

File: 26/07
Date: 28 July 2026

Macintyre Wind Farm Pty Ltd &
Ark Energy Macintyre Wind Farm Pty Ltd
C/- Saunders Havill
9 Thompson Street
BOWEN HILLS QLD 4006

Attention: Kathleen Hunter

Dear Kathleen

**Decision Notice –approval (with conditions)
Reconfiguring a Lot
Lot 9 on BNT1428, Hunters Hill Road, Cement Mills**

We wish to advise that on 24 July 2026 a decision was made to approve the reconfiguring a lot development application for *Dividing land into parts by agreement (lease exceeding 10 years) and access easements* at Lot 9 on BNT1428, Hunters Hill Road, Cement Mills. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

Please read the conditions carefully as these include actions which must be undertaken **prior to Council's endorsement of the Plan of Survey** as well as requirements for the ongoing operation of the use.

All conditions are required to be either complied with or bonded prior to endorsement of the Plan of Survey. Please note **Condition 25**, which requires a letter to be submitted to Council, outlining and demonstrating compliance with each condition.

If you require any further information, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on (07) 4671 7400 or rmcmahon@grc.qld.gov.au, who will be pleased to assist.

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 26/07
Council Contact: Mrs Ronnie McMahon: PD
Council Contact Phone: (07) 4671 7400

27 July 2026

Applicant Details: Macintyre Wind Farm Pty Ltd &
Ark Energy Macintyre Wind Farm Pty Ltd
C/- Saunders Havill
9 Thompson Street
BOWEN HILLS QLD 4006

Attention: Kathleen Hunter

The development application described below was properly made to Goondiwindi Regional Council on 26 February 2026.

Applicant details

Applicant name: Macintyre Wind Farm Pty Ltd & Ark Energy Macintyre Wind Farm Pty Ltd

Applicant contact details: C/- Saunders Havill
9 Thompson Street, Bowen Hills QLD 4006
(07) 3251 9460
kathleenhunter@saundershavill.com

Application details

Application number: 26/07

Approval sought: Development Permit – Reconfiguring a Lot

Details of proposed development: Dividing land into parts by agreement (lease exceeding 10 years) and access easements

Location details

Street address: Hunters Hill Road, Cement Mills

Real property description: Lot 9 on BNT1428

Decision

Date of decision: 24 July 2026

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

Details of the approval

The application is not taken to be approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	N/A	☐ ☐ ☐ ☒ ☐	☐ ☐ ☐ ☐

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

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

1. Survey Plan Approval

Properly made submissions

Not applicable—No part of the application required public notification.

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
As per Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) of the PR: <i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i> (a) <i>all or part of the lot is subject to an easement—</i> (i) <i>for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and</i> (ii) <i>for a transmission grid or supply network; or</i>	Powerlink Advice Agency	Powerlink Post: PO Box 1193, VIRGINIA QLD 4014 property@powerlink.com.au

For an application involving	Name of referral agency	Address
(b) <i>part of the lot is within 100m of a substation site</i>		

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing No	Title	Date
12176 P 09 Rev E – CON 01	MacIntyre Wind Farm Lease / Easement Plan - Overview	16/06/2026
12176 P 09 Rev E – CON 02	MacIntyre Wind Farm Lease / Easement Concept Plan – Map A	16/06/2026
12176 P 09 Rev E – CON 03	MacIntyre Wind Farm Lease / Easement Concept Plan – Map B	16/06/2026
12176 P 09 Rev E – CON 04	MacIntyre Wind Farm Lease / Easement Concept Plan – Map C	16/06/2026
12176 P 09 Rev E – CON 05	MacIntyre Wind Farm Lease / Easement Concept Plan – Map D	16/06/2026
12176 P 09 Rev E – CON 06	MacIntyre Wind Farm Lease / Easement Concept Plan – Map E	16/06/2026
12176 P 09 Rev E – CON 07	MacIntyre Wind Farm Lease / Easement Concept Plan – Map F	16/06/2026
12176 P 09 Rev E – CON 08	MacIntyre Wind Farm Lease / Easement Concept Plan – Map G	16/06/2026
12176 P 09 Rev E – CON 09	MacIntyre Wind Farm Lease / Easement Concept Plan – Map H	16/06/2026
12176 P 09 Rev E – CON 10	MacIntyre Wind Farm Lease / Easement Concept Plan – Map I	16/06/2026

Currency period for the approval

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

Rights of appeal

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

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 4 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit: <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

Attachment 3 is a Notice about decision - Statement of reasons, in accordance with section 63 (5) of the *Planning Act 2016*.

If you wish to discuss this matter further, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on 07 4671 7400.

Yours Sincerely



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

cc Powerlink
 PO Box 1193
 VIRGINIA QLD 4014

enc Attachment 1—Assessment manager and advice agency conditions
 • Powerlink Advice Agency Response dated 26 March 2026
 Attachment 2—Approved Plans
 Attachment 3—Notice about decision – Statement of reasons
 Attachment 4—*Planning Act 2016* Extracts



ATTACHMENTS

Attachment 1 – Assessment Manager's Conditions

Attachment 2 – Approved Plans

Attachment 3 – Notice about decision - Statement of reasons

Attachment 4 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Description:	Dividing land into parts by agreement (lease exceeding 10 years) and access easements
Development:	Development Permit – Reconfiguring a lot
Applicant:	MacIntyre Wind Farm Pty Ltd & Ark Energy MacIntyre Wind Farm Pty Ltd C/- ACCIONA Energy Australia Global Pty Ltd
Real Property Description:	Lot 9 on BNT1428
Address:	Hunters Hill Road, Cement Mills
Council File Reference:	26/07

GENERAL CONDITIONS+																																			
1.	Approval is granted for the purpose of Reconfiguring a Lot – Dividing land into parts by agreement – lease exceeding 10 years and access easements.																																		
2.	The development shall be generally in accordance with supporting information supplied by the applicant with the development application including the following plans:																																		
	<table><tr><th>Drawing No</th><th>Title</th><th>Date</th></tr><tr><td>12176 P 09 Rev E – CON 01</td><td>MacIntyre Wind Farm Lease / Easement Plan - Overview</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 02</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map A</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 03</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map B</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 04</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map C</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 05</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map D</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 06</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map E</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 07</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map F</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 08</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map G</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 09</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map H</td><td>16/06/2026</td></tr><tr><td>12176 P 09 Rev E – CON 10</td><td>MacIntyre Wind Farm Lease / Easement Concept Plan – Map I</td><td>16/06/2026</td></tr></table>	Drawing No	Title	Date	12176 P 09 Rev E – CON 01	MacIntyre Wind Farm Lease / Easement Plan - Overview	16/06/2026	12176 P 09 Rev E – CON 02	MacIntyre Wind Farm Lease / Easement Concept Plan – Map A	16/06/2026	12176 P 09 Rev E – CON 03	MacIntyre Wind Farm Lease / Easement Concept Plan – Map B	16/06/2026	12176 P 09 Rev E – CON 04	MacIntyre Wind Farm Lease / Easement Concept Plan – Map C	16/06/2026	12176 P 09 Rev E – CON 05	MacIntyre Wind Farm Lease / Easement Concept Plan – Map D	16/06/2026	12176 P 09 Rev E – CON 06	MacIntyre Wind Farm Lease / Easement Concept Plan – Map E	16/06/2026	12176 P 09 Rev E – CON 07	MacIntyre Wind Farm Lease / Easement Concept Plan – Map F	16/06/2026	12176 P 09 Rev E – CON 08	MacIntyre Wind Farm Lease / Easement Concept Plan – Map G	16/06/2026	12176 P 09 Rev E – CON 09	MacIntyre Wind Farm Lease / Easement Concept Plan – Map H	16/06/2026	12176 P 09 Rev E – CON 10	MacIntyre Wind Farm Lease / Easement Concept Plan – Map I	16/06/2026	
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	Please note this is not an approved Plan of Survey. The approved plan is included in Attachment 2 .																																		
3.	The term of the proposed lease is a maximum of 60 years, from the date of registration of the lease.																																		

