

Our Reference: MCUI/2025/9493
CS Portal Reference: N/A
Officer: James Leader
Contact: (07) 4688 6664
Email: development@tr.qld.gov.au

Development Application Decision Notice
APPROVAL
Planning Act 2016 Section 63

Riverina (Australia) Pty Ltd
C/- Precinct Urban Planning
PO Box 3038
TOOWOOMBA QLD 4350

Email: paul@precinctplan.com.au

23 July 2026

Dear Sir/Madam

Location: 14-28 Katrina Street, OAKEY QLD 4401
Property Description: Lot 13 SP105187, Lot 2 SP301384, Emt B SP180623
Relevant Planning Scheme: Toowoomba Regional Planning Scheme 2012

The Development Application for Material Change of Use – Impact – Extension to Warehouse, for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 22 July 2026. The following provides all the relevant details:

Details of Approval

Development Permit – Material Change of Use – Impact – Extension to Warehouse

Referral Agencies

Concurrence Agencies Name & Address: Department of State Development, Infrastructure and Planning
PO Box 825
TOOWOOMBA QLD 4350

Advice Agencies Name & Address: N/A

Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: As per attached Schedule 2

Currency Period

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if the first material change of use under this Development Approval has not happened within six (6) years of this Development Approval starting to have effect.

Further Development Permits Required

- Building Work
- Operational Work

Further Plans/Documents for Endorsement

Nil.

Submissions

Not applicable – no part of the application required notification.

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Richard Green
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – IMPACT

APPLICATION NUMBER:	MCUI/2025/9493
APPLICANT:	Riverina (Australia) Pty Ltd
LOCATION:	14-28 Katrina Street, OAKEY QLD 4401
PROPERTY DESCRIPTION:	Lot 13 SP105187, Lot 2 SP301384, Emt B SP180623
APPROVED USE:	Extension to Warehouse
ZONING / PRECINCT:	Rural Zone & Medium Impact Industry Zone / 100ha Minimum Precinct (Rural Zone)

A. ASSESSMENT MANAGER'S CONDITIONS:

PLANNING

APPROVED USE

1. This Development Approval is for a Material Change of Use for Extension to Warehouse subject to the following:
 - 1.1 No more than 36 shipping containers are permitted to be located on site at any one time;
 - 1.2 Shipping containers must be stored within the areas identified on the plans; and
 - 1.3 Unless otherwise approved by Council, the proposed silos, commodity bunker, and commodity store must only be used for the storage of grains and cotton seed.

CARRY OUT & MAINTAIN DEVELOPMENT

2. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
3. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
4. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

APPROVED PLANS

5. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval:

Plan No: 220040, A.002, Revision F
Description: Site Layout, prepared by Building Design Professionals and dated 22 June 2026
Amendments: Nil

Plan No: 220040, A.003, Revision D
Description: Enlarged Carpark Plan, prepared by Building Design Professionals and dated 19 February 2026
Amendments: Nil

Plan No: 220040, A.100, Revision E
Description: Existing Building Plans, prepared by Building Design Professionals and dated 9 March 2026
Amendments: Nil

Plan No: 220040, A.101, Revision C
Description: Silo Floor Plans, prepared by Building Design Professionals and dated 21 November 2025
Amendments: Nil

Plan No: 220040, A.102, Revision C
Description: Weighbridge Floor Plan, prepared by Building Design Professionals and dated 21 November 2025
Amendments: Nil

Plan No: 220040, A.103, Revision C
Description: Grain Pit Floor Plan, prepared by Building Design Professionals and dated 21 November 2025
Amendments: Nil

Plan No: 220040, A.200, Revision C
Description: Existing Elevations, prepared by Building Design Professionals and dated 21 November 2025
Amendments: Nil

Plan No: 220040, A.201, Revision F
Description: Silo Elevations (North and East), prepared by Building Design Professionals and dated 22 June 2026
Amendments: Nil

