

File: 21/19W  
Date: 23 September 2021

SMK QLD for Peter Giblin  
PO Box 422  
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Mr Jobling

**Decision Notice – approval (with conditions)  
Material Change of Use**

**Lot 92 on MH554, Lot 101 on MH707 & Lot 109 on MH807356, 19, 21 & 23 Taloom  
Street, Yelarbon**

We wish to advise that on 23 September 2021 a decision was made to approve the material change of use development application for “*Business activities*” – “*Service station*” at Lot 92 on MH554, Lot 101 on MH707 & Lot 109 on MH807356, 19, 21 & 23 Taloom Street, Yelarbon. 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 37**, 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](mailto: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: 21/19W  
Council Contact: Mrs Ronnie McMahon: LMM  
Council Contact Phone: (07) 4671 7400

23 September 2021

**Applicant Details:** SMK QLD for Peter Giblin  
PO Box 422  
GOONDIWINDI QLD 4390

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 25 March 2021.

#### **Applicant details**

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Applicant name: SMK QLD for Peter Giblin  
Applicant contact details: Mr Tom Jobling  
PO Box 422, Goondiwindi, QLD 4390  
[tom@smkqld.com.au](mailto:tom@smkqld.com.au)  
(07) 4671 2445

#### **Application details**

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Application number: 21/19W  
Approval sought: Development Permit – Material Change of Use  
Details of proposed development: *“Business activities” – “Service station”*

#### **Location details**

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Street address: 19, 21 & 23 Taloom Street, Yelarbon  
Real property description: Lot 92 on MH554, Lot 101 on MH707 & Lot 109 on MH807356

#### **Decision**

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Date of decision: 23 September 2021  
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**

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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	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out building work (assessable under the <i>Building Act 1975</i> )	Schedule 9, part 1	<input type="checkbox"/>	<input type="checkbox"/>
Development on airport land if the land use plan for the airport land states the development is assessable development - building work - plumbing or drainage work - material change of use (consistent with the land use plan) - reconfiguring a lot - operational work	Schedule 10, part 1, division 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Making a material change of use on airport land that is inconsistent with the land use plan for the airport land	Schedule 10, part 1, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use for a brothel	Schedule 10, part 2, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for the clearing of native vegetation	Schedule 10, part 3, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use on contaminated land	Schedule 10, part 4, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for an environmentally relevant activity	Schedule 10, part 5, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for aquaculture	Schedule 10, part 6, division 1, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is completely or partly in a declared fish habitat area	Schedule 10, part 6, division 2, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is the removal, destruction or damage of a marine plant	Schedule 10, part 6, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is constructing or raising waterway barrier works	Schedule 10, part 6, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a material change of use for a hazardous chemical facility	Schedule 10, part 7, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Development on a local heritage place (other than a Queensland heritage place) - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 8, division 1, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Development on or adjoining a Queensland heritage place - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 8, division 2, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Development interfering with koala habitat in koala habitat areas outside koala priority areas	Schedule 10, part 10, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Development interfering with koala habitat in koala habitat areas for extractive industries in key resource areas	Schedule 10, part 10, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for reconfiguring a lot, if the reconfiguration is also assessable development	Schedule 10, part 12, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Development in a priority port's master planned area that the port overlay for the master planned area states is assessable development - building work - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 13, division 4, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Development on strategic port land if the land use plan for the strategic port land states the development is assessable development - building work - plumbing or drainage work - material change of use (consistent with the land use plan) - reconfiguring a lot - operational work	Schedule 10, part 13, division 5, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Making a material change of use on strategic port land that is inconsistent with the land use plan	Schedule 10, part 13, division 5, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a lot under the <i>Land Title Act 1994</i>	Schedule 10, part 14, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a tourist activity or sport and recreation activity in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 2, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a residential care facility in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 3, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a community activity, other than a residential care facility, in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 3, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for indoor recreation in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a biotechnology industry in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a service station in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for an urban activity other than a biotechnology industry or service station in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for two or more of the following: (i) a community activity (ii) indoor recreation (iii) a sport and recreation activity (iv) a tourist activity (v) an urban activity, in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 7, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out operational work that is tidal works or work carried out completely or partly in a coastal management district	Schedule 10, part 17, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that involves taking, or interfering with, water	Schedule 10, part 19, division 1, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development for removing quarry material from a watercourse or lake - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 19, division 2, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out operational work that is the construction of a dam or relates to a dam.	Schedule 10, part 19, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for construction of a new category 2 or 3 levee or for modification of an existing category 2 or 3 levee	Schedule 10, part 19, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is high impact earthworks in a wetland protection area	Schedule 10, part 20, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a wind farm	Schedule 10, part 21, division 1	<input type="checkbox"/>	<input type="checkbox"/>

### 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 works under the *Building Act 1975*.

### 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	Advice agency or concurrence agency	Address
<p>As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) of the PR:</p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection.</p>	Department of State Development, Infrastructure, Local Government and Planning	Concurrence Agency	<p>Department of State Development, Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p><a href="mailto:ToowoombaSARA@dsdip.qld.gov.au">ToowoombaSARA@dsdip.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>

### Approved plans and specifications

Copies of the following plans are enclosed.

Drawing/report title	Prepared by	Date	Reference no.
<b>Aspect of development: [material change of use]</b>			
Proposal Plan to Accompany MCU Application Lot 92 on MH554, 101 on MH707 & 109 on MH807356 19 Taloom Street, Yelarbon	SMK Consultants Pty Ltd	14/02/17	20070-1
Proposal plan to Accompany MCU Application Lot 92 on MH554, 101 on MH707 & 109 on MH807356 – 19 Taloom Street, Yelarbon	SMK QLD Pty Ltd	29/07/21	20070-2

### **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*

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

### **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

A handwritten signature in dark ink, appearing to read 'R/McM', followed by a long horizontal flourish.

**Ronnie McMahon**  
Manager of Planning Services  
Goondiwindi Regional Council

enc     Attachment 1—Assessment manager and concurrence agency 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**

*Part 1 – Assessment Manager’s Conditions*

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

### **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

<b>Approved Use:</b>	"Business activities" • "Service station"
<b>Development:</b>	Material Change of Use – Development Permit
<b>Applicant:</b>	SMK Pty Ltd for Peter Giblin
<b>Address:</b>	19, 21 & 23 Taloom Street, Yelarbon
<b>Real Property Description:</b>	Lot 92 on MH554, Lot 101 on MH707 and Lot 109 on MH807356
<b>Council File Reference:</b>	21/19W

GENERAL CONDITIONS										
1.	Approval is granted for the purpose of a Material Change of Use for: <ul style="list-style-type: none"><li>• “Business activities” – “Service Station”</li></ul> as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> .									
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.									
3.	Lot 92 on MH554, Lot 101 on MH707 and Lot 109 on MH807356 shall be amalgamated into a single lot. The associated survey plan shall be lodged with the Title Registry for registration prior to commencement of the use. On completion of the survey plan being registered, a copy of the registered plan and title shall be provided to Council.									
4.	Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans: <table><tr><th>Drawing Number</th><th>Title</th><th>Date</th></tr><tr><td>20070-1</td><td>Proposal Plan to Accompany MCU Application Lot 92 on MH554, 101 on MH707 &amp; 109 on MH804356 19 Taloom Street, Yelarbon</td><td>14/02/17</td></tr><tr><td>20070-2</td><td>Proposal Plan to Accompany MCU Application Lot 92 MH554, 101 on MH707 &amp; 109 on MH807356 – 19 Taloom Street, Yelarbon</td><td>29/07/21</td></tr></table>	Drawing Number	Title	Date	20070-1	Proposal Plan to Accompany MCU Application Lot 92 on MH554, 101 on MH707 & 109 on MH804356 19 Taloom Street, Yelarbon	14/02/17	20070-2	Proposal Plan to Accompany MCU Application Lot 92 MH554, 101 on MH707 & 109 on MH807356 – 19 Taloom Street, Yelarbon	29/07/21
Drawing Number	Title	Date								
20070-1	Proposal Plan to Accompany MCU Application Lot 92 on MH554, 101 on MH707 & 109 on MH804356 19 Taloom Street, Yelarbon	14/02/17								
20070-2	Proposal Plan to Accompany MCU Application Lot 92 MH554, 101 on MH707 & 109 on MH807356 – 19 Taloom Street, Yelarbon	29/07/21								

Please note the plans are not an approved Building Plans.

5.	<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 the Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications.</li> </ul> <p>All development shall 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.</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 applicant, Council or any relevant Agencies during all stages of the development application assessment processes.</p>
6.	The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.
7.	It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site.
8.	Prior to construction works commencing on the site for the new canopy structure, any free standing signage structures and the above ground diesel storage tank a building approval is to be issued by an Accredited Licensed Building Surveyor (Private Certifier) or Goondiwindi Regional Council's Building section.
<b>ESSENTIAL SERVICES</b>	
9.	<p>Connection to Council's reticulated water supply system, shall be retained to the subject site, in accordance with Schedule 6.2 Planning Scheme Policy 1 – Land Development Standards in the <i>Goondiwindi Region Planning Scheme 2018</i>, at no cost to Council.</p> <p>Backflow prevention devises shall be installed, where required, prior to the commencement of the use.</p>
10.	Connection to Council's reticulated sewerage system shall be retained to the subject site, in accordance with Schedule 6.2 Planning Scheme Policy 1 – Land Development Standards in the <i>Goondiwindi Region Planning Scheme 2018</i> , at no cost to Council.
11.	The development shall be connected to an appropriately designed and installed grease trap for treatment of waste from cooking facilities, and oil separator for the design and treatment of waste from hardstand areas prior to the disposal.

