File: 21/28W
Date: 19 July 2021

Goondiwindi Regional Council
LMB 7
INGLEWOOD QLD 4387

Attention: Mr Carl Manton

Dear Mr Manton

Decision Notice – approval (with conditions)
Reconfiguring a Lot
Lot 32 on MH803, "Cranbourne", Cunningham Highway, Yelarbon

We wish to advise that on 19 July 2021 a decision was made to approve the reconfiguring a lot development application for a one (1) into tow (2) lot subdivision at Lot 32 on MH803, "Cranbourne", Cunningham Highway, Yelarbon. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

Please read the conditions carefully as these include actions which must be undertaken **prior to the submission to Council of the Plan of Survey**.

Please note **Condition 23**, which requires a letter outlining and demonstrating that conditions have been complied with, shall be submitted to Council prior to the submission to Council of the Plan of Survey.

If you 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

Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

Decision Notice approval
***Planning Act 2016* section 63**

Council File Reference: 21/28W
Council Contact: Mrs Ronnie McMahon: LMM
Council Contact Phone: (07) 4671 7400

19 July 2021

Applicant Details: Goondiwindi Regional Council
LMB 7
INGLEWOOD QLD 4387

Attention: Mr Carl Manton

The development application described below was properly made to Goondiwindi Regional Council on 06 May 2021.

Applicant details

Applicant name:	Goondiwindi Regional Council
Applicant contact details:	LMB 7, Inglewood, QLD 4387 lmcvicar@grc.qld.gov.au (07) 4671 7400

Application details

Application number:	21/28W
Approval sought:	Development Permit – Reconfiguring a Lot
Details of proposed development:	One (1) into two (2) lot subdivision

Location details

Street address:	"Cranbourne", Cunningham Highway, Yelarbon
Real property description:	Lot 32 on MH803

Decision

Date of decision:	19 July 2021
Decision details:	Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

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	N/A		
- building work assessable under the planning scheme		☐	☐
- plumbing or drainage work		☐	☐
- material change of use		☐	☐
- reconfiguring a lot		☒	☐
- operational work		☐	
Carrying out building work *(*assessable under the *Building Act 1975)*	Schedule 9, part 1	☐	☐
Development on airport land if the land use plan for the airport land states the development is assessable development	Schedule 10, part 1, division 1		
- building work		☐	☐
- plumbing or drainage work		☐	☐
- material change of use (consistent with the land use plan)		☐	☐
- reconfiguring a lot		☐	☐
- operational work		☐	☐
Making a material change of use on airport land that is inconsistent with the land use plan for the airport land	Schedule 10, part 1, division 1	☐	☐
Making a material change of use for a brothel	Schedule 10, part 2, division 2	☐	☐
Carrying out operational work for the clearing of native vegetation	Schedule 10, part 3, division 2	☐	☐
Making a material change of use on contaminated land	Schedule 10, part 4, division 1	☐	☐
Making a material change of use of premises for an environmentally relevant activity	Schedule 10, part 5, division 2	☐	☐
Making a material change of use of premises for aquaculture	Schedule 10, part 6, division 1, subdivision 1	☐	☐
Carrying out operational work that is completely or partly in a declared fish habitat area	Schedule 10, part 6, division 2, subdivision 1	☐	☐
Carrying out operational work that is the removal, destruction or damage of a marine plant	Schedule 10, part 6, division 3, subdivision 1	☐	☐
Carrying out operational work that is constructing or raising waterway barrier works	Schedule 10, part 6, division 4, subdivision 1	☐	☐
Making a material change of use for a hazardous chemical facility	Schedule 10, part 7, division 1	☐	☐

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

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

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

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. Not applicable

Properly made submissions

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

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
As per Schedule 10, Part 3, Division 4, Table 2, Item 1 (10.3.4.2.1) of the PR: *Development application for reconfiguring a lot that is assessable development under section 21, if—* *(a) a lot that the application relates to is 5ha or larger; and* *(b) the size of any lot created is 25ha or less; and* *(c) either—* *(i) the reconfiguration involves operational work that is assessable development under section 5, other than operational work that is only the clearing of regulated regrowth vegetation; or* *(ii) on any lot created, accepted operational work, other than operational work that is only the clearing of regulated regrowth vegetation, may be carried out.*	Department of State Development, Infrastructure, Local Government and Planning	*Concurrence Agency*	Department of State Development, Manufacturing, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdmip.qld.gov.au Ph: (07) 4616 7307

