

File: 20/04G
Date: 20 March 2020

Michael and Stacey Wild
21 Tulloch Crescent
GOONDIWINDI QLD 4390

Dear Mr and Mrs Wild,

**Decision Notice – Approval (with conditions)
Material Change of Use
Lot 68 on SP127657, 21 Tulloch Crescent, Goondiwindi**

We wish to advise that on 20 March 2020, a decision was made to approve the material change of use development application for “Accommodation activities” – “Dwelling House” (Domestic Storage Shed within the boundary setback requirements) at Lot 68 on SP127657, 21 Tulloch Crescent, Goondiwindi. 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 the commencement of the use** as well as requirements for the ongoing operation of the use.

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note **Condition 17**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

The applicant is required to **notify Council in writing of the date of the commencement** of the use, within fourteen (14) business days of commencement.

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,



Phillip Gall
Manager, Environmental Health & Building Services
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 20/04G
Council Contact: Mrs Ronnie McMahon
Council Contact Phone: (07) 4671 7400

20 March 2020

Applicant Details: Michael and Stacey Wild
21 Tulloch Crescent
GOONDIWINDI QLD 4390

The development application described below was properly made to Goondiwindi Regional Council on 11 March 2020.

Applicant details

Applicant name: Michael and Stacey Wild
Applicant contact details: 21 Tulloch Crescent, Goondiwindi Qld 4390
stace_mick@bigpond.com
0499 990 178

Application details

Application number: 20/04G
Approval sought: Development Permit - Material Change of Use
Details of proposed development: "Accommodation Activities"- "Dwelling House" (Domestic Storage Shed within the boundary setback requirements)

Location details

Street address: 21 Tulloch Crescent, Goondiwindi
Real property description: Lot 68 on SP127657

Decision

Date of decision: 20 March 2020
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

Development permit: Material Change of Use

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. Approval for building work under the *Building Act 1975*

Properly made submissions

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

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular 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*).

A copy of the relevant appeal provisions are attached in Attachment 4.

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* OR

- [For material change of use] This approval lapses if the first change of use does not happen within **six (6) years**.

Approved plans and specifications

Copies of the following plans are enclosed.

| Drawing/report title | Prepared by | Date | Reference no. | Version/issue |
|--|--|-----------------------|---------------|---------------|
| Aspect of development: material change of use | | | | |
| Site Plan | The Design Works amended by Michael Wild | Aug 2007 Amended 2020 | 07-0801.10 | |
| Aerial Image Site Plan | KIM | March 2020 | | |
| Building Layout | Wide Span Sheds | March 2020 | FC2003030 | |

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

Attachment 4 is an extract from the *Planning Act 2016*, which details the applicant's appeal rights 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 Sincerely,



Phillip Gall
Manager, Environmental Health & Building Services
Goondiwindi Regional Council

enc Attachment 1—Assessment manager conditions
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

| | |
|-----------------------------------|--|
| Proposed Use: | "Accommodation Activities" <ul style="list-style-type: none"> "Dwelling House" (Domestic Storage Shed within the boundary setback requirements) |
| Development: | Material Change of Use – Development Permit |
| Applicant: | Michael and Stacey Wild |
| Address: | 21 Tulloch Crescent, Goondiwindi |
| Real Property Description: | Lot 68 on SP127657 |
| Council File Reference: | 20/04G |

| GENERAL CONDITIONS | | | | | | | | | | | | | |
|--------------------|--|---------------------------------|-------|------|------------|-----------|---------------------------------|--|----------------------------|------------|-----------|-----------------------------------|------------|
| 1. | Approval is granted for the purpose of a Material Change of Use for "Accommodation activities" – "Dwelling house" (Domestic Storage Shed within the boundary setback requirements) as defined in the <i>Goondiwindi Region Planning Scheme 2018</i> . | | | | | | | | | | | | |
| 2. | All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition. | | | | | | | | | | | | |
| 3. | <p>Except where changed by conditions of this approval, the development shall be constructed in accordance with supporting information supplied by the applicant with the development application including the following plans:</p> <table border="1"> <thead> <tr> <th>Drawing Number</th> <th>Title</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>07-0801.10</td> <td>Site Plan</td> <td>Aug 2007 Amended Mar 2020</td> </tr> <tr> <td></td> <td>KIM Aerial Image Site Plan</td> <td>March 2020</td> </tr> <tr> <td>FC2003030</td> <td>Wide Span Sheds – Building Layout</td> <td>March 2020</td> </tr> </tbody> </table> <p>Please note these plans are not approved Building Plans.</p> | Drawing Number | Title | Date | 07-0801.10 | Site Plan | Aug 2007 Amended Mar 2020 | | KIM Aerial Image Site Plan | March 2020 | FC2003030 | Wide Span Sheds – Building Layout | March 2020 |
| Drawing Number | Title | Date | | | | | | | | | | | |
| 07-0801.10 | Site Plan | Aug 2007 Amended Mar 2020 | | | | | | | | | | | |
| | KIM Aerial Image Site Plan | March 2020 | | | | | | | | | | | |
| FC2003030 | Wide Span Sheds – Building Layout | March 2020 | | | | | | | | | | | |
| 4. | <p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> (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 Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <p>All development shall comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018</i>, 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 plans and supporting documentation including any written and electronic correspondence between the applicant, Council or any relevant agencies during all stages of the development application assessment processes.</p> | | | | | | | | | | | | |

