

File: 23/28
Date: 2 August 2023

SMK QLD Pty Ltd for Coulton Investments Pty Ltd
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

**Confirmation Notice – Material Change of Use Application
“Business activities” – “Shop”, “Office” and “Food and Drink Outlet” and
“Industry Activities” – “Warehouse”**

We refer to the development application for material change of use, properly made to Council on 28 July 2023, located at Lot 11 on G472, 32 Bowen Street, Goondiwindi. As per section 3.4 of the Development Assessment Rules, please find enclosed Council's Confirmation Notice for your attention. Please note that this application was not required by an Enforcement Notice.

Please find enclosed as Attachment A, a copy of the DA Flow Chart which outlines legislative timeframes in the application process.

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

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Confirmation Notice

Section 3.4 of the Development Assessment Rules

File reference: 23/28
Contact name: Mrs Ronnie McMahon
Contact number: (07) 4671 7400
Date: 2 August 2023

SMK QLD Pty Ltd for Coulton Investments Pty Ltd
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

The development application described below was properly made to Goondiwindi Regional Council on 28 July 2023.

1. Applicant details

Applicant name: SMK QLD Pty Ltd for Coulton Investments Pty Ltd
Applicant contact details: Attn: Mr Tom Jobling
PO Box 422, Goondiwindi, QLD 4390
tom@smkqld.com.au
(07) 4671 2445

2. Location details

Street address: 32 Bowen Street, Goondiwindi
Real property description: Lot 11 on G472
Local government area: Goondiwindi Regional Council

3. Application details

Application number: 23/28
Approval sought: Development Permit
Nature of development proposed: Material Change of Use
Description of the development proposed: "Business activities" – "Shop", "Office" and "Food and Drink Outlet" and "Industry Activities" – "Warehouse"

4. Public notification details

Part 4 of the Development Assessment Rules is applicable to this development application. Public notification is to be carried out for this development application in accordance with the requirements set out in Part 4 of the Development Assessment Rules. The public notification period for this development application must be a period of at least 15 business days, in accordance with section 53(4)(b) of the *Planning Act 2016*.

5. Referral details

Part 2 of the Development Assessment Rules is not applicable to the development application.

6. Other details

Goondiwindi Regional Council intends to make an information request and this will be issued within 10 business days of this notice.

You are advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application.

If you find an inaccuracy in any of the information provided above or have a query or seek clarification about any of these details, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on (07) 4671 7400.