4.	The area of all proposed leases is 3.4 hectares, generally in accordance with the submitted proposal plan. Lease plans must be submitted to Council for endorsement prior to registration.
5.	A copy of the registered lease is to be provided to Council once the lease is registered. Note: If the applicant does not provide a copy of the lease once it is registered, the commencement date of the term of the lease will be taken from the date the development approval was issued.
6.	Complete and maintain the approved development as follows: (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by the Council or Referral Agency unless the Council or Referral Agency agrees in writing that those parts will be adequately complied with by amended specifications. All development must comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work. The development approval documents are the material contained in the development application, approved plan(s) and supporting documentation including any written and electronic correspondence between applicant, Council or Referral Agencies during all stages of the development application assessment processes.
7.	All conditions must be complied with or bonded prior to the submission to Council of the Plan of Survey, unless specified in an individual condition.
8.	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	ESSENTIAL SERVICES
9.	It shall be demonstrated to Council that the lease area has an adequate volume and supply of potable water and an adequate volume and supply of water for fire-fighting purposes if required by the certified Bushfire Management Plan required under Condition 12 of the related Material Change of Use approval (2112-26521 SPD), to the satisfaction of and at no cost to council, if and when required.
	PUBLIC UTILITIES
10.	The lease area shall be connected to an adequate electricity supply system, if or when required, at no cost to Council.

	VEHICLE ACCESS
11.	Any access to the local road network must be maintained to an industrial standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council. Crossovers shall be either constructed or bonded prior to the submission to Council of the Plan of Survey. The applicant shall contact Council's Department of Engineering to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition. Note: The proposed lease areas must be lawfully connected to the local road network.
12.	The proposed access easements are to be provided over Lot 9 on BNT1428 in favour of the lessee of the proposed lease. A copy of the easement documentation is to be submitted to Council for approval prior to the submission to Council of the Plan of Survey.
	STORMWATER
13.	The proposed development shall be adequately drained and all stormwater shall be disposed of to a legal discharge point in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards, to the satisfaction of and at no cost to Council. Any increases in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council. There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes. The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.
14.	Stormwater shall not be allowed to pond on the site during construction and after construction has been completed unless the type and size of ponding has been agreed in writing by Council. No ponding, concentration or redirection of stormwater shall occur on adjoining properties unless specifically agreed to in writing by Council and the owners of any adjoining properties affected by these changes.

	EARTHWORKS & EROSION CONTROL
15.	Any filling and excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council. Excavation or filling within 1.5 metres of any site boundary is battered or retained by a wall that does not exceed 1 metre in height.
16.	Erosion and sediment control measures shall be in place prior to construction commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during construction and after construction has been completed.
	DEVELOPER'S RESPONSIBILITIES
17.	Any alteration or damage to roads and public infrastructure that is attributable to the progress of works or vehicles associated with the development must be repaired to Goondiwindi Regional Council's satisfaction or the cost of repairs paid to Goondiwindi Regional Council.
18.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including Council, to meeting those costs.
19.	It is the developer's responsibility to ensure that any contractors and subcontractors have current, relevant and appropriate qualifications and insurances in place to carry out the works.
20.	The developer shall be responsible for mitigating any complaints arising from on-site operations during construction.
21.	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises. During construction the site must be kept in a clean and tidy state at all times.
22.	At all times all requirements of the conditions of the development approval must be maintained.

	BEFORE PLANS WILL BE ENDORSED
23.	The developer shall submit a detailed Plan of Survey, prepared by a licensed surveyor, for the endorsement of Council. In accordance with Schedule 18 of the <i>Planning Regulations 2017</i>. The relevant Council Fee for endorsement of the Plan of Survey (currently \$235.00; subject to change).
24.	All outstanding rates and charges shall be paid to Council prior to the submission to Council of the Plan of Survey. At its discretion, Council may accept bonds or other securities by way of bank guarantee or cash, to ensure completion of specified development approval conditions to expedite the endorsement of the Plan of Survey. It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.
25.	A letter outlining and demonstrating that each condition has been complied with or how they will be complied with shall be submitted to Council prior to the submission to Council of the Plan of Survey. Council officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards. The approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the <i>Planning Act 2016</i>: (a) If no period is stated – 4 years after the approval starts to have effect. Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.
	NOTES AND ADVICE
	<i>When approval takes effect</i> This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>. <i>When approval lapses</i> The approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the <i>Planning Act 2016</i>: (a) If no period is stated – 4 years after the approval starts to have effect. Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.

	All development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times.
	This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> . Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i> , a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).
	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> .
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.



Our Ref: DA6695
MSLink/s: 3458037
Council Ref: 26/07

26 March 2026

The Chief Executive Officer
Goondiwindi Regional Council
LMB 7, INGLEWOOD QLD 4387

C/- Saunders Havill
9 Thompson Street
BOWEN HILLS QLD 4006

Attention: Carl Manton
Via Email: mail@grc.qld.gov.au

Attention: Kathleen Hunter
Via Email: kathleenhunter@saundershavill.com

Dear Sir/Madam,

Referral Agency Response (Advice)

(Given under Section 9.2 of the Development Assessment Rules)

Transmission Infrastructure Impacted	
Transmission Corridor	Miss – Tumnaville (330kV) Transmission Line Corridor
Easement ID	Easement BB on SP332762 (Dealing No. 721620849)
Location Details	
Street address	Hunters Hill Road, CEMENT MILLS QLD 4352
Real property description	Lot 9 on BNT1428
Local government area	Goondiwindi Regional Council
Application Details	
Proposed development:	Reconfiguring a Lot - Subdivision by Lease Exceeding 10 Years
Approval sought	Development Permit

We refer to the above referenced development application which has been referred to Powerlink Queensland in accordance with Section 54 of the *Planning Act 2016*.

In accordance with its jurisdiction under Schedule 10 Part 9 Division 1&2 of the *Planning Regulation 2017*, Powerlink Queensland is a **Referral Agency (Advice)** for the above development application.

Specifically, the application has been triggered for assessment by Powerlink Queensland because:

1. For **reconfiguring a lot** – all or part of the lot is subject to a transmission entity easement which is part of the transmission supply network (Division 2, Table 1 1a)

PLANS AND REPORTS ASSESSED

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

Table 1: Plans and Reports upon which the assessment is based

Drawing / Report Title	Prepared by	Dated	Reference No.	Page
Town Planning Report	ACCIONA Energy Australia Global Pty Ltd	12 February 2026	12176-DA9	15
Town Planning Report	ACCIONA Energy Australia Global Pty Ltd	12 February 2026	12176-DA9	16

Powerlink Queensland, acting as a Referral Agency (Advice) under the *Planning Regulation 2017* provides its response to the application as attached (**Attachment 1**).

Please treat this response as a properly made submission for the purposes of Powerlink being an eligible advice agency in accordance with the *Planning Act 2016*.

For further information please contact the Property Management Team on (07) 3898 4090 or via email property@powerlink.com.au who will be pleased to assist.

Yours sincerely,



for:
Laura Donaldson
Property Management Team Leader

ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE

Powerlink Queensland **supports** this application subject to the inclusion of the following conditions in the Assessment Manager's Decision Notice.

