

Author: Mrs Ronnie McMahon: JML  
File: 16/18G  
Date: 22 February 2018

Malcom Burke  
33 Prince Edward Parade  
**REDCLIFFE QLD 4020**

Attention: Mr Malcom Burke

Dear Mr Burke

**Decision Notice – Approval (with conditions)  
Reconfiguring a Lot  
Lot 24 on SP173915 and Lot 590 on SP120718, Hunt Street, Goondiwindi**

I wish to advise that on 22 February 2018, a decision was made to approve the reconfiguring a lot development application for a subdivision of two (2) into ten (10) lots at Lot 24 on SP173915 and Lot 590 on SP120718, Hunt Street, Goondiwindi.

In accordance with the *Sustainable Planning Act 2009* (SPA), please find attached Council's Decision Notice for the application. Please read the conditions and accompanying notes carefully as these include actions required to be **completed prior to the submission to Council of the Plan of Survey**.

Please note **Condition 39**, which requires a letter outlining and demonstrating that conditions have been complied with, shall be submitted to Council prior to the submission to Council of the Plan of Survey.

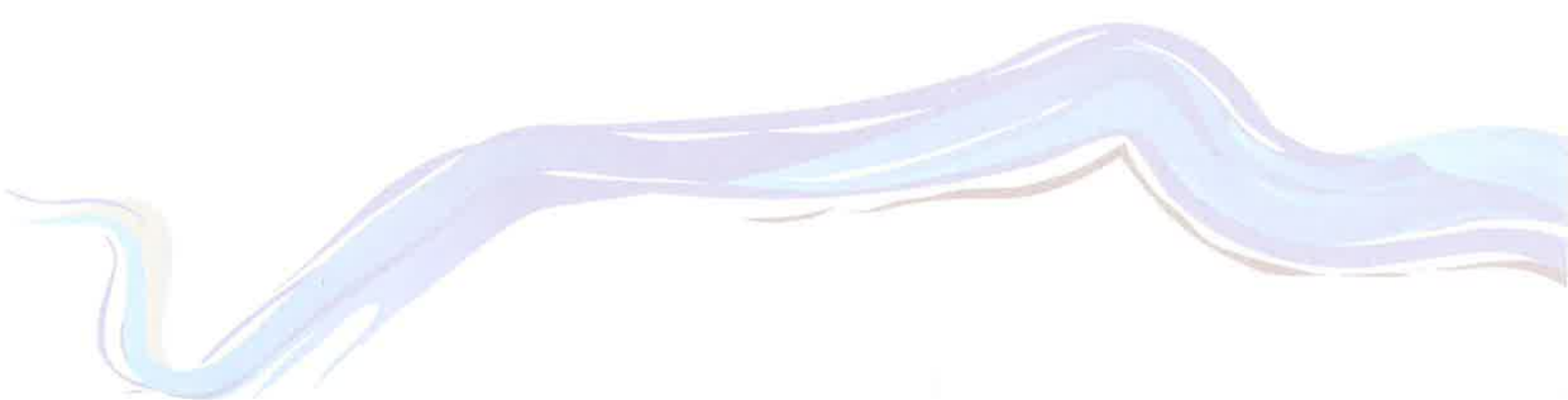
If you have any queries relating to this matter, you are advised to contact Council's Manager of Planning Services, Mrs Ronnie McMahon on 07 4671 7400.

Yours faithfully



*for* **Mr Carl Manton**  
Chief Executive Officer  
Goondiwindi Regional Council

Copy to: Ralph Kinsella  
Via email: [ralpho@smk.com.au](mailto:ralpho@smk.com.au)



**Decision Notice approval**  
*Sustainable Planning Act 2009 section 334*

Council File Reference: 16/18G  
Council Contact: Mrs Ronnie McMahon: JML  
Council Contact Phone: (07) 4671 7400

22 February 2018

**Applicant Details:** Malcom Burke  
33 Prince Edward Parade  
REDCLIFFE QLD 4020

I acknowledge receipt of the above application, properly made on 10 June 2016 and confirm the following details:

**Development Application for:** Reconfiguring a lot:  
Two (2) into ten (10) lot subdivision

**Property Description:** Lot 24 on SP173915  
Lot 590 on SP120718

Dear Mr Burke

I wish to advise that, on 22 February 2018, the above development application was:

- ☐ approved in full or;
- ☐ approved in part for the following or;
- ☒ approved in full with conditions or;
- ☐ approved in part for the following, with conditions.

The conditions of this approval are set out in **Attachment 1**

**All conditions must be completed or bonded prior to the commencement of the sure and prior to the submission to Council of the Plan of Survey.**

**Approval under section 331 of the SPA**

This application ☐ has or ☒ has not been "deemed" to be approved under s331 of the SPA.

### 1. Details of the Approval

The following approval are given:

	<b>Sustainable Planning Regulation 2009, Schedule 3 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Reconfiguring a Lot assessable under the planning scheme: One (1) into two (2) lot subdivision, and creation of access easement	Part 1, Table 3, Item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 2. Other necessary development permits and/or compliance permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- N/A

### 3. Details of any Compliance Assessment Required for document or work in relation to the development

Compliance assessment is required under Chapter 6, Part 10 of the SPA for the following documents or works in relation to the development:

<b>Documents or works requiring compliance assessment</b>	<b>Matters or things against which the document or work must be assessed</b>	<b>Compliance assessor</b>	<b>When the request for compliance assessment must be made</b>
Survey Plan	Matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i> .	Goondiwindi Regional Council	While this approval is still in effect and following compliance with the matters which the document must be assessed against.

### 4. Conflict with a relevant instrument and reasons for decision despite the conflict

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

## 5. Referral Agencies

There are no referral agencies for this development application.

## 6. Approved Plans

Drawing No.	Title	Date
205094-3	Plan of Proposed Subdivision of Lot 24 on SP173915 & Lot 590 on SP120718	4/2/2016
216013-1	Survey Plan	14/3/2016
216013-2	Survey Plan	14/3/2016
216013-3	Survey Plan	14/3/2016

The approved plan is included in **Attachment 2**.

## 7. When Approval Lapses if Development not Started

This approval will lapse if the use has not lawfully commenced in accordance with the following section of SPA:

### **341 When approval lapses if development not started**

*(2) To the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the local government within the following period (also the **relevant period**)-*

*(b) for reconfiguration requiring operational works – **4 years** starting the day the approval takes effect.*

Section 383 of the *Sustainable Planning Act 2009* sets out how an extension to the period of approval can be requested.

Please see excerpts from the SPA attached at **Attachment 4**.