Plan No: 220040, A.202, Revision F
Description: Silo Elevations (South and West), prepared by Building Design Professionals and dated 22 June 2026
Amendments: Nil

Plan No: 220040, A.203, Revision C
Description: Weighbridge Elevations, prepared by Building Design Professionals and dated 21 November 2025
Amendments: Nil

Plan No: 220040, A.204, Revision C
Description: Grain Pit Elevations, prepared by Building Design Professionals and dated 21 November 2025
Amendments: Nil

Plan No: 2613-01, Issue B
Description: Information Request - Response Cover Sheet, prepared by Jackie Amos Landscape Architect and dated 17 March 2026
Amendments: Nil

Plan No: 2613-02, Issue B
Description: Information Request - Response Landscape notes, prepared by Jackie Amos Landscape Architect and dated 17 March 2026
Amendments: Nil

Plan No: 2613-03, Issue B
Description: Information Request - Response Site Plan, prepared by Jackie Amos Landscape Architect and dated 17 March 2026
Amendments: Nil

Plan No: 2613-04, Issue B
Description: Information Request - Response Landscape Plan, prepared by Jackie Amos Landscape Architect and dated 17 March 2026
Amendments: Nil

Plan No: 2613-05, Issue B
Description: Information Request - Response Landscape Plan, prepared by Jackie Amos Landscape Architect and dated 17 March 2026
Amendments: Nil

Plan No: 2613-06, Issue B
Description: Information Request - Response Plant Schedule, prepared by Jackie Amos Landscape Architect and dated 17 March 2026
Amendments: Nil

Plan No: 2613-07, Issue B
Description: Information Request - Response Landscape Details, prepared by Jackie Amos Landscape Architect and dated 17 March 2026
Amendments: Nil

APPROVED DOCUMENTS

6. The development must be carried out generally in accordance with the Approved Documents listed below, subject to the conditions of this Development Approval:

Document: 26010023-ANV-RPT-001.02, Revision 02
Description: Noise Impact Assessment prepared by ViridAU and dated 22 April 2026
Amendments: Nil

Document: 26010023-AQA-RPT-001.02, Revision 02
Description: Air Quality Impact Assessment prepared by ViridAU and dated 23 April 2026
Amendments: Nil

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORK)

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:
- 7.1 Driveway Crossovers; and
 - 7.2 Bulk Earthwork (if required).

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

8. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during earthworks and construction.

DEDICATIONS, AGREEMENTS & CONTRIBUTIONS

AMALGAMATION OF LOTS

9. The subject land must be amalgamated to form a single allotment.
10. The Plan of Survey for amalgamation must be registered, and proof of registration provided to Council, prior to 17 March 2027.

DEVELOPMENT CONSTRAINTS

AIRPORT ENVIRONS

11. All food and/or waste holding areas and receptacles must be contained and covered.
12. Roofs of buildings must be a non-reflective colour or material.
13. Any outdoor lighting, including street lighting must comply with the requirements of Chapter 9 of the *CASA Manual of Standards Part 139 – Aerodromes*.

WORKS

ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS

14. Plans and specifications for all works associated with car parking, vehicular access, stormwater drainage, wastewater, earthworks, or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).
15. A RPEQ must submit to Council a copy of the:
 - 15.1 Design Certificate prior to commencement of the works; and
 - 15.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
16. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
17. Where any condition refers to or requires an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

STORMWATER DRAINAGE

18. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.

STORMWATER DISCHARGE

19. Stormwater from the new roofed and sealed areas must be picked up and discharged by way of overland flow to the legal point of discharge.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

20. Outlets to the street channel must be limited to a maximum discharge of 50 litres per second at any one point of discharge, and where practical, spread across the street frontage(s) so as not to concentrate the discharge to any one location.

BULK EARTHWORKS

21. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council.

AIR QUALITY IMPACT MITIGATION

22. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
23. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
 - 23.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulate matter - Deposited matter - Gravimetric method*.