No.	Condition	Timing	Reason
1	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.	At all times.	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
2	The statutory clearances set out in the <i>Electrical Safety Regulation 2013</i> must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved, and electrical safety requirements are met.
3	Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.	At all times.	To ensure that the existing rights contained in the registered easement dealings are maintained.
4	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met. To ensure the integrity of the easement is maintained.

Advice to Council and the Applicant

1. Should any doubt exist in maintaining the prescribed clearance to electrical infrastructure the applicant is obliged under the *Electrical Safety Act 2002* to seek advice from Powerlink.
2. This response does not constitute an approval to commence any works within the easement. Prior written approval is required from Powerlink Queensland before any work is undertaken within the easement areas. All works on easement (including but not limited to earthworks, drainage and detention basins; road construction; underground and overhead service installation) require detailed submissions, assessments and consent (or otherwise) by Powerlink. If referral of a formal Development Application – Operational Works is not applicable, please complete a Co-Use Form, available at <https://www.powerlink.com.au/co-use-form>, to lodge your submission.
3. In order for Powerlink to maintain and operate a safe and reliable supply of electricity, we require unrestricted 24-hour access to our corridors and infrastructure.

We will require practical access (typically by 4WD vehicle – but to standard no less than existing) to the Powerlink structures.

If it is envisaged that there will be any interference or alteration to our current access arrangements prior, during or after the completion of your works, we require that the applicant contacts our Easement Maintenance Service Provider (Works Control Manager Easements – Mr Ehren Wittmer – Ph: 0418 233 916) to formalise unrestricted 24-hour access arrangements.

4. Compliance with the *Electrical Safety Act 2002* including any Code of Practice under the Act and the *Electrical Safety Regulation 2013* including any safety exclusion zones defined in the Regulation.

In respect of this application, the exclusion zone for untrained persons and for operating plant operated by untrained persons is **six (6) metres** from the **330,000-volt** wires and exposed electrical parts.

If works have the potential to come within the prescribed clearance to the conductors and electrical infrastructure, then the applicant must seek advice from Powerlink by completing the attached Application for Safety Advice – Form and submitting to property@powerlink.com.au

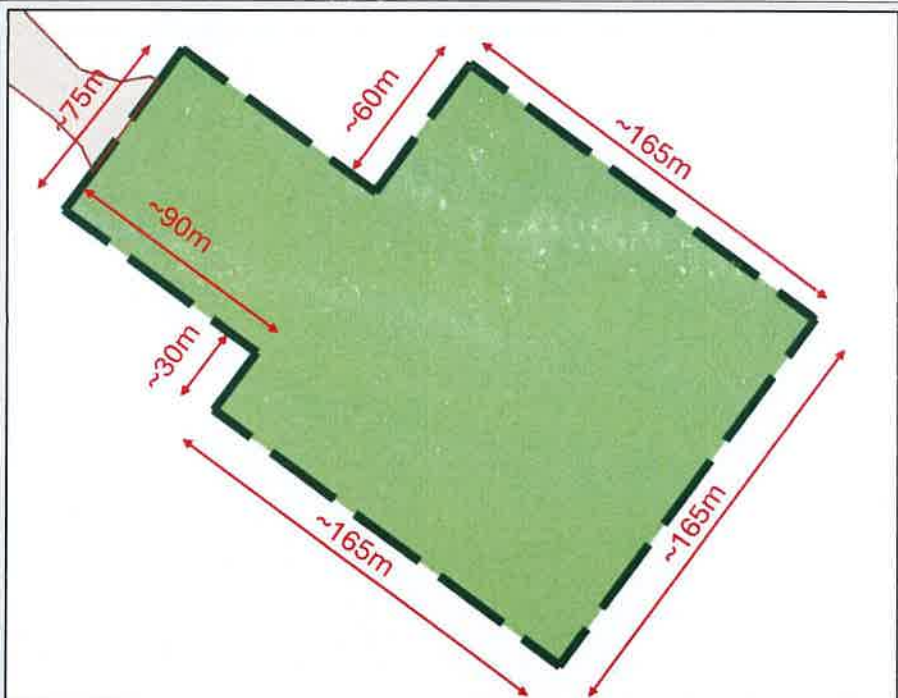
ATTACHMENT 2 – ASSESSED PLANS

5.3. Proposed Lease Areas

The intent of the reconfiguration is to create long-term lease areas over infrastructure constructed as part of the MacIntyre Wind Farm (including where applicable wind turbines, substations, O&M facility and meteorology masts). Please refer to the table below for further details regarding the relevant structures and lease areas proposed over the subject land.

The proposed lease boundaries include the full swept path of the wind turbine blades.

The proposed lease areas and dimensions identified are approximate only. Exact dimensions will be confirmed through the detailed survey following Council RAL approval.

Relevant Structure	Proposed Lease Area
Eleven (11) x Wind Turbines	

5.4. Proposed Easements

In addition to the proposed lease areas, the RAL application includes easements over internal access roads and electrical reticulated cabling connecting the wind turbines. To simplify the easement titling and survey process, the electrical cabling and access roads, wherever practical, are located within a shared easement with a minimum width of 20m as illustrated in the Figure below. This easement approach has been carefully considered and deemed appropriate by the SH Survey Team. It is noted that the final easement widths will be confirmed as part of the subsequent detailed site survey.

DATE ASSESSED:

26/03/2026



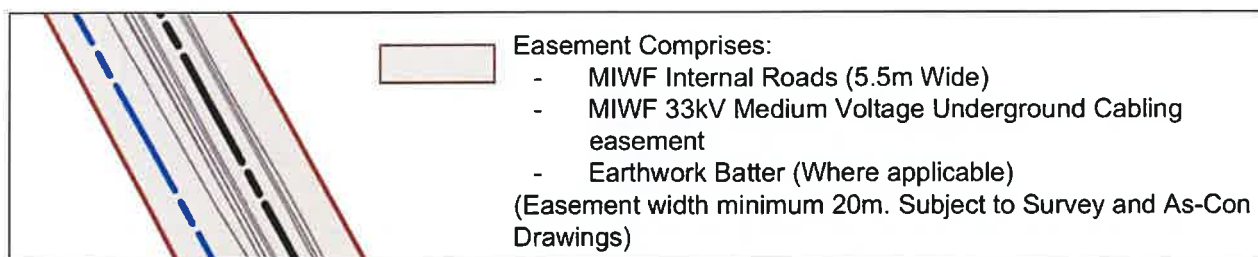


Figure 8: Indicative Easement comprising services, batters and internal access roads (Source: Saunders Havill)

The boundaries of the proposed lease areas and easements are delineated on the Concept Lease and Easement Plan provided in **Appendix C**, with a proposal plan extract provided below.