	<b>PUBLIC UTILITIES</b>
12.	Connection to reticulated electricity and telecommunications shall be retained to the lot, at no cost to Council.
	<b>ROADS AND VEHICLES</b>
13.	All site accesses, shall be constructed to standards determined by the Department of Transport and Main Roads.
14.	<p>All areas where vehicles manoeuvre and park shall be constructed to a sealed 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>, to the satisfaction of and at no cost to Council.</p> <p>Parking and manoeuvring areas shall be either constructed or bonded prior to the commencement of the use</p> <p>The developer shall contact Council's Department of Engineering Services to ensure the correct specifications are obtained for all civil works prior to the commencement of any works on site.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
15.	Vehicle manoeuvring areas shall be provided so that all vehicles, including heavy vehicles, associated with the use can enter and leave the site in a forward direction.
	<b>STORMWATER</b>
16.	<p>Prior to the commencement of the use, the site shall be adequately drained and all stormwater shall be disposed of to a legal point of discharge in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</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>

17.	<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>
18.	<p>Stormwater and any petroleum spillage on the service station site are to be handled and treated in accordance with a Stormwater Management Plan and the Stormwater Quality Operation &amp; Maintenance Guidelines for the site. Matters to be addressed in the plan &amp; guideline documents are:</p> <ul style="list-style-type: none"> <li>(a) Method of collection and treatment of stormwater from around refuelling and hard surface areas;</li> <li>(b) Ongoing management of any interception devices installed to treat contaminated stormwater before discharging from the site to either Council's stormwater drainage system or sewerage system.</li> </ul> <p>Approval for the stormwater treatment system will be required from Council prior to construction work commencing on installing refuelling containment slabs.</p>
<b>EARTHWORKS AND EROSION CONTROL</b>	
19.	<p>Any filling or 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.</p> <p>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.</p>
20.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work 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 in accordance with other relevant engineering standards to the satisfaction of 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>

	<b>AVOIDING NUISANCE</b>
21.	At all times while the use continues, provision 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.
22.	At all times while the use continues, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> (the Act) and all relevant regulations and standards under that Act. All necessary licences, permits and approvals under the Act and all regulatory provisions and legislation shall be obtained and shall be maintained at all times while the use continues.
23.	All external lighting to refuelling areas is to be compliant with AS/NZS 4282-2019 " <i>Control of obtrusive effects of outdoor lighting</i> ".
24.	At all times while the use continues it shall be operated in such a manner as to ensure that no nuisance shall arise to adjoining premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.
25.	The operator shall be responsible for mitigating any complaints arising from on-site operations.
26.	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.  The site must be kept in a clean and tidy state at all times during construction.
27.	At all times while the use continues, any air conditioning equipment shall be acoustically screened to ensure noise levels do not exceed 5 dB(A) about the background noise level measured at the boundaries of the subject site.
28.	Prior to establishing any compound for storage of materials or undertaking construction work or parking of vehicles on Council controlled land, approvals are required and appropriate signage and barricades/fencing to be erected.
	<b>DEVELOPER'S RESPONSIBILITIES</b>
29.	It is the developer's responsibility to ensure that the development is resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.



30.	It is the developer's responsibility to ensure that the development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level, and does not increase the potential for flood damage either on-site or on other properties.
31.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or associated with the use of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
32.	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.
33.	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.
34.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
<b>COMMENCEMENT OF USE</b>	
35.	<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>
36.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within six years of the date the development approval takes effect, in accordance with the provisions contained in sections 85(i)(a) 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>
37.	A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.

	<b>PLEASE READ CAREFULLY - NOTES AND ADVICE</b>
	<p>When approval takes effect</p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p>When approval lapses</p> <p>This approval will lapse if the change of use has not occurred within the following period, in accordance with the provisions contained in section 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p style="padding-left: 40px;">(a) If no period stated – 6 years after the approval starts to have 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>It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.</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 authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.</p>



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

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



SARA reference: 2103-21823 SRA  
Council reference: 21/19W

13 August 2021

Chief Executive Officer  
Goondiwindi Regional Council  
LMB 7  
INGLEWOOD QLD 4387  
mail@grc.qld.gov.au

Attention: Ms Ronnie McMahon

Dear Ms McMahon

## SARA response—19-23 Taloom Street, Yelarbon

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 21 May 2021.

### Response

---

Outcome:	Referral agency response – with conditions.
Date of response:	13 August 2021
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

---

Description:	Development permit	Material Change of Use - 'Business Activities' - "Service Station"
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) State transport corridors and future State transport corridors	
SARA reference:	2103-21823 SRA	
Assessment Manager:	Goondiwindi Regional Council	

Street address: 19-23 Taloom Street, Yelarbon

Real property description: Lot 92 on MH554; Lot 101 on MH707; Lot 109 on MH807356

Applicant name: Peter Giblin  
c/- SMK QLD

Applicant contact details: 9 Pratten Street  
Goondiwindi QLD 4390  
tom@smkqld.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR21-033204
- Date: 11 August 2021

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at: Downs.South.West.IDAS@tmr.qld.gov.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Maria Johnson, Senior Planning Officer, on (07) 4616 7302 or via email ToowoombaSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Darren Cooper  
Manager - DDSW (Planning)

cc SMK QLD for Peter Giblin, tom@smkqld.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response  
Attachment 5 - Approved plans and specifications

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use – Business Activities – Service Station</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) State transport corridors and future State transport corridors — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures and other works involving ground disturbance must not encroach or de-stabilise the state-controlled road or the land supporting this infrastructure, or cause similar adverse impacts.	At all times
2.	<p>(a) The development must be in accordance with the Stormwater Management Plan prepared by Proterra Group, dated 7 January 2021.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>(iii) surcharge any existing culvert or drain on the state-controlled road;</li> <li>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul>	<p>(a) At all times.</p> <p>(b) At all times.</p>
3.	<p>(a) The road access locations are to be located generally in accordance with the Site Plan prepared by Peter Giblin (SMK QLD Pty Ltd), dated 29 July 2021, reference drawing 20070-2 (amended in red by SARA).</p> <p>(b) Road access works comprising a commercial driveway crossover, (at the eastern and western road access locations) must be provided generally in accordance with the Site Plan prepared by Peter Giblin (SMK QLD Pty Ltd), dated 29 July 2021, reference drawing 20070-2 (amended in red by SARA).</p> <p>The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads' <i>Road Planning and Design Manual</i>.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>
4.	The development must retain 24/7 unimpeded maintenance and emergency access to the railway corridor for Queensland Rail generally in accordance with the Proposal Plan, prepared by SKM Consultants, dated 14/02/17, drawing number 20070-1, (as amended in red by SARA)	Prior to the commencement of use and to be maintained at all times

5.	<p>(a) Stormwater and flooding management (a) of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> <li>i. create any new discharge points for stormwater runoff onto the railway corridor;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor;</li> <li>iii. surcharge any existing culvert or drain on the railway corridor;</li> <li>iv. reduce the quality of stormwater discharge onto the railway corridor;</li> <li>v. impede or interfere with hydraulic conveyance or overland flow paths on the site;</li> <li>vi. reduce the floodplain storage capacity of the site.</li> </ul>	(a) and (b) At all times
6.	Any excavation, filling/backfilling/compaction, retaining structures, building foundation structures, demolition, removal of services, stormwater management measures and other works involving ground disturbance must not encroach upon or de-stabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
7.	<p>Fencing must be provided along the site boundary with the railway corridor, in accordance with the following:</p> <ul style="list-style-type: none"> <li>o Queensland Rail drawing number QR-C-S3230 – '1.8m High Chain Link Security Fence Without Rails Using 50mm Diamond Mesh General Arrangement'; or</li> <li>o Queensland Rail drawing number QR-C-S3231 – 'Standard Timber Fence 1800mm High Timber Paling Fence'.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
8.	<p>a) The development must provide a RPEQ certified vehicle barrier generally in accordance with the Proposal Plan, prepared by SKM Consultants, dated 14/02/17, drawing number 20070-1, as amended in red.</p> <p>b) Registered Professional Engineer of Queensland certification with supporting documentation must be provided to Program, Delivery and Operations Unit, Downs South West Region (<a href="mailto:Downs.South.West.IDAS@tmr.qld.gov.au">Downs.South.West.IDAS@tmr.qld.gov.au</a>) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>a) At all times</p> <p>(b) Prior to the commencement of use</p>

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p><b>Road access works approval:</b> Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). <b>The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</b></p>
3.	<p><b>Advice for above ground tanks - Dangerous Goods and Fire Safety</b></p> <p>The facility operator should establish emergency procedures with the railway manager (Queensland Rail). Early notification of any situation will be required so that operations can be managed. The Emergency Response Plan (ERP) for the facility should include protocols for contacting Train Control so that appropriate emergency actions can be put in place. In particular, the railway manager's (Queensland Rail's) metropolitan control centre must be immediately notified on telephone number 1800 079 303 in relation to any dangerous goods events impacting on the railway.</p> <p>For safety reasons it is recommended that the above ground diesel tanks be converted to underground tanks.</p>
4.	<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. Prior to the commencement of works, the applicant should contact the railway manager regarding the removal of any existing fencing, utilities/services/infrastructure and structures and the installation of new fencing along the site's boundary with the railway corridor.</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 at: <a href="mailto:developmentenquiries@queenslandrail.com.au">developmentenquiries@queenslandrail.com.au</a> or on telephone number (07) 3072 1229 in relation to this matter.</p>



## Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads

The development complies with State code 2 Development in a railway environment and State code 6: Protection of state transport networks of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a railway
- does not compromise the structural integrity of railways, rail transport infrastructure, other rail infrastructure or railway works
- does not result in a worsening of the physical condition or operating performance of railways and the rail network
- does not compromise the state's ability to construct, or significantly increase the cost to construct railways and future railways
- does not compromise the state's ability to maintain and operate, or significantly increase the cost to maintain and operate railways.