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) of the PR: *Development application for reconfiguring a lot that is assessable development under section 21, if—* *(a) all or part of the premises are within 25m of a State transport corridor; and* *(b) 1 or more of the following apply—* *(i) the total number of lots is increased;* *(ii) the total number of lots adjacent to the State transport corridor is increased;* *(iii) there is a new or changed access between the premises and the State transport corridor;* *(iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and* *(c) the reconfiguration does not relate to government supported transport infrastructure.*	Department of State Development, Infrastructure, Local Government and Planning	*Concurrence Agency*	Department of State Development, Manufacturing, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdmip.qld.gov.au Ph: (07) 4616 7307

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (10.9.4.2.3.1) of the PR: *Development application for reconfiguring a lot that is assessable development under section 21, if—* *(a) all or part of the premises are—* *(i) adjacent to a road (the relevant road) that intersects with a State-controlled road; and* *(ii) within 100m of the intersection; and* *(b) 1 or more of the following apply—* *(i) the total number of lots is increased;* *(ii) the total number of lots adjacent to the relevant road is increased;* *(iii) there is a new or changed access between the premises and the relevant road; and* *(c) the reconfiguration does not relate to government supported transport infrastructure.*	Department of State Development, Infrastructure, Local Government and Planning	*Concurrence Agency*	Department of State Development, Manufacturing, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdmip.qld.gov.au Ph: (07) 4616 7307

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing/report title	Prepared by	Date	Reference no.
Aspect of development: [reconfiguring a lot]			
Plan of Proposed Subdivision of Lot 32 on MH803	SMK Consultants Pty Ltd	2/4/20	220035-3

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016* OR

- [for reconfiguring a lot] This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to a local government for approval is not given within **four (4) years**.

Rights of appeal

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016).*

Appeal by an applicant

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

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

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

Attachment 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

Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

enc Attachment 1—Assessment manager and concurrence agency conditions
Attachment 2—Approved Plan
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

Part 1 – Assessment Manager's Conditions

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

Attachment 2 – Approved Plan

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

Approved Use:	One (1) into two (2) lot subdivision
Development:	Reconfiguring a Lot – Development Permit
Applicant:	Goondiwindi Regional Council
Address:	"Cranbourne", Cunningham Highway, Yelarbon
Real Property Description:	Lot 32 on MH803
Council File Reference:	21/28W

	GENERAL CONDITIONS
1.	Approval is granted for the purpose of Reconfiguring a Lot – One (1) into two (2) lot subdivision.
2.	The development shall be in accordance with supporting information supplied by the applicant with the development application including the following plan: **Drawing No** / **Title** / **Date** 220035-3 / Plan of Proposed Subdivision of Lot 32 on MH803 / 2/4/20 Please note this is not an approved Plan of Survey. The approved plan is included in **Attachment 2**.
3.	Complete and maintain the approved development as follows: (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by the Council or Referral Agency unless the Council or Referral Agency agrees in writing that those parts will be adequately complied with by amended specifications. All development must comply with any relevant provisions in the *Goondiwindi Region Planning Scheme 2018 (Version 2),* Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work. The development approval documents are the material contained in the development application, approved plan(s) and supporting documentation including any written and electronic correspondence between applicant, Council or Referral Agencies during all stages of the development application assessment processes.
4.	All conditions must be complied with or bonded prior to the submission to Council of the Plan of Survey, unless specified in an individual condition.