## 8. Appeal rights

### *Appeals by applicants*

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

- The refusal, or refusal in part of the development applicant;
- Any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under s242 of the SPA;
- The decision to give a preliminary approval when a development permit was applied for;
- The length of a period mentioned in s341; or
- A deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in s461(2) of the SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see the SPA, Chapter 7, Part 2.

Attachment 4 is an extract from the SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

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

Yours faithfully



for **Mr Carl Manton**  
Chief Executive Officer  
Goondiwindi Regional Council



## ATTACHMENTS

### **Attachment 1 - Assessment Manager's Conditions**

*Part 1 – Assessment Manager's Conditions*

*Part 2 - Department of Infrastructure, Local Government and Planning –  
Concurrence Agency Response*

### **Attachment 2 -Approved Plan**

### **Attachment 3 -Infrastructure Charges Notice**

### **Attachment 4 -SPA Extracts**

*SPA extract on appeal rights*

*SPA extract on lapse dates*





## **Attachment 1 - Assessment Manager's Conditions**



### **Assessment Manager's Conditions**

<b>Description:</b>	2 into 10 lot subdivision and creation of new road
<b>Development:</b>	Development Permit – Reconfiguring a lot
<b>Applicant:</b>	SMK Consultants for Malcolm & Melissa Burke
<b>Real Property Description:</b>	Lot 24 on SP173915 and Lot 590 on SP120718
<b>Address:</b>	Hunt Street, Goondiwindi
<b>Council File Reference:</b>	16/18G

GENERAL CONDITIONS																
1.	Approval is granted for the proposed Reconfiguring a Lot – two (2) into ten (10) lot subdivision, and one (1) new road.															
2.	<p>The development shall be generally in accordance with supporting information supplied by the applicant with the development application including the following indicative plans:</p> <table><tr><th>Drawing No</th><th>Title</th><th>Date</th></tr><tr><td>205094-3</td><td>Plan of Proposed Subdivision of Lot 24 on SP173915 &amp; Lot 590 on SP120718</td><td>4/2/2016</td></tr><tr><td>216013-1</td><td>Survey Plan</td><td>14/3/2016</td></tr><tr><td>216013-2</td><td>Survey Plan</td><td>14/3/2016</td></tr><tr><td>216013-3</td><td>Survey Plan</td><td>14/3/2016</td></tr></table> <p>Please note this is not approved plans, it is indicative only. The approved plans are included in <b>Attachment 2</b>.</p>	Drawing No	Title	Date	205094-3	Plan of Proposed Subdivision of Lot 24 on SP173915 & Lot 590 on SP120718	4/2/2016	216013-1	Survey Plan	14/3/2016	216013-2	Survey Plan	14/3/2016	216013-3	Survey Plan	14/3/2016
Drawing No	Title	Date														
205094-3	Plan of Proposed Subdivision of Lot 24 on SP173915 & Lot 590 on SP120718	4/2/2016														
216013-1	Survey Plan	14/3/2016														
216013-2	Survey Plan	14/3/2016														
216013-3	Survey Plan	14/3/2016														

3.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> <li>(i) Generally in accordance with development approval documents; and</li> <li>(ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications.</li> </ul> <p>All development must comply with any relevant provisions in the 2006 Planning Scheme for the former Goondiwindi Town Council, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>The development approval documents are the material contained in the development application, approved plan and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant agencies during all stages of the development application assessment processes.</p>
4.	<p>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.</p>
<b>ESSENTIAL SERVICES</b>	
5.	<p>The existing water supply mains shall be extended along the new road and their capacity shall be sufficient for all stages of the development, including adequate pressure for firefighting purposes.</p>
6.	<p>The developer is required to provide the design and installation of approved water and sewerage infrastructure to be connected to councils water and sewerage systems, at no cost to Council.</p>
7.	<p>Each proposed lot shall be connected to Council's reticulated water supply system through individually connected water services.</p>
8.	<p>Each proposed lot shall be connected to a reticulated sewerage system and pump station to the satisfaction of Council and to relevant engineering standards.</p>
9.	<p>All sewers and pump station to be provided by the applicant, at no cost to Council.</p>
10.	<p>The applicant shall request a quotation from Council for the relevant Water and Sewerage Operational Works approval and inspection fees once the hydraulic designs have been approved by Council.</p>

<b>PUBLIC UTILITIES</b>	
<b>11.</b>	Each proposed lot shall be connected to the electricity supply system to the satisfaction of Council, and the electricity, telecommunications and other lines shall be installed underground, at no cost to Council.
<b>12.</b>	The developer is responsible for ensuring Queensland Fire Services requirements are met with respect to this development.
<b>VEHICLE ACCESS</b>	
<b>13</b>	<p>Each proposed lot shall be provided with an industrial vehicle crossover to a formed road in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Maneuvering Areas and Access of the 2006 Planning Scheme for the former Goondiwindi Town Council or to other relevant engineering standards to the satisfaction of Council.</p> <p>Crossovers are to be either constructed or bonded prior to the endorsement of the Plan of Survey.</p> <p>The applicant shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
<b>DEVELOPER'S RESPONSIBILITIES</b>	
<b>14.</b>	All new roads shall have a minimum reservation width of twenty (20) meters and shall be dedicated as public road at no cost to Council.

15.	<p>Hunt Street shall be up graded from the intersection with Boodle Street to the start of the proposed new road. All new roads shall be constructed:</p> <ul style="list-style-type: none"> <li>(a) With a minimum 10.6 meter pavement width, to relevant engineering standards as outlined in Schedule 1: Design and Construction Standards, Division 2, Item 2.1: Standards for Roads of the 2006 Planning Scheme for the former Goondiwindi Town Council, and Aus-Spec construction specifications, 0136, 0161, 0257, 0319, 1101, 1102, 1111, 1112, 1113, 1121, 1141, 1143, 1144, 1151, 1152, 1191, 1192, 1196, 1351, 1391;</li> <li>(b) To the satisfaction of Council and shall be in accordance with the relevant engineering standards outlined in Schedule 1: Design and Construction Standards, Division 2, Item 2.1: Standards for Roads of the 2006 Planning Scheme for the former Goondiwindi Town Council; and Aus-Spec construction specifications, 0136, 0161, 0257, 0319, 1101, 1102, 1111, 1112, 1113, 1121, 1141, 1143, 1144, 1151, 1152, 1191, 1192, 1196, 1351, 1391; and</li> <li>(c) To include asphalt sealed pavement, upright kerb and channelling.</li> </ul> <p>The design vehicle shall be a type 1 Road Train operating at Higher Mass Limits.</p>
16.	<p>The new road shall be appropriately named and all lots shall be given a suitable street number, of Council's approval.</p> <p>Three (3) street names for the new road shall provide to council in order of preference for endorsement.</p>
17.	<p>Concrete kerb and channelling shall be provided on both sides of the proposed new road a minimum of 11.5 meters invert to invert.</p>
18.	<p>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 Council's satisfaction or the cost of repairs paid to Council.</p>
19.	<p>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.</p>
20.	<p>Street lighting shall be provided along the new road to the satisfaction of Council and to relevant engineering standards as outlined in Schedule 1: Design and Construction Standards, Division 2, Item 2.1 Standards for Roads of the <i>2006 Planning Scheme for the former Goondiwindi Town Council</i>.</p>

