

File: 23/30
Date: 9 November 2023

SMK QLD Pty Ltd for Texas Trailer Hire
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

**Decision Notice –approval (with conditions)
Material Change of Use
Lot 2 on RP96191, 8 Cadell Street, Texas**

We wish to advise that on 9 November 2023 a decision was made to approve the material change of use development application for “*Business activities*” – “*Outdoor Sales*” (Trailer Hire) and “*Industry Activities*” – “*Warehouse*” at Lot 2 on RP96191, 8 Cadell Street, Texas. 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 35**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

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

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

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 23/30
Council Contact: Mrs Ronnie McMahon
Council Contact Phone: (07) 4671 7400

9 November 2023

Applicant Details: SMK QLD Pty Ltd for Texas Trailer Hire
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 1 August 2023.

Applicant details

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

Application details

Application number: 23/30
Approval sought: Development Permit – Material Change of Use
Details of proposed development: *"Business activities" – "Outdoor Sales" (Trailer Hire) and "Industry Activities" – "Warehouse"*

Location details

Street address: 8 Cadell Street, Texas
Real property description: Lot 2 on RP96191

Decision

Date of decision: 9 November 2023
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

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"/> <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. Development Permit – Building Works

Properly made submissions

There were no properly made submissions for this application.

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
23027-1	Plan for Proposed MCU Storage Facility Lot 2 RP96191 – 8 Cadell Street, Texas <i>Amended in red by Council</i>	27/02/23
-	Texas Storage & Trailer Hire – Shed Elevation Plans – Northern and Southern Elevation	n.d.
-	Texas Storage & Trailer Hire – Shed Elevation Plans – Western and Eastern Elevation	n.d.
-	Texas Storage & Trailer Hire – Trailer Storage / Cover – Elevations <i>Amended in red by Council</i>	n.d.
-	Texas Storage & Trailer Hire – Trailer Cover / Storage Plans <i>Amended in red by Council</i>	n.d.
-	Plans for Texas Storage & Trailer Hire – Storage Sheds	n.d.

Drawing Number	Title	Date
-	Texas Storage & Trailer Hire – Shipping Container Elevation Plans	n.d.
-	Texas Storage & Trailer Hire Shipping Container Plan	n.d.
23.1029	Lot 2 RP96191 Cadell St Texas Stormwater Management Plan	26/06/2023

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*.

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*.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 5 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 4 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 black ink, appearing to read 'RM McMahon', with a long horizontal flourish extending to the right.

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

enc Attachment 1—Assessment manager conditions
 Attachment 2—Approved Plans
 Attachment 3—Infrastructure Charges Notice
 Attachment 4—Notice about decision – Statement of reasons
 Attachment 5—*Planning Act 2016* Extracts



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

Attachment 2 – Approved Plans

Attachment 3 – Infrastructure Charges Notice

Attachment 4 – Notice about decision - Statement of reasons

Attachment 5 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager’s Conditions



Assessment Manager's Conditions

Description:	<ul style="list-style-type: none">• <i>"Business activities" – "Outdoor Sales" (Trailer Hire); and</i>• <i>"Industry Activities" – "Warehouse" (Storage Sheds)</i>
Development:	Material Change of Use – Development Permit
Applicant:	SMK QLD Pty Ltd for Texas Trailer Hire
Address:	8 Cadell Street, Texas
Real Property Description:	Lot 2 on RP96191
Council File Reference:	23/30

GENERAL CONDITIONS	
1.	Approval is granted for the purpose of a Material Change of Use for: <ul style="list-style-type: none">• <i>"Business activities" – "Outdoor Sales" (Trailer Hire); and</i>• <i>"Industry Activities" – "Warehouse" (Storage Sheds)</i> 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.	<p>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:</p> <table border="1" data-bbox="338 405 1505 1131"> <thead> <tr> <th data-bbox="338 405 544 474">Drawing Number</th> <th data-bbox="544 405 1323 474">Title</th> <th data-bbox="1323 405 1505 474">Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="338 474 544 577">23027-1</td> <td data-bbox="544 474 1323 577">Plan for Proposed MCU Storage Facility Lot 2 RP96191 – 8 Cadell Street, Texas <i>Amended in red by Council</i></td> <td data-bbox="1323 474 1505 577">27/02/23</td> </tr> <tr> <td data-bbox="338 577 544 647">-</td> <td data-bbox="544 577 1323 647">Texas Storage & Trailer Hire – Shed Elevation Plans – Northern and Southern Elevation</td> <td data-bbox="1323 577 1505 647">n.d.</td> </tr> <tr> <td data-bbox="338 647 544 716">-</td> <td data-bbox="544 647 1323 716">Texas Storage & Trailer Hire – Shed Elevation Plans – Western and Eastern Elevation</td> <td data-bbox="1323 647 1505 716">n.d.</td> </tr> <tr> <td data-bbox="338 716 544 819">-</td> <td data-bbox="544 716 1323 819">Texas Storage & Trailer Hire – Trailer Storage / Cover – Elevations <i>Amended in red by Council</i></td> <td data-bbox="1323 716 1505 819">n.d.</td> </tr> <tr> <td data-bbox="338 819 544 922">-</td> <td data-bbox="544 819 1323 922">Texas Storage & Trailer Hire – Trailer Cover / Storage Plans <i>Amended in red by Council</i></td> <td data-bbox="1323 819 1505 922">n.d.</td> </tr> <tr> <td data-bbox="338 922 544 958">-</td> <td data-bbox="544 922 1323 958">Plans for Texas Storage & Trailer Hire – Storage Sheds</td> <td data-bbox="1323 922 1505 958">n.d.</td> </tr> <tr> <td data-bbox="338 958 544 1028">-</td> <td data-bbox="544 958 1323 1028">Texas Storage & Trailer Hire – Shipping Container Elevation Plans</td> <td data-bbox="1323 958 1505 1028">n.d.</td> </tr> <tr> <td data-bbox="338 1028 544 1064">-</td> <td data-bbox="544 1028 1323 1064">Texas Storage & Trailer Hire Shipping Container Plan</td> <td data-bbox="1323 1028 1505 1064">n.d.</td> </tr> <tr> <td data-bbox="338 1064 544 1131">23.1029</td> <td data-bbox="544 1064 1323 1131">Lot 2 RP96191 Cadell St Texas Stormwater Management Plan</td> <td data-bbox="1323 1064 1505 1131">26/06/2023</td> </tr> </tbody> </table> <p data-bbox="338 1167 1098 1202">Please note these plans are not approved Building Plans.</p>	Drawing Number	Title	Date	23027-1	Plan for Proposed MCU Storage Facility Lot 2 RP96191 – 8 Cadell Street, Texas <i>Amended in red by Council</i>	27/02/23	-	Texas Storage & Trailer Hire – Shed Elevation Plans – Northern and Southern Elevation	n.d.	-	Texas Storage & Trailer Hire – Shed Elevation Plans – Western and Eastern Elevation	n.d.	-	Texas Storage & Trailer Hire – Trailer Storage / Cover – Elevations <i>Amended in red by Council</i>	n.d.	-	Texas Storage & Trailer Hire – Trailer Cover / Storage Plans <i>Amended in red by Council</i>	n.d.	-	Plans for Texas Storage & Trailer Hire – Storage Sheds	n.d.	-	Texas Storage & Trailer Hire – Shipping Container Elevation Plans	n.d.	-	Texas Storage & Trailer Hire Shipping Container Plan	n.d.	23.1029	Lot 2 RP96191 Cadell St Texas Stormwater Management Plan	26/06/2023
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4.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> <li data-bbox="363 1330 1334 1361">(i) Generally in accordance with development approval documents; and <li data-bbox="363 1397 1544 1496">(ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <p data-bbox="338 1532 1544 1630">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 data-bbox="338 1666 1544 1800">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>																														
5.	<p>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.</p>																														
6.	<p>It is the developer's responsibility to obtain all other statutory approvals required prior to the commencement of the use.</p>																														