5.	Proposed Lot 81 will be associated with and used as part of the existing sewerage treatment plant located on Lot 80 on MH627. Therefore, proposed Lot 81 must not be sold separately from Lot 80 on MH627.
	ESSENTIAL SERVICES
6.	All existing connections to Council's reticulated water supply system shall be retained, to the satisfaction of and at no cost to Council.
7.	Prior to the submission to Council of the Plan of Survey, each proposed lot shall be connected to an effluent disposal sewerage system onsite, if or when required, in accordance with the *Queensland Plumbing and Wastewater Code*, to the satisfaction of and at no cost to Council. All sewer infrastructure (including effluent disposal areas) shall be fully located within site boundaries, and outside of the easement.
	PUBLIC UTILITIES
8.	Prior to the submission to Council of the Plan of Survey, each proposed lot shall be connected to an adequate electricity supply and telecommunications supply system, of or when required, at no cost to Council.
9.	The development is provided with an adequate and reliable water supply for fire fighting purposes.
	DEVELOPER'S RESPONSIBILITIES
10.	Development is to be resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.
11.	Development must directly, indirectly and cumulatively avoid any increase in water flow velocity or flood level, and must not increase the potential for flood damage either on-site or on other properties.
12.	Development involving community infrastructure or uses shall remain functional to serve the community need during and immediately after a flood event, is designed, sited and operated to avoid adverse impacts on the community or the environment, retains essential site access during a flood event, and is able to remain functional during a flood event.
13.	Development is to be designed and constructed to avoid significant adverse impacts on areas of environmental significance.

14.	It is the developer's responsibility to ensure that potential bushfire hazards are appropriately mitigated to reflect the hazard level of the site in regard to vegetation type and proximity, slope and aspect, bushfire history, on-site environmental values, ease of maintenance and any specific implications of the development.
15.	Any alteration or damage to roads and public infrastructure that is attributable to the progress of works or vehicles associated with the development must be repaired to Council's satisfaction or the cost of repairs paid to Council.
16.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including Council, to meeting those costs.
17.	It is the developer's responsibility to ensure that any contractors and subcontractors have current, relevant and appropriate qualifications and insurances in place to carry out the works.
18.	The developer shall be responsible for mitigating any complaints arising from on-site operations during construction.
19.	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises. During construction the site must be kept in a clean and tidy state at all times.
20.	At all times all requirements of the conditions of the development approval must be maintained.
	BEFORE PLANS WILL BE ENDORSED
21.	The developer shall submit a detailed Plan of Survey, prepared by a licensed surveyor, for the endorsement of Council. In accordance with Schedule 18 of the *Planning Regulations 2017.* The relevant Council Fee for endorsement of the Plan of Survey (currently $190; subject to change).

22.	All outstanding rates and charges shall be paid to Council prior to the submission to Council of the Plan of Survey. At its discretion, Council may accept bonds or other securities by way of bank guarantee or cash, to ensure completion of specified development approval conditions to expedite the endorsement of the Plan of Survey. It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed. The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.
23.	A letter outlining and demonstrating that each condition has been complied with of how they will be complied with shall be submitted to Council prior to the submission to Council of the Plan of Survey. Council officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards. The approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the *Planning Act 2016*: (a) If no period is stated – **4 years** after the approval starts to have effect. Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.
	NOTES AND ADVICE
	When approval takes effect This approval takes effect in accordance with section 85 of the *Planning Act 2016*. *When approval lapses* The approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the *Planning Act 2016*: (a) If no period is stated – **4 years** after the approval starts to have effect. Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.
	Infrastructure charges as outlined in the attached Infrastructure Charges Notice shall be paid upon Council's approval of the Plan of Survey. The Infrastructure Charges Notice is included in **Attachment 3**.

	All development shall be conducted in accordance with the provisions of the *Environmental Protection Act 1994* 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.
	This approval in no way removes the duty of care responsibility of the applicant under the *Aboriginal Cultural Heritage Act 2003*. Pursuant to Section 23(1) of the *Aboriginal Cultural Heritage Act 2003*, 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").
	This approval in no way authorises the clearing of native vegetation protected under the *Vegetation Management Act 1999*.
	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.
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.