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

## **Attachment 4— Representations about a referral agency response**

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## **Attachment 5—Approved plans and specifications**

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# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

---

### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

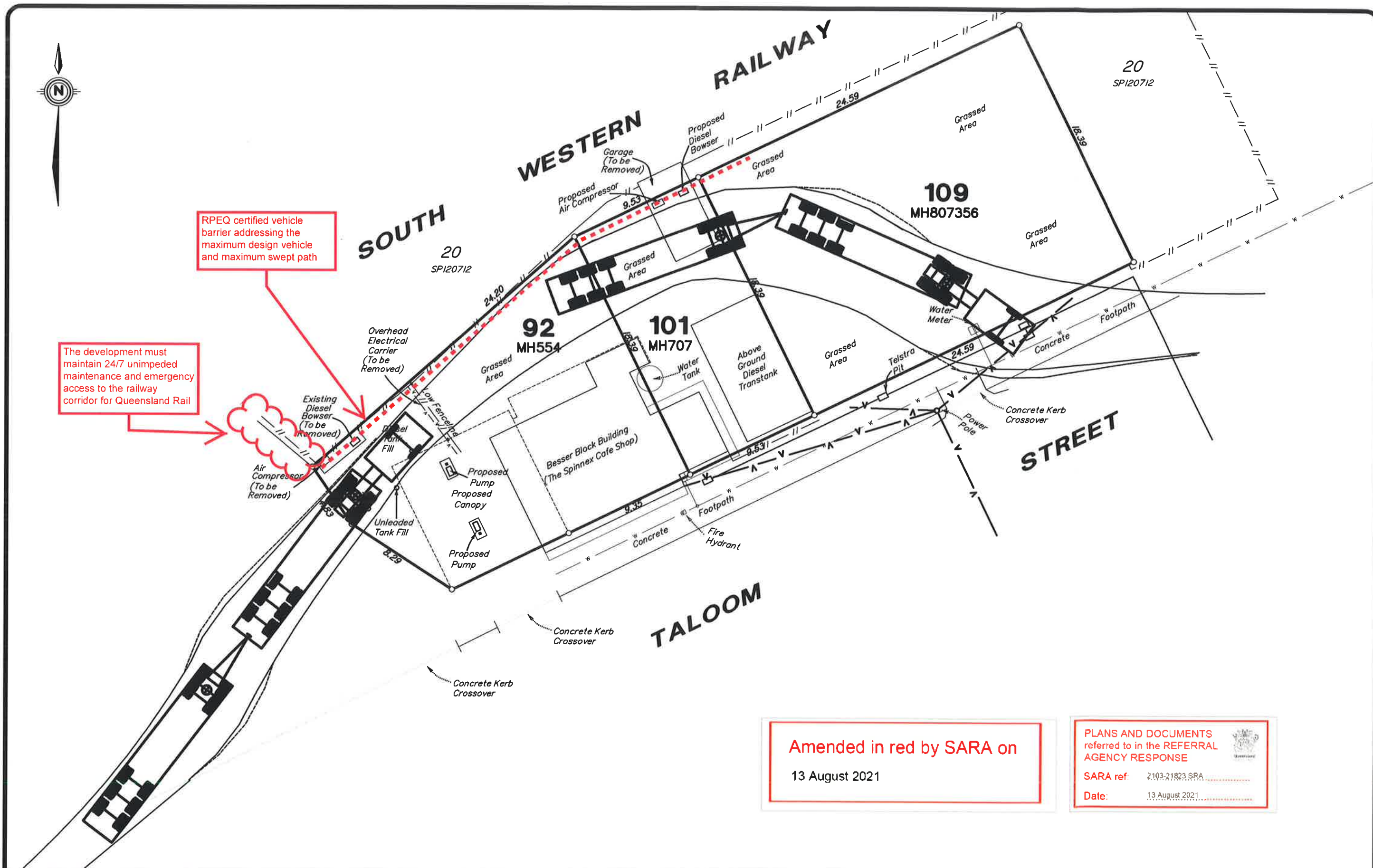
## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

---

<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



Amended in red by SARA on

13 August 2021

PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE

SARA ref: 2103-21823.SRA

Date: 13 August 2021

PETER GIBLIN

**SMK**

CONSULTANTS PTY. LTD.

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Ph (07)4671 2445 Fax (07)4671 2561  
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PROPOSAL PLAN TO ACCOMPANY MCU APPLICATION  
LOT 92 ON MH554, 101 ON MH707 & 109 ON MH807356  
19 TALOOM STREET, YELARBON

LOCALITY: YELARBON

20070

SCALE: 1:250

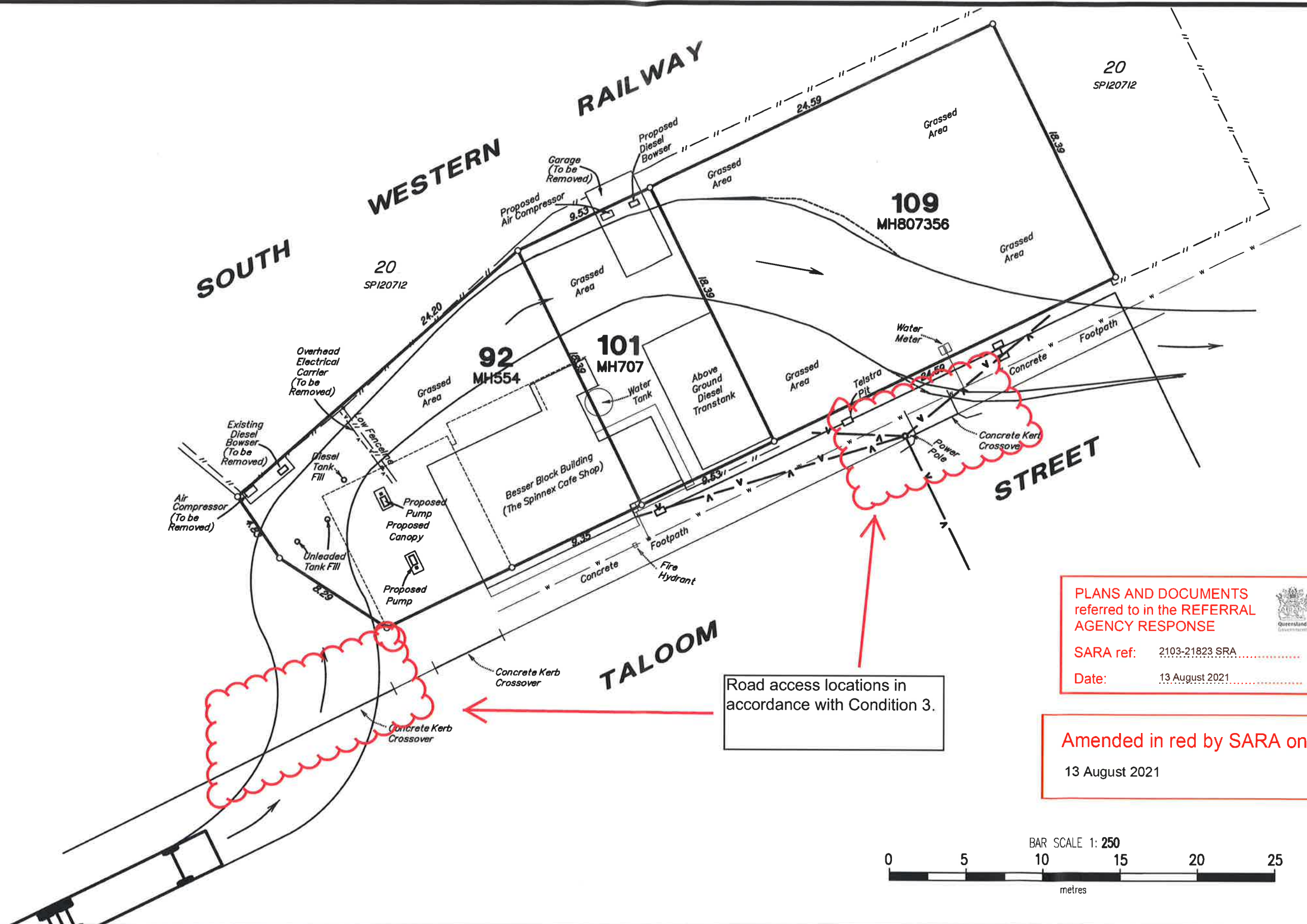
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Drawn MJB 14/02/17 Checked

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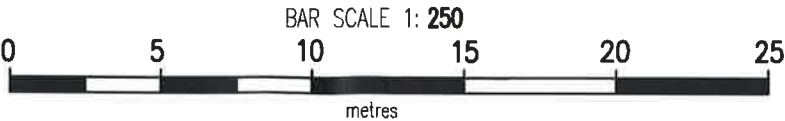
PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE

SARA ref: 2103-21823 SRA

Date: 13 August 2021

Amended in red by SARA on  
13 August 2021

Road access locations in  
accordance with Condition 3.





## STORMWATER MANAGEMENT PLAN

19 TALOOM ST, YELARBON  
LINK SYSTEMS AUST PTY LTD

PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE




SARA ref: 2103-21823 SRA .....

Date: 13 August 2021 .....



## **AMENDMENT, DISTRIBUTION and APPROVAL**

ISSUE	AUTHOR	REVIEWER	APPROVED FOR ISSUE		
			NAME	SIGNATURE	DATE
1	Harry Selby	Michael Shellshear	Michael Shellshear RPEQ 17364		07/01/2021

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## 1 INTRODUCTION

This Stormwater Management Plan has been requested by Link Systems Aust to satisfy a required Material Change of Use (MCU) application condition in relation to the proposed activity at 19 Taloom St, Yelarbon.

The MCU has been put forward to reinstate an existing service station. It is understood that this includes the replacement of the existing canopy, and the redesign of the facility layout to improve traffic flow through the site. The proposal involves an expansion of the site footprint on to adjacent lots. The proposed upgraded developments on the site are shown in Appendix A. This plan aims to analyse the effect of the proposed development on the current stormwater system and recommends treatment to ensure minimal unwanted discharge.

### 1.1 SITE LOCATION

The site is located on a land parcel that encompasses 3 adjacent lots:

Lot 92 on MH554 / Lot 101 on MH707 / Lot 109 on MH807356



**Figure 1-1 Locality Map – 19 Taloom St, Yelarbon**

### 1.2 SITE DESCRIPTION

The land parcel is positioned between a Truck Stop on the Western boundary (directly adjacent to the proposed development), a Park on the Eastern boundary (approx. 20m from proposed development), and the South-Western Train Line above the Northern boundary (approximately 18m above the proposed development). In total, lots 92, 101, and 109 have an area of approximately 1,227m<sup>2</sup> with 56m of kerb at the Taloom St frontage.

Overall, there is a slight fall of approximately 30mm towards Taloom St. Currently all stormwater flows onto Taloom St and follows the Taloom St Stormwater Plan. There is no existing underground stormwater infrastructure in Taloom Street or anywhere in the township of Yelarbon. Stormwater drainage throughout Yelarbon is limited to sections of kerb and channel in Taloom St and table drains/open drains in all other areas.

## 2 STORMWATER ANALYSIS

### 2.1 LAWFUL POINT OF DISCHARGE

QUDM provides guidance on the location of discharge for stormwater (QUDM Sec 3.9.1) and provides a three-step process for determining a 'lawful point of discharge'. The first step assesses whether, as a result of the development, the stormwater discharge will substantially damage a third party. If the answer is 'no', then no further steps are required to obtain a lawful point of discharge.