VIBRATION IMPACT

24. Construction activities and equipment that produce vibrations must not impact upon the amenity of adjacent commercial and residential receptors or cause impacts to the structural integrity of the existing buildings/improvements, including foundations, on surrounding properties.
25. Where considered warranted by Council and when requested in writing to do so, a vibration impact investigation must be undertaken to determine extent of any impacts. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters in order to determine whether or not vibration impacts are below those stated in **Table 1**. The results of the investigation must be provided to Council within 14 days of the request or a longer period if specified in any such request.

Table 1 - Human comfort vibration limits to minimise nuisance

Building	Work Period	Resultant PPV (mm/s)	
		Lower Limit	Upper Limit
Dwellings	Standard Hours	1.0	2.0
	Non-standard hours – evening (6pm to 10pm)	0.3	1.0
	Non-standard hours – night (10pm to 7am)		
Medical / health buildings (wards, surgeries, operating theatres, consulting rooms)	All	0.3	1.0
Educational facilities (rooms designed for teaching purposes)	While in use		
Court of Law (Court Rooms)			
Court of Law (Court reporting and transcription areas, Judges' chambers)			
Community Buildings (libraries, places of worship)	While in use	1.0	2.0
Commercial (offices) and retail areas			

Source: Table 3.3.1.1(a) of TMR Transport Noise Management Code of Practice Volume 2 – Construction Noise and Vibration (Code of Practice – Construction)

CONSTRUCTION WASTE MANAGEMENT & STORAGE

26. Waste generated during demolition, excavation, and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
27. The on-site storage and disposal of demolition, excavation, and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
28. Fires are not to be lit to dispose of demolition or construction waste.
29. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
 - 29.1 Elsewhere within this Development Approval;
 - 29.2 In accordance with an associated Development Permit for Operational Work;
 - 29.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 29.4 In accordance with either a general or specific approval of a resource for beneficial use (otherwise known as a beneficial use approval) issued under the *Waste Reduction and Recycling Act 2011*; or
 - 29.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
30. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

CONSTRUCTION NOISE IMPACT MITIGATION

31. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30 AM and 6:30 PM Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

EROSION & SEDIMENT CONTROL

32. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
33. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
34. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.
35. All disturbed areas must be mulched or turfed as soon as possible during construction.

PFAS - CONTAMINATED LAND MANAGEMENT

36. PFAS contamination which may impact upon public amenity, safety, or cause environmental harm must not be released to ground, surface water or groundwater during the site works and throughout the life of the development.
37. All reasonable and feasible avoidance and mitigation measures must be employed such that PFAS contamination neither poses a current or ongoing risk to human health and/or the environment.

DAMAGE TO SERVICES & ASSETS

38. Protect Council and public utility services and assets during construction of the development.
39. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
 - 39.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 39.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
40. Any repair work which includes alteration to the alignment or the level of existing services and assets must first be referred to the relevant service authority for approval.
41. Construction, alterations and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.

SERVICES & UTILITIES

WASTEWATER INFRASTRUCTURE (GENERAL)

42. The development must be connected to Council's existing wastewater reticulation system at no cost to Council.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

WATER SUPPLY

43. The development must be connected to Council's reticulated water supply in accordance with Council's *Water Infrastructure Policy 2.03* at no cost to Council.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

44. The developments internal firefighting system must be designed and constructed in accordance with Council's *Water Infrastructure Policy 2.03* and relevant Australian Standards at no cost to Council. If the internal firefighting system is proposed to connect to Council's reticulation system, confirm compliant performance in the existing system prior to making a request for any fire service connections. All pressure and flow tests within Council infrastructure must be undertaken by Council at no cost to Council.

45. Where the development needs higher fire flows than stated in Council's *Water Infrastructure Policy 2.03* for the relevant land zone, the Council water reticulation network must be sufficiently upgraded, or fire break tanks must be used within the property at no cost to Council.