21.	<p>All newly constructed works will be subject to a 12 months defect liability period.</p> <p>Within 12 months of Council's acceptance of the complete works, a qualified council officer will inspect the works to confirm that there are no outstanding defects. Repair of any defects within the 12 months defect liability period will be the responsibility of the developer.</p>
22.	The developer shall be responsible for meeting all costs associated with the approved development, unless there is specific agreement by other parties, including Council, to meeting those costs.
23.	Infrastructure charges shall be paid prior to Council's endorsement of the Plan of Survey
24.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or associated with the development shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
25.	Fire hydrants shall be provided within the road reserves to the satisfaction of Council and shall be designed to include the appropriate pressure and flow rates to support the requirements of Fire Services.
26.	A copy of the full hydraulic designs to the current standards shall be submitted to Council for approval prior to the commencement of any operational works.
27.	The subject site shall be adequately drained and all stormwater shall be disposed of to the satisfaction of Council and to relevant engineering standards as outlined in Schedule 1: Design and Construction Standards, Division 5, Item 5.1: Standards for Stormwater Drainage of the <i>2006 Planning Scheme for the former Goondiwindi Town Council</i> . The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
28.	<p>All works associated with the development must be carried out in a manner that minimizes erosion and controls sediment. Best practice erosion and sediment control measure shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 1, Division 1: Standards for Construction Activities of the 2006 Planning Scheme for the former Goondiwindi Town Council to the satisfaction if and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>
29.	The stormwater drainage system shall be designed for the 1 in 5 year event. The design should be checked for the 1 in 100 year event to establish flow paths within the overall development.

30.	Full engineering drawings and specifications certified by a RPEQ shall be provided for all roadworks, stormwater drainage, water supply, sewerage works and electricity supply and earthworks for the approval of Council's engineer.
31.	Any fill placed on the subject land in relation to the development shall not cause any ponding of water on any land.
32.	At all times, provisions must be made on site for the collection of general refuse in covered waste containers with a capacity sufficient for the use.  Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.
33.	At all times, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and the relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times.
34.	Construction works must be carried out 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.
35.	Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements, including water, sewerage and stormwater mains.
<b>BEFORE PLANS WILL BE ENDORSED</b>	
36.	All works necessitated by the conditions of approval for roadworks, stormwater drainage, water supply, sewerage, utilities and earthworks shall be completed prior to the submission to Council of the Plan of Survey required.
37.	The developer shall submit a detailed Plan of Survey and, prepared by a licensed surveyor, for the endorsement of Council.  Council's current fee for the endorsement of a survey plan is \$170.00.
38.	All outstanding rates and charges shall be paid to Council prior to the submission to Council of the Plan of Survey.

39.	<p>A letter outlining and demonstrating that conditions have been 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.</p> <p>This approval will lapse if a plan for the reconfiguration is not given to the local government within the staged timeframes submitted with the application and shown in Condition 1 of this approval.</p> <p>Section 383 of the Sustainable Planning Act 2009 sets out how an extension to the period of approval can be requested.</p>
	<p><b>NOTES AND ADVICE</b></p>
	<p>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.</p>
	<p>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”).</p>
	<p>This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i>.</p>
	<p>The approved development does not authorize any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety</p>
	<p>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.</p>
	<p>It is the applicant’s responsibility to obtain all statutory approvals prior to commencement of any works onsite.</p>



## **Attachment 1 - Conditions of the Approval**

***Part 2 - Department of Infrastructure, Local  
Government and Planning – Concurrence Agency  
Response***



Our reference: SDA-0616-031415

Your reference: 16/18G

24 January 2018

Chief Executive Officer  
Goondiwindi Regional Council  
LMB 7  
INGLEWOOD QLD 4387

**Attn: Mrs Ronnie McMahon**

Dear Ronnie

**Concurrence agency response—with conditions—development permit—reconfiguring a lot—two (2) into ten (10) lot subdivision and creation of new road**

Hunt Street, Goondiwindi QLD 4390

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning (the department) under section 272 of the *Sustainable Planning Act 2009* on 24 June 2016.

**Applicant details**

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Applicant name: Mal Burke  
Applicant contact details: 33 Prince Edward Parade  
REDCLIFFE QLD 4020  
Via email: malburke33@gmail.com

**Site details**

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Street address: Hunt Street, Goondiwindi QLD 4390  
Lot on plan: Lot 24 on SP173915 and Lot 590 on SP120718  
Local government area: Goondiwindi Regional Council

**Application details**

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Proposed development: Development permit for reconfiguring a lot – two (2) lots into ten (10) lots

## Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger     Schedule 7, Table 2, Item 2—Reconfiguring a lot if –

(a) Any part of the land –

- (i) Is within 25m of a state-controlled road or
- (ii) Is future state-controlled road or
- (iii) Abuts a road that intersects with a state-controlled road that is within 100m of the land and

(b) 1 or more of the following apply-

- (i) The total number of lots is increased;
- (ii) The total number of lots abutting the state-controlled road is increased;
- (iii) There is a new or changed access between the land and state-controlled road.

Schedule 7, Table 2, Item 34 - Reconfiguring a lot if any part of the land is –

(a) within 25m of a railway or future railway land and 1 or both of the following apply –

- (i) the total number of lots is increased;
- (ii) an easement abutting the railway or future railway land is created; or

(b) future railway land.

## Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

## Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

## Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

## Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Material change of use</b>				
Plan of Proposed Subdivision of Lot 24 on SP173915 & Lot 590 on	SMK Consultants Pty Ltd	04/02/2016	205094-3	

SP120718, as amended in red.				
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A copy of this response has been sent to the applicant for their information.