The existing and proposed plans discharge water stormwater onto Taloom St via a single kerb crossover and driveway layback. This outlet is deemed as the existing lawful point of discharge and will remain for the lawful point of discharge for the proposed development.



**Figure 2-1 Existing Point of Discharge**

### 2.2 HYDROLOGICAL ASSESSMENT

The below analysis shows the results of a stormwater assessment undertaken for the property at 19 Taloom St. The rational method was used in accordance with the Queensland Urban Drainage Manual (QUDM) to determine peak flow for pre and post development across multiple storm events ranging from ARI 2 to ARI 100. Inputs to the rational method calculations for both the pre and post development catchment are shown below in Table 2-1.



**Table 2-1 Inputs for Catchment Area (19 Taloom St)**

Catchment	Area (ha)	Average Slope (%)	Fraction Impervious ( $f_i$ )	Co-efficient of Runoff ( $C_{10}$ )	Time of Concentration ( $T_c$ )
Pre-Development	0.1227	0.5	51	0.65	13
Post-Development	0.1227	0.5	57	0.70	13

Rainfall IFD data was sourced from the BOM website ([www.bom.gov.au](http://www.bom.gov.au)) and used to calculate flows over various storm durations. IFD data for Yelarbon, Queensland is shown below in Table 2-1.

**Table 2-2 IFD Rainfall Data for Yelarbon, Qld (BoM)**

Duration	Annual Exceedance Probability (AEP)						
	63.20%	50%	20%	10%	5%	2%	1%
1 min	126	143	197	235	272	322	361
2 min	107	121	167	200	233	276	307
3 min	99.1	112	155	185	216	255	284
4 min	93.6	106	146	174	202	239	267
5 min	88.7	101	139	165	191	226	252
10 min	70.6	80.1	110	131	151	179	201
13 min	63	71.4	98.3	117	135	160	180
15 min	58.8	66.7	91.8	109	126	150	168
20 min	50.5	57.3	79	94	109	129	145
25 min	44.4	50.4	69.5	82.8	96	114	128
30 min	39.7	45.1	62.2	74.2	86	102	115
45 min	30.5	34.6	47.7	57	66	79	89
1 hour	25	28.3	39.1	46.6	54	65	73
1.5 hour	18.7	21.1	29.1	34.7	40	48	54
2 hour	15.1	17.1	23.5	28	33	39	44
3 hour	11.2	12.7	17.3	20.5	24	28	32
4.5 hour	8.35	9.38	12.7	15.1	18	21	23
6 hour	6.78	7.6	10.3	12.1	14	17	19
9 hour	5.07	5.67	7.61	8.97	10	12	14
12 hour	4.14	4.62	6.18	7.27	8.4	9.9	11
18 hour	3.11	3.47	4.62	5.43	6.2	7.4	8.4
24 hour	2.53	2.83	3.76	4.42	5.1	6.1	6.9
30 hour	2.16	2.41	3.21	3.77	4.3	5.2	5.9
36 hour	1.89	2.11	2.81	3.31	3.8	4.6	5.2
48 hour	1.52	1.7	2.28	2.68	3.1	3.7	4.3
72 hour	1.11	1.25	1.68	1.98	2.3	2.8	3.2
96 hour	0.88	0.986	1.33	1.58	1.8	2.2	2.5
120 hour	0.728	0.817	1.1	1.31	1.5	1.8	2.1
144 hour	0.621	0.697	0.942	1.11	1.3	1.5	1.8
168 hour	0.541	0.607	0.819	0.97	1.1	1.3	1.5

NOTE: the above figures represent rainfall intensity in mm/hr

Total runoff was calculated for both scenarios to enable a comparison between pre and post development peak flows.

**Table 2-3 Calculated Flow Pre and Post Development (L/s)**

	ARI 2	ARI 5	ARI 10	ARI 20	ARI 50	ARI 100
Pre-Development	13.45	20.69	25.92	31.40	40.76	47.85
Post-Development	14.48	22.28	27.91	33.82	43.90	51.53

NOTE: the above figures represent L/s

The results of the analysis show that:

- The ARI 100 peak flow will increase from 47.85 L/s to 51.53 L/s, which is an increase of just over 7%, post development.
- The ARI 2 peak flow will increase from 13.45 L/s to 14.48 L/s, which is an increase of just over 7%, post development
- Across all storm events, there is an increase in peak flow of approximately 7-8%

### **2.3 PROPOSED STORMWATER MANAGEMENT**

The site is expected to be managed by using a typical on-site drainage system that directs runoff to the current discharge point on Taloom St. The requirement for potential on-site stormwater drainage will be analysed further during the detailed design phase of the project. It is also recommended that the current stormwater and drainage infrastructure is cleared and assessed for suitability before commencing with development.

## **3 CONCLUSIONS**

The following points can be concluded from the above assessment:

- The proposed development will lead to very minor increases in peak flow runoff from the site;
- The current lawful point of discharge should continue to be utilised for the new development; and
- The proposed development will not result in any "substantial" or "unreasonable" impacts with publicly or privately owned infrastructure.

**APPENDIX A – EXISTING FEATURES AND SERVICES**





**APPENDIX B – STORMWATER PRE-DEVELOPMENT IMPERVIOUS AREAS**

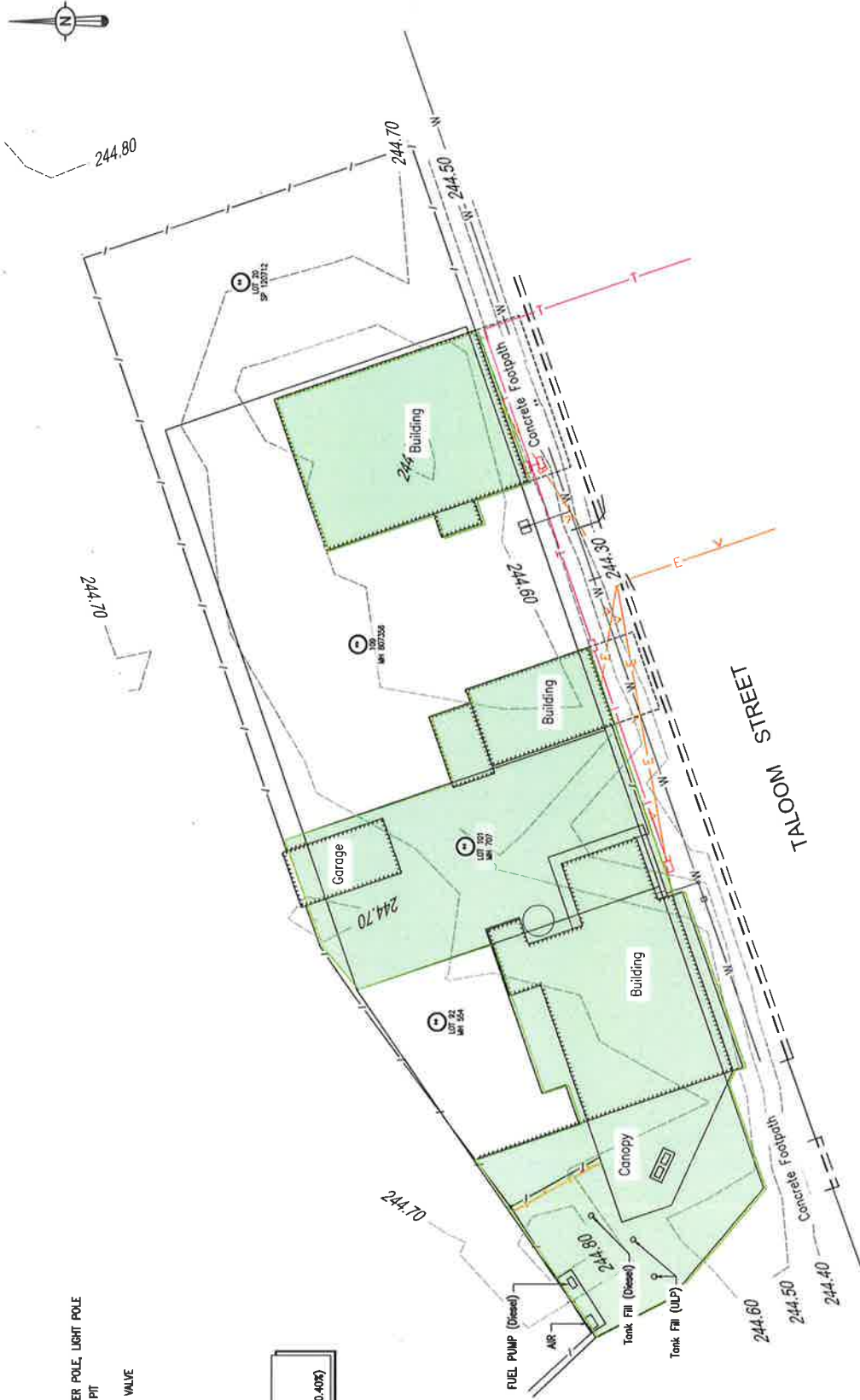
# LEGEND

## EXISTING

- ELECTRICITY OVERHEAD, POWER POLE, LIGHT POLE
- ELECTRICITY UNDERGROUND, PIT
- TELECOMMUNICATIONS, PIT
- WATER MAIN, FIRE HYDRANT, VALVE
- WATER SERVICE, METER, TAP
- KERB AND CHANNEL
- FENCE
- BUILDING

## STORMWATER CATCHMENT AREA

TOTAL AREA - 1227m<sup>2</sup>  
PREDEVELOPMENT IMPERVIOUS AREA - 618.3m<sup>2</sup> (50.40%)



THIS DESIGN HAS BEEN PREPARED WITHOUT DETAILED SURVEY FOR UNDERGROUND SERVICES. LOCATION OF SERVICES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING CONSTRUCTION.