	OPERATION OF THE USE
7.	The proposed Business Activities – “Outdoor Sales” (Trailer Hire) use shall be operated generally between the hours of 7:00am and 6:00pm.
8.	There shall be no goods stored or displayed external to the approved buildings.
	ESSENTIAL SERVICES
9.	<p>The development shall be connected to Council’s reticulated water supply system, if and when required, in accordance with Schedule 6.2 Planning Scheme Policy 1 – Land Development Standards in the Goondiwindi Region Planning Scheme 2018 (Version 2), to the satisfaction of and at no cost to Council.</p> <p>The developer shall provide all necessary water infrastructure to enable the development to be serviced to relevant engineering standards and to the satisfaction of Council.</p>
10.	<p>The development shall be connected to Council’s reticulated sewerage system, if and when required, in accordance with Schedule 6.2 Planning Scheme Policy 1 – Land Development Standards in the Goondiwindi Region Planning Scheme 2018 (Version 2), when required as part of a building approval, to the satisfaction of and at no cost to Council.</p> <p>The developer shall provide all necessary sewer infrastructure to enable the development to be serviced to relevant engineering standards and to the satisfaction of Council.</p>
	PUBLIC UTILITIES
11.	The development shall be connected to an adequate electricity and telecommunications supply system, at no cost to Council.
	ROADS AND VEHICLES
12.	<p>The two accesses to Cadell Street, shall be constructed or upgraded, where required, from the edge of the existing bitumen to the property boundary to a commercial 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>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>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. A qualified Council Officer may inspect construction works at the request of the development to ensure compliance with this condition.</p>

13.	Vehicle manoeuvring areas shall be provided on-site so that all vehicles, including all heavy vehicles, can enter and leave the site in a forward direction.
14.	<p>Three (3) car parking spaces shall be supplied on site. This area shall be constructed to a dust suppressant all-weather standard 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>Car parking areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>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. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
	LANDSCAPING
15.	Solid screen fencing, 1.8m high, shall be provided for the full length of all side and rear boundaries. The fence shall be appropriately integrated with the proposed landscaping on site and present an attractive visual appearance to adjoining properties.
16.	<p>Landscaping shall be provided in accordance with Schedule 6.3 – Planning Scheme Policy 3 – Landscaping Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, with a minimum of:</p> <ul style="list-style-type: none"> • Screening of external activity areas is to be provided along the full length of the northern, western and southern boundaries of the site, excluding the stormwater drainage channel, at a minimum width of 1.5m. Landscaping must include trees that reach a minimum height of 3m. • Street frontage landscaping is to be provided along the Cadell Street frontage, excluding vehicle access points and stormwater drainage channel, at a minimum width of 2m. <p>All landscaping and tree plantings are to be planted and maintained to the satisfaction of a Council Officer. A bond for the amount of \$5,830 is to be submitted prior to the commencement of the use for the maintenance of landscaping.</p> <p>The bond holding time starts from the acceptance of works. Council must be contacted by the applicant to request an inspection of the landscaping as soon as possible after completion of planting and payment of the bond is accepted. The bond shall be returned in accordance with the following schedule if the landscaping meets the criteria:</p>

Time from acceptance of landscaping works	Criteria	Bond Refund / Reduction
9 months – From acceptance of works	Landscaping conforms to requirements, is established and maintained. Adequate provision for on-going watering and growth. Any/all replacement plants are provided.	50%
18 months – From acceptance of works	Landscaping is well established (as a guide >50% full growth depending on species). All replacement plants are established. The landscaping intent is being achieved.	25%
24 months – From acceptance of works	Landscaping is fully established, or within 80% depending on species.	25%

After the required bond holding time has passed, a refund of bond monies will only be considered upon written request from the person who paid the bond once the required bond holding time has been completed.

A Council Officer may inspect landscaping plantings to ensure compliance with this condition and acceptance of the works.

Council will hold the funds in trust from a maximum of three years, at which time should work not be carried out and maintained to Council's satisfaction, the bond will be used by Council to have the works performed unless an extension of time is requested by the land owner or applicant and approved by Council.

To clarify, bonds can only be refunded upon a written request from the person who paid the bond upon the works being satisfactorily maintained for the required bond holding time.

	STORMWATER
17.	<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 the approved Stormwater Management Plan and 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>
18.	<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>
19.	<p>The stormwater drainage channel is to be constructed and maintained in accordance with the Stormwater Management Plan, to the satisfaction of the Director of Engineering Services to and at no cost to Council.</p>
	EARTHWORKS AND EROSION CONTROL
20.	<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>

21.	<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> 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>
	AVOIDING NUISANCE
22.	<p>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 under the Act shall be obtained and shall be maintained at all times while the use continues.</p>
23.	<p>At all times while the use continues it shall be operated in such a manner as to ensure that no nuisance shall arise to surrounding premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.</p>
24.	<p>All external lighting is to be compliant with AS/NZS 4282-2019 “<i>Control of obtrusive effects of outdoor lighting</i>”.</p>
25.	<p>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.</p> <p>Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.</p>
26.	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
27.	<p>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>The site must be kept in a clean and tidy state at all times during construction.</p>
28.	<p>At all times while the use continues, any air conditioned equipment shall be acoustically screened to ensure noise levels do not exceed 5 dB(A) above the background noise level measured at the boundaries of the subject site.</p>

DEVELOPER'S RESPONSIBILITIES	
29.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
30.	All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances to carry out the works.
31.	All costs reasonably associated with the approved development, unless there is specific agreement by other parties to meet these costs, shall be met by the developer.
32.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
COMMENCEMENT OF USE	
33.	<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>
34.	<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>
35.	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.

	PLEASE READ CAREFULLY - NOTES AND ADVICE
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the 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>(a) If no period stated – 6 years after the approval starts to have effect. Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	<p>Infrastructure charges as outlined in the Infrastructure Charges Notice included in Attachment 3 shall be paid prior to the commencement of the use.</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 2 – Approved Plans

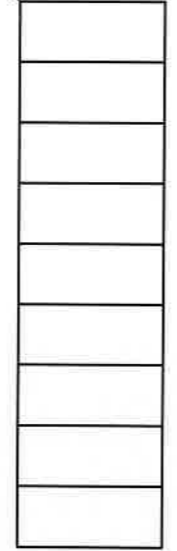
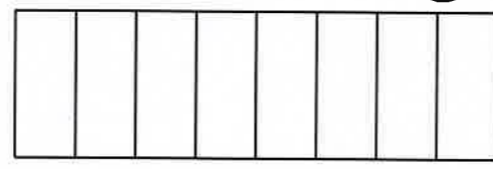




3
RP70222

19
RP70222

Shed to be removed



Containers
2
RP96191

RP96191

RP96191

Existing Drain



Shipping Container not approved

24.0

6.0

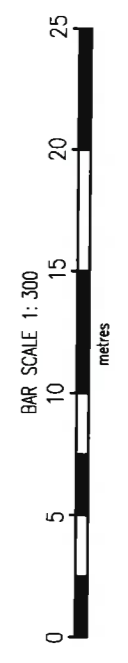
6m Offset Line

5
RP75860

Existing Driveway

New Driveway

CADELL STREET



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/30
Dated: 09/11/2023
Signed: *AMMS*
Print Name: *Ronnie McMahon*
(Under Delegation) ASSESSMENT MANAGER