| | |
|--------------------------|--|
| 5. | <p>The existing hedge along the site's western boundary is to be maintained at all times, to the satisfaction of and at no cost to Council.</p> <p>If the existing screening (hedge) is removed for any reason in the future, landscaping or a solid screen fence must be installed, to the satisfaction of and at no cost to Council.</p> |
| 6. | <p>It is the developer's responsibility to obtain all required statutory approvals prior to commencement of any works on site, including but not limited to a building approval from an accredited Building Surveyor.</p> |
| STORMWATER | |
| 7. | <p>Prior to the commencement of the use, the site 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</i>, to the satisfaction of and at no cost to Council.</p> <p>Any increase 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.</p> <p>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.</p> <p>The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p> |
| 8. | <p>Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council.</p> <p>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.</p> |
| AVOIDING NUISANCE | |
| 9. | <p>The operator shall be responsible for mitigating any complaint arising from on-site operations.</p> |
| 10. | <p>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>The site must be kept in a clean and tidy state at all times during construction.</p> |

| DEVELOPER'S RESPONSIBILITIES | |
|-------------------------------------|--|
| 11. | Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council. |
| 12. | 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. |
| 13. | The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs. |
| 14. | At all times, all requirements of the conditions of the development approval must be maintained. |
| COMMENCEMENT OF WORK | |
| 15. | <p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p> <p>The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.</p> |
| 16. | <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes effect, in accordance with the provisions contained in section 85 of the <i>Planning Act 2016</i>.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p> |
| 17. | A letter outlining and demonstrating that conditions have been, or how they will be, complied with, shall be submitted to Council once building work is completed. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards. |

| | PLEASE READ CAREFULLY – NOTES AND ADVICE |
|--|--|
| | <p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</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> |