For further information, please contact Maria Johnson, A/Senior Planning Officer, SARA Darling Downs South West on 46167307, or email [ToowoombaSARA@dilgp.qld.gov.au](mailto:ToowoombaSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Andrew Foley  
Manager (Planning)

cc: Mal Burke, [malburke33@gmail.com](mailto:malburke33@gmail.com)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0616-031415

Your reference: 16/18G

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
Development Permit – Reconfiguration of a lot (2 lots into 10)		
7.2.2 & 7.2.34—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must be carried out generally in accordance with the signage shown on: <ul style="list-style-type: none"> <li>Plan of Proposed Subdivision of Lot 24 on SP173915 &amp; Lot 590 on SP120718, prepared by SMK Consultants Pty Ltd, dated 04/02/2016, plan number 205094-3, as amended in red.</li> </ul>	Prior to submitting the Plan of Survey to the local government for approval.
2.	Any excavation, filling/backfilling/compaction, retaining structures, batters, stormwater management measures and other works involving ground disturbance must not encroach upon or de-stabilise the railway, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
3.	Fencing must be provided along the site boundary with the railway in accordance with: <ul style="list-style-type: none"> <li>Queensland Rail standard fencing drawing number QR-C-S3230 – '1.8m High Chain Link Security Fence without rails using 50mm diamond mesh general arrangement'.</li> </ul>	Prior to submitting the Plan of Survey to the local government for approval.
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway.  (b) Any works on the land must not: <ul style="list-style-type: none"> <li>i. create any new discharge points for stormwater runoff onto the railway;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the railway;</li> <li>iii. surcharge any existing culvert or drain on the railway;</li> <li>iv. reduce the quality of stormwater discharge onto the railway.</li> </ul> (c) Registered Professional Engineer of Queensland certification with supporting documentation must be provided to the Program Delivery and Operations Unit, Downs South West Region (Downs. South.West.IDAS@tmr.qld.gov.au) within DTMR,	At all times.

No.	Conditions	Condition timing
	confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	

Our reference: SDA-0616-031415

Your reference: 16/18G

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.
- To ensure that there is no unauthorised access onto the transport corridor and to protect impacts on the transport corridor.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.

Our reference: SDA-0616-031415

Your reference: 16/18G

### Attachment 3—Further advice

General advice	
Ref.	Railways
1.	<p><b>Stormwater and drainage impacts on the railway</b></p> <p>When demonstrating compliance with the concurrence agency condition relevant to stormwater, the applicant should verify that the proposed stormwater pipe system has been designed to convey post-development runoff for all relevant design events up to a 1% Annual Exceedance Probability. In particular, hydraulic capacity (Hydraulic Grade Line) calculations and a longitudinal section should be provided. This should include hydraulic information such as pit pipe sizes, invert levels, energy gradient, surface levels and the like.</p>
2.	<p><b>Memorandum of Understanding for Railway Level Crossings</b></p> <p>As per the <i>Memorandum of Understanding between the Local Government Association of Queensland and Queensland Rail and the Department of Transport and Main Roads with respect to the Management and Funding Responsibility for Level Crossing Safety</i>, the local government is responsible for any safety upgrades to a level crossing if the change in risk to the level crossing is due to changes in nearby land uses which have been authorised by local government.</p> <p>Goondiwindi Regional Council should continue to monitor the level of safety risk and number of reported level crossing issues at the Racecourse Road (ID:1791) and Old Cunningham Highway (ID:798) railway level crossings of the South Western Line as further development in the area is approved. Consideration should also be given to implementing improved control and safety measures, as required. In particular, the proposed development will be likely to contribute to cumulative impacts on the safety of the railway level crossings.</p> <p>Goondiwindi Regional Council is recommended to install advance warning signage indicating that vehicles exceeding 19m in length are prohibited from using the railway level crossing of the South Western Line at Racecourse Road (ID:1791) at the following locations:</p> <ul style="list-style-type: none"> <li>on both the Old Cunningham Highway approaches to the railway level crossing in accordance with drawing number TC1556 <i>Railway Level Crossing Warning Sign "Limited Clearance to Rails"</i> with a distance of '19m' stated on both signs and 'no right turn' stated on the southbound sign and 'no left turn' stated on the northbound sign; and</li> <li>on the Racecourse Road approach to the railway level crossing in accordance with drawing number TC1548_1 <i>Railway Level Crossing "T" Intersection Warning Sign "Keep Track Clear – Short Stacking"</i> with a distance of '19m' stated on the sign.</li> </ul>

Further development permits, compliance permits or compliance certificates	
Ref.	Railways
1	<p><b>Works on a railway</b></p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>The proposed stormwater and drainage works in the railway require relevant approvals to be obtained from the railway manager such as a licence to discharge, licence to enter and construct, and/or wayleave agreement, amongst other relevant approvals.</p> <p>The railway manager should be consulted prior to the removal and installation of fencing along the site boundary with the railway boundary.</p> <p>Please be advised that this concurrence agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact the Queensland Rail property team on telephone number (07) 3072 1068 or at <a href="mailto:developmentenquiries@qr.com.au">developmentenquiries@qr.com.au</a> in relation to obtaining any necessary approvals.</p>