SURVEY DATUM AND CO-ORDINATES TO BE CONFIRMED PRIOR TO CONSTRUCTION

## STORMWATER PREDEVELOPMENT IMPERVIOUS AREAS

SCALE: A

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**PROTERRA GROUP**  
31 GLASSER STREET  
GOONDIWINDI QLD 4390  
ABN: 82 626 886 771  
TEL: (07) 4671 5701  
WWW.PROTERRAGROUP.COM.AU

DO NOT SCALE FROM THIS DRAWING. USE DIMENSIONS WHERE MARKED

Scale:	Designed	Drawn	Check	Approved
	jon.a	jon.a	m.s	
	01/2021	01/2021	01/2021	

REFER ANY DISCREPANCIES TO ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION

Drawing No.	Client	Revision
20.884 - Sk01	YELARBON SERVICE STATION TALLOON STREET YELARBON	SMK
Sheet x of 02		A

**APPENDIX C – STORMWATER POST DEVELOPMENT IMPERVIOUS AREAS**

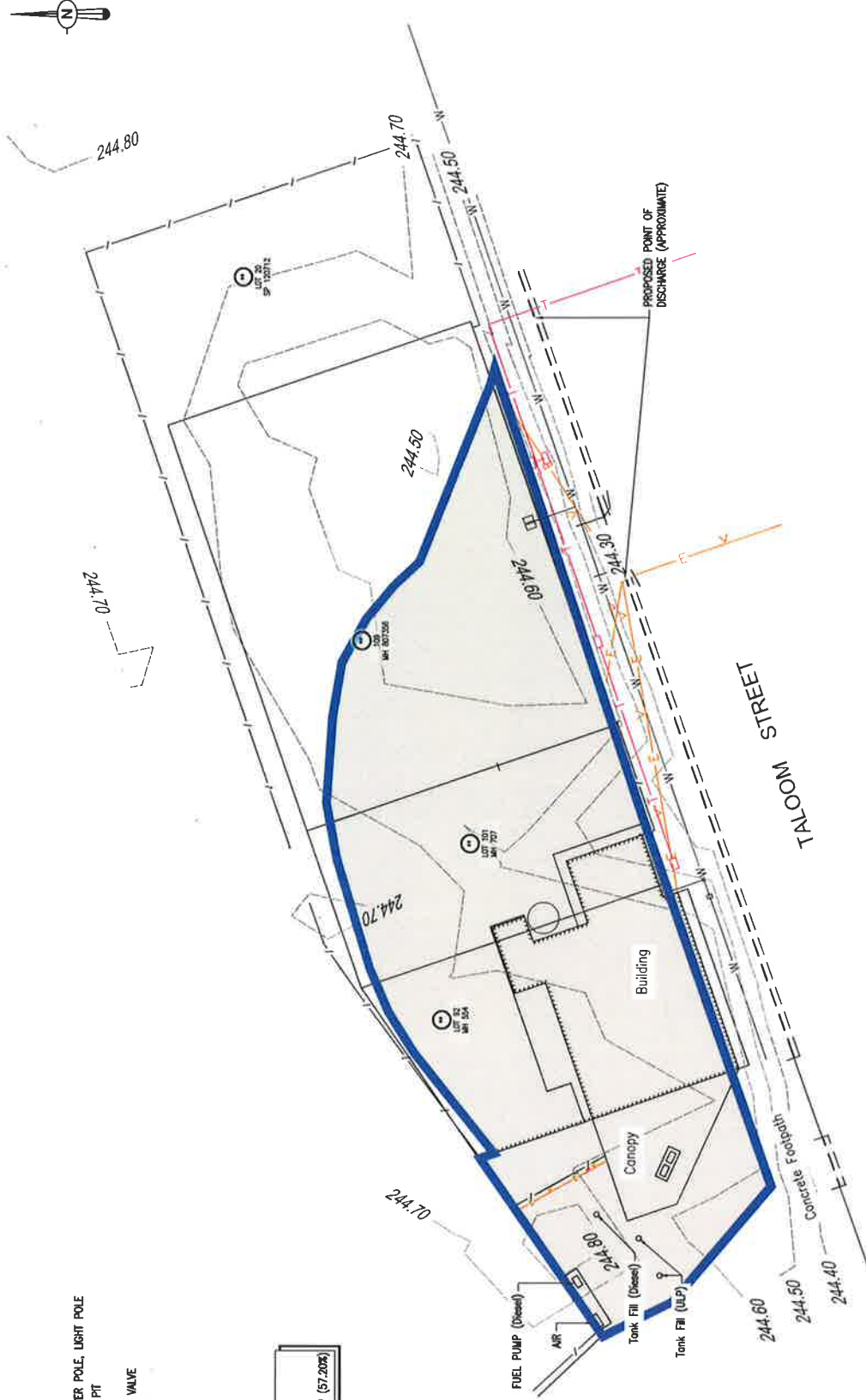
# LEGEND

## EXISTING

- ELECTRICITY OVERHEAD, POWER POLE, LIGHT POLE
- ELECTRICITY UNDERGROUND, PIT
- TELECOMMUNICATIONS, PIT
- WATER MAIN, FIRE HYDRANT, VALVE
- WATER SERVICE, METER, TAP
- KERB AND CHANNEL
- FENCE
- BUILDING

## STORMWATER CATCHMENT AREA

TOTAL AREA - 1227m<sup>2</sup>  
POST DEVELOPMENT IMPERVIOUS AREA - 701.90m<sup>2</sup> (57.20%)



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SURVEY DATUM AND CO-ORDINATES TO BE CONFIRMED PRIOR TO CONSTRUCTION

## STORMWATER POST DEVELOPMENT IMPERVIOUS AREAS

SCALE: A

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TEL: (07) 4671 5701  
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Scale:  
A 1m 10 20 30 40 50 100 m AS

Designed: josh  
Drafter: josh  
Check: M.S  
Approved: [Signature]

RPED: 17364

REFER ANY DISCREPANCIES TO ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION

Client: S/M

Revision: A

Sheet x of 02

Drawing No: 20.884 - Sk02

POST DEVELOPMENT  
STORMWATER PLAN  
YELARSON SERVICE STATION  
TALLOON STREET  
YELARSON

**Attachment B**  
**Section 70 of TIA**

*Transport Infrastructure Act 1994*  
Chapter 6 Road transport infrastructure  
Part 5 Management of State-controlled roads

---

**70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

---

**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

***original decision*** means a decision described in schedule 3.

***reviewed decision*** means the chief executive's decision on a review under section 485.



### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

**relevant entity** means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

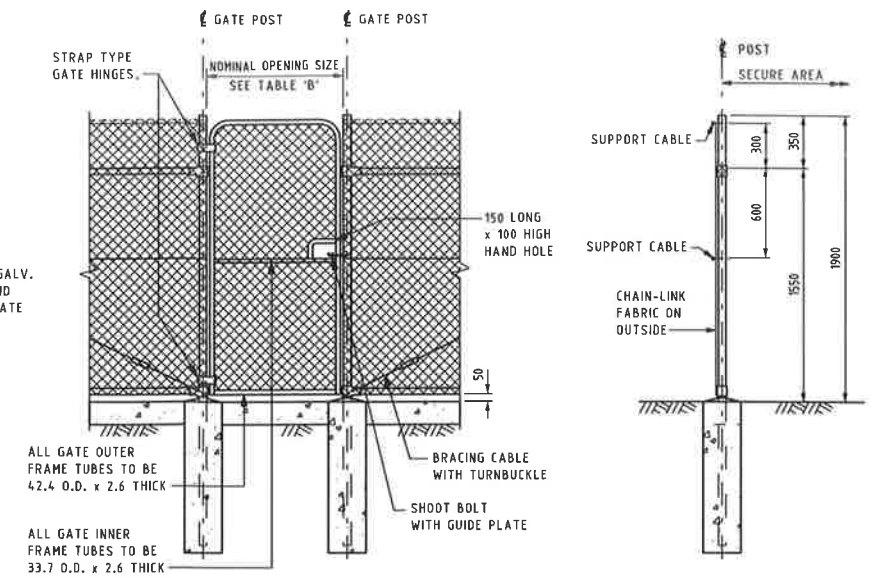
(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



### TYPICAL SECTION

SCALE 1 25

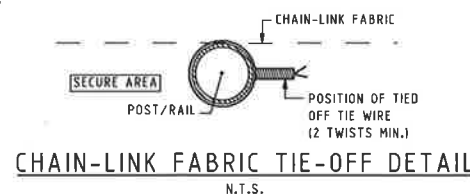


N.T.S.

FENCE MEMBERS AND FOOTINGS SIZES		
TYPE OF MEMBER	TUBE SIZE	CONCRETE FOOTING
END, CORNER AND STRAINER POSTS	60.3 O.D. x 3.6 THICK	φ250 x 750 DEEP
INTERMEDIATE POSTS	48.3 O.D. x 3.2 THICK	φ250 x 600 DEEP
TOP RAIL	42.4 O.D. x 3.2 THICK	-
BRACING STAY	42.4 O.D. x 3.2 THICK	φ250 x 600 DEEP
GATE POSTS FOR GATE LEAF SHOWN		
1800mm AND UNDER	60.3 O.D. x 3.6 THICK	φ250 x 900 DEEP
2000 UP TO AND INCLUDING 3000mm	88.9 O.D. x 4.0 THICK	φ300 x 1000 DEEP
3500 UP TO AND INCLUDING 4000mm	114.3 O.D. x 4.5 THICK	φ400 x 1100 DEEP

1. GATE FRAME CONFIGURATION, FABRICATION AND INSTALLATION SHALL BE IN ACCORDANCE WITH AS 1725.
2. WHERE STRAP TYPE HINGES ARE USED AT BOTH TOP AND BOTTOM OF GATE A COLLAR SHALL BE WELDED TO THE GATE FRAME TO PROVIDE A BEARING SURFACE FOR EITHER TOP OR BOTTOM HINGE, BOTH STRAP TYPE AND GUDGEON GATE HINGES SHALL BE WELDED TO GATE POSTS.
3. SINGLE GATES SHALL BE FITTED WITH SHOOT BOLT, DOUBLE GATES SHALL BE FITTED WITH FLAG PIN DROP BOLT AS SHOWN ON THE DRAWING.
4. ALL GATE FRAMES SHALL BE WELDED. FRAMES SHALL BE HOT DIP GALVANISED AFTER FABRICATION IN ACCORDANCE WITH AS/NZS 4680.
5. GATES SHALL BE INSTALLED FOR QUEENSLAND RAIL PURPOSES ONLY. GATES SHALL NOT BE INSTALLED FOR DOMESTIC USE.