Attachment 2 – Approved Plans



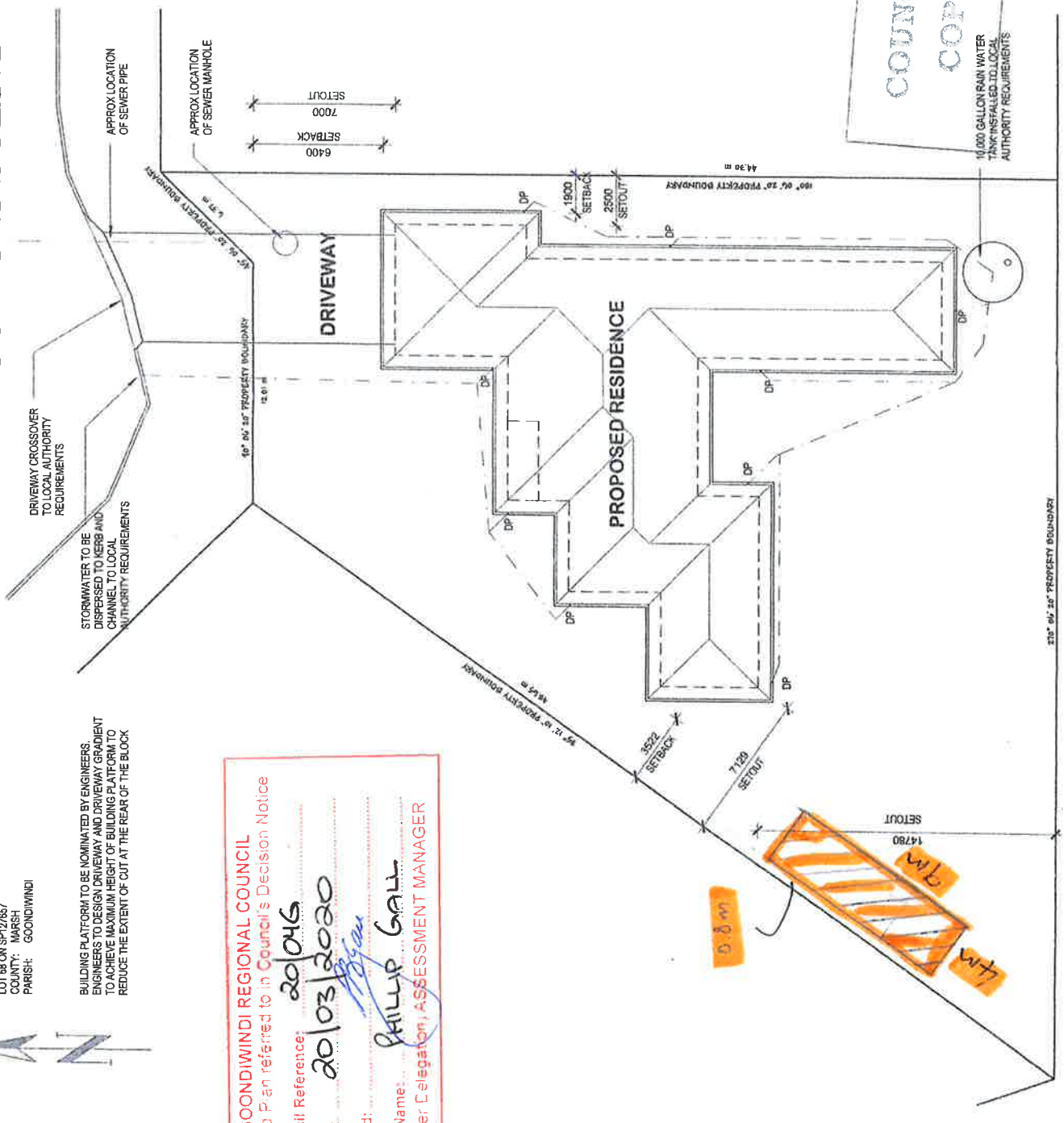


The Design Works Toowoomba Pty Ltd
 A.B.N. 67 103 297 730
 Shop 6, 16-18 Mylne Street
 P.O. Box 444
 Toowoomba Qld. 4350
 Ph 46 387856
 Fax 46384518
 mail@thedesignworks.net.au
 Q.B.S.A. Lic. No. 1020637

| No. | Description | Date |
|-----|-----------------------------|------|
| | DL & ME BIESIEK | |
| | PROPOSED RESIDENCE | |
| | 21 TULLOCH CRES GOONDIWINDI | |
| | SITE PLAN | |

| | |
|-------------------|-------------------|
| Status | BUILDING APPROVAL |
| Date | 21/08/07 |
| Drawn by | LCH |
| Checked by | STAT |
| 07-0801.10 | |
| Scale | 1:200 |

TULLOCH CRESCENT



REAL PROPERTY DESCRIPTION
 LOT 18 ON SP27857
 COUNTY: MARSH
 PARISH: GOONDIWINDI

BUILDING PLATFORM TO BE NOMINATED BY ENGINEERS, ENGINEERS TO DESIGN DRIVEWAY AND DRIVEWAY GRADIENT TO ACHIEVE MAXIMUM HEIGHT OF BUILDING PLATFORM TO REDUCE THE EXTENT OF CUT AT THE REAR OF THE BLOCK

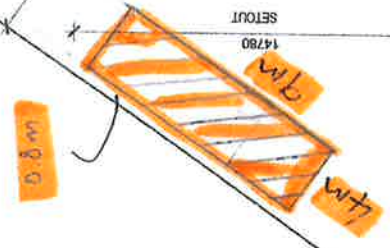
GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice

Council Reference: 201045

Dated: 20/03/2020

Signed: [Signature]