Attachment 1 – Assessment Manager's Conditions

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

Queensland Government

SARA reference: 2105-22385 SRA
Council reference: 21/28W

11 June 2021

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

Attention: Ms Lauren McVicar

Dear Lauren

SARA response—Cunningham Highway, Yelarbon

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 7 May 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	11 June 2021
Conditions:	The conditions in **Attachment 1** must be attached to any development approval.
Advice:	Advice to the applicant is in **Attachment 2**.
Reasons:	The reasons for the referral agency response are in **Attachment 3**.

Development details

Description:	Development permit	Reconfiguring a Lot – One (1) into two (2) lot subdivision
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, Item 1—Clearing native vegetation (Planning Regulation 2017)	
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1—Reconfiguring a lot near a State transport corridor (Planning Regulation 2017)	
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1—Reconfiguring a lot near a State-controlled road intersection (Planning	

Darling Downs South West regional office
128 Margaret Street, Toowoomba
PO Box 825, Toowoomba QLD 4350

	Regulation 2017)
SARA reference:	2105-22385 SRA
Assessment Manager:	Goondiwindi Regional Council
Street address:	Cunningham Highway, Yelarbon
Real property description:	Lot 32 on MH803
Applicant name:	Ms Lauren McVicar
Applicant contact details:	LMB 7 Inglewood QLD 4387 lmcvicar@grc.qld.gov.au

Representations

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

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

For further information please contact Danica Clark, Senior Planner, on (07) 4616 7305 or via email ToowoombaSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Darren Cooper
Manager - DDSW (Planning)

cc Ms Lauren McVicar, lmcvicar@grc.qld.gov.au

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

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 3, Division 4, Table 2, Item 1—The chief executive administering the *Planning Act 2016* nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing
2.	Clearing of vegetation must: (a) only occur within Area A (Area A1) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2105-22385 SRA, Sheet 1 of 1, version 1, dated 11 June 2021; and (ii) Attachment to Vegetation Management Plan VMP 2105-22385 SRA Derived Reference Points for GPS.	At all times
3.	Clearing of vegetation must not occur within the area(s) identified as Area B (Area B1) as shown on the attached: (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2105-22385 SRA, Sheet 1 of 1, version 1, dated 11 June 2021; and (b) Attachment to Vegetation Management Plan VMP 2105-22385 SRA Derived Reference Points for GPS.	At all times
4.	Built infrastructure, other than for fences, must not be established, constructed or located within Area C (Area C1 – C3) as shown on the attached: (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2105-22385 SRA, Sheet 1 of 1, version 1, dated 11 June 2021; and (b) Attachment to Vegetation Management Plan VMP 2105-22385 SRA Derived Reference Points for GPS.	At all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	To request an electronic file of the Derived Points (Attached to Plan: VMP 2105-22385 SRA) as contained in this technical agency response, email a request to the Department of Resources at vegetation.support@resource.qld.gov.au and include application reference (2105-22385 SRA).

Attachment 3—Reasons for referral agency response

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

The reasons for SARAs decision are:

The development complies with *State Code 1: Development in a state-controlled road environment*, and *State code 16: Clearing native vegetation*. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- minimises contributions to greenhouse gas emissions
- minimises clearing to conserve vegetation, avoid land degradation and loss of biodiversity and maintains ecological processes
- avoids impacts on vegetation that are matters of state environmental significance and where it can't be avoided, the development minimises and mitigates impacts.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system.

Attachment 4—Representations about a referral agency response

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Attachment 5—Approved plans and specifications