TELECOMMUNICATION

46. Install telecommunications infrastructure to service the development which complies with the following:

46.1 The requirements of the *Telecommunications Act 1997* (Cth);

46.2 For a fibre ready facility, the standard specifications current at the time of installation for a carrier under the *Telecommunications Act 1997*; and

46.3 For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

47. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

48. Provide to Council written evidence from all relevant service providers that the telecommunications infrastructure is installed in accordance with the conditions of this Development Approval and all applicable legislation at the time of construction.

Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. For further information visit www.infrastructure.gov.au/tind.

Note: For telecommunication services, written evidence must be in the form of either a "Telecommunications Infrastructure Provisioning Confirmation" where such services are provided by Telstra, or a "Notice of Practical Completion", "Confirmation of Payment" or "Post Execution of Development" Letter where such services are provided by NBN Co.

ELECTRICITY

49. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

AMENITY & OPERATION OF USE

VISUAL AMENITY

50. Any graffiti deterrent building design elements and surface treatments are to be maintained at all times.
51. All buildings, structures, and fences as well as the subject land must be maintained in a clean and tidy manner at all times.
52. All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations, and adjoining premises.
53. Open storage areas, loading areas, bin storage areas, and other unsightly areas, must be screened from view from all street frontages and public places.

ACCESS FOR PEOPLE WITH DISABILITIES

54. Access must be provided for people with disabilities in accordance with *Australian Standard AS1428.1: Design for Access and Mobility* by means of an unimpeded continuous path of travel from any disabled access car parking bay, to all parts of the development that are normally open to the public.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

55. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

Note: Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

56. The premises must be provided with a minimum of 22 on-site car parking spaces inclusive of one (1) Persons with Disability (PWD) car parking space; together with standing and manoeuvring for articulated vehicles (AV). Car parking and manoeuvring areas must be:
- 56.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
- 56.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012* and *Australian Standard AS2890 – Parking Facilities*;
- 56.3 Designed and constructed in accordance with the requirements of AS2890;
- 56.4 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009;

- 56.5 Accessible and available to the general public and staff during approved hours of operation;
- 56.6 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
- 56.7 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
- 56.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

PROVISION OF VEHICULAR ACCESS

- 57. The vehicle accesses from the subject land to Katrina Street must be sealed from the kerb and channel to the property boundary. The accesses must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres (as applicable). Such works must be constructed generally in accordance with any requirements listed within this Development Approval, or as specifically required below:
 - 57.1 The vehicle accesses must be located as shown on the Approved Plans listed within this Development Approval;
 - 57.2 The vehicle accesses (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RSD-102 Heavy Duty Vehicle Crossing*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
 - 57.3 The vehicle accesses (crossing of the verge) must align neatly on both sides with the pedestrian footpath and verge with a maximum cross fall of 2.5%. Where there is an existing pedestrian path, the existing footpath in the vicinity of the driveway must be saw cut, removed and replaced by the driveway crossover. The driveway is to be graded at not steeper than 2.5% for the width of the footpath;
 - 57.4 The vehicle accesses (crossing of the verge) must be located a minimum of one (1) metre clear of existing power poles, streetlights or any signage;
 - 57.5 The relocation of all existing services must be clear of the accesses that will serve the subject land;
 - 57.6 The relevant service authorities must be contacted and their requirements complied with; and
 - 57.7 The vehicle accesses (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of a Heavy Rigid Vehicle.
- 58. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the driveway crossover works.

REMOVAL OF UNNECESSARY VEHICLE ACCESS

- 59. Remove the existing redundant vehicle access centrally located along the eastern property boundary from Katrina Street. The works must include, but are not limited to the following:
 - 59.1 Removal of the existing vehicle access and reinstatement of the concrete kerb to match the existing concrete kerb; and

- 59.2 Reinstatement of any footpath and turfing to match the required footpath profile.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY - GENERAL

60. Unless otherwise approved in writing by Council, the approved use must not operate outside the hours of 6:30AM to 7:00PM Monday to Friday.
61. Service vehicle movements associated with the approved use (including loading and unloading) must occur only between the hours of 6:30AM to 7:00PM Monday to Friday.