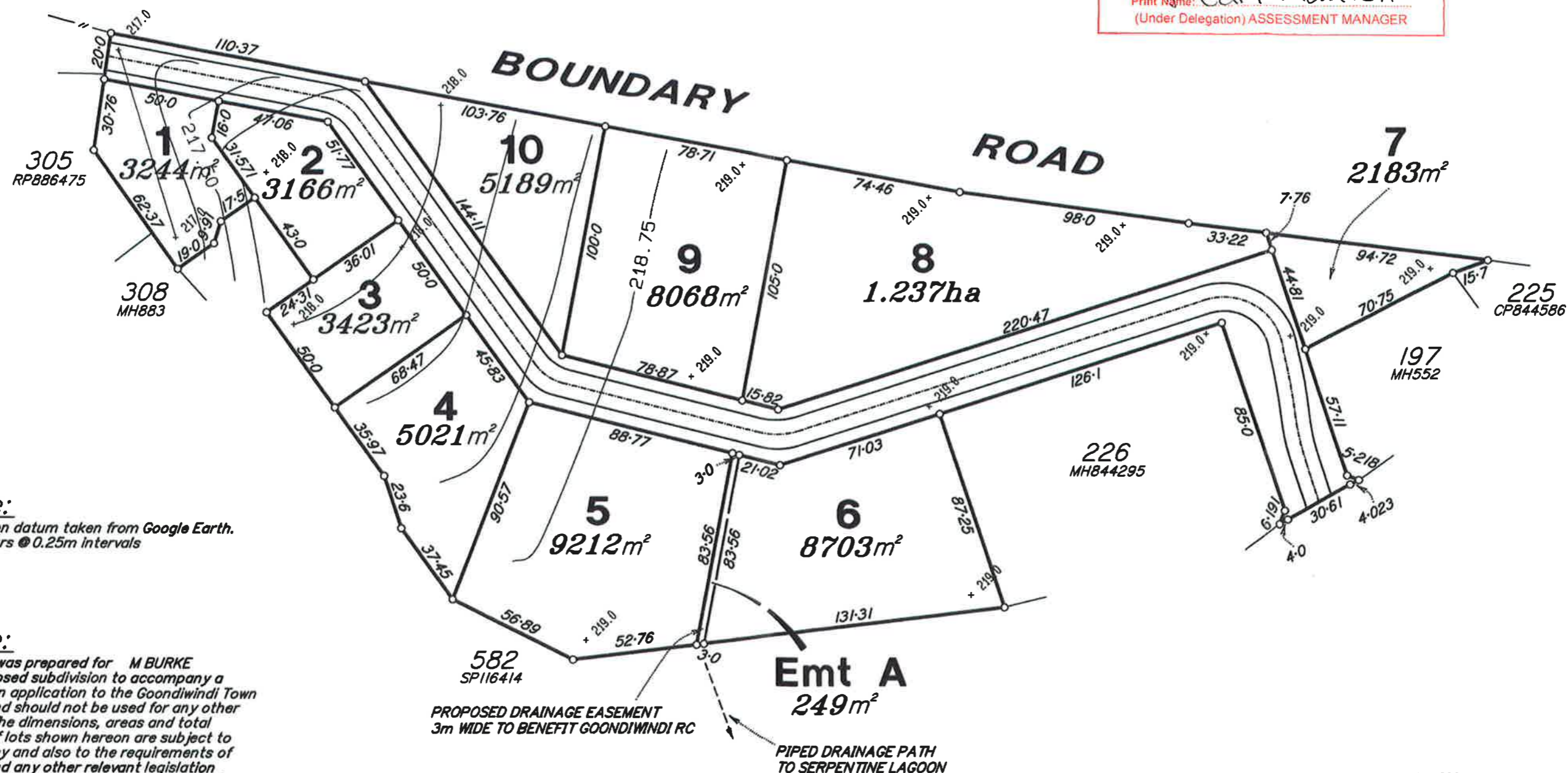


## **Attachment 2 - Approved Plan**





GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 16/18G  
Dated: 22-02-18  
Signed: *R/M Manton*  
Print Name: Carl Manton  
(Under Delegation) ASSESSMENT MANAGER



**Note:**

- 1) Elevation datum taken from Google Earth.
- 2) Contours @ 0.25m intervals

**Note:**

This plan was prepared for M BURKE as a proposed subdivision to accompany a subdivision application to the Goondiwindi Town Council and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other relevant legislation. In particular, no reliance should be placed on this plan for any financial dealings involving the land. This note is an integral part of this plan.



M BURKE

**SMK**  
CONSULTANTS PTY LTD.

Goondiwindi 9 Pratten St Goondiwindi 4390  
Ph (07)4671 2445 Fax (07)4671 2561  
E-Mail qld@smk.com.au  
Moree 39 Frome St Moree 2400  
Ph (02)6752 1640 Fax (02)6752 5070