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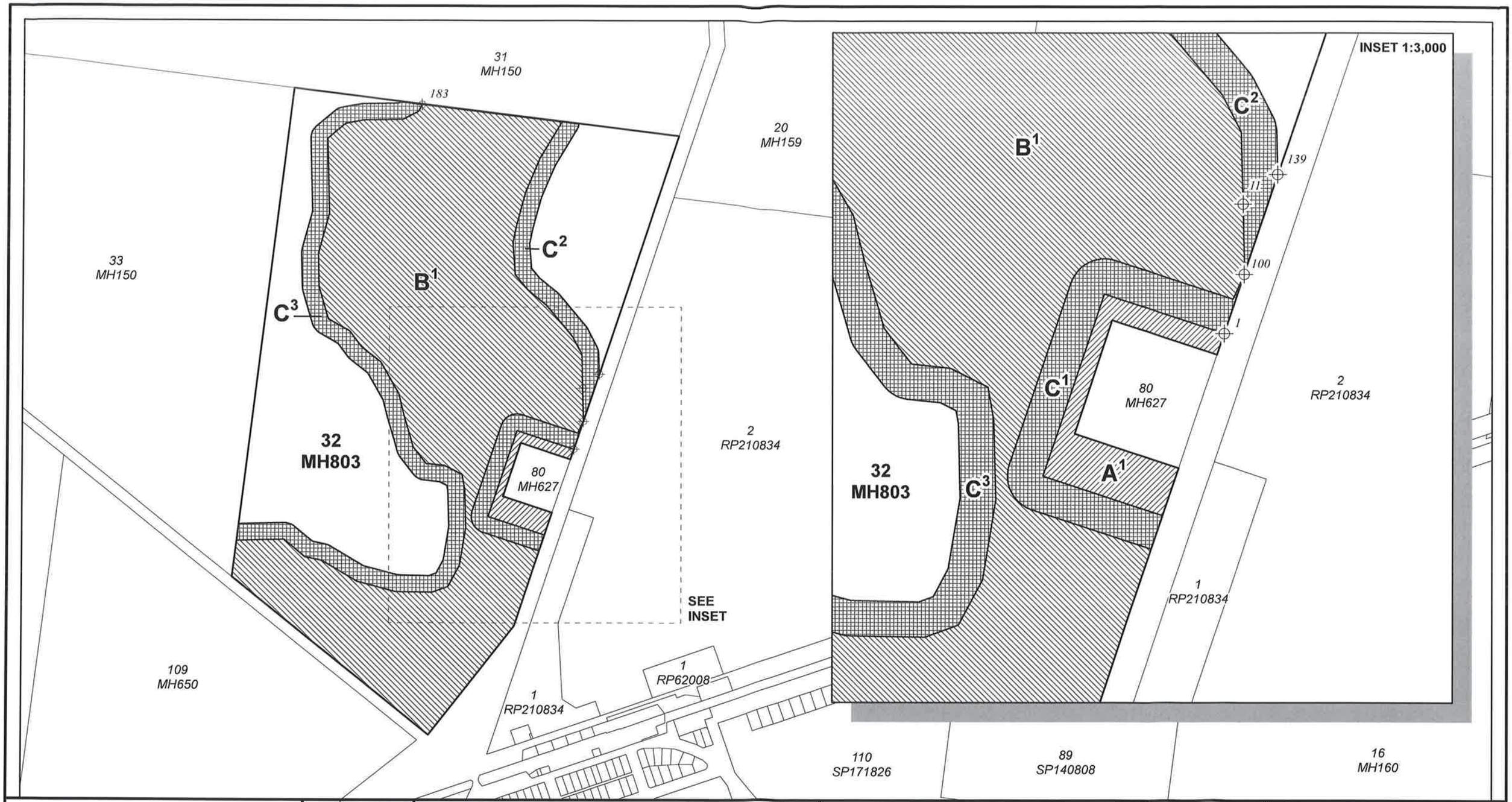

LEGEND

- Derived Reference Points
- Subject Lot(s)
- Area A - Clearing permitted
- Area B - Clearing must not occur
- Area C - Firebreak/safety buffer (only certain infrastructure permitted)

Note: This is a colour plan and should only be reproduced in colour.

N

1:10000 @ A3 size

0 200 400 600 800 m

Projection: UTM (MGA Zone 56) Datum: GDA2020

This plan must be read in conjunction with conditions attached to 2105-22385 SRA

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.

Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature. The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Vegetation Management Plan

Plan of Area A (Part A[1]), Area B (Part B[1]) and Area C (Parts C[1] - C[3]) in Lot 32 on MH803

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2105-22385 SRA

Date: 11 June 2021

Version: 1

eLVAS Case ID: 2021/001634

Queensland Government

© The State of Queensland 2020

VMP

2105-22385 SRA

Sheet 1 of 1

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2105-22385 SRA

Date: 11 June 2021

Attachment to Plan: 2105-22385 SRA
Derived Reference Points for GPS
Datum: GDA 2020 Projection: Transverse Mercator MGA Zone 56

Note: Derived Reference Points are provided to assist in the location of area boundaries only.
Responsibility for locating these boundaries lies solely with the landholder.
Coordinates start at a point indicated on accompanying plan and proceed in a clockwise direction.

Part	ID	Easting	Northing	Part	ID	Easting	Northing
A1	1	280264	6838206	B1	48	279356	6837958
A1	2	280255	6838179	B1	49	279427	6837960
A1	3	280122	6838223	B1	50	279485	6837961
A1	4	280074	6838078	B1	51	279541	6837914
A1	5	280206	6838035	B1	52	279586	6837905
A1	6	280186	6837974	B1	53	279681	6837848
A1	7	280186	6837974	B1	54	279784	6837821
A1	8	280034	6838024	B1	55	279884	6837819
A1	9	280112	6838256	B1	56	279927	6837834
A1	10	280264	6838206	B1	57	279957	6837892
B1	11	280288	6838371	B1	58	279966	6837946
B1	12	280290	6838286	B1	59	279972	6837985
B1	13	280290	6838283	B1	60	279974	6837993
B1	14	280289	6838281	B1	61	279971	6838096
B1	15	280285	6838274	B1	62	279964	6838138
B1	16	280275	6838250	B1	63	279916	6838162
B1	17	280126	6838299	B1	64	279867	6838167
B1	18	280120	6838301	B1	65	279832	6838212
B1	19	280114	6838301	B1	66	279824	6838241
B1	20	280109	6838301	B1	67	279807	6838300
B1	21	280103	6838300	B1	68	279792	6838356
B1	22	280097	6838299	B1	69	279743	6838441
B1	23	280092	6838297	B1	70	279691	6838482
B1	24	280087	6838294	B1	71	279658	6838525
B1	25	280082	6838290	B1	72	279602	6838558
B1	26	280078	6838286	B1	73	279577	6838645
B1	27	280074	6838281	B1	74	279575	6838735
B1	28	280071	6838276	B1	75	279604	6838843
B1	29	280069	6838271	B1	76	279604	6838843
B1	30	279991	6838038	B1	77	279601	6838942
B1	31	279990	6838033	B1	78	279599	6839046
B1	32	279989	6838027	B1	79	279647	6839087
B1	33	279989	6838021	B1	80	279698	6839096
B1	34	279990	6838015	B1	81	279802	6839099
B1	35	279991	6838009	B1	82	279844	6839120
B1	36	279994	6838004	B1	83	279854	6839139
B1	37	279997	6837999	B1	84	279855	6839139
B1	38	280000	6837994	B1	85	280231	6839092
B1	39	280004	6837990	B1	86	280231	6839092
B1	40	280009	6837986	B1	87	280230	6839090
B1	41	280014	6837984	B1	88	280173	6838995
B1	42	280020	6837981	B1	89	280134	6838904
B1	43	280171	6837931	B1	90	280125	6838870
B1	44	280159	6837895	B1	91	280113	6838827
B1	45	280104	6837728	B1	92	280109	6838811
B1	46	279875	6837434	B1	93	280099	6838765
B1	47	279344	6837860	B1	94	280106	6838677
B1	95	280141	6838636	C2	142	280288	6838371
B1	96	280191	6838595	C2	143	280285	6838463
B1	97	280261	6838511	C2	144	280261	6838511

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2105-22385 SRA

Date: 11 June 2021

Attachment to Plan: 2105-22385 SRA
Derived Reference Points for GPS
Datum: GDA 2020 Projection: Transverse Mercator MGA Zone 56

Note: Derived Reference Points are provided to assist in the location of area boundaries only.
Responsibility for locating these boundaries lies solely with the landholder.
Coordinates start at a point indicated on accompanying plan and proceed in a clockwise direction.