Note: Service vehicles do not include waste collection vehicles or activities.

62. The use must not operate on public holidays.
63. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
64. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

ACOUSTIC AMENITY - NOISE LIMITS

65. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives of Table 7 of the approved Noise Impact Assessment listed within this Development Approval when measured at any sensitive receptor.
66. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics – Description and measurement of environmental noise – General procedures*.

ACOUSTIC AMENITY - MECHANICAL PLANT

67. All “refrigeration equipment”, “pumps”, “regulated devices”, and “air conditioning equipment” as defined by *the Environmental Protection Act 1994* must be designed, installed, operated, and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

AIR QUALITY & AMENITY - GENERAL

68. Air pollution control measures must be incorporated into the development in accordance with Sections 8 and 9.5 of the approved Air Quality Impact Assessment listed within this Development Approval.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

69. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS (DUST AND PARTICULATE MATTER)

70. All reasonable and feasible avoidance and mitigation measures are employed so that dust and particulate matter emissions generated from activity associated with the use of the subject land do not exceed the following levels when measured at any sensitive place or commercial place:
- 70.1 Dust deposition of 133 milligrams per square metre per day averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1: Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*;
- 70.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter – PM₁₀ high volume sampler with size-selective inlet – Gravimetric method*; or
 - ii) *Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM₁₀ low volume sampler - Gravimetric method*; and
- 70.3 A concentration of particulate matter suspended in the atmosphere of 90 micrograms per cubic metre over a 1 year averaging time, when monitored in accordance with the most recent version of *AS/NZS3580.9.3: Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – Total suspended particulate matter (TSP) – High volume sampler gravimetric method*.
71. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

72. All vehicle and equipment manoeuvring areas within the site that are not imperviously sealed must be provided with a surface treatment that meets the following requirements:
- 72.1 Constructed using aggregate material with a minimum diameter of 20mm and constructed to a minimum depth of 80mm atop a compacted base;
- 72.2 The minimum depth of 80mm must be maintained and augmented regularly so the running surface is free of dirt and air borne contaminants; and

- 72.3 Records documenting maintenance activities, inspections, and dust suppressant application details must be maintained and made available for inspection at any time upon request by Council.

COMPLAINTS MANAGEMENT - ACOUSTIC AMENITY & AIR QUALITY

73. A record of all noise and air quality complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

OUTDOOR LIGHTING IMPACT MITIGATION

74. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
75. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
76. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

WASTE MANAGEMENT (GENERAL)

77. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

78. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 78.1 The size, mix, and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;
- 78.2 Provision of separate bins for general and recyclable waste for the site with an equal number of each being provided;
- 78.3 Provision of a constructed bulk bin store with an impervious hardstand base for the permanent storage location and service collection of all bulk bins, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front;
- 78.4 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
- 78.5 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

WASTE MANAGEMENT (REMOVAL)

79. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:

- 79.1 Collection by a refuse vehicle from within the site only, and not from the kerbside;
- 79.2 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
- 79.3 General waste must be collected and removed at periods not exceeding seven (7) days;
- 79.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
- 79.5 Waste removal must not occur outside the hours of 6:00 AM to 6:00 PM; and
- 79.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