PLAN OF PROPOSED SUBDIVISION OF LOT 24  
ON SPI73915 & LOT 590 ON SPI20718

205094

SCALE: 1:2000

A3

205094-3

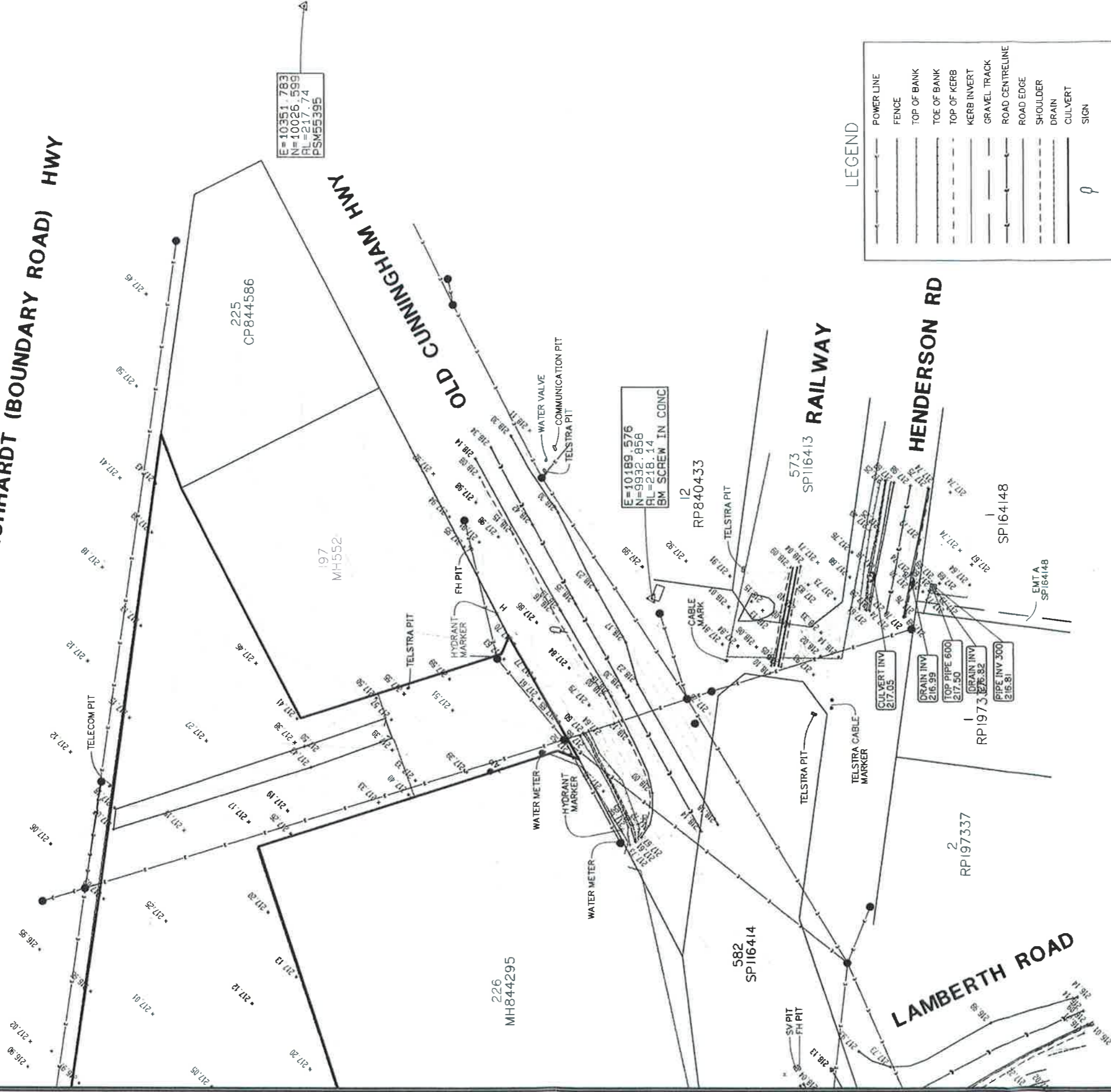
Drawn JJ 4/2/16 Checked FBK

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 16/1857  
Dated: 22-02-18  
Signed: *RM*  
Print Name: Carl Manton  
(Under Delegation) ASSESSMENT MANAGER



LEICHHARDT (BOUNDARY ROAD) HWY

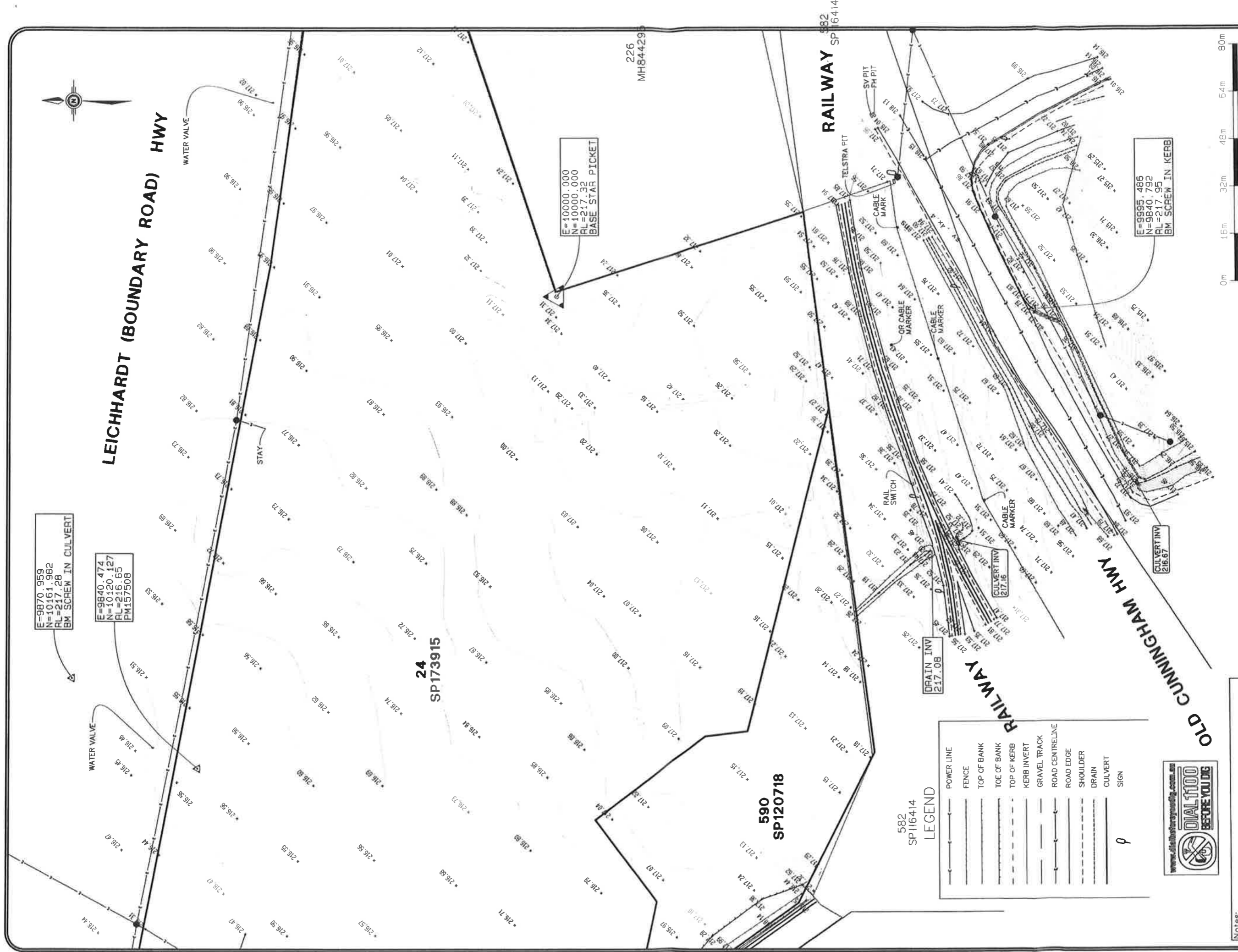
CULV INV 570  
216.94



Notes:  
1) Elevation datum taken from PSM 68570 RL 217.849.  
2) Underground services to be verified by relevant authorities.  
3) Contours @ 0.1m intervals



<b>SMK</b> CONSULTANTS PTY. LTD. Goondiwindi 130 Marshall St Goondiwindi 4390 Ph (07)4671 2445 Fax (07)4671 2561 Email: <a href="mailto:info@smk.com.au">info@smk.com.au</a> Maree 39 Frome St Maree 2400 Ph (08)752 8501 Fax (08)752 5070	<b>M. BURKE</b>	DETAIL SURVEY OF LOT 24 ON SPI73915, LOT 590 ON SPI20718 & PART OF OLD CUNNINGHAM HIGHWAY Horizontal Datum: CADASTRAL Vertical Datum: A.H.D DER		216013	<b>A2</b>	216013-3
	SCALE Hor Z 1:800					



Notes:  
1) Elevation datum taken from PSM 68570 RL 217.849.  
2) Underground services to be verified by relevant authorities.  
3) Contours @ 0.1m intervals



LEGEND

—+—+—	POWER LINE
—+—+—	FENCE
—+—+—	TOP OF BANK
—+—+—	TOE OF BANK
—+—+—	TOP OF KERB
—+—+—	KERB INVERT
—+—+—	GRAVEL TRACK
—+—+—	ROAD CENTRELINE
—+—+—	ROAD EDGE
—+—+—	SHOULDER
—+—+—	DRAIN
—+—+—	CULVERT
—+—+—	SIGN



