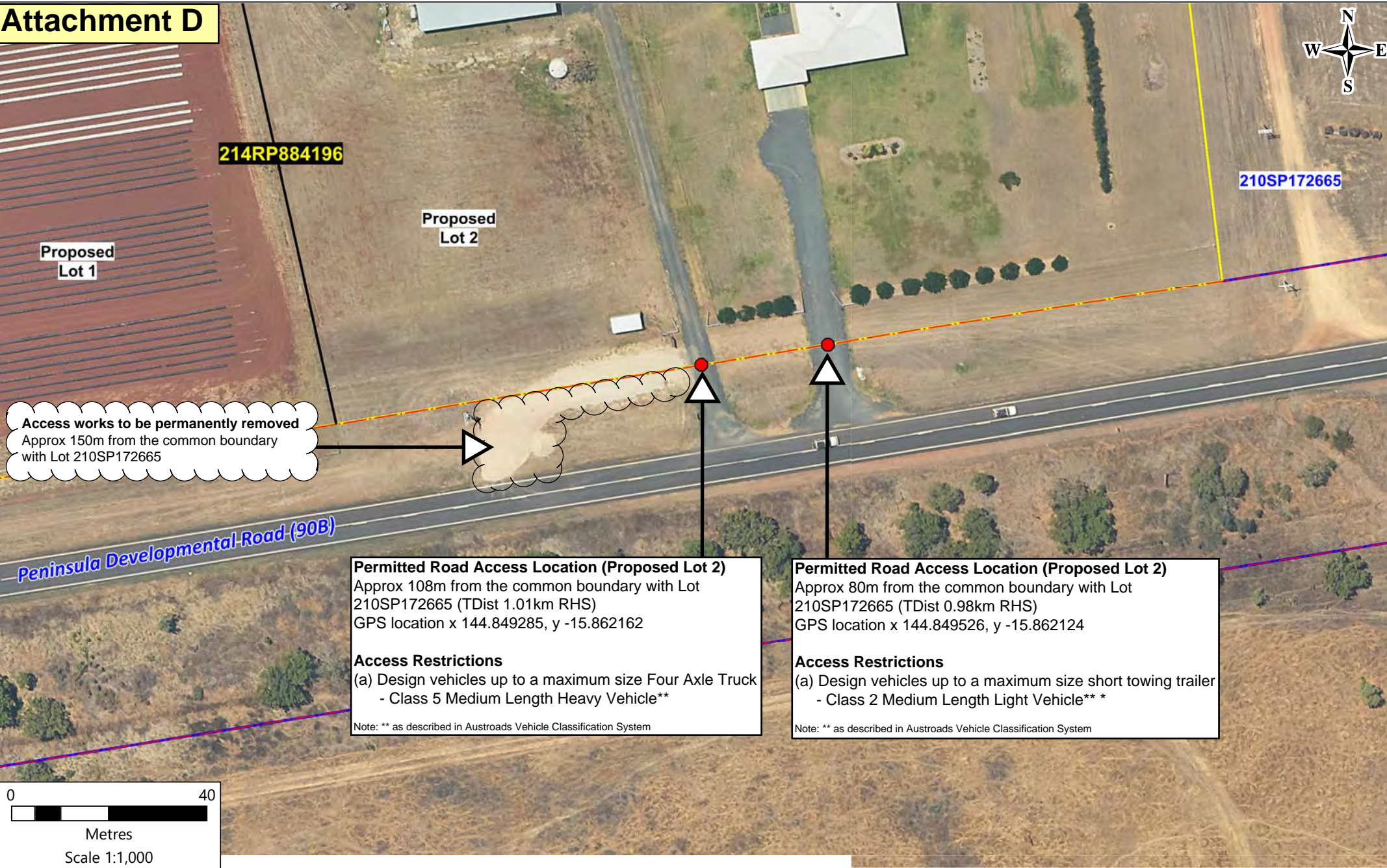


Branch/Unit : Corridor Management / Far North District	<div>Land parcel</div> <div>Subject land</div>	<div>TMR Layout Plan 1</div> <div>(90B - 0.98km)</div>	Plan: 1 / 1	<div>Queensland Government</div> <div>Transport and Main Roads</div>
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	<div>Proposed boundary</div>		Issue: B	
File ref: TMR25-048270	<div>State-controlled road corridor</div>		Drawn by: RPK	
			Date: 28/11/2025	

Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or QR Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

Based on [Dataset - State Digital Road Network (SDRN)] provided with the permission of Pitney Bowes Software Pty Ltd (Current as at 04 / 10), [Dataset - Rail_Centre_Line, May 2010] provided with the permission of QR Limited and other state government datasets

Attachment D



Branch/Unit : Corridor Management / Far North District
Projection/Datum : Geocentric Datum of Australia (GDA) 2020
File ref: TMR25-048270

Land parcel	Subject land
Proposed boundary	
State-controlled road corridor	

TMR Layout Plan 2
(90B - 0.98km)

Plan: 1 / 1
Issue: B
Drawn by: RPK

	Queensland Government Transport and Main Roads
Date: 28/11/2025	

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.

Attachment 2 **Approved Plans (D25/46658)**

IMPORTANT NOTE
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

COOK SHIRE COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

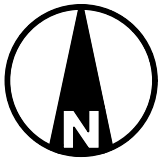
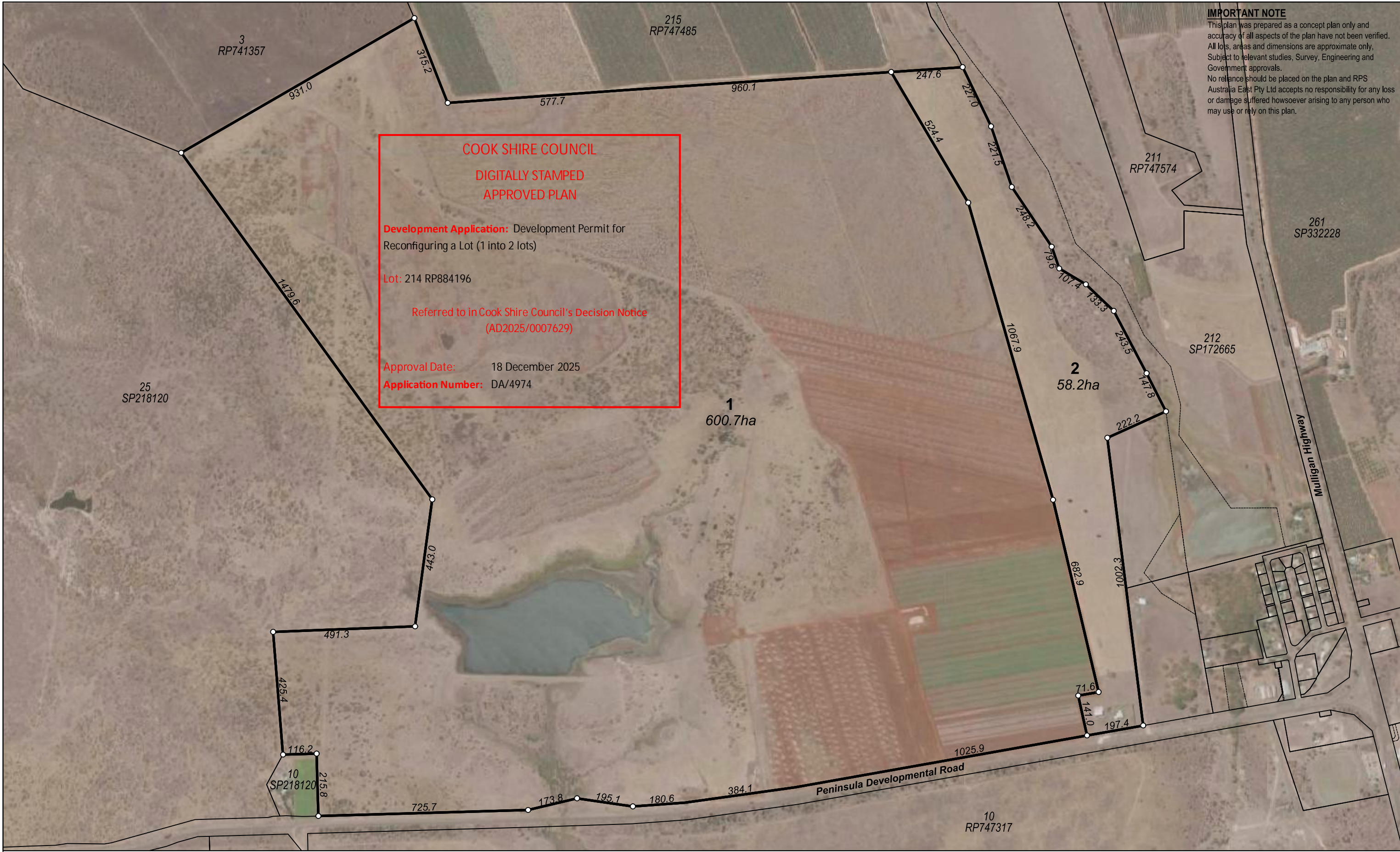
Development Application: Development Permit for Reconfiguring a Lot (1 into 2 lots)