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

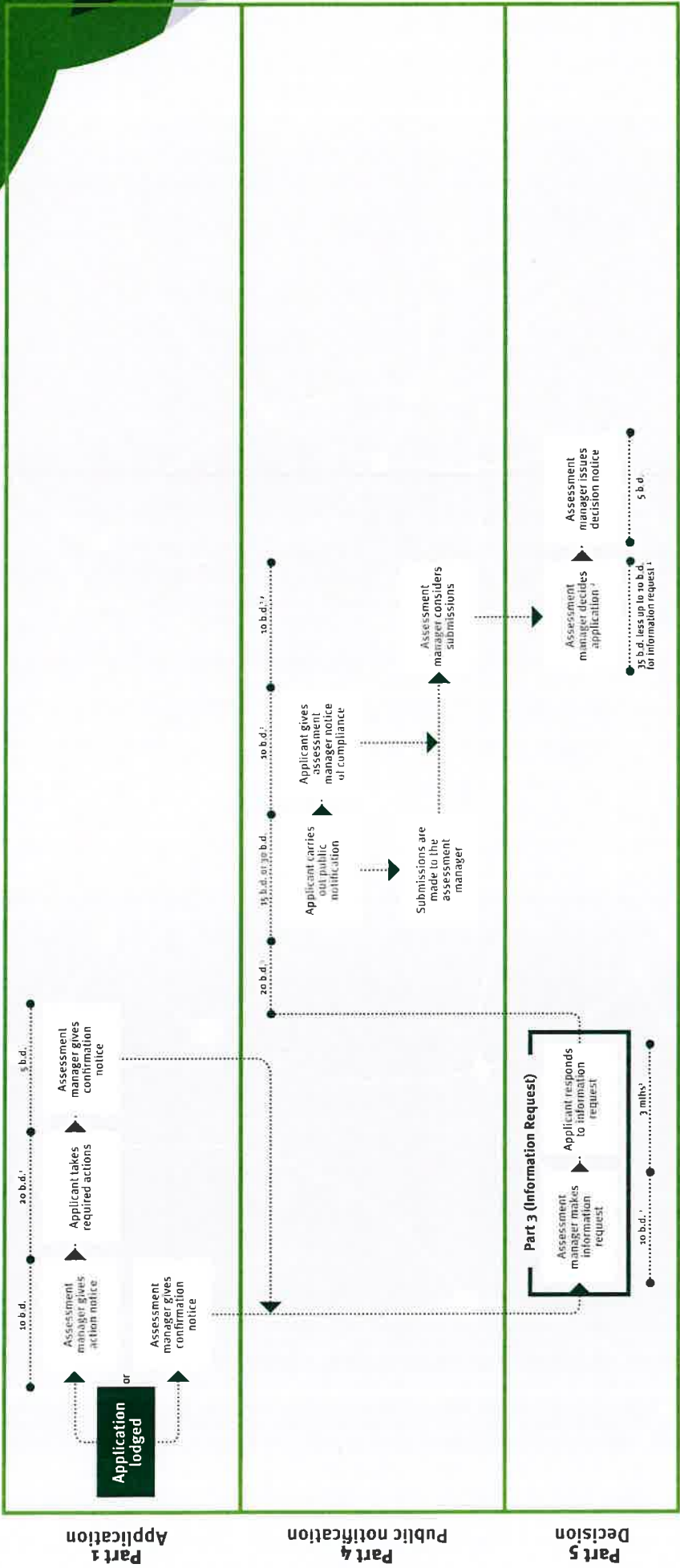
- For your information a copy of the DA Flowchart which outlines legislative timeframes in the development process is provided in **Attachment A**.
- For your information a copy of the relevant sections of *Planning Act 2016* and Development Assessment Rules are provided in **Attachment C**.



Attachment A – DA Flowchart



For an impact assessable



Notes: b.d = Business Days

1. This timeframe may be extended by agreement between the applicant and the assessment manager.
2. While the assessment manager may start assessing the development application at any time, section 22.5 of the DA Rules may restrict the assessment manager from deciding the application at the beginning of the decision period.
3. 10 b.d. is only provided for where submissions are received for the development application.
4. This is the timeframe in which public notification must be started following the completion of Part 3.



Attachment B – Extracts from the *Planning Act 2016* and Development Assessment Rules

| | | |
|--------|---------------------------------------|--|
| Part 1 | Role of Assessment Manager | Chapter 3, Part 2, Division 1 (Parts of) |
| Part 2 | Notices About Receipt of Applications | Development Assessment Rules |
| Part 4 | Information Requests | Development Assessment Rules |
| Part 5 | Public Notification | Development Assessment Rules |



PART 1 – DEVELOPMENT APPLICATIONS
Chapter 3, Part 2, Division 1 (Parts of)