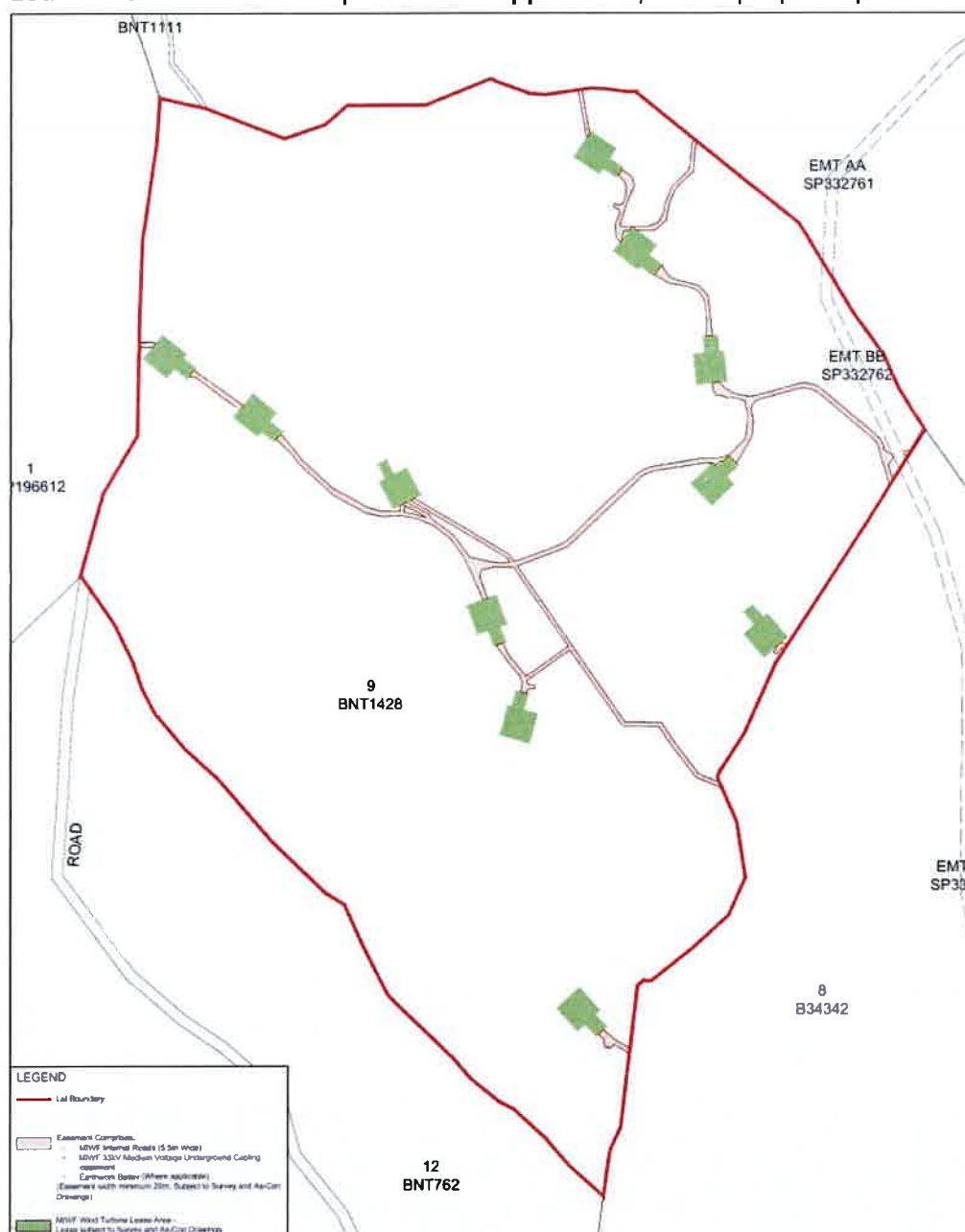


Figure 9: Concept Lease and Easement Plan Extract (Source: Saunders Havill)

DATE ASSESSED:

26/03/2026



ATTACHMENT 3

ANNEXURE A – GENERIC REQUIREMENTS

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the "Easement". Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

1. POWERLINK INFRASTRUCTURE

You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

2. STRUCTURES

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

3. EXCLUSION ZONES

Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as "electrically live" and therefore potentially dangerous at all times.

In particular your attention is drawn to Schedule 2 of the *Electrical Safety Regulation 2013* which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

4. ACCESS AND EGRESS

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

5. APPROVALS (ADDITIONAL)

Powerlink's consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

6. MACHINERY

All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

7. EASEMENTS

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.

8. EXPENDITURE AND COST RECOVERY

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of \$10 000.00, advanced payments may be requested.

9. EXPLOSIVES

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

10. BURNING OFF OR THE LIGHTING OF FIRES

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sought.

11. GROUND LEVEL VARIATIONS

Overhead Conductors

Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

Underground Cables

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

12. VEGETATION

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.

13. INDEMNITY

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorized use. If other parties make damage claims against Powerlink as a result of unauthorized use then Powerlink reserves the right to recover those damages from the applicant.

14. INTERFERENCE

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

15. REMEDIAL ACTION

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

16. OWNERS USE OF LAND

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the *Electrical Safety Act 2002* and the *Electrical Safety Regulation 2013*.

17. ELECTRIC AND MAGNETIC FIELDS

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."

Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "*prudent avoidance*" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

We encourage community members with an interest in EMF to visit ARPANSA's website:

www.arpansa.gov.au Information on EMF is also available on the ENA's website: www.ena.asn.au



Attachment 2 – Approved Plans



MACINTYRE WIND FARM LEASE / EASEMENT PLAN - OVERVIEW

NOT TO BE USED FOR ENGINEERING DESIGN
OR CONSTRUCTION

NOTES

This plan was prepared as a conceptual layout only. The information on this plan is not suitable for any other purpose.

Property dimensions, areas, numbers of lots and contours and other physical features shown on this plan are based on information provided by the landowner and are not intended to be used for any purpose other than for the development of the wind farm. These may need verification if the development application is approved and development proceeds, and may change when a full survey is undertaken or in order to comply with development approval conditions.

No reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involving the land.

Pavements and centrelines shown are indicative only and are subject to Engineering Design.

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PROJECTION: GDA94 MGA56

SUBJECT BOUNDARIES: DCDB

LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

Lot Boundary

Easement Comprises:

- Minimum 20m where incorporating internal roads and above ground cabling
- Minimum 6m where underground cabling only
- All easements are subject to as-con drawings and site survey

MWFF Wind Turbine Lease Area -
Lease subject to Survey and As-Con Drawings

Existing Powerlink 330kv Overhead Transmission Easement



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 26/07
Dated: 28/7/2026
Signed: RM'm
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:15000 @A3 1:30000 - LENGTHS ARE IN METRES

MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP A

4
BNT1111

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/07
Dated: 28/07/2026
Signed: *R.M. McMahon*
Print Name: *Ronnie McMahon*
(Under Delegation) ASSESSMENT MANAGER

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OR CONSTRUCTION

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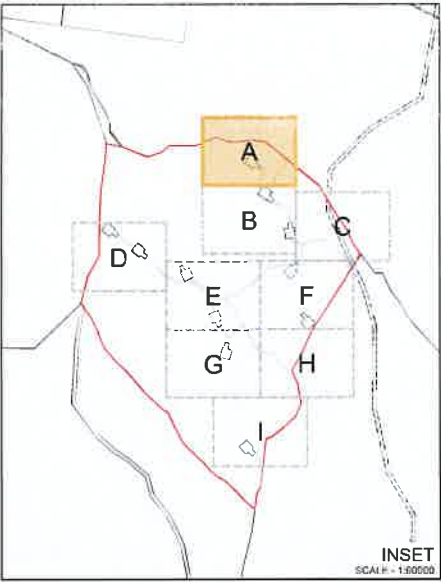
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PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

- Lot Boundary
- Easement Comprises:
 - Minimum 20m where incorporating internal roads and above ground cabling
 - Minimum 6m where underground cabling only
 - All easements are subject to 'as-con' drawings and site survey
- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement



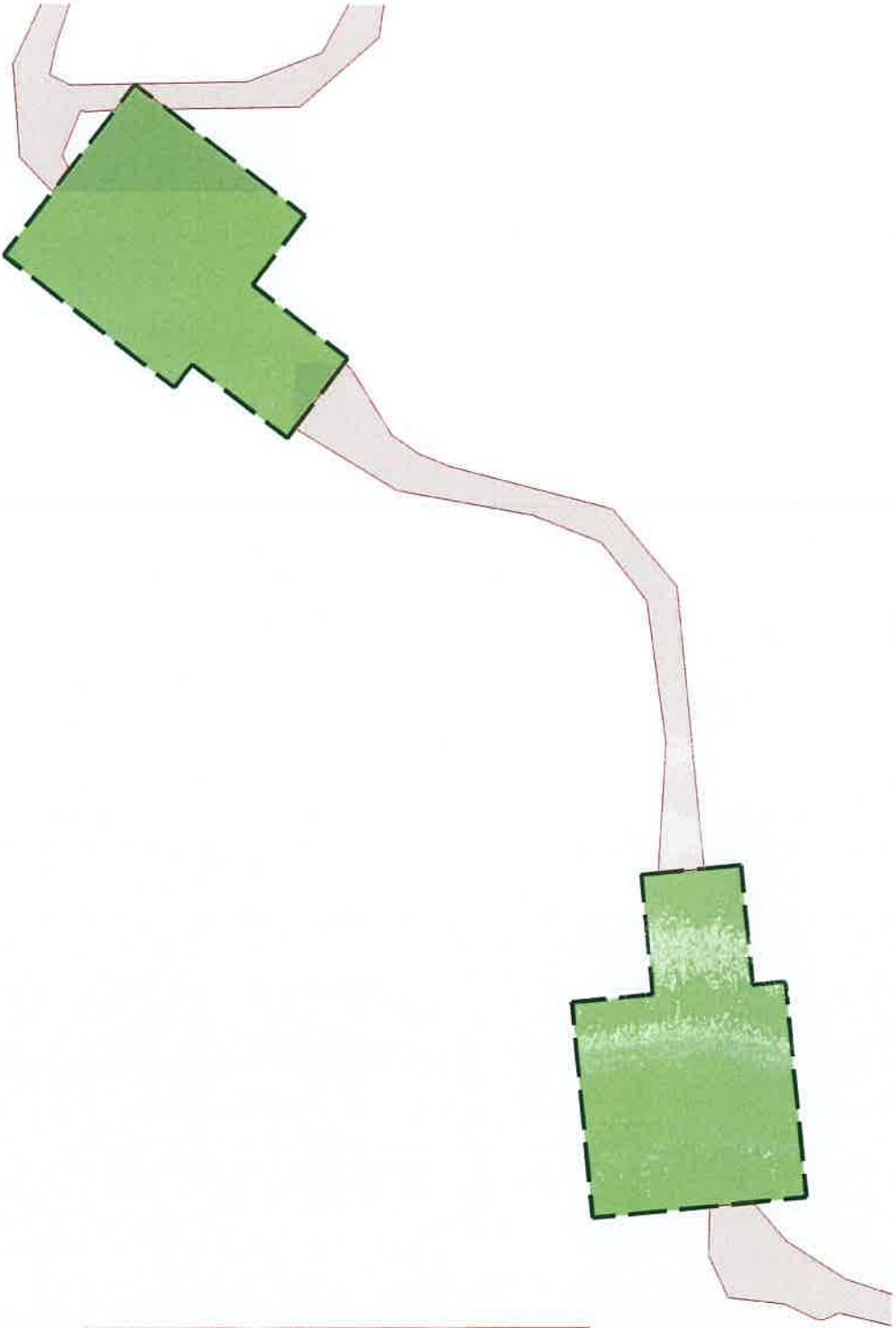
RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A3 1:5000 - LENGTHS ARE IN METRES



MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP B

9
BNT1428



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/07
Dated: 28/07/2026
Signed: *Rm'm*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

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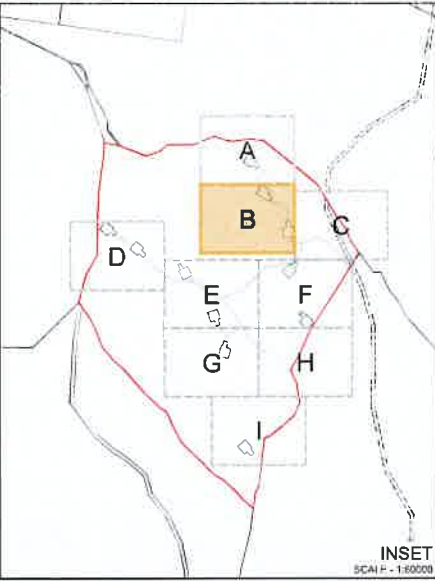
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PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

- Lot Boundary
- Easement Comprises:
 - Minimum 20m where incorporating internal roads and above ground cabling
 - Minimum 6m where underground cabling only
 - All easements are subject to 'as-con' drawings and site survey
- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement



RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A3 1:5000 - LENGTHS ARE IN METRES
20 0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300



MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP C

EMT AA
SP332761

9
BNT1428

4
BNT1111

EMT BB
SP332762

8
B34342

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/07
Dated: 28/07/2026
Signed: *R.M. McMahon*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

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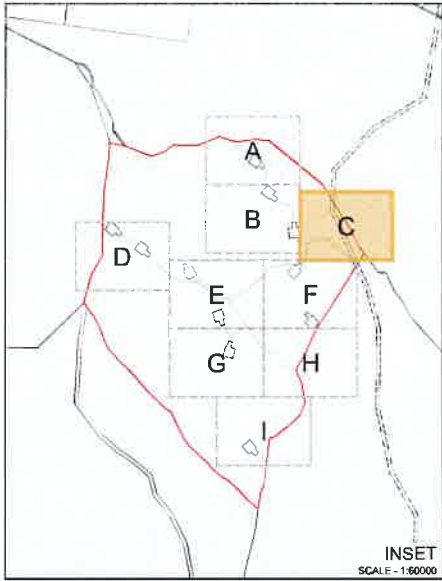
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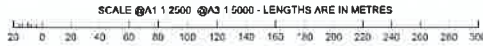
PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

- Lot Boundary
- Easement Comprises:
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- Existing Powerlink 330kv Overhead Transmission Easement
- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement



RP DESCRIPTION: Lot 9 on BNT1428



MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP D

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PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

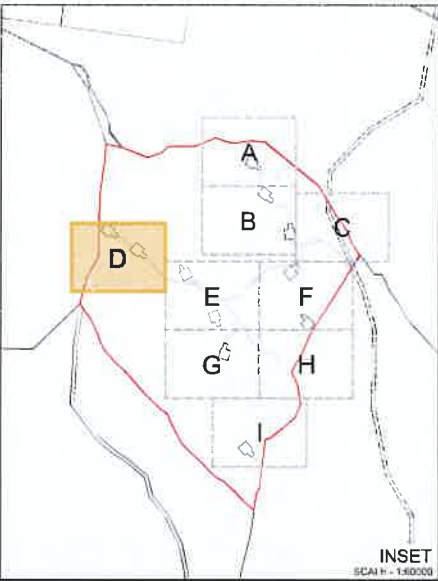
LEGEND

- Lot Boundary
- Easement Comprises:
 - Minimum 20m where incorporating internal roads and above ground cabling
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 - All easements are subject to 'as-con' drawings and site survey
- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement

1
SP196612

9
BNT1428

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/07
Dated: 28/07/2026
Signed: *Ronnie McMahon*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER



RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A3 1:5000 - LENGTHS ARE IN METRES
0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300



MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP E

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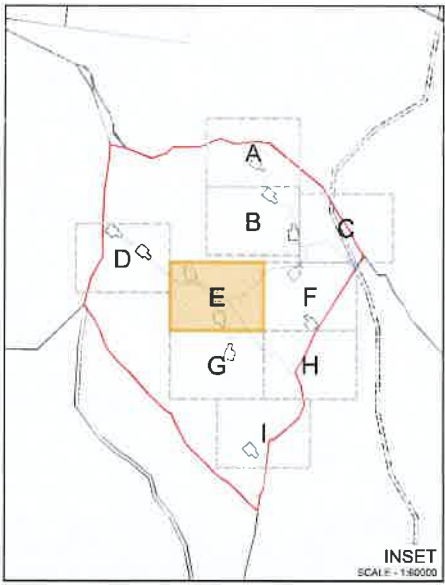
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PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

- Lot Boundary
- Easement Comprises:
 - Minimum 20m where incorporating internal roads and above ground cabling
 - Minimum 6m where underground cabling only
 - All easements are subject to 'as-con' drawings and site survey
- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement



RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A2 1:5000 - LENGTHS ARE IN METRES



MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP F



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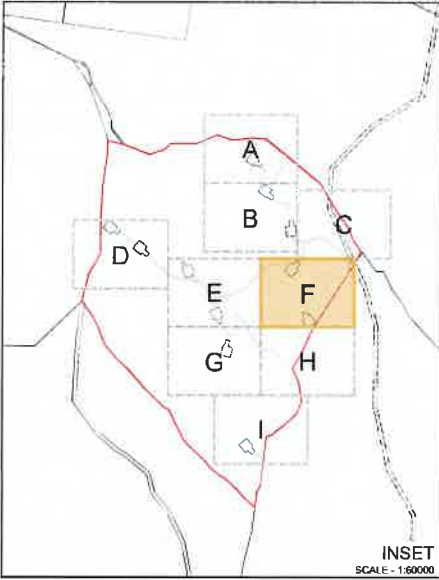
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PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

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- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement



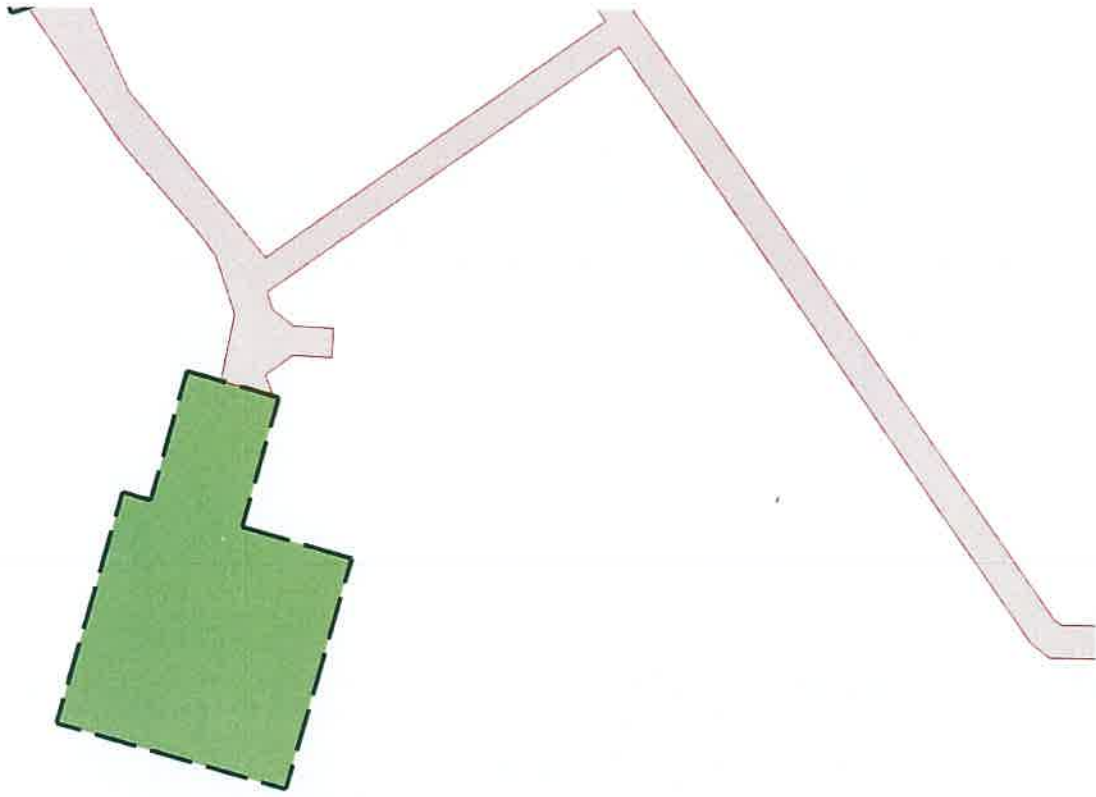
RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A3 1:5000 - LENGTHS ARE IN METRES

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/07
Dated: 28/07/2026
Signed: *RMM*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER



MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP G



9
BNT1428

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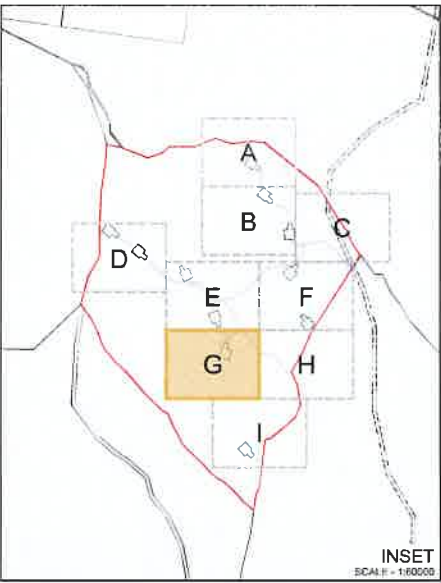
PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

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Lease subject to Survey and As-Con Drawings
Excludes Easement

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 26/07
Dated: 28/07/2026
Signed: *Ronnie McMahon*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