TEXAS TRAILER HIRE

SMK OLD PTY. LTD.
Goondiwindi | Brisbane | Gold Coast | Toowoomba | Gatton
Ph (07) 4671 2445 Email admin@smkold.com.au

A3

Drawn RPK 27/02/23 Checked RPK 27/2/23

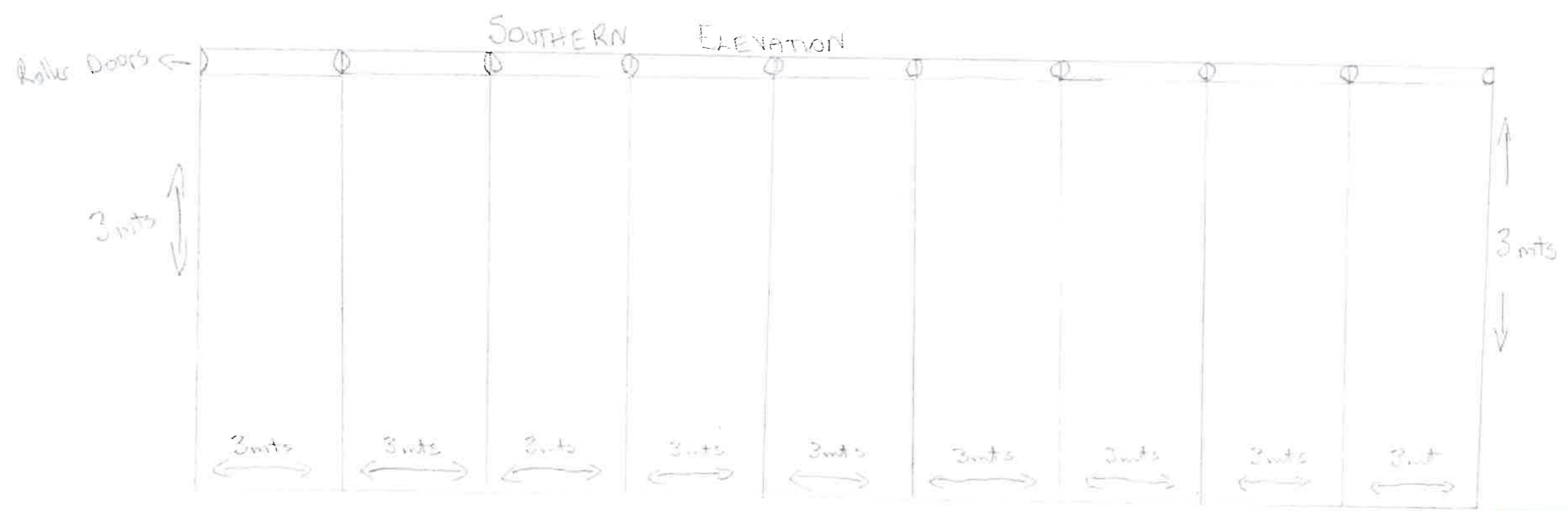
PLAN FOR PROPOSED MCU STORAGE FACILITY
LOT 2 RP96191
8 CADELL STREET, TEXAS

SCALE: 1:300

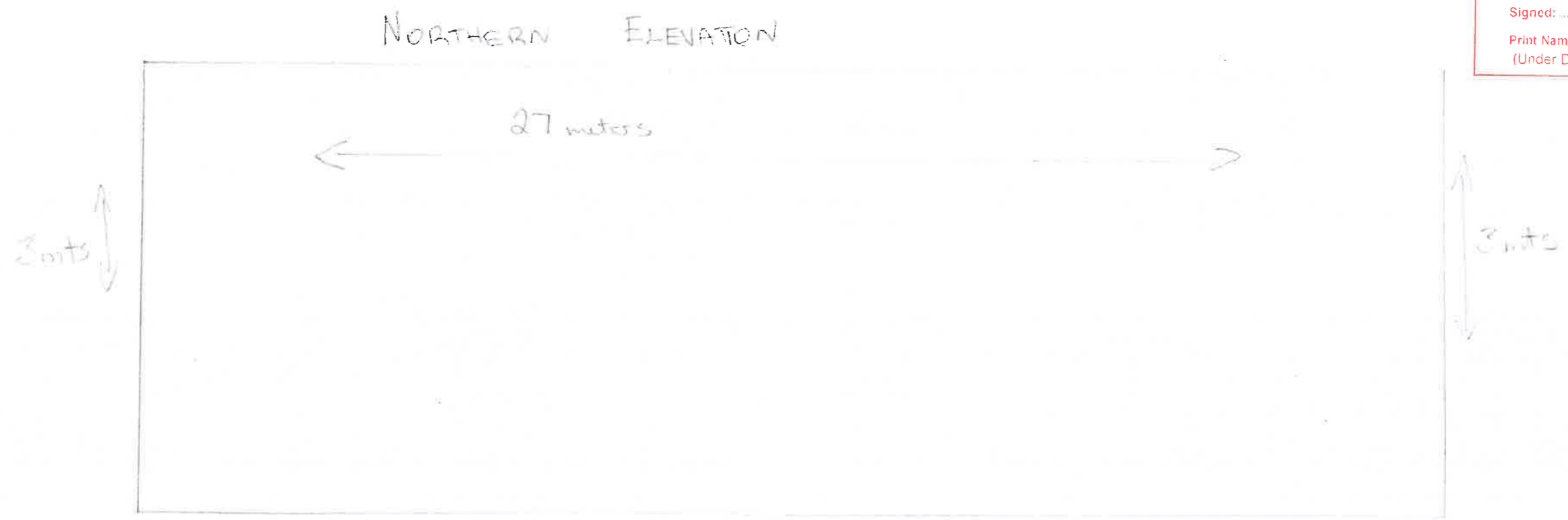
23027

23027-1

TEXAS STORAGE & TRAILER HIRE - SHEDS ELEVATION PLANS

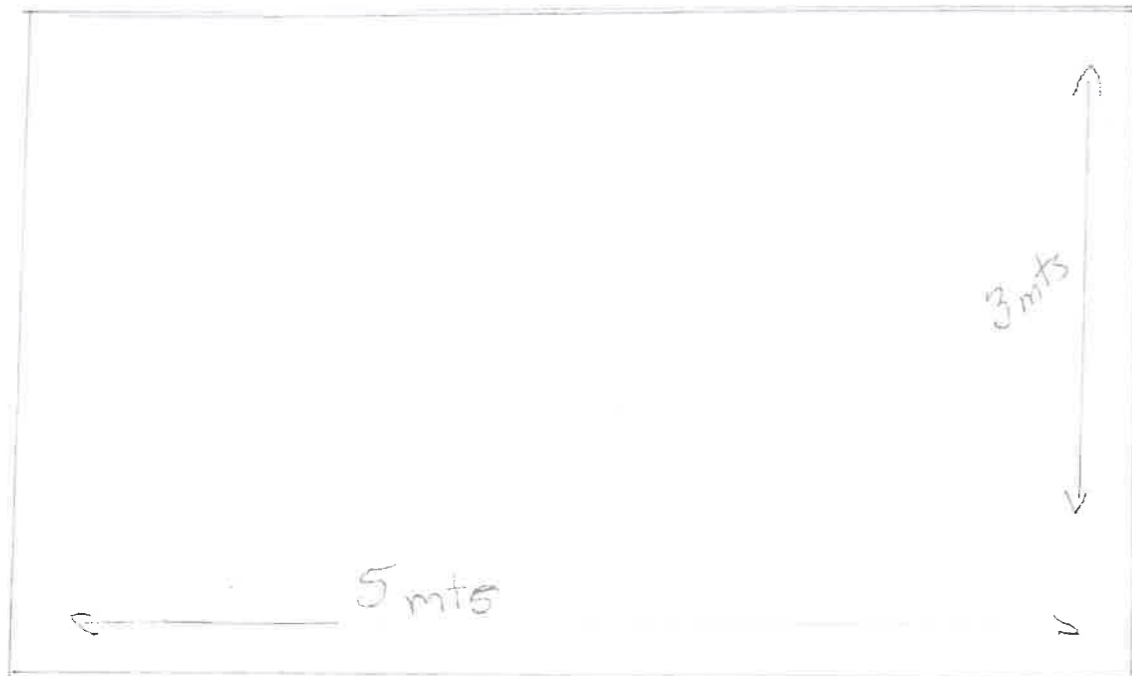


SCALE
1cm = 1mt



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/30
Dated: 09/11/2023
Signed: *RMM*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

TEXAS STORAGE & TRAILER HIRE - SHEDS ELEVATION PLANS