48 Who is the assessment manager

- (1) The **assessment manager** is the person responsible for either or both of the following—
 - (a) administering a properly made development application;
 - (b) assessing and deciding part or all of a properly made development application.
- (2) Generally, a regulation prescribes who is the assessment manager for each type of development application.
- (3) However, if—
 - (a) a regulation prescribes a local government or the chief executive (each the entity) to be the assessment manager for a development application in relation to development that requires code assessment; and
 - (b) the entity keeps a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of that development; and
 - (c) the entity has made or amended its code of conduct under the Public Sector Ethics Act 1994 to apply the code of conduct, including provisions about conflicts of interest, to persons on the entity's list; and
 - (d) the entity has entered into an agreement with each person on the entity's list about the person's functions as an assessment manager that—
 - (i) requires the person to comply with the code of conduct; and
 - (ii) provides for the entity to remove the person from the entity's list if the person fails to comply with the code of conduct; and
 - (e) a person on the entity's list enters into an agreement with another person to accept a development application made by the other person in relation to only the development mentioned in paragraph (b); the person on the entity's list is the assessment manager for the application.
- (4) As soon as practicable after the person accepts the application, the person must give a copy of the application to the prescribed assessment manager.
- (5) If a person on an entity's list of persons kept under subsection (3) is removed from the list because the person has not complied with an agreement under that subsection—
 - (a) the entity immediately becomes the assessment manager, instead of the person, for any development application for which the person was the assessment manager; and
 - (b) no extra fee is payable for the application; and
 - (c) the development assessment process for the application continues from whichever of the following points in the process is the earlier—
 - (i) the point the application had reached immediately before the person was replaced as the assessment manager;
 - (ii) 10 business days before the day on which the assessment manager is required, under the development assessment rules, to decide the application.
- (6) If the regulation under subsection (2) does not prescribe who is the assessment manager for a particular development application, the Minister may decide who is the assessment manager.
- (7) If the Minister decides who is the assessment manager, the Minister may—
 - (a) decide that a person who could also have been the assessment manager is instead to be a referral agency for the application; and
 - (b) impose limits on the referral agency's powers (to the power to only give advice, for example).
- (8) The Minister must give notice of the Minister's decisions under this section to—

- (a) the applicant; and
 - (b) a person that the Minister decides is the assessment manager; and
 - (c) a person that the Minister decides is a referral agency.
- (9) For an application for development that is tidal works, a local government may exercise an assessment manager's functions despite any limits on the local government's powers under—
 - (a) the City of Brisbane Act, section 11; or
 - (b) the Local Government Act, section 9.

Extract from the Planning Act 2016

PART 2 – NOTICES ABOUT RECEIPT OF APPLICATIONS

Part 1, Section 2

2. Confirmation Notice

- 2.1. A confirmation notice can only be given for a properly made application.
- 2.2. The assessment manager must **give** the applicant a confirmation notice if any of the following apply—
 - (a) the application requires public notification
 - (b) the application requires referral under the Act;
 - (c) as required in accordance with section 3.4 and 3.6.
- 2.3. The assessment manager may, within the confirmation period, give the applicant a confirmation notice for any application.
- 2.4. For sections 2.2(a) and (b), the confirmation notice must be given within the confirmation period.

Extract from the Development Assessment Rules

PART 4 – INFORMATION REQUESTS
Part 3, Sections 11 & 12

Part 3: Information Request

11. When part 3 does not apply

11.1. Part 3 does not apply if—

- (a) the applicant has advised on the approved form that the applicant does not agree to accept an **information request**; or
- (b) the assessment manager has stated on the confirmation notice that it does not intend to make an information request and—
 - (i) there are no referral agencies for the application; or
 - (ii) all referral agencies for the application have given response before the development application was made in accordance with section 57 of the Act.

11.2. If, at the time of making application, the applicant does not agree to accept an information request, an **assessing authority** need not accept any additional information provided by the applicant during the development assessment process, unless by agreement between an assessing authority and the applicant.

11.3. Despite section 11.1(a), part 3 still applies if the application—

- (a) is also taken to be an application for an environmental authority; or
- (b) is also taken to be an application for a decision under section 62 of the Transport Infrastructure Act 1994; or
- (c) includes a **variation request**; or
- (d) is for building work assessable against the building assessment provisions.

12. Making an information request

12.1. Subject to section 11, an assessing authority may make an information request.¹

12.2. Any information request made by the assessment manager must be made to the applicant within 10 days, or a further period agreed between the applicant and the assessment manager, starting the day after part 1 has ended.

12.3. Despite section 12.2, if part 2 and part 4 are not relevant to the application, the assessment manager may end the confirmation period by making an information request.

12.4. Any information request made by a referral agency must be made to the applicant and a copy given to the assessment manager within the first 10 days of the referral agency assessment period or a further period agreed between the applicant and the referral agency.

12.5. An assessing authority may give advice to the applicant about an information request or any other matter, including how the applicant may change the application.²

Extracts from the Development Assessment Rules

¹ Any information request must be within the limits of the assessing authority's jurisdiction.

² Any advice must be within the limit of the assessing authority's jurisdiction.