**SMK**  
CONSULTANTS PTY. LTD.

**M. BURKE**  
Goondiwindi 130 Marshall St Goondiwindi 4390  
Ph (07) 4671 2445  
Fax (07) 4671 2561  
Email: [gid@smk.com.au](mailto:gid@smk.com.au)  
Moree 39 Frome St Moree 2400  
Ph (02) 6752 1640 Fax (02) 6752 5070

DETAIL SURVEY OF LOT 24 ON SPI73915,  
LOT 590 ON SPI20718 & PART OF  
OLD CUNNINGHAM HIGHWAY  
Horizontal Datum: CADASTRAL  
Vertical Datum: A.H.D DER

216013

A2

SCALE Horiz 1:800

216013-2

GOONDWINDI REGIONAL COUNCIL

Approved Plan referred to in Council's Decision Notice

Council Reference: 16/18G

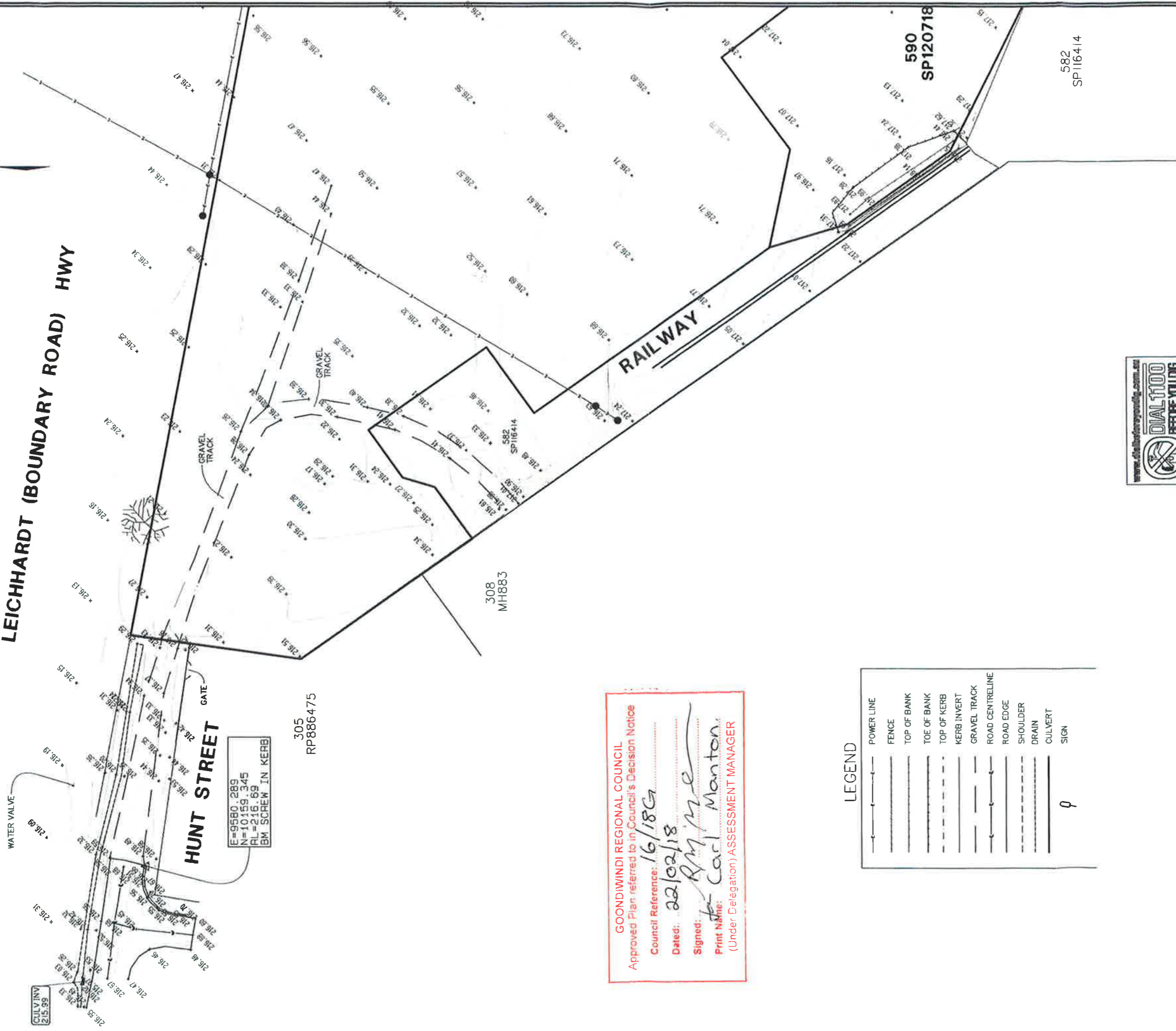
Dated: 22-02-18

Signed: 

Print Name: Carl Manton

(Under Delegation) ASSESSMENT MANAGER

LEICHHARDT (BOUNDARY ROAD) HWY



Notes:  
1) Elevation datum taken from PSM 68570 RL 217.849.  
2) Underground services to be verified by relevant authorities.  
3) Contours @ 0.1m intervals



SCALE 1: 800

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 16/18G  
Dated: 22/02/18  
Signed: *Carl Manton*  
Print Name: Carl Manton  
(Under Delegation) ASSESSMENT MANAGER

LEGEND

—●—	POWER LINE
—	FENCE
—	TOP OF BANK
—	TOE OF BANK
—	TOP OF KERB
—	KERB INVERT
—	GRAVEL TRACK
—	ROAD CENTRELINE
—	ROAD EDGE
—	SHOULDER
—	DRAIN
—	CULVERT
⊙	SIGN

M. BURKE

Goondiwindi 130 Marshall St Goondiwindi 4390  
Ph (07) 4671 2445  
Fax (07) 4671 2551  
Email: [info@smk.com.au](mailto:info@smk.com.au)  
Moorie 39 Fyfe St Moorie 2400  
Ph (02) 752 6407 Fax (02) 6752 5070

**SMK**  
CONSULTANTS PTY. LTD.

DETAIL SURVEY OF LOT 24 ON SPI73915,  
LOT 590 ON SPI20718 & PART OF  
OLD CUNNINGHAM HIGHWAY  
Horizontal Datum: CADASTRAL  
Vertical Datum: A.H.D DER

216013

A2

SCALE Horiz 1:800

216013-I

Surveyor JFU 14/3/2016 9:00AM



## **Attachment 3 - Infrastructure Charges Notice**





Goondiwindi Customer Service  
Centre  
82 Marshall Street  
Goondiwindi  
Inglewood Customer Service  
Centre  
18 Elizabeth Street  
Inglewood