LANDSCAPING

LANDSCAPE PLAN

- 80. The development site must be landscaped and maintained in accordance with works shown on the approved Landscape Plans listed within this Development Approval and the following:
 - 80.1 Planting areas must be friable, organic topsoil, cultivated to minimum 450mm depth and be clear of any rubbish, rocks, or building rubble;
 - 80.2 All planting areas and individual trees must be mulched with minimum 100mm depth organic mulch;
 - 80.3 An irrigation system or watering points must be provided to all planting areas;
 - 80.4 Where required, root barrier devices must be installed where tree plantings are sited within 2 metres of any services and or structures. Barriers must be fit for purpose and installed in accordance with the manufacturer's specification; and
 - 80.5 A minimum 3.0 metre wide landscaping buffer to Oakey Cooyar Road and minimum 2.0 metre wide landscaping buffer to Katrina Street along the frontage of the subject site within the property boundary, exclusive of the access driveways and generally uncompromised by infrastructure items, such as mailboxes, parking bays, pad mount transformers (PMTs), etc.

LANDSCAPING WORKS

- 81. Carry out the landscape work in accordance with the above endorsed detailed Landscape Plan.
- 82. All landscape works must be installed and established by a suitably qualified person (Landscape Architect, Horticulturalist or equivalent) that ensures healthy, sustained, and vigorous plant growth. Where required, plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas.
- 83. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.
- 84. Certification must be submitted to Council from a suitably qualified person (Landscape Architect or Landscape Designer) that certifies landscaping works comply with the requirements of this Development Approval.

B. ADVICES:

GENERAL ADVICES

INFRASTRUCTURE CHARGES

- 1) Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

OTHER LAWS & REQUIREMENTS

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at www.tr.qld.gov.au. For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

WHEN APPROVAL STARTS TO HAVE EFFECT

- 5) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

DEFENCE AVIATION AREA REGULATIONS AND DECLARATIONS, 2018

- 7) Should the premises, or any part of the premises, be located within a 15km buffer of the Oakey Army Aviation Base known as the Defence Aviation Area (DAA), a separate approval is required from the Department of Defence in accordance with Part 11A of the *Defence Regulations, 2016* before any building works or uses commence. Further information on DAA and links to the declaration and map for Army Aviation Centre, Oakey can be found at <http://www.defence.gov.au/id/AviationAreas.asp>.

EXCAVATION & FILLING

- 8) The *Toowoomba Regional Planning Scheme 2012* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Work approval from Council before commencing site works.

EQUITABLE ACCESS & FACILITIES

- 9) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code – Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- 9.1 The *Disability Discrimination Act 1992* (Cth);
- 9.2 The *Anti-Discrimination Act 1991* (Qld); and
- 9.3 The *Disability (Access to Premises - Buildings) Standards*.

PFAS RISK TO HUMAN HEALTH AND THE ENVIRONMENT

- 10) Exposure to PFAS-impacted media (specifically groundwater and soil) may lead to potential health risks. All persons working at or residing on the subject land are advised to follow the latest recommendations set by Queensland Health for residential properties located within a PFAS Management Zone. This includes but is not limited to avoiding consumption of groundwater or the consumption of produce, poultry and livestock grown or reared on the site. Further information from Queensland Health are found at:
<http://conditions.health.qld.gov.au/HealthCondition/condition/12/173/813/per-and-poly-fluoroalkyl-substances-pfass-f>
- 11) If during earthworks/ excavation, visual and/or olfactory evidence of contamination is encountered, site works should cease in that area and an appropriately qualified environmental consultant notified to determine appropriate remediation or management actions.
- 12) It is highly recommended that groundwater bores are not established on the subject land or on any of the lots created from this subdivision.
- 13) Water required for and used on site construction activities should not be sourced from PFAS contaminated groundwater bores or surface waters.

ENVIRONMENTAL HARM

- 14) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

STREET TREE DISTURBANCE & REMOVAL APPROVAL

- 15) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Services Branch via Council's Customer Service Centre for further information in respect of street trees.

WATER POLLUTION

- 16) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

ABORIGINAL CULTURAL HERITAGE ACT 2003

- 17) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: "*A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.*" It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

FIRE ANTS

- 18) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

ADVERTISING SIGNS

- 19) Placing an advertising device on premises is accepted development where complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code in the *Toowoomba Regional Planning Scheme 2012*. A separate Operational Work approval will be required for any Advertising Devices not complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code.