Western Elevation

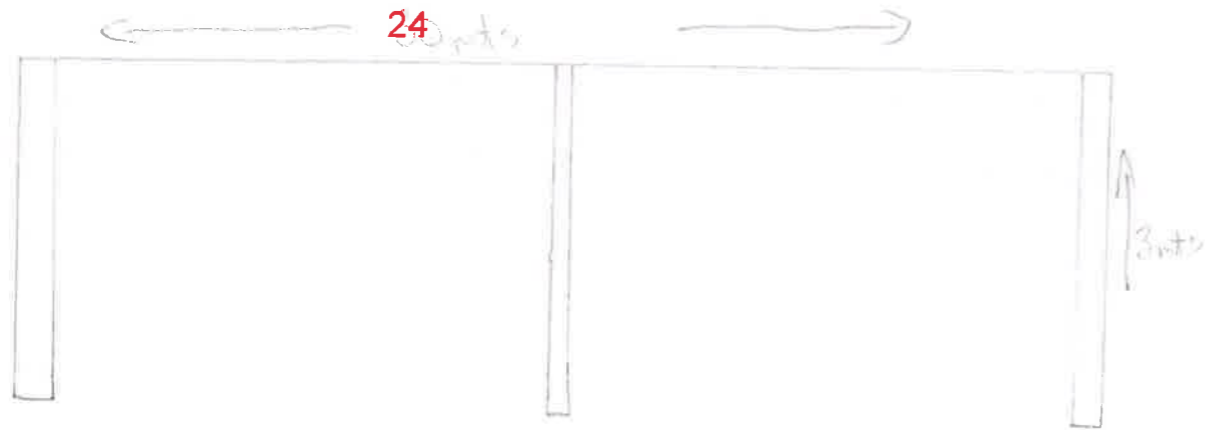


Eastern Elevation

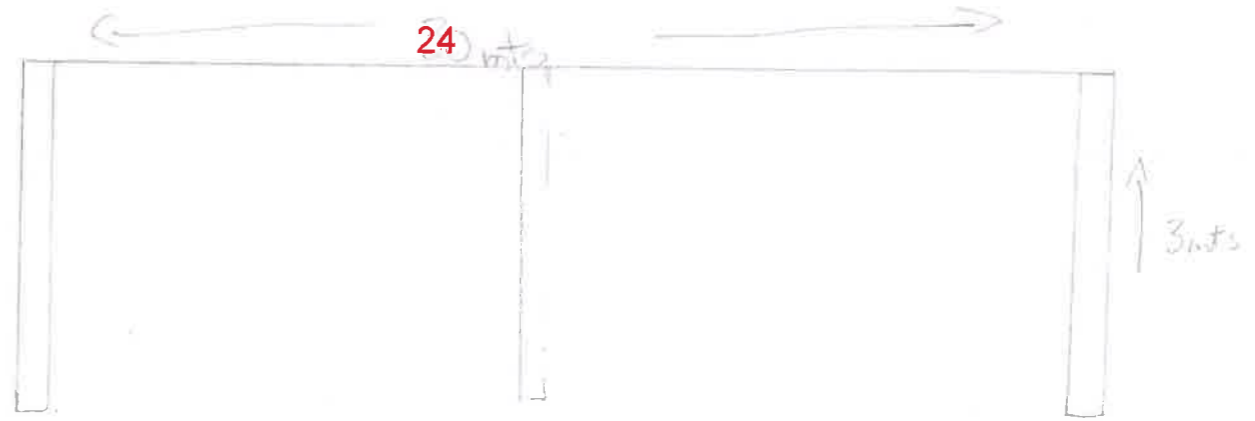
SCALE 1cm = 1mt

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/30
Dated: 09/11/2023
Signed: *RMM*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

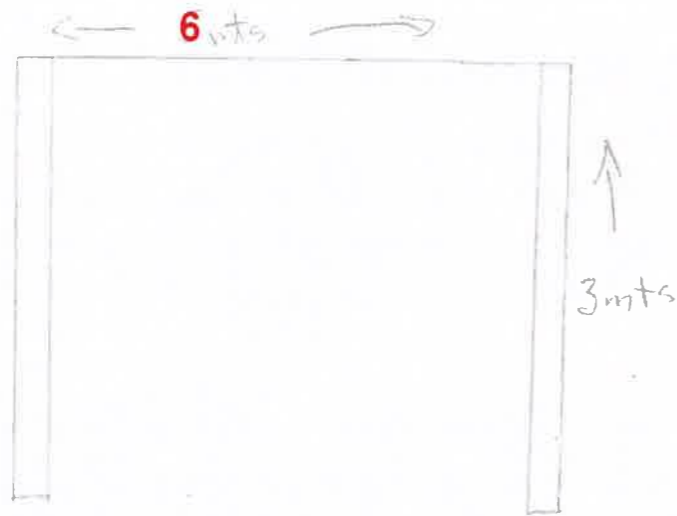
TEXAS STORAGE + TRAILER HIRE - TRAILER STORAGE/COVER ELEVATIONS



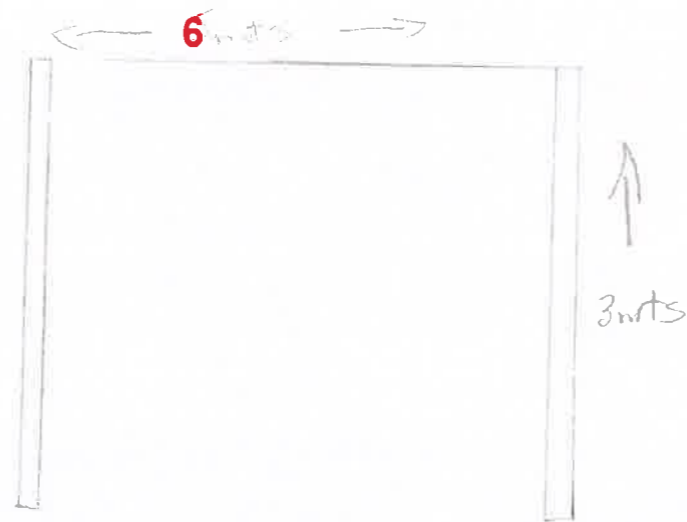
Northern Elevation



Southern Elevation



Western Elevation



Eastern Elevation

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/30
Dated: 09/11/2023
Signed: *RM.M.*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