PART 5 – PUBLIC NOTIFICATION
Part 4, Sections 16-20

Part 4: Public notification

16. When this part starts

16.1. *If there are no referral agencies for the application and part 3 does not apply because:*

- (a) the applicant has advised that it does not wish to receive an information request and it is not an application mentioned in section 11.3; or*
- (b) the assessment manager states in the confirmation notice that it does not intend to make an information request;*

public notification must start within 20 days of the day after the confirmation notice is given to the applicant.

16.2. *If—*

- (a) the applicant has advised that it does not wish to receive an information request; and*
- (b) it is not an applicant mentioned in section 11.3; and*
- (c) there are referral agencies;*

public notification must start within 20 days after the day the last referral assessment period for any referral agency has started.

16.3. *If sections 16.1 and 16.2 do not apply, public notification must start within 20 days of the day after part 3 has ended.*

16.4. *For a **changed application**, where public notification is required to be undertaken again from its beginning, public notification must commence within 20 days—*

- (a) if both part 2 and part 4 are relevant to the application as a result of the changed application, the day after part 3 has ended;*
- (b) otherwise, the day after the day notice is given under section 26.2(a) or 26.2(c).*

17. Public notice requirements

- 17.1. The applicant, or the assessment manager acting under section 53(10) of the Act, must give public notice by—
- (a) placing notice on the premises the subject of the application that must remain on the premises for the period of time up to and including the **stated day**; and
 - (b) giving notice to the **adjoining owners** of all lots adjoining the premises the subject of the application; or
 - (c) where there is a hard copy local newspaper for the locality of the premises the subject of the application, publishing a notice at least once in a hard copy local newspaper circulating generally in the locality of the premises the subject of the application; or
 - (d) where there is no hard copy local newspaper for the locality of the premises the subject of the application by either—
 - (i) publishing a notice at least once in an online local newspaper for the locality of the premises the subject of the application in a section of that publication that is intended for displaying notices intended for members of the public; or
 - (ii) publishing a notice on the assessment manager's website; or
 - (e) publishing a notice at least once in a hard copy state newspaper.
- 17.2. The applicant must give notice to the assessment manager of the intended start date of public notification.
- 17.3. Schedule 3 prescribes the way in which public notice must be given.
- 17.4. All public notice requirements under section 17.1 and 17.2 must be undertaken within the period prescribed under section 16.³

18. Notice of compliance

- 18.1. If the applicant gives public notice, it must, within 10 days from the day after the last day on which a submission may be made, or a further period agreed between the applicant and the assessment manager, give the assessment manager notice of compliance with the public notice requirements.⁴

³ The **public notification period** starts in accordance with section 53(5) of the Act. Not taking this action within the period prescribed, including any further period agreed, will result in the application lapsing – see section 31.

⁴ Not taking this action within the period prescribed, including any further period agreed, will result in the application lapsing – see section 31.

19. Submissions

19.1. The assessment manager—

- (a) *must accept a submission⁵ if the submission is a **properly made submission**; and*
- (b) *may accept a submission even if the submission is not a properly made submission.*

19.2. Anyone who has made a properly made submission, or a submission the assessment manager has accepted, may by notice—

- (a) *amend the submission before the stated day by which submissions must be received (or stated day in a subsequent public notice where re-notification has occurred); or*
- (b) *withdraw the submission at any time before the application is decided.*

19.3. Where submissions have been accepted under section 19.1 for the application, the assessment manager has up to 10 days, or a further period agreed between the applicant and the assessment manager, to consider the submissions starting—

- (a) *where the applicant has undertaken public notification, the day after the day the assessment manager receives notice of compliance under section 18.1; or*
- (b) *otherwise, the day after the stated day.*

20. End of part 4

20.1. Part 4 is complete—

- (a) *if submissions are received—*
 - (i) *the day the period to consider submissions under section 19.3 has ended; or*
 - (ii) *before the period has ended under section 19.3, the day the assessment manager gives notice to the applicant to end the period.*
- (b) *if no submissions are received—*
 - (i) *the day after the assessment manager receives a notice of compliance from the applicant; or*
 - (ii) *the stated day on the public notice if public notice is given by the assessment manager.*

Extracts from the Development Assessment Rules

⁵ Section 53(4) of the Act establishes the dates for making a submission for an application.