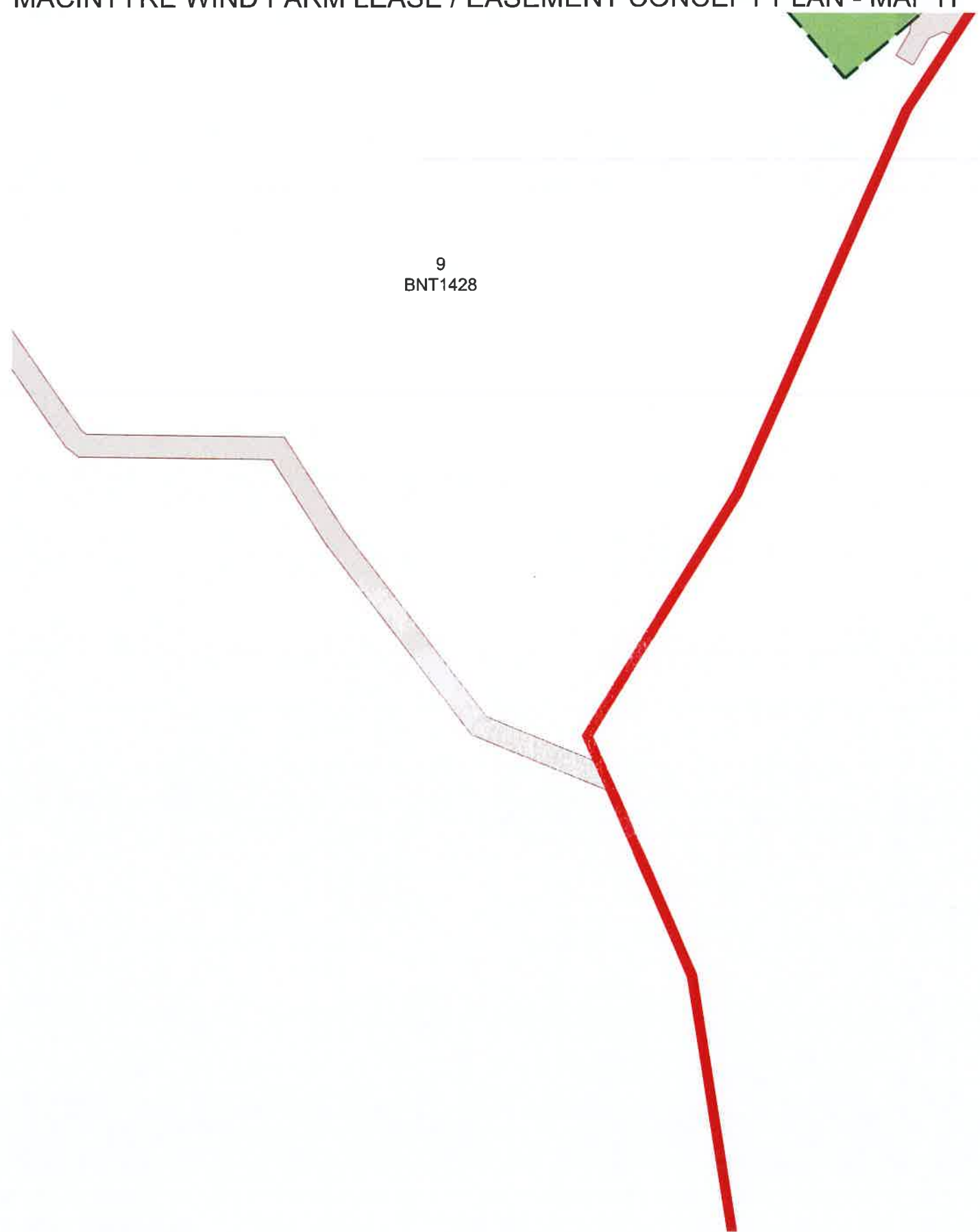


RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A3 1:5000 - LENGTHS ARE IN METRES
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MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP H



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OR CONSTRUCTION

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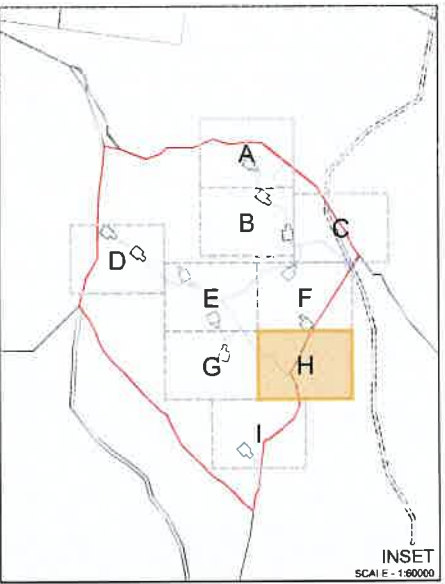
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PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

LEGEND

- Lot Boundary
- Easement Comprises:
 - Minimum 20m where incorporating internal roads and above ground cabling
 - Minimum 6m where underground cabling only
 - All easements are subject to 'as-con' drawings and site survey
- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/07
Dated: 28/07/2026
Signed: *R. McMahon*
Print Name: *Ronnie McMahon*
(Under Delegation) ASSESSMENT MANAGER



RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A3 1:5000 - LENGTHS ARE IN METRES
20 0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300

MACINTYRE WIND FARM LEASE / EASEMENT CONCEPT PLAN - MAP I

NOT TO BE USED FOR ENGINEERING DESIGN
OR CONSTRUCTION

NOTES

This plan was prepared as a conceptual layout only. The information on this plan is not suitable for any other purpose.

Property dimensions, areas, numbers of lots and contours and other physical features shown have been compiled from existing information and may not have been verified by field survey. These may need verification if the development application is approved and development proceeds, and may change when a full survey is undertaken or in order to comply with development approval conditions.

No reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involving the land.

Pavements and centrelines shown are indicative only and are subject to Engineering Design.

Saunders Havill Group therefore disclaims any liability for any loss or damage whatsoever or howsoever incurred, arising from any party using or relying upon this plan for any purpose other than as a document prepared for the sole purpose of accompanying a development application and which may be subject to alteration beyond the control of the Saunders Havill Group. Unless a development approval states otherwise, this is not an approved plan.

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* This note is an integral part of this plan/data. Reproduction of this plan or any part of it without this note being included in full will render the information shown on such reproduction invalid and not suitable for use.

PROJECTION: GDA94 MGA56
SUBJECT BOUNDARIES: DCDB
LOCAL GOVERNMENT AREA: GOONDIWINDI REGIONAL COUNCIL

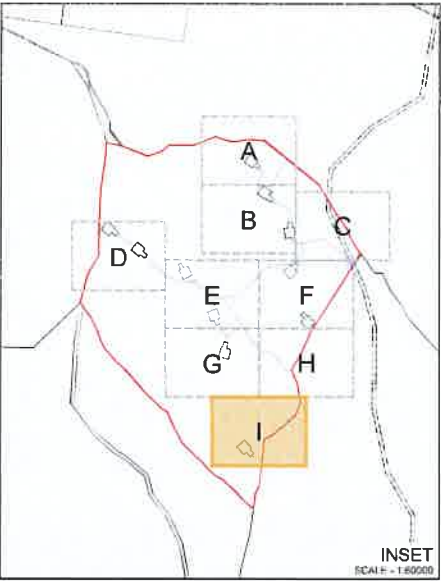
LEGEND

- Lot Boundary
- Easement Comprises:
 - Minimum 20m where incorporating internal roads and above ground cabling
 - Minimum 6m where underground cabling only
 - All easements are subject to 'as-con' drawings and site survey
- MIWF Wind Turbine Lease Area
Lease subject to Survey and As-Con Drawings
Excludes Easement



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 26/07
Dated: 28/07/2026
Signed: *RM McMahon*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER



RP DESCRIPTION: Lot 9 on BNT1428

SCALE @A1 1:2500 @A3 1:5000 - LENGTHS ARE IN METRES



Attachment 3 – Notice about decision - Statement of reasons



Notice about decision - Statement of reasons

The following information is provided in accordance with section 63 (5) of the *Planning Act 2016* and must be published on the assessment managers website.

The development application for Dividing land into parts by agreement (lease exceeding 10 years) and
access easements

26/07

Hunters Hill Road, Cement Mills

Lot 9 on BNT1428

On 24 July 2026, the above development application was:

- ☐ approved in full or
☐ approved in part for _____ or
☒ approved in full with conditions or
☐ approved in part for _____, with conditions or
☐ refused.

1. Reasons for the decision

The reasons for this decision are:

- Having regard to the relevant criteria in the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Reconfiguring a Lot Code	PO1-PO12
Biodiversity Areas Overlay Code	PO1-PO3
Bushfire Hazard Overlay Code	PO1-PO8
Infrastructure Overlay Code	PO1-PO2

3. Compliance with benchmarks

The proposed development was considered to achieve compliance with all relevant assessment benchmarks identified above.