TEXAS STORAGE & TRAILER HIRE - TRAILER COVER/STORAGE PLANS



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/30
Dated: 09/11/2023
Signed: *RMM*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

No Walls/Sides
No Doors
No Windows

PLANS FOR TEXAS STORAGE & TRAILER HIRE - STORAGE SHEDS

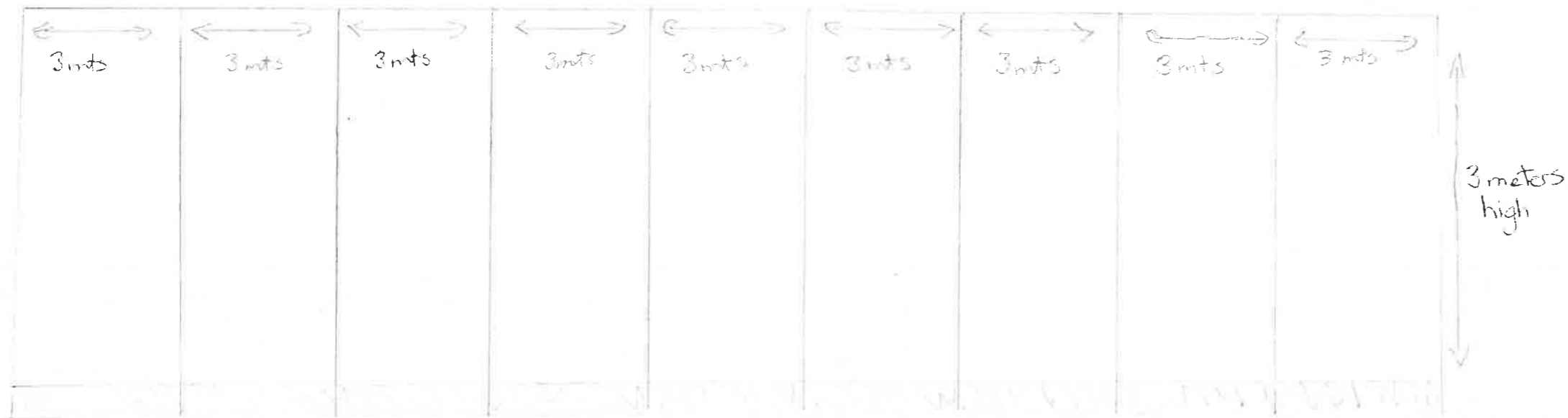
AERIAL VIEW



Coburband Roofing
Cladding

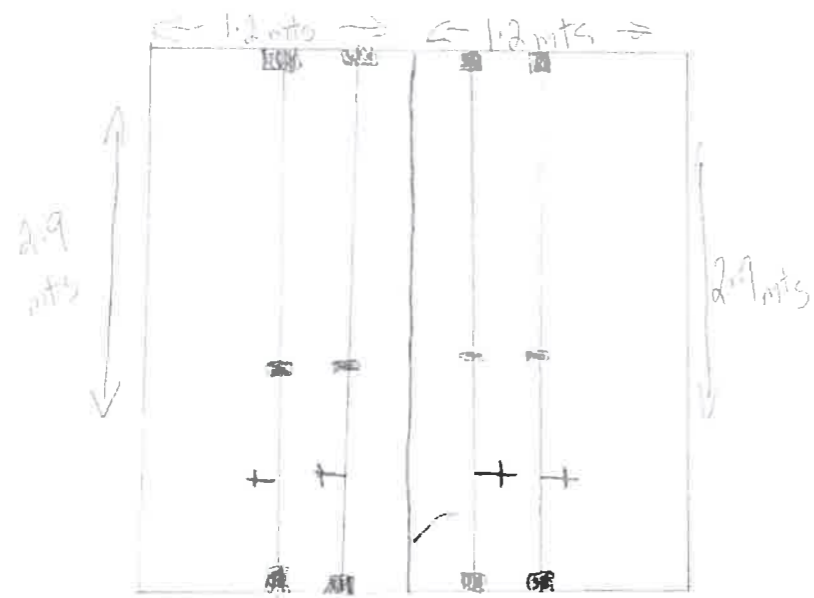
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/30
Dated: 09/11/2023
Signed: *RMM*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

INTERNAL LAYOUT

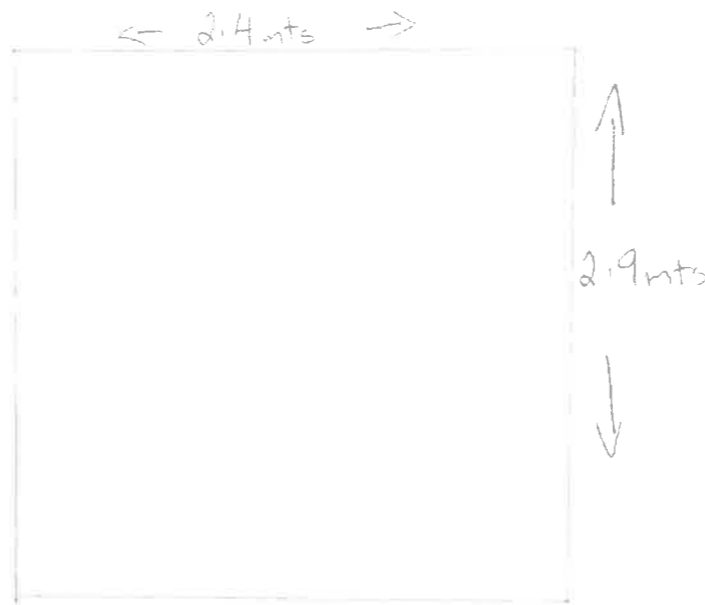


SYMBOLS
mm Roller Doors
No Power (Internal)
No Water (Internal)
No Cabinetry
No Windows