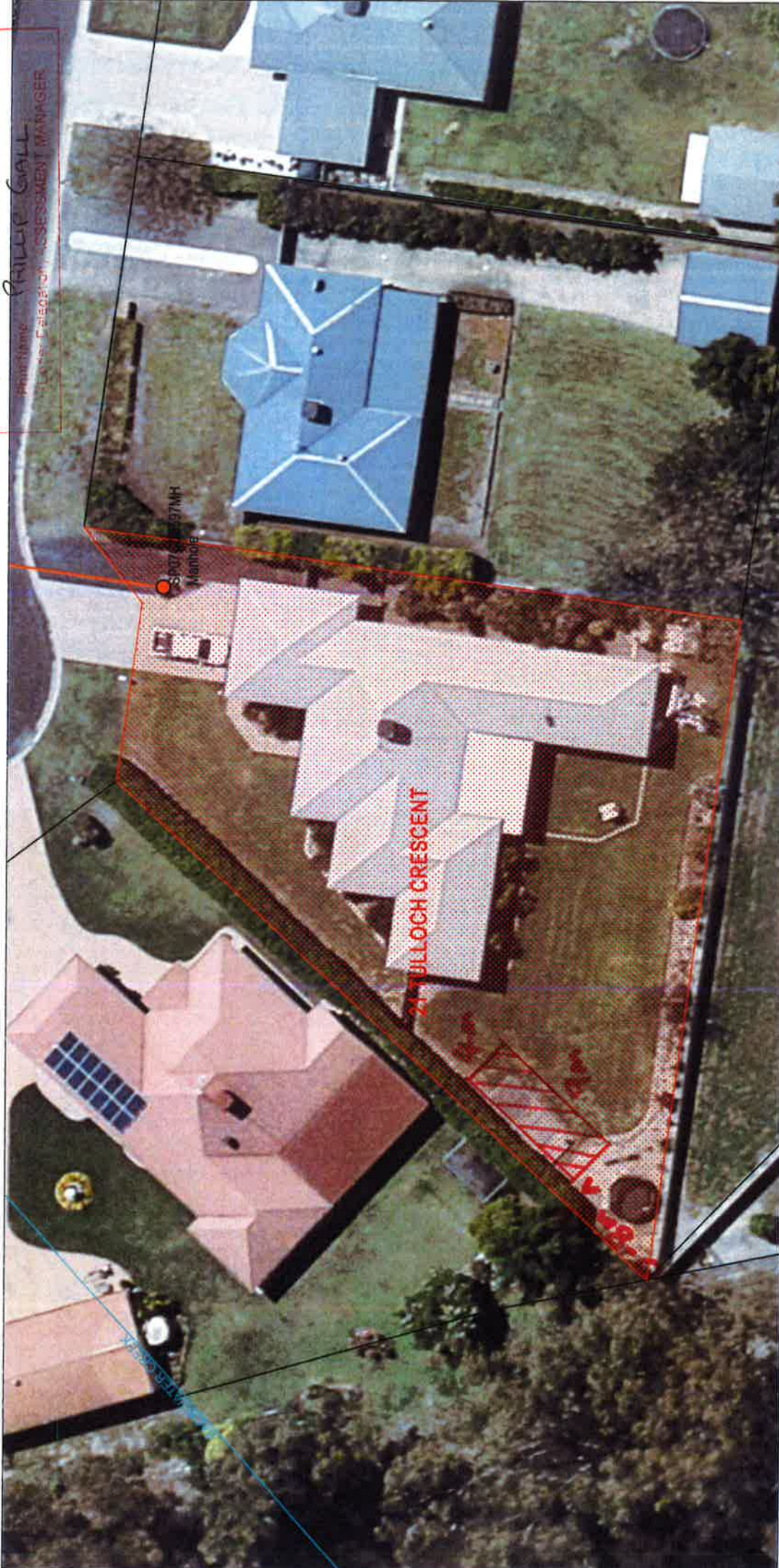
Print Name: PHILIP GALL
 (Under Delegation, ASSESSMENT MANAGER)



207' 00" PROPERTY BOUNDARY
 44.18 m

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 20/046
Dated: 20/03/2020
Signed:

Applicant: PHILIP GALL
Local Government ASSESSMENT MANAGER

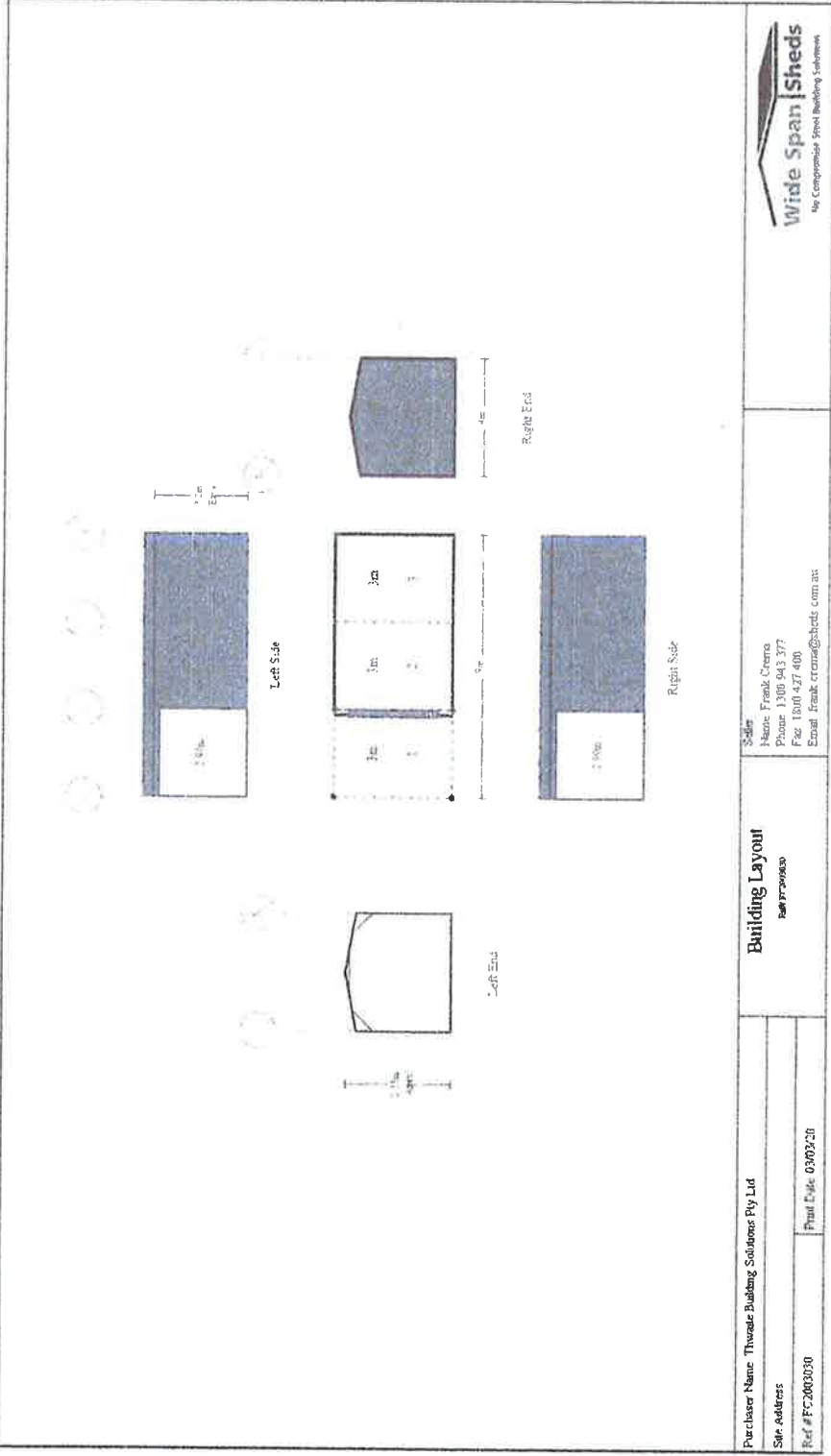


PROPOSED SHED LOCATION 800mm OFF SIDE BOUNDARY

Building Layout

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

Council Reference: 20/046
 Dated: 20/03/2020
 Signed: *Phillip Galt*
 Print Name: PHILLIP GALT
 (Under Delegation) ASSESSMENT MANAGER



| | | | | | | | |
|---|--|---------------------------------------|--|---|--|--|--|
| Purchaser Name: Thwale Blabbing Solutions Pty Ltd Site Address: Ref # FC2002030 | | Building Layout Ref: 20/046 | | Seller: Name: Frank Czerni Phone: 1300 943 377 Fax: 1800 437 400 Email: frank.czerni@sheds.com.au | | We Compare! Steel Building Solutions | |
|---|--|---------------------------------------|--|---|--|--|--|



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 "Accommodation Activities" – Dwelling House (Domestic Storage Shed within the boundary setback requirements)

20/04G

21 Tulloch Crescent, Goondiwindi

Lot 68 on SP127657

On 19 March 2020, 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 General Residential Zone Code of the *Goondiwindi Region Planning Scheme 2018*, 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 |
|---|--|
| General Residential Zone Code | <i>Goondiwindi Region Planning Scheme 2018</i> : PO3 |

3. Compliance with benchmarks

Not applicable, as the proposed development complied with all applicable benchmarks.

4. Relevant matters for impact assessable development

Not applicable, as the proposed development was code assessable.

5. Matters raised in submissions for impact assessable development

Not applicable, as the proposed development was code assessable.

6. Matters prescribed by Regulation

Not applicable to this proposed development.



Attachment 4 – *Planning Act 2016 Extracts*



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

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*

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—

(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

**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.