1. IN GENERAL THESE FENCES ARE SELF EARTHING, HOWEVER, WHERE FENCING IS ERECTED CLOSER THAN 3000mm TO ELECTRIFICATION MASTS OR OTHER ELECTRICALLY BONDED STEELWORK, EARTHING OR INSULATED SECTIONS MAY BE REQUIRED IN ACCORDANCE WITH QUEENSLAND RAIL PRINCIPAL ENGINEER, TRACTION DISTRIBUTION.
2. GATES AND BOLLARDS SHALL BE POSITIONED TO PREVENT AN OPEN GATE FROM COMING WITHIN 3.0m OF ELECTRIFICATION WIRING EQUIPMENT SUPPORTS OR ANY METALWORK CONNECTED TO THEM.
3. SUPPORT CABLES SHALL BE GALVANISED ONLY NO PLASTIC COATING.

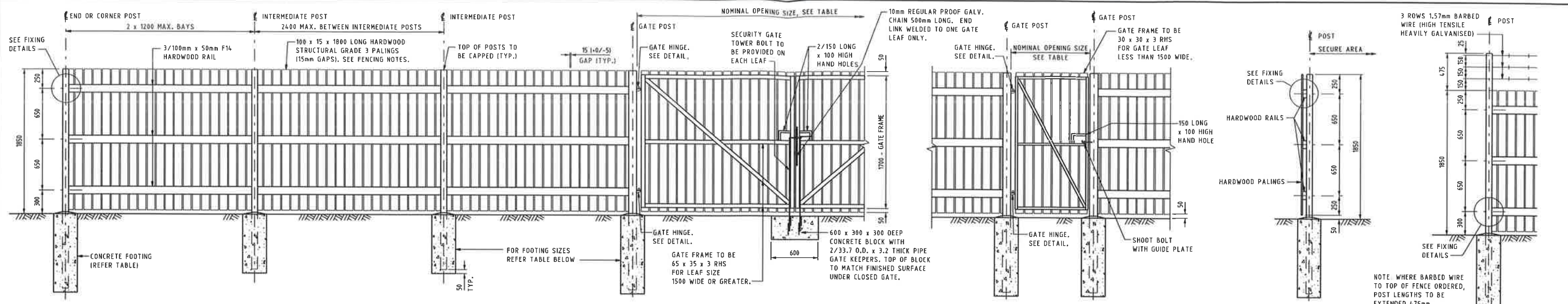


TIE-OFF DETAIL AT  
INTERMEDIATE POSTS  
N.T.S.

**NOTE** **MOWING STRIP** IS TO  
SCALE 1" = 10'  
THE PURPOSE OF THIS DRAWING IS TO  
PROVIDE TYPICAL STANDARD DETAILS. THE  
SUITABILITY OF THIS DRAWING SHALL BE  
DETERMINED AND CERTIFIED BY A  
ENGINEER FOR THE SPECIFIC PROJECT.

DRAWING NUMBER	ISSUE
QR-C-S3230	





TYPICAL ELEVATION  
SCALE 1 : 25

DOUBLE LEAF GATE  
SCALE 1 : 25

SINGLE LEAF GATE  
SCALE 1 : 25

TYPICAL SECTION  
SCALE 1 : 25

ELEVATION SHOWING  
EXTENDED POST FOR  
BARBED WIRE FIXING  
(WHERE ORDERED)  
SCALE 1 : 25

- GENERAL NOTES:**
- ALL DIMENSIONS ARE IN MILLIMETRES, UNLESS NOTED OTHERWISE.
  - ALL STEEL PLATES SHALL BE GRADE 250 MIN. IN ACCORDANCE WITH AS/NZS 3678.
  - ALL WELDS SHALL BE 5mm CONTINUOUS FILLET WELDS UNLESS NOTED.
  - ALL WELDS SHALL BE IN ACCORDANCE WITH AS 1554.1 WITH ELECTRODES GRADE EXX40 TO AS 1553 UNLESS NOTED OTHERWISE.
  - ALL BOLTS, NUTS SHALL BE HOT DIP GALVANISED IN ACCORDANCE WITH AS/NZS 1214 AND WASHERS TO AS 4680
  - AREAS WHERE GALVANISING HAS BEEN REMOVED BY WELDING OR ABRASIONS SHALL BE CLEANED OF FOREIGN MATTER INCLUDING WELDING SLAG AND PAINTED WITH TWO COATS OF AN APPROVED ORGANIC ZINC-RICH PAINT TO PROVIDE A MIN. DRY FILM THICKNESS OF 0.10mm.
  - CONCRETE SHALL BE GRADE N25 (MIN.).
  - COST SHARING OPTIONS MAY BE NEGOTIATED WITH ADJOINING OWNERS IN THESE CIRCUMSTANCES.

- FENCING NOTES:**
- ALL POSTS AND GATE FRAMES SHALL BE STEEL RECTANGULAR HOLLOW SECTION (RHS) GRADE C350. "RHS" SHALL BE IN ACCORDANCE WITH AS 1163 - 1991 "STRUCTURAL STEEL HOLLOW SECTIONS".
  - ALL TUBES, FITTINGS AND FASTENERS SHALL BE HOT DIP GALVANISED AFTER FABRICATION IN ACCORDANCE WITH AS 4680.
  - EACH RAIL BETWEEN POSTS SHALL BE A CONTINUOUS LENGTH.
  - BOLLARDS SHALL BE INSTALLED AT GATES TO SECURE OPEN GATE PANELS ONLY WHERE DIRECTED BY QUEENSLAND RAIL. SEE DETAILS THIS DRAWING.
  - SOILS ARE COHESIVE IF THE PARTICLES ADHERE AFTER WETTING AND SUBSEQUENT DRYING AND IF SIGNIFICANT FORCE IS REQUIRED TO CRUMBLE THE SOIL (FOR EXAMPLE CLAY). ALL OTHER SOILS ARE NON-COHESIVE (FOR EXAMPLE SAND). IN COHESIVE SOILS WHERE THE  $C_u$  OF THE SOIL IS BETWEEN 20 kPa AND 200 kPa THE FOOTING DEPTH MAY BE LINEARLY INTERPOLATED FROM THE TABLE. IN NON-COHESIVE SOIL, FOOTING DEPTH CANNOT BE REDUCED.
  - ALL TIMBER COMPONENTS SHALL BE OF AN APPROVED SPECIES AS LISTED IN THE QUEENSLAND RAIL SPECIFICATION AND ALL DIMENSIONS CLEAR OF SAPWOOD.
  - TIMBER PALINGS SHALL BE PLACED WITH 15mm (+0/-5) GAPS.

- FENCING IN ELECTRIFIED AREAS:**
- IN GENERAL THESE FENCES ARE SELF EARTHING. HOWEVER, IN SPECIAL CIRCUMSTANCES, USUALLY DUE TO PROXIMITY TO ELECTRIFICATION WIRING OR WIRING EQUIPMENT SUPPORTS OR SUBSTATIONS, EARTHING OR INSULATED SECTIONS MAY BE REQUIRED IN ACCORDANCE WITH OR MANAGER ELECTRICAL ENGINEERING REQUIREMENTS.
  - GATES AND BOLLARDS SHALL BE POSITIONED TO PREVENT AN OPEN GATE FROM COMING WITHIN 2.0m OF ELECTRIFICATION WIRING EQUIPMENT SUPPORTS OR ANY METALWORK CONNECTED TO THEM.

**ORDERING CONSIDERATIONS.**

MOWING STRIP	ONLY INSTALLED WHERE SPECIFIED BY QUEENSLAND RAIL. COST SHARING OPTIONS MAY BE NEGOTIATED WHERE ADJOINING OWNERS MAKE SPECIFIC REQUEST FOR INSTALLATION OF MOWING STRIP.
BARBED WIRE SECURITY	ONLY INSTALLED WHERE SPECIFIED BY QUEENSLAND RAIL. COST SHARING OPTIONS MAY BE NEGOTIATED WHERE ADJOINING OWNERS MAKE SPECIFIC REQUEST FOR INSTALLATION OF BARBED WIRE.
LAPPED FENCE PALINGS	ONLY INSTALLED WHERE SPECIFIED BY QUEENSLAND RAIL. COST SHARING OPTIONS MAY BE NEGOTIATED WHERE ADJOINING OWNERS MAKE SPECIFIC REQUEST FOR INSTALLATION OF LAPPED FENCE PALINGS.

THE PURPOSE OF THIS DRAWING IS TO PROVIDE TYPICAL STANDARD DETAILS. THE FITNESS FOR PURPOSE OF THIS DRAWING FOR A SPECIFIC PROJECT SHALL BE DETERMINED AND CERTIFIED BY A RPEQ ENGINEER.

- GATE NOTES:**
- SINGLE GATES SHALL BE FITTED WITH SHOOT BOLT, DOUBLE GATES SHALL BE FITTED WITH FLAG PIN DROP BOLT AS SHOWN ON THE DRAWING.
  - ALL GATE FRAMES SHALL BE WELDED. FRAMES SHALL BE HOT DIP GALVANISED AFTER FABRICATION IN ACCORDANCE WITH AS 4680.
  - GATES SHALL BE INSTALLED FOR QUEENSLAND RAIL PURPOSES ONLY. GATES SHALL NOT BE INSTALLED FOR DOMESTIC USE.