TEXAS STORAGE & TRAILER HIRE - SHIPPING CONTAINER ELEVATION PLANS



EASTERN Elevation
 NORTH
 North East



Western Elevation
 SOUTH
 South West



Northern Elevation
 Western
 North West

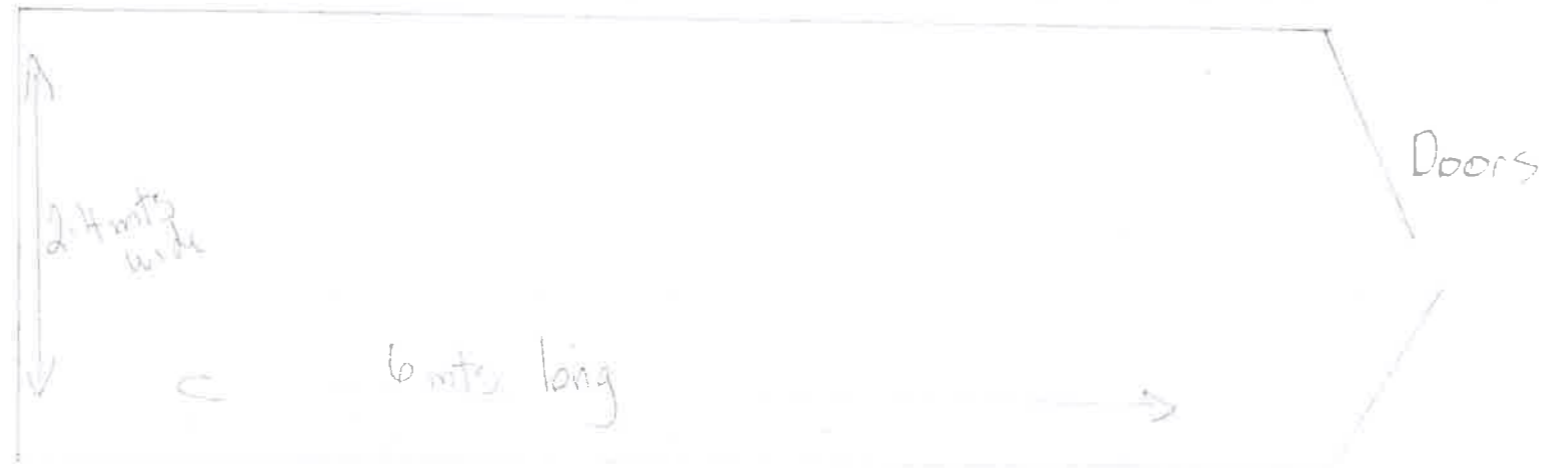


SOUTHERN Elevation
 EASTERN
 North East

8 containers face East
 6 containers face North
 1 container faces North East

GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 23/30
 Dated: 09/11/2023
 Signed: *R.M. McMahon*
 Print Name: **Ronnie McMahon**
 (Under Delegation) ASSESSMENT MANAGER

TEXAS STORAGE & TRAILER HIRE SHIPPING CONTAINER PLAN



No Power
No Water
No Cabinetry
No Windows

2 lockable doors
at front

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/30
Dated: 09/11/2023
Signed: *RMM*
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER



STORMWATER MANAGEMENT PLAN

LOT 2 RP96191 - CADELL STREET, TEXAS
LOUISE KEWEN - TEXAS TRAILER HIRE

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

Council Reference: 23/30

Dated: 09/11/2023

Signed: RMM

Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER



AMENDMENT, DISTRIBUTION AND APPROVAL

ISSUE	AUTHOR	REVIEWER	APPROVED FOR ISSUE		
			NAME	SIGNATURE	DATE
1	Lachlan O'Dempsey	Michael Shellshear	Michael Shellshear RPEQ 17364		29/06/2023

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Disclaimer

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Proterra Group Pty Ltd

31 Glasser Street (PO Box 1273) Goondiwindi QLD 4390

2 Aubigny Street (PO Box 208) Toowoomba QLD 4350

E: admin@proterragroup.com.au

W: www.proterragroup.com.au

ABN: 82 626 886 771



**STORMWATER MANAGEMENT PLAN
CADELL STREET, TEXAS**

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STORMWATER MANAGEMENT PLAN CADELL STREET, TEXAS

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1 INTRODUCTION

Proterra Group has been engaged by SMK Qld Pty Ltd to develop a Stormwater Management Plan for Lot 2 RP96191 in Texas, Qld. This Stormwater Management Plan is required by the property owner, Louise Kewen of Texas Trailer Hire to satisfy the requirements of a development application for a material change of use (MCU) of the site.

The property owner proposes to develop the allotments into a container storage facility and parking for a trailer hire business. This plan aims to analyse the effect of the proposed development on the current stormwater system and recommends a proposed treatment to ensure the capacity of the waterway is not restricted.

1.1 SITE LOCATION

The site is located on Cadell Street, Texas, described as Lot 2 RP96191. The site is located at latitude -28.850491, and longitude 151.169826 with an area of approximately 1,800m² and is illustrated in Figure 1-1.



Figure 1-1 Locality Map of Cadell Street, Texas

1.2 SITE DESCRIPTION

This site is currently vacant and has vehicular access to Cadell Street. The site has approximately 40 m of frontage to Cadell Street. The lot has a watercourse traversing through the property from east to west. The watercourse crosses under Cadell St upstream of the site through four (4) cells of 1200x900 reinforced concrete box culverts (RCBC's). The watercourse has a large catchment area to the east of the site totalling approximately 28.4 hectares. All runoff collected within this this lot drains to the watercourse. Figure 1-2 and Figure 1-3 below shows the site and the RCBC crossing under Cadell Street.



Figure 1-2 Culvert Crossing Under Cadell St Upstream of Site



Figure 1-3 Photograph of Lot 2 RP96191 Looking West from Cadell St

2 STORMWATER ANALYSIS

2.1 LAWFUL POINT OF DISCHARGE & SEDIMENT CONTROL

Queensland Urban Drainage Manual (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.

Due to the watercourse running through the property, all runoff is captured in the watercourse. The property owner does not propose to construct or store anything within the waterway and will ensure that the watercourse is not obstructed. The lawful point of discharge is deemed to be at the point where the existing waterway crosses the property boundary in the southwestern corner of the lot. This discharge point has existed for many years and presumably since the land was first developed for residential purposes.

2.2 HYDROLOGICAL ASSESSMENT

To determine impact of the development upon the waterway and to ensure all development occurred above the predicted height of stormwater flows a hydrological assessment has been completed.

The rational method was used in accordance with the 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.

The below analysis shows the results of a stormwater assessment undertaken for the property at Cadell Street, Texas. The rational method was used in accordance with the QUDM to determine peak flow through the watercourse in storm events of ARI 100. Inputs to the rational method calculations for the catchment are shown below in Table 2-1 Input for Catchment Area. For the purposes of this assessment we have not analysed the difference between the pre and post development conditions within the subject land parcel. The size of the parcel in the context of the broader catchment is minor and any development activities will have a negligible impact upon the volume of stormwater flows.

Table 2-1 Input for Catchment Area

Catchment	Area (ha)	Average Slope (%)	Fraction Impervious (f _i)	Co-efficient of Runoff (C ₁₀)	Time of Concentration (T _c)
Culvert Catchment	28.4	3.64 %	0.4 %	0.60	82 mins

The scenario has been modelled as an urban area Hortons roughness. All inputs remain the same in the post development case.



STORMWATER MANAGEMENT PLAN CADELL STREET, TEXAS

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

Table 2-2 IFD Rainfall Data for Texas, QLD (BoM)

Duration	Annual Exceedance Probability (AEP)						
	63.20%	50%#	20%*	10%	5%	2%	1%
1 min	123	139	191	227	263	311	348
2 min	104	118	162	192	223	257	282
3 min	96.7	110	150	179	206	240	264
4 min	91.2	103	142	168	194	227	252
5 min	86.5	98	134	159	184	216	241
10 min	68.7	77.9	107	127	147	174	196
15 min	57.2	64.8	89.1	106	123	146	164
20 min	49.2	55.7	76.6	91.1	106	125	141
25 min	43.3	49	67.4	80.2	92.9	110	124
30 min	38.7	43.9	60.3	71.8	83.2	98.7	111
45 min	29.8	33.7	46.3	55.1	63.8	75.5	84.5
1 hour	24.4	27.6	37.9	45.1	52.2	61.6	68.9
1.5 hour	18.3	20.7	28.2	33.5	38.8	45.7	51.1
2 hour	14.8	16.7	22.8	27	31.3	36.9	41.2
3 hour	11	12.4	16.8	19.9	23	27.1	30.4
4.5 hour	8.18	9.18	12.4	14.7	16.9	20.1	22.5
6 hour	6.63	7.43	10	11.8	13.6	16.2	18.3
9 hour	4.94	5.52	7.41	8.76	10.1	12.1	13.8
12 hour	4	4.47	6.01	7.1	8.22	9.92	11.3
18 hour	2.98	3.33	4.47	5.31	6.16	7.48	8.57
24 hour	2.41	2.69	3.63	4.32	5.03	6.12	7.04
30 hour	2.04	2.28	3.08	3.67	4.29	5.23	6.02
36 hour	1.77	1.98	2.69	3.22	3.77	4.6	5.29
48 hour	1.42	1.59	2.17	2.6	3.05	3.72	4.28
72 hour	1.03	1.15	1.58	1.9	2.24	2.71	3.12
96 hour	0.814	0.913	1.25	1.5	1.76	2.13	2.44
120 hour	0.677	0.759	1.03	1.24	1.45	1.75	2
144 hour	0.582	0.652	0.882	1.05	1.22	1.47	1.68
168 hour	0.512	0.573	0.768	0.907	1.05	1.27	1.45