Locked Mail Bag 7  
Inglewood QLD 4387

Telephone: 07 4671 7400  
Fax: 07 4671 7433

Email: [mail@grc.qld.gov.au](mailto:mail@grc.qld.gov.au)

## Infrastructure Charges Notice

<b>Address</b>	Hunt Street, Goondiwindi
<b>Owner</b>	Malcom and Melissa Burke
<b>Application No.</b>	16/18G
<b>Lot and Survey Plan</b>	Lot 24 on SP173915 and Lot 590 on SP120718
<b>Date</b>	22 February 2018
<b>Approval</b>	Development Permit – Reconfiguration of a Lot

### Development Application Details

Development Permit for a Reconfiguration of a Lot (two into ten lot subdivision)

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot	A	5,000	8	40,000

<b>Due Date</b>	When Goondiwindi Regional Council approves the plan of subdivision	<b>Total Charge (\$)</b>	<b>\$40,000</b>
<b>Charge to be paid to</b>	Goondiwindi Regional Council		
<b>Lapse Date</b>	22 February 2022		

Authorized by:

Print Name:

**Mr Carl Manton**  
Chief Executive Officer

An offset has been applied to this notice, whereas the existing lot has not been charged. The amount of the charge per lot is \$5,000 for the additional lot.

*In accordance with s633 of the Sustainable Planning Act 2009*

### Office Use - Receipt Number

Subdivisions – 1250-1150-0000





**Attachment 4 -     *Sustainable Planning Act 2009***  
***Extracts***



**EXTRACT FROM SUSTAINABLE PLANNING ACT 2009  
RELATING TO APPEAL RIGHTS**

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

**461 Appeals by applicants**

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 Appeals by submitters—general**

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

(a) the giving of a development approval;

(b) any provision of the approval including—

- (i) a condition of, or lack of condition for, the approval; or
- (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or
- (b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

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

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

- (a) development for an aquacultural ERA; or
- (b) development that is—

- (i) a material change of use of premises for aquaculture; or
- (ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;

(b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

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

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

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

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

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

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

#### **468 Appeals against decision on request for compliance assessment**

(1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a

document or work may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the notice is given to the person.

#### **469 Appeals against condition imposed on compliance permit or certificate**

(1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.

(2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

#### **470 Appeals against particular decisions about compliance assessment**

(1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice—

(a) a notice of a decision on a request to change or withdraw an action notice;

(b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.

(2) The appeal must be started within 20 business days after the day the notice is given to the person.

#### **478 Appeals about particular charges for infrastructure**

(1) This section applies to a person who has been given, and is dissatisfied with—

(a) an infrastructure charges notice, regulated infrastructure charges notice or adopted infrastructure charges notice; or

(b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice or negotiated adopted infrastructure charges notice.

(2) The person may appeal to the court against the notice.

(3) An appeal against a notice mentioned in subsection (1) must be started within 20 business

days after the day the notice is given to the person.

(4) An appeal under this section may only be about—

(a) whether a charge in the notice is so unreasonable that no reasonable relevant local government or State infrastructure provider could have imposed it; or

(b) an error in the calculation of the charge.

(5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule or regulated infrastructure charges schedule.

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

(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

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

(1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.

(3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

**EXTRACT FROM SUSTAINABLE PLANNING ACT 2009  
RELATING TO LAPSE DATES**

**341 When approval lapses if development not started**

(1) To the extent a development approval is for a material change of use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the relevant period)—

(a) 4 years starting the day the approval takes effect;

(b) if the approval states a different period from when the approval takes effect—the stated period.

(2) To the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the local government within the following period (also the relevant period)—

(a) for reconfiguration not requiring operational works—2 years starting the day the approval takes effect;

(b) for reconfiguration requiring operational works—4 years starting the day the approval takes effect;

(c) if the approval states a different period from when the approval takes effect—the stated period.

(3) To the extent a development approval is for development other than a material change of use of premises or reconfiguring a lot, the approval lapses if the development does not substantially start within the following period (also the relevant period)—

(a) 2 years starting the day the approval takes effect;

(b) if the approval states a different period from when the approval takes effect—the stated period.

(4) Despite subsections (1) and (2), if there are 1 or more related approvals for a development approval mentioned in subsection (1) or (2), the

relevant period is taken to have started on the day the latest related approval takes effect.

(5) If a monetary security has been given in relation to any development approval, the security must be released if the approval lapses under this section.

(6) The lapsing of a development approval for a material change of use of premises or reconfiguring a lot does not cause an approval mentioned in subsection (3) to lapse.

(7) In this section—

**related approval**, for a development approval for a material change of use of premises (the **earlier approval**), means—

(a) the first development approval for a development application made to a local government or private certifier, or first compliance permit for a request for compliance assessment made to a local government or entity nominated by a local government, within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—a development permit or compliance permit for the material change of use of premises; or

(ii) to the extent the earlier approval is a development permit or a preliminary approval for development mentioned in section 242(3)(a)(i) or (ii)—a development permit or compliance permit for building work or operational work necessary for the material change of use of premises to take place; and

(b) each further development permit, for a development application made to a local government or private certifier within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place; and

(c) each further compliance permit, for a request for compliance assessment made to a local government or entity nominated by a local government within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place.

**related approval**, for a development approval for reconfiguring a lot (also the **earlier approval**), means—

(a) the first development permit for a development application made to a local government, or first compliance permit for a request for compliance assessment made to a local government or entity nominated by a local government, within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—for the reconfiguration; or

(ii) to the extent the earlier approval is a development permit for reconfiguring a lot—for operational work related to the reconfiguration; and

(b) each further development permit, for a development application made to a local government within 2 years of the day the last related approval takes effect, that is for operational work related to the reconfiguration; and

(c) each further compliance permit, for a request for compliance assessment made to a local government or entity nominated by a local government within 2 years of the day the last related approval takes effect, that is for operational work related to the reconfiguration.

#### **342 When approval lapses if development started but not completed—general**

(1) Subsection (2) applies if—

(a) a condition requires assessable development, or an aspect of assessable development, to be completed within a particular time; and

(b) the assessable development, or aspect, is started but not completed within the time.

(2) The approval, to the extent it relates to the assessable development or aspect not completed, lapses.

(3) However, even though the approval has lapsed, any security paid under a condition mentioned in section 346(1)(f) may be used in a way stated by the approval, including, for example, to finish the development.

(4) This section does not apply to a preliminary approval to which section 242 applies.