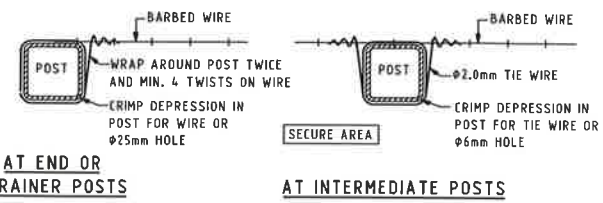
**GATE TABLE**

LOCATION	NOMINAL OPENING SIZE	LEAF TYPE (NOMINAL SIZE)
PEDESTRIAN - PUBLIC ACCESS	1800	SINGLE 1800 OR DOUBLE 900
PEDESTRIAN - QR STAFF ONLY	1200	SINGLE 1200
VEHICULAR	3600	DOUBLE 1800

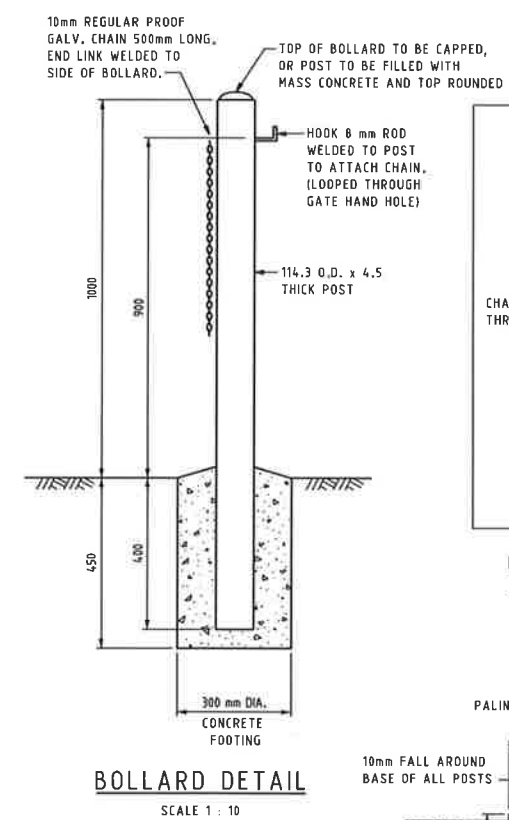
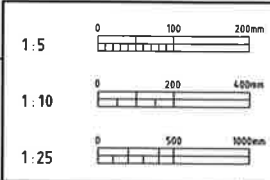
**FENCE MEMBERS AND FOOTINGS SIZES**

TYPE OF MEMBER	TUBE SIZE	CONCRETE FOOTING NON-COHESIVE AND COHESIVE SOILS $C_u < 20kPa$ (SEE NOTES)	CONCRETE FOOTING COHESIVE SOILS $C_u > 20kPa$ (SEE NOTES)
INTERMEDIATE POSTS	75 x 75 x 4 RHS	Ø300 x 1500 DEEP	Ø300 x 800 DEEP
END/CORNER POSTS	75 x 75 x 4 RHS	Ø300 x 1500 DEEP	Ø300 x 1000 DEEP
GATE POSTS	100 x 100 x 4 RHS	Ø300 x 1500 DEEP	Ø300 x 1000 DEEP

THIS FENCE IS SUITABLE FOR USE IN AREAS WHERE SECURITY FENCING REQUIRES AN ENHANCED PRIVACY OR AESTHETIC COMPONENT SUCH AS: CAR PARKS, STATION SURROUNDS, HIGH PUBLIC TRAFFIC AREAS ADJOINING SENSITIVE RAILWAY INFRASTRUCTURE OR RAILWAY CORRIDOR. MAY ALSO BE USED WHERE ADJOINING OWNER REQUESTS ENHANCED PRIVACY FROM RAILWAY INFRASTRUCTURE OR RAILWAY CORRIDOR, OR OTHER SPECIAL CIRCUMSTANCES.

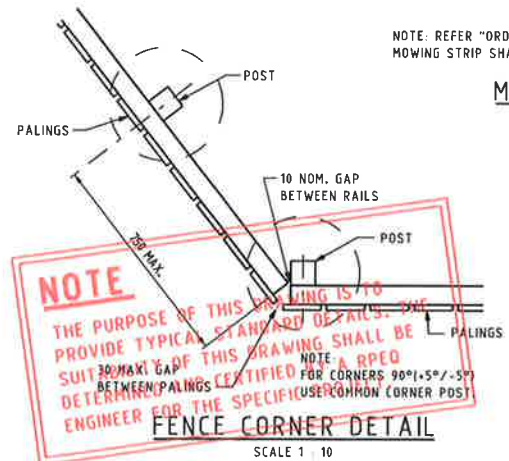


BARBED WIRE TIE-OFF DETAILS  
(WHERE ORDERED)  
N.T.S.

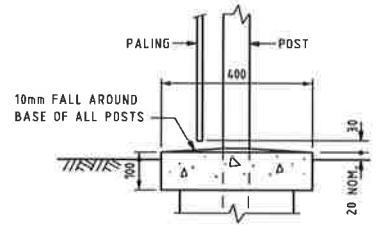


BOLLARD LOCATION  
RELATIVE TO GATE  
N.T.S.

BOLLARD DETAIL  
SCALE 1 : 10

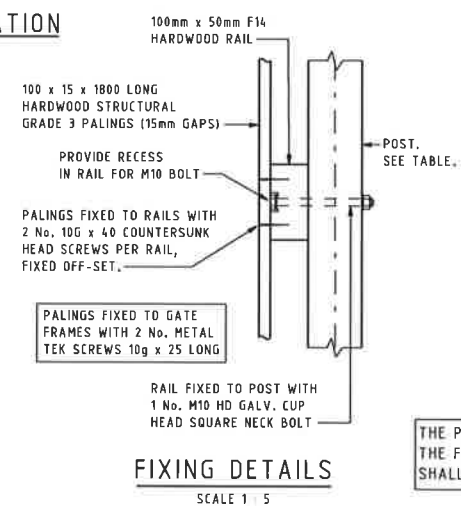


FENCE CORNER DETAIL  
SCALE 1 : 10

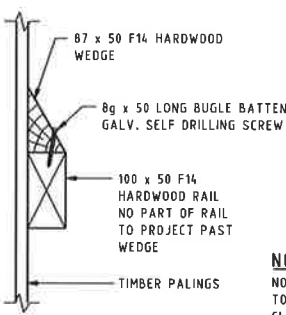


NOTE: REFER "ORDERING CONSIDERATIONS". MOWING STRIP SHALL NOT BE INSTALLED UNDER GATES.

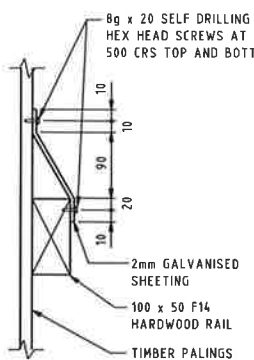
MOWING STRIP  
SCALE 1 : 10



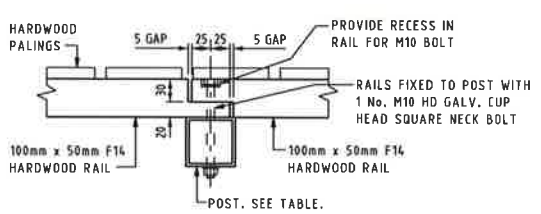
FIXING DETAILS  
SCALE 1 : 5



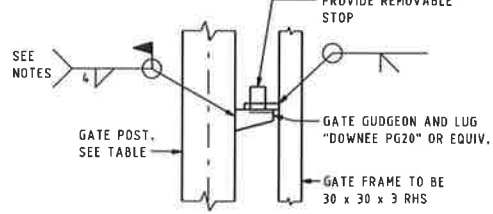
HARDWOOD TIMBER  
FENCE RAIL DETAIL AT SECURITY LOCATION  
e.g. ADJACENT TO POOL  
SCALE 1 : 5



GALVANISED SHEETING



HARDWOOD RAIL JOINT DETAIL  
SCALE 1 : 5



GATE HINGE DETAIL  
SCALE 1 : 5

**FILE No** 13/26948

**ALTERATIONS**

ISSUE	DESCRIPTION	NAME	RPEQ DATE
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

SCALES SHOWN ARE FOR AN A1 SIZE ORIGINAL DRAWING

**WIND LOADS**  
AS 1170.2 : 2002  
REGION C  
WIND SPEED :  $V_{100} = 56$  m/s  
TERRAIN CATEGORY 1

**DESIGNED** D. GIBB

**DESIGN ENGINEER** D. GIBB

**DESIGN No.** 13065

**ISSUE AUTHORITY** G. SMITH

**DATE** 25/08/15

**DESIGNED** D. GIBB

**DESIGN No.** 13065

**ISSUE AUTHORITY** G. SMITH

**DATE** 25/08/15

**QueenslandRail**

ACN 132 181 090

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**Network - Civil Engineering**

**STANDARD**

**TIMBER FENCE**

**1800mm HIGH TIMBER PALING FENCE**

**DRAWING NUMBER** QR-C-S3231

**ISSUE**

Our ref TMR21-033204  
Your ref 20070  
Enquiries Jeff Lavey



Department of  
**Transport and Main Roads**

11 August 2021

## **Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)**

This is not an authorisation to commence work on a state-controlled road<sup>1</sup>

Development application reference number 21/19W, lodged with Goondiwindi Regional Council involves constructing or changing a vehicular access between Lot 101MH707, 109MH807356, 92MH554, the land the subject of the application, and the Cunningham Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

### **Applicant Details**

Name and address SMK Qld for Peter Giblin  
PO Box 422  
Goondiwindi QLD 4390

### **Application Details**

Address of Property 19-23 Taloom Street, Yelarbon QLD 4388  
Real Property Description 101MH707, 109MH807356, 92MH554  
Aspect/s of Development Material Change of Use for Service Station

### **Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Development Approval	Condition Timing
1	(a) The road access locations are to be located generally in accordance with the Site Plan prepared by Peter Giblin (SMK QLD Pty Ltd), dated 29 July 2021, reference drawing 20070-2.	(a) At all times.

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

## Reasons for the decision

The reasons for this decision are as follows:

- a) The location of the access and the design standard required will a) maintain the safety, efficiency and operation of the state-controlled road.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

## Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

## Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

## Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Jeff Lavey, Planner, should be contacted by email at [Jeffrey.J.Lavey@tmr.qld.gov.au](mailto:Jeffrey.J.Lavey@tmr.qld.gov.au) or on (07) 4639 0698.

Yours sincerely

A handwritten signature in black ink, appearing to read 'SMR' followed by a long horizontal stroke.