4. Relevant matters for impact assessable development

5. Matters raised in submissions for impact assessable development

6. Matters prescribed by Regulation



Attachment 4 – *Planning Act 2016* Extracts



**EXTRACT FROM PLANNING ACT 2016
RELATING TO APPEAL RIGHTS**

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
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the

deemed approval notice to the assessment manager; or

- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

(a) the adopted charge itself; or

(b) for a decision about an offset or refund—

(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

(2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

(a) the respondent for the appeal; and

(b) each co-respondent for the appeal; and

(c) for an appeal about a development application under schedule 1, table 1, item 1—each

principal submitter for the development application; and

- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

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

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

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

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

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the appointer) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and

(ii) to apply the principles of natural justice; and

(iii) to analyse complex technical issues; and

(iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

(2) The appointer may—

(a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice; and

(b) reappoint a referee, by notice, for further terms of not more than 3 years.

(3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.

(4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.

(5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.

(6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.

(7) In this section—

appointment notice means—

(a) if the Minister gives the notice—a gazette notice; or

(b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

234 Referee with conflict of interest

(1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—

(a) the tribunal is to hear a matter about premises—

(i) the referee owns; or

(ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or

(iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or

(iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;

(b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.

(2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.

(3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.

(4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

235 Establishing development tribunal

(1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.

(2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.

(3) The chief executive must appoint a referee as the chairperson for each tribunal.

(4) A regulation may specify the qualifications or experience required for particular proceedings.

(5) After a tribunal is established, the tribunal's membership must not be changed.

236 Remuneration

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

237 Tribunal proceedings

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

238 Registrar and other officers

- (1) The chief executive may, by gazette notice, appoint—*
 - (a) a registrar; and*
 - (b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.*
- (2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.*

Division 2 Applications for declarations

239 Starting proceedings for declarations

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

240 Application for declaration about making of development application

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

respondent means—

- (a) if the applicant started the proceedings—the assessment manager; or*
- (b) if the assessment manager started the proceedings—the applicant.*

241 Application for declaration about change to development approval

- (1) This section applies to a change application for a development approval if—*
 - (a) the approval is for a material change of use of premises that involves the use of a classified building; and*
 - (b) the responsible entity for the change application is not the P&E Court.*
- (2) The applicant, or responsible entity, for the change application may start proceedings for a*

declaration about whether the proposed change to the approval is a minor change.

- (3) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.

- (4) In this section—

respondent means—

(a) if the applicant started the proceedings—the responsible entity; or

(b) if the responsible entity started the proceedings—the applicant.

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

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

243 Chief executive excusing noncompliance

- (1) This section applies if—

(a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and

(b) the document does not comply with any requirement under this Act for validly starting the proceedings.

- (2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).

- (3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect,

because of the noncompliance, to the person who filed the document.

- (4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.

- (5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

244 Ending tribunal proceedings or establishing new tribunal

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

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

- there are no qualified referees or insufficient qualified referees because of a conflict of interest
- the referees who are available will not be able to decide the proceedings in a timely way

- (2) If the chief executive considers a tribunal established for tribunal proceedings—

(a) does not have the expertise to hear or decide the proceedings; or

(b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example); the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.

- (3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.

- (4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.

- (5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief

executive gives the decision notice to the party who started the proceedings.

- (6) *The decision notice must state the effect of subsection (5).*

245 Refunding fees

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

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

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

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

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

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

249 Conduct of tribunal proceedings

- (1) *Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.*

- (2) *The tribunal may decide the proceedings on submissions if the parties agree.*

- (3) *If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.*

- (4) *Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.*

- (5) *The tribunal may decide the proceedings without a party's submission (written or oral) if—*

- (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or*

- (b) for proceedings to be decided by hearing—the person, or the person's agent, does not appear at the hearing.*

- (6) *When hearing proceedings, the tribunal—*

- (a) need not proceed in a formal way; and*
- (b) is not bound by the rules of evidence; and*
- (c) may inform itself in the way it considers appropriate; and*
- (d) may seek the views of any person; and*
- (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and*
- (f) may prohibit or regulate questioning in the hearing.*

- (7) *If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.*

250 Tribunal directions or orders

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

Examples of directions—

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

251 Matters tribunal may consider

- (1) This section applies to tribunal proceedings about—
 - (a) a development application or change application; or
 - (b) an application or request (however called) under the Building Act or the Plumbing and Drainage Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
 - (a) the application or request was properly made; or
 - (b) if the application or request was not required to be properly made—the application or request was made.
- (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.

252 Deciding no jurisdiction for tribunal proceedings

- (1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—
 - (a) on the tribunal's initiative; or
 - (b) on the application of a party.
- (2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.
- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.

- (4) The decision notice must state the effect of subsection (3).

- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

253 Conduct of appeals

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

254 Deciding appeals to tribunal

- (1) This section applies to an appeal to a tribunal against a decision.
- (2) The tribunal must decide the appeal by—
 - (a) confirming the decision; or
 - (b) changing the decision; or
 - (c) replacing the decision with another decision; or
 - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or
 - (e) for a deemed refusal of an application—
 - (i) ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or
 - (ii) deciding the application.

(3) However, the tribunal must not make a change, other than a minor change, to a development application.

(4) The tribunal's decision takes the place of the decision appealed against.

(5) The tribunal's decision starts to have effect—

(a) if a party does not appeal the decision—at the end of the appeal period for the decision; or

(b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

255 Notice of tribunal's decision

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

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

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

258 Tribunal may extend period to take action

(1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.

(2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

259 Publication of tribunal decisions

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

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

(1) Table 1 states the matters that may be appealed to—

(a) the P&E court; or

(b) a tribunal.

(2) However, table 1 applies to a tribunal only if the matter involves—

(a) the refusal, or deemed refusal of a development application, for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(b) a provision of a development approval for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(c) if a development permit was applied for—the decision to give a preliminary approval for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(d) a development condition if—

(i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

(ii) the building is, or is proposed to be, not more than 3 storeys; and

(iii) the proposed development is for not more than 60 sole-occupancy units; or

(e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or

(f) a decision for, or a deemed refusal of, a change

application for a development approval that is only for a material change of use of a classified building; or

(g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or

(h) a decision to give an enforcement notice—

(i) in relation to a matter under paragraphs (a) to (g); or

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

(j) the refusal, or deemed refusal, of a conversion application; or

(l) a matter prescribed by regulation.

(3) Also, table 1 does not apply to a tribunal if the matter involves—

(a) for a matter in subsection (2)(a) to (d)—

(i) a development approval for which the development application required impact assessment; and

(ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or

(b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

(4) Table 2 states the matters that may be appealed only to the P&E Court.

(5) Table 3 states the matters that may be appealed only to the tribunal.

(6) In each table—

(a) column 1 states the appellant in the appeal; and

(b) column 2 states the respondent in the appeal; and

(c) column 3 states the co-respondent (if any) in the appeal; and

(d) column 4 states the co-respondents by election (if any) in the appeal.

(7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than a development application called in by the

Minister, an appeal may be made against—

(a) the refusal of all or part of the development application; or

(b) the deemed refusal of the development application; or

(c) a provision of the development approval; or

(d) if a development permit was applied for—the decision to give a preliminary approval.

**EXTRACT FROM THE *PLANNING ACT 2016*
RELATING TO LAPSE DATES**

***Division 4 Lapsing of and extending
development approvals***

85 Lapsing of approval at end of current period

*(1) A part of a development approval lapses at the end of the following period (the **currency period**)—*

(a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—6 years after the approval starts to have effect;

(b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—4 years after the approval starts to have effect;

(c) for any other part of the development approval if the development does not substantially start within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—2 years after the approval starts to take effect.

(2) If part of a development approval lapses, any monetary security given for that part of the approval must be released.