Lot: 214 RP884196

Referred to in Cook Shire Council's Decision Notice (AD2025/0007629)

Approval Date: 18 December 2025

Application Number: DA/4974



Sharprock Partnership - Site 2
Reconfiguration of a Lot - Cancelling Lot 214 on RP884196
Peninsula Developmental Road, Lakeland



PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

RPS AAP Consulting Pty Ltd
ACN 117 883 173
135 Abbott St
PO Box 1949
CAIRNS QLD 4870
T +61 7 4031 1336
F +61 7 4031 2942
W rpsgroup.com



Attachment 3 **Notice of Decision – Statement of Reasons (AD2025/0007628)**

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	DA/4974
Applicant:	Peter Joseph Inderbitzen, Franziska Maria Margarit Inderbitzen, Sharprock Pty Ltd -c/- RPS AAP Consulting Pty Ltd, Patrick Clifton
Proposal:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguring a Lot – (1 into 2)
Street Address:	94 Peninsula Developmental Road, Lakeland QLD 4871
Real Property Description:	Lot 214 on RP884196
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot – (1 into 2)
Date of Decision:	18 December 2025

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Assessment Benchmarks	Comment
<i>Planning Regulation 2017</i> (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act.
<i>Planning Regulation 2017</i> (Schedule 10)	<p>The application triggered a referral to the State Assessment Referral Agency (SARA) under Schedule 10 of the <i>Planning Regulation 2017</i>;</p> <p>- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor (<i>Planning Regulation 2017</i>)</p>
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required.
State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy is integrated in the Planning Scheme. A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP. However, amendments to any part of the SPP or supporting mapping may result in a local planning instrument no longer appropriately integrating a particular State interest. In these instances the SPP and/or the supporting mapping apply to the extent of any inconsistency.
Temporary State Planning Policy	There are no Temporary State Planning Policies.

Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- Rural Zone Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Reconfiguring a Lot Code
- Works, Services and Infrastructure Code

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

Not Applicable

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- b. The proposed development will not have an adverse impact on the subject site or adjacent properties.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not Applicable

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not Applicable

OTHER MATTERS PRESCRIBED BY THE *PLANNING REGULATION 2017*

Not Applicable

OTHER DETAILS

If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice and any conditions or plans relating to the development, please refer to Council's webpage.

Attachment 4 Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

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Current as at 18 July 2025

Authorised by the Parliamentary Counsel

Planning Act 2016
Chapter 6 Dispute resolution
[s 229]

- (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.

Note—

For limitations on appeal rights in relation to a development approval
for development requiring social impact assessment, see section 106ZJ.

(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 a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
- (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (f) 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
- (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and*

Current as at 18 July 2025

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Authorised by the Parliamentary Counsel

Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
- (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
- (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—

- (i) the establishment cost of trunk infrastructure identified in a LGIP; or
- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and

- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

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- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or

- (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and

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- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.