BUILDING OVER, OR NEAR, COUNCIL INFRASTRUCTURE

- 20) Any construction carried out near or over existing Council services should be in accordance with Council's adopted Policy (*Queensland Development Code MP 1.4 – Building over or near relevant infrastructure*) and Council's Planning Scheme Policy SC6.3 PSP No. 3– *Water and Wastewater Infrastructure*. A Concurrence Agency referral of the Building Work Application to Council's Water and Wastewater Services Branch may be required.

C. ATTACHMENTS:

- Concurrence Agency Conditions Schedule 2
- Approved Development Plans
- Approved Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

SCHEDULE 2

CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)

DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING



SARA reference: 2601-50162 SRA
Council reference: MCUI/2025/9493
Applicant reference: 2021-518

15 May 2026

Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350
development@tr.qld.gov.au

Attention: James Leader

Dear Mr Leader

SARA referral agency response—14-28 Katrina Street, Oakey

(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 12 January 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	15 May 2026
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	Material Change of Use for an Extension to Warehouse
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) - Material change of use within 25m of a state transport corridor (Planning Regulation 2017)	
SARA reference:	2601-50162 SRA	
Assessment manager:	Toowoomba Regional Council	
Street address:	14-28 Katrina Street, Oakey	

Real property description: Lot 2 on SP301384 & Lot 13 on SP105187

Applicant name: Riverina (Australia) Pty Ltd C/- Precinct Urban Planning

Applicant contact details: PO Box 3038
TOOWOOMBA QLD 4350
paul@precinctplan.com.au

Human Rights Act 2019
considerations: A consideration of the 23 fundamental human rights protected under the Human Rights Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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 Zinal Chand, Planning Officer, on (07) 3432 2410 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Pradesh Ramiah

Pradesh Ramiah
Manager - SEQ South

cc Riverina (Australia) Pty Ltd C/- Precinct Urban Planning, paul@precinctplan.com.au

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 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)

No.	Conditions	Condition timing
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:	
1.	(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the state-controlled road (ii) concentrate or increase the velocity of flows to the state-controlled road (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road (iv) surcharge any existing culvert or drain on the state-controlled road (v) reduce the quality of stormwater discharge onto the state-controlled road (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road (vii) reduce the floodplain immunity of the state-controlled road. (b) Submit RPEQ certification with supporting documentation to Downs.South.West.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed in accordance with part (a) of this condition. (c) Submit RPEQ certification with supporting documentation to Downs.South.West.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	(a) At all times (b) Prior to obtaining development approval for operational work or building work, whichever occurs first (c) Within 20 business days of the completion of works

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 3.5). If a word remains undefined it has its ordinary meaning.

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 State code 1: Development in a state-controlled road environment (State code 1) of the State Development Assessment Provisions (SDAP), version 3.5:
- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
 - o does not create a safety hazard for users of the State-controlled road,
 - o does not compromise the structural integrity of State-controlled roads, road transport infrastructure or road works,
 - o does not result in a worsening of the physical condition or operating performance of State-controlled roads and the surrounding road network,
 - o does not compromise the State's ability to construct, or significantly increase the cost to construct, State-controlled roads and future State-controlled roads, and
 - o does not compromise the State's ability to maintain and operate State-controlled roads, or significantly increase the cost to maintain and operate State-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.5), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment 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.

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
- (b) the person—
- who may appeal a matter (the **appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - 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
 - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - 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
 - for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - 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
 - 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
 - otherwise—20 business days after the day the notice is given; or
 - 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—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - 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—
- is in the approved form; and
 - 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—
- the respondent for the appeal; and
 - each co-respondent for the appeal; and
 - 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—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- 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
 - 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—
- conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

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

- is final and conclusive; and
- 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
- 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.