Scott McDonald  
**A/Senior Planner**

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions

## **Attachment A**

### **Decision Evidence and Findings**

Evidence or other material on which findings were based:

- Development application material submitted in support of Goondiwindi Shire Council application 21/19W
- State Development Assessment Provisions–Assessment Code 1 (Development in a state-controlled road environment)
- DTMR's Road Planning and Design Manual
- *Planning Act* (2016)
- *Planning Regulations* (2017)
- *Transport Infrastructure Act* (1997)



## **Attachment B**

### **Section 70 of TIA**

*Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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#### **70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
  - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

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**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
  - (a) the appeals to be heard together or 1 immediately after the other; or
  - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

**original decision** means a decision described in schedule 3.

**reviewed decision** means the chief executive's decision on a review under section 485.

### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

**relevant entity** means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

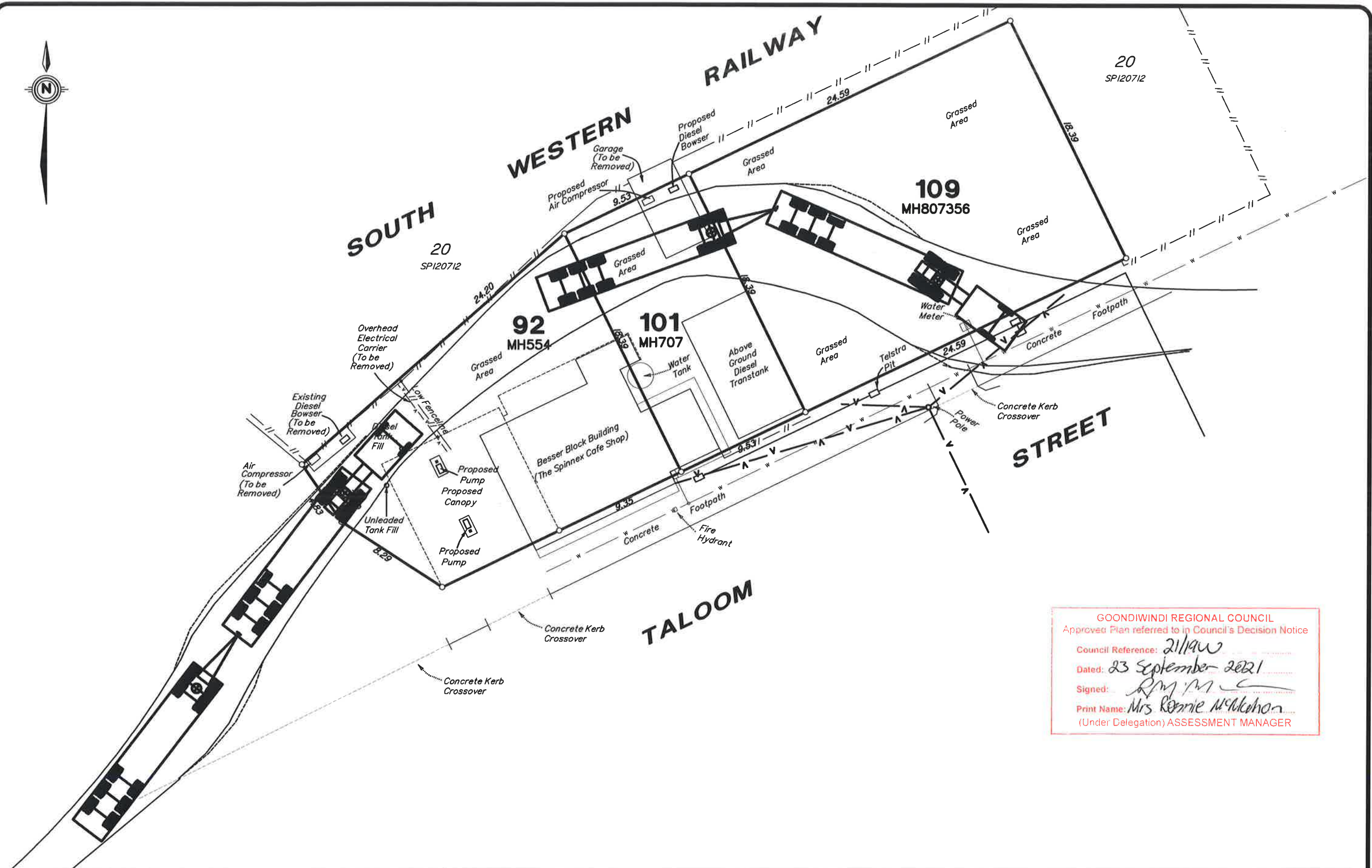
the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



## **Attachment 2 – Approved Plans**





GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 21/19W  
Dated: 23 September 2021  
Signed: *Rmy M*  
Print Name: Mrs Rennie McAlister  
(Under Delegation) ASSESSMENT MANAGER

PETER GIBLIN

**SMK**

CONSULTANTS PTY LTD.

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Ph (07)4671 2445 Fax (07)4671 2561  
E-Mail: [qld@smk.com.au](mailto:qld@smk.com.au)  
Moree: 39 Frome St Moree 2400  
Ph (02)6752 1640 Fax (02)6752 5070

PROPOSAL PLAN TO ACCOMPANY MCU APPLICATION  
LOT 92 ON MH554, 101 ON MH707 & 109 ON MH807356  
19 TALOOM STREET, YELARBON

LOCALITY: YELARBON

20070

SCALE: 1:250

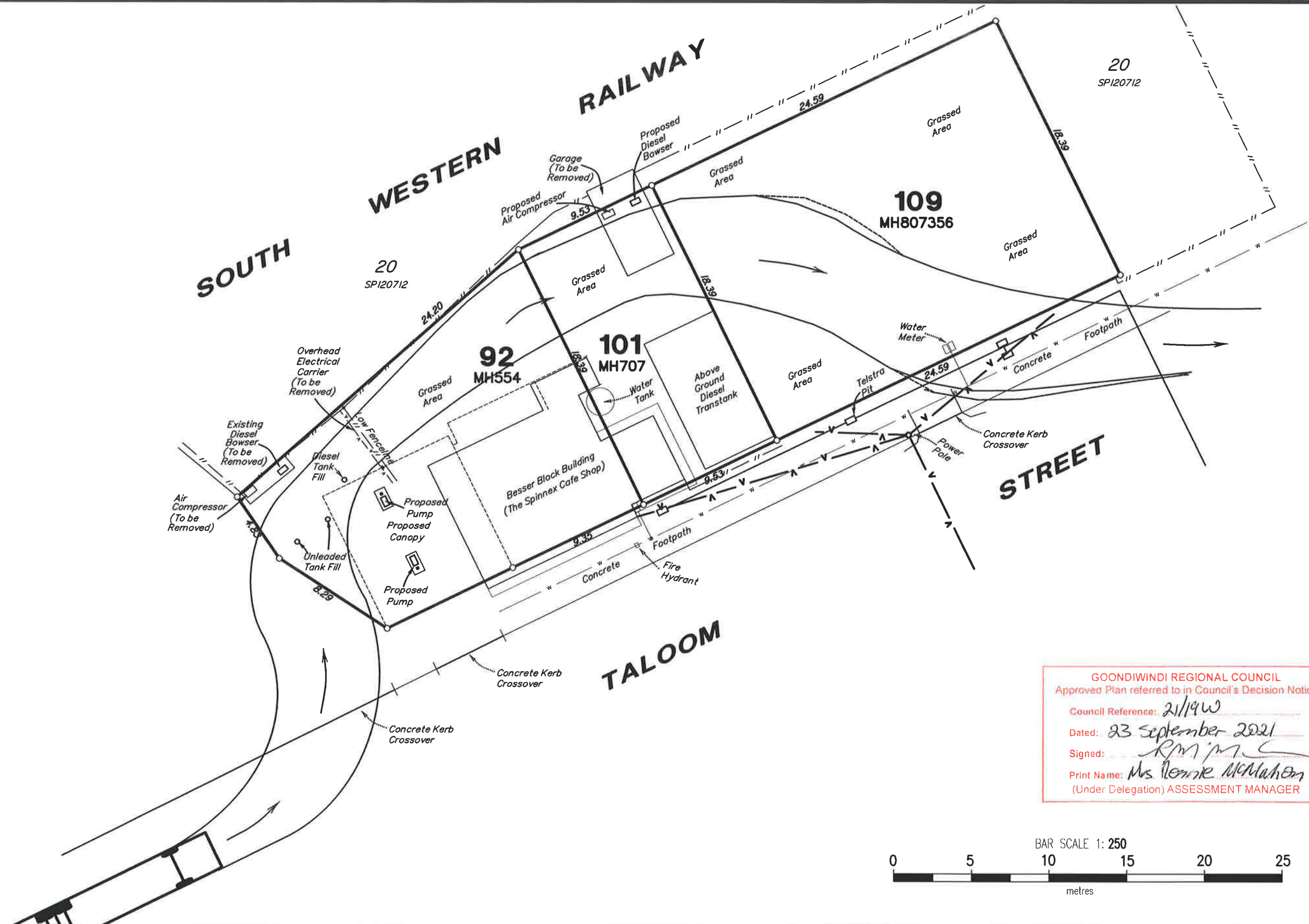
**A3**

20070-1

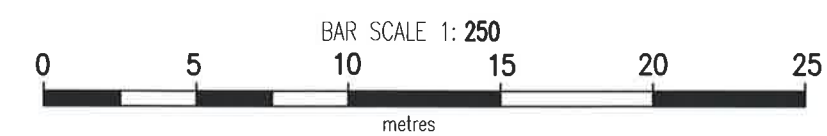
Drawn: MJB 14/02/17 Checked:

FBK





GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 21/19W  
Dated: 23 September 2021  
Signed: *R.M. McMahon*  
Print Name: Mrs. Renne McMahon  
(Under Delegation) ASSESSMENT MANAGER



PETER GIBLIN  
**SMK QLD** PTY. LTD.  
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Ph (07)4671 2445 Email admin@smkqld.com.au

PROPOSAL PLAN TO ACCOMPANY MCU APPLICATION  
LOT 92 ON MH554, 101 ON MH707 &  
109 ON MH807356 – 19 TALOOM STREET,  
YELARBON QLD 4388

20070  
SCALE: 1:250  
A3

20070-2

Drawn: TJJ 29/07/21 Checked:





**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 "Business activities" – "Service station"

21/19W

19, 21 & 23 Taloom Street, Yelarbon

Lot 92 on MH554, Lot 101 on MH707 and Lot 109 on MH807356

On 23 September 2021, 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 Township Zone Code, the Transport and Infrastructure Code and the Flood Hazard Overlay Code of 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
Township Zone Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> AO1, AO2.1, AO2.2, AO2.3, AO2.4, AO2.5, PO3, AO4, AO5.1, AO6, AO7.1, AO7.2, AO7.3
Transport & Infrastructure Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> AO1, AO2, AO3.1, AO4.1, AO5.1, AO5.2, AO6, AO7, AO8, AO9, AO10, AO11.1, AO11.2, AO12.1, AO12.2, AO13, AO14, AO15.1, AO15.2, AO15.3, AO15.4
Flood Hazard Overlay Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2):</i> AO1.1, AO1.2, AO1.3, AO1.4, AO2.1, AO2.2, AO3.1, AO3.2, AO4, AO12

**3. Compliance with benchmarks**

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

**4. Relevant matters for impact assessable development**

Not applicable, as the development was code assessable.

**5. Matters raised in submissions for impact assessable development**

Not applicable, as the development was code assessable.

**6. Matters prescribed by Regulation**

Not applicable to this development.



**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.*