

**From:** me@warrenbolton.com  
**Sent:** Thursday, 10 October 2024 11:26 AM  
**To:** 'WBBSARA@dsdilgp.qld.gov.au'  
**Cc:** Ward Veitch - Urban Planet; Emily Burke FCRC  
**Subject:** Applicant and Delegate -2112-26497 SRA

**Attention Luke Lankowski**

Morning Luke

Thanks for your time yesterday

Further to our discussions yesterday afternoon in relation to the administrative policy of State Assessment and Referral Agency (Agency) regarding an individual's standing with the Agency in relation to dealing with the assessment process for a statutory referral, I make the following observations.

Having given earnest consideration to the advice provided by the Agency regarding:

1. Determination, as to what entity actually constitutes the Applicant for DA RAL21013 {Your ref:- 2112-26497 SRA} (DA) ; and consequently
2. Refusal to accept the written notification of M and J Grunske as Applicant identified on the statutory form **DA Form1** (Form), to authorize Warren Bolton to act on their behalf, as part of the process of assessment for development approval, without the replacement of a whole new Form to confirm that notification.

In particular the advice from officers, that

- a. The legal Applicant is Urban Planet or Ward Veitch and the nominated *Contact Name* for the Applicant is the only person that can have authority to interact with the Agency ; and
- b. The Agency's position that only the 'nominated contact', on the Form can be that single authorised person.

I hold the view that this advice is flawed.

My Reasons are

1. Applicant for the DA is clearly M and J Gruske, not Ward Veitch or Urban Planet; and
2. Under Section 52 of the *Planning Act 2016* (Act), an Applicant may change a development application, before the application is decided, simply by a **giving notice** to the assessment manager.

The DA Form is part of the material of a development application.

There is no statutory form to be used to change a component of a development application that has not been decided

However, the Department of Housing, Local Government, Planning and Public Works provides template forms on their website, along with guideline for their use. The website includes a template notice for use by an **applicant** in giving notice to the

**assessment manager** about a change to a **development application** under section 52(1) of the Act.

Under administrative law 'templates' are not mandatory documents but optional documents to provide assistance in undertaking a process.

Under Schedule 2 of the Planning Act a '**notice** means a written notice'.

The use of a departmental template document is more than sufficient to satisfy the provisions of Section 52 of the Act.

The Agency's policy to require the submission of a subsequent, full and new DA Form 1 (to the assessment manager?) in order to change the content of the original DA Form in order to award standing to a delegate of the Applicant, is in conflict with the requirements of the law and contrary to good administrative practice.

If it is the policy of the Agency to only afford standing to a **single delegate** for the Applicant to deal with the Agency in relation to the assessment process of the DA then I am of the view that the submission of the template form provided for on the department's website to the Assessment Manager should be adequate to effect that change and satisfy the Agency.

Please advise me of your decision in this matter

Regards

Warren

**Warren Bolton**

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[Web Site](#)

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