Note: The above figures represent rainfall intensity in mm/hr

Table 2-3 Rational Method Calculated Flows (L/s)

	ARI 2	ARI 5	ARI 10	ARI 20	ARI 50	ARI 100
Pre and Post Development	1,110	1,704	2,135	2,594	3,353	3,914

The results of the analysis show that:

- The design ARI 100 peak flow will not increase as a result of the development.
- The ARI 2 peak flow will not increase as a result the development.
- The calculated flow for a ARI100 storm event is **3,914 L/s**

2.3 PROPOSED STORMWATER MANAGEMENT

Stormwater passing through the site is expected to be managed by a clear area that directs runoff along the existing watercourse. To allow development on the site the watercourse will be formed into a trapezoidal channel with a grassed bed and banks. To allow easy maintenance it is proposed that the section of the channel comprises a 2m wide bed with 1 in 4 batters.

Using Manning's equation we can utilise the assumed channel cross-section and calculated discharge to determine the depth of channel require to convey stormwater through the site. Mannin's equation is given by:

$$V = \frac{1}{n} \times R^{\frac{2}{3}} \times S^{0.5} \times A$$

Where:

- V = Average flow velocity (m/s)
- n = Manning's roughness
- R = Hydraulic radius (A/P) m
- A = Effective channel flow area (m²)
- P = Wetted perimeter (m)
- S = Channel Slope (m/m)

For the site we have adopted a Manning's roughness of 0.03 from QUDM Table 9.3.4 and a slope of 0.033 m/m over the land parcel.

Using the above equation gives a stormwater depth of **0.415m** for the above channel configuration.

Table 9.3.1 of the QUDM provides guidance for recommend freeboards above the calculated depth of stormwater in channels. For this site the freeboard should be 300mm. The total depth of the channel must be a minimum of 715mm – say **750mm**. Figure 2-1 shows the typical section of the drainage channel that should be constructed for this site. No development should occur below the top of banks of the channel. Erosion and sediment control measures must be employed during development of the site and construction of the channel. The channel should be grassed and maintained in a similar manner to the existing waterway within the property.

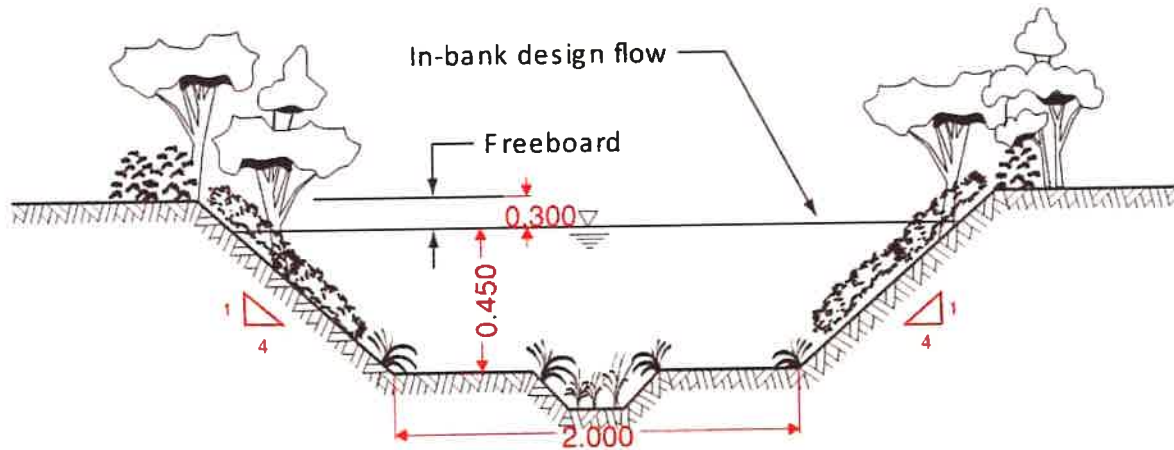


Figure 2-1 Typical Section of Proposed Channel

3 CONCLUSIONS

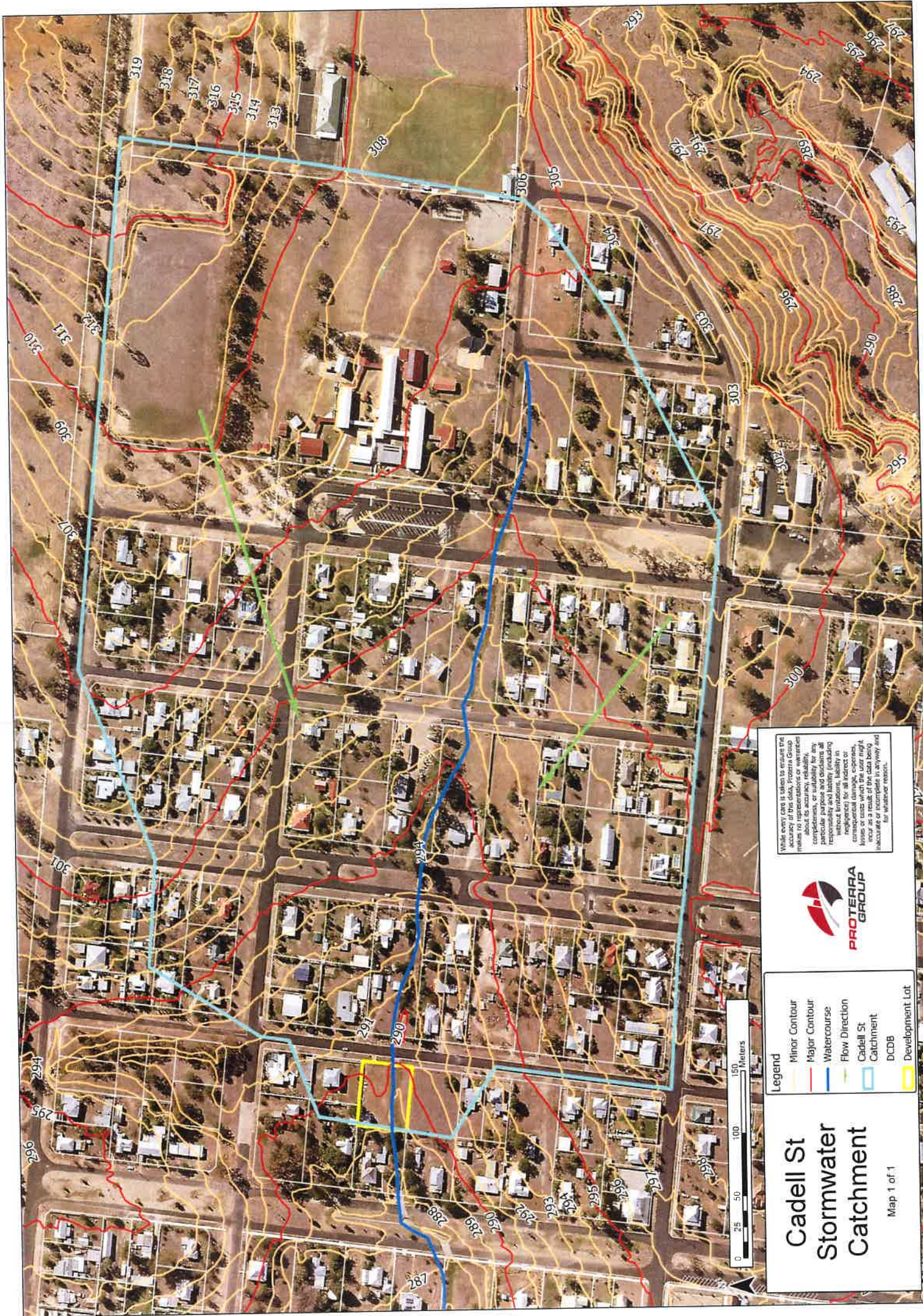
The following points can be concluded from the above assessment:

- The proposed development is not expected to alter the stormwater catchment characteristics or runoff volumes;
- The proposed development will ensure the watercourse has a clear path;
- The proposed development will not result in any "substantial" or "unreasonable" impacts to publicly or privately owned infrastructure; and
- A drainage channel through the site should be formed in accordance with the typical section shown in Figure 2-1.



**STORMWATER MANAGEMENT PLAN
CADELL STREET, TEXAS**

APPENDIX A CATCHMENT AND SITE MAP



While every care is taken to ensure the accuracy of this data, Proterra Group makes no representation or warranty as to the accuracy, reliability, completeness, or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation liability in consequential damage, expenses, losses or costs which the user might incur as a result of the data being inaccurate or incomplete in anyway and for whatever reason.



Legend	
	Minor Contour
	Major Contour
	Watercourse
	Flow Direction
	Cadell St Catchment
	DCDB Development Lot

Cadell St Stormwater Catchment



Attachment 3 – Infrastructure Charges Notice





Goondiwindi Customer Service
Centre
4 McLean Street
Goondiwindi
Inglewood Customer Service
Centre
18 Elizabeth Street
Inglewood

Locked Mail Bag 7
Inglewood QLD 4387

Telephone: 07 4671 7400
Fax: 07 4671 7433

Email: mail@grc.qld.gov.au

Infrastructure Charges Notice

Address	8 Cadell Street, Texas
Owner	Louise Dorothy Kewen
Applicant	SMK QLD Pty Ltd for Texas Trailer Hire
Application No.	23/30
Lot and Survey Plan	Lot 2 on RP96191
Date	9 November 2023
Approval	Development Permit – Material Change of Use

Development Application Details
“Business activities” – “Outdoor Sales” (Trailer Hire) and “Industry Activities” – “Warehouse” (Storage Sheds)

Proposed Use	Charge Area	Type of Charge	Charge Amount (\$)	Unit	Total Charge (\$)
Warehouse and Outdoor Sales	B	Water, sewer, transport and parks	4.80 per m ² of GFA	480.6m ²	\$2,306.88
		Stormwater	0.60 per m ² of IA	1,417m ²	\$850.20

Due Date	When the use commences	Total Charge (\$)	\$3,157.08
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	9 November 2029		

Authorised by: 

Print Name: **Mrs Ronnie McMahon**
Manager of Planning Services

In accordance the Planning Act 2016

Office Use – Receipt Number
Charges – 1250-1150-0000 1250-1151-0000 (Drainage)





Attachment 4 – 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" – "Outdoor Sales" (Trailer Hire) and "Industry Activities" – "Warehouse" (Storage Sheds)

23/30

8 Cadell Street, Texas

Lot 2 on RP96191

On 9 November 2023, 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 Goondiwindi Region Planning Scheme 2018, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Strategic Framework	Elements 1-7
General Residential Zone Code	Purpose, PO1-PO5
Transport & Infrastructure Code	PO1-PO15
Biodiversity Areas Overlay Code	PO1-PO3

3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Transport & Infrastructure Code	
<p>AO2 Parking is provided on the site in accordance with the requirements identified in Table 9.4.4.2 - Car parking generation rates and service vehicle requirements.</p> <p>Note—where for a <i>supermarket</i> or <i>shopping centre</i> including a <i>supermarket</i> in the Central business district precinct or Pratten Street precinct of the Centre Zone or the Callandoon Street precinct or Marshall Street precinct of the General residential zone, a Traffic and Car Parking Impact Assessment and Street Improvement Plan is undertaken in support of any development application seeking car parking concessions.</p> <p>OR Where development is for a material change of use involving no building work or <i>minor building work</i>, the existing number of car parking spaces on the premises is maintained.</p>	<p>Alternative Solution The submitted site plan does not show any car parking spaces on site. The applicant states that three car parking spaces will be provided.</p> <p>Table 9.4.4.2 requires 5 car parking spaces be provided. It is considered the proposal to provide three car parking spaces is sufficient, based on the nature of the use. Conditions will be applied for the three car parking spaces to be provided on site.</p>
<p>AO15.1 Landscaping complies with the standards specified in SC6.4 Planning Scheme Policy 1 – Landscaping Standards.</p> <p>AO15.2 Street frontage landscaping has a minimum width of 2 metres for the full length of the site frontage (excluding driveways).</p> <p>AO15.3 Landscape screening to external use areas has a minimum width of 3 metres for the full length of all boundaries adjoining external use areas on the site.</p> <p>AO15.4 For industrial activities adjoining premises not included in an industry zone and used for non-industrial activities, a solid screen fence with a minimum height of 1.8 metres is provided on the common boundary.</p>	<p>Alternative Solution Conditions will be applied requiring a 2m landscaping strip along the road frontage boundary and a 1.5m landscaped screen along all side and rear boundaries. Solid fencing will also be conditioned to protect the amenity of surrounding land uses.</p>
Biodiversity Areas Overlay Code	
<p>AO3.1 A buffer is provided and maintained to a wetland which has a minimum width of:</p> <ul style="list-style-type: none"> (a) 50 metres where the area is located within an <i>urban area</i> or land included in the Rural residential zone; and (b) 200 metres where the area is located outside an <i>urban area</i> or land included in the Rural residential zone. <p>AO3.2 Development in an urban or rural residential area is setback a minimum of 50m from a waterway¹ on or adjacent to the site.</p> <p>OR Development not in an urban or rural residential area is setback a minimum of 100m from a waterway on or adjacent to the site.</p>	<p>Alternative Solution The site is mapped as containing a watercourse. The proposed stormwater drainage design will protect the integrity of the watercourse. Conditions will be applied to ensure stormwater is managed on site to protect the quality of the watercourse.</p>

¹ Editor's note—for the purpose of the overlay, waterways are those waterways identified in the SPP interactive mapping system as MSES – Regulated vegetation (intersecting a watercourse)

Note—The above setback distances are to be measured from the top of the high bank of the watercourse.

AO3.3

Cleared, degraded or disturbed watercourses and watercourse buffers within the development site are rehabilitated in accordance with an approved rehabilitation plan.

AO3.4

Reconfiguring a lot adjacent to a watercourse provides that:-

- (a) no new lots directly back onto the riparian area;
- (b) any new roads are located between the watercourse buffer and proposed lots.

4. Relevant matters for impact assessable development /

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters to the assessment of the development under section 45(5)(b)	Assessment carried out against or assessment had regard to
Stormwater Overland Flow Path through the site	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to
Low impact nature of proposal	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to

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

~~6. Matters prescribed by Regulation~~



Attachment 5 – *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.