Part	ID	Easting	Northing	Part	ID	Easting	Northing
B1	98	280285	6838463	C2	145	280191	6838595
B1	99	280288	6838371	C2	146	280141	6838636
C1	100	280289	6838281	C2	147	280106	6838677
C1	101	280278	6838249	C2	148	280099	6838765
C1	102	280264	6838206	C2	149	280109	6838811
C1	103	280112	6838256	C2	150	280113	6838827
C1	104	280034	6838024	C2	151	280125	6838870
C1	105	280186	6837974	C2	152	280134	6838904
C1	106	280186	6837974	C2	153	280173	6838995
C1	107	280185	6837971	C2	154	280230	6839090
C1	108	280171	6837931	C2	155	280231	6839092
C1	109	280171	6837931	C2	156	280212	6839095
C1	110	280020	6837981	C2	157	280231	6839092
C1	111	280014	6837984	C2	158	280276	6839087
C1	112	280009	6837986	C2	159	280275	6839083
C1	113	280004	6837990	C2	160	280274	6839077
C1	114	280000	6837994	C2	161	280272	6839072
C1	115	279997	6837999	C2	162	280269	6839068
C1	116	279994	6838004	C2	163	280268	6839066
C1	117	279991	6838009	C2	164	280213	6838974
C1	118	279990	6838015	C2	165	280177	6838889
C1	119	279989	6838021	C2	166	280159	6838825
C1	120	279989	6838027	C2	167	280153	6838801
C1	121	279990	6838033	C2	168	280145	6838762
C1	122	279991	6838038	C2	169	280150	6838695
C1	123	280069	6838271	C2	170	280173	6838668
C1	124	280071	6838276	C2	171	280219	6838630
C1	125	280074	6838281	C2	172	280221	6838628
C1	126	280078	6838286	C2	173	280225	6838624
C1	127	280082	6838290	C2	174	280296	6838539
C1	128	280087	6838294	C2	175	280299	6838534
C1	129	280092	6838297	C2	176	280301	6838531
C1	130	280097	6838299	C2	177	280325	6838484
C1	131	280103	6838300	C2	178	280327	6838479
C1	132	280109	6838301	C2	179	280329	6838474
C1	133	280114	6838301	C2	180	280330	6838469
C1	134	280120	6838301	C2	181	280330	6838464
C1	135	280126	6838299	C2	182	280332	6838409
C1	136	280275	6838250	C3	183	279854	6839139
C1	137	280285	6838274	C3	184	279844	6839120
C1	138	280289	6838281	C3	185	279802	6839099
C2	139	280332	6838409	C3	186	279698	6839096
C2	140	280290	6838283	C3	187	279647	6839087
C2	141	280290	6838286	C3	188	279599	6839046
C3	189	279601	6838942	C3	236	279895	6837871
C3	190	279604	6838843	C3	237	279914	6837906
C3	191	279604	6838843	C3	238	279922	6837953
C3	192	279575	6838735	C3	239	279929	6837996
C3	193	279577	6838645	C3	240	279928	6838002
C3	194	279602	6838558	C3	241	279926	6838091

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2105-22385 SRA

Date: 11 June 2021

Attachment to Plan: 2105-22385 SRA
Derived Reference Points for GPS
Datum: GDA 2020 Projection: Transverse Mercator MGA Zone 56

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Part	ID	Easting	Northing
C3	195	279658	6838525
C3	196	279691	6838482
C3	197	279743	6838441
C3	198	279792	6838356
C3	199	279807	6838300
C3	200	279824	6838241
C3	201	279832	6838212
C3	202	279867	6838167
C3	203	279916	6838162
C3	204	279964	6838138
C3	205	279971	6838096
C3	206	279974	6837993
C3	207	279972	6837985
C3	208	279966	6837946
C3	209	279957	6837892
C3	210	279927	6837834
C3	211	279884	6837819
C3	212	279784	6837821
C3	213	279681	6837848
C3	214	279586	6837905
C3	215	279541	6837914
C3	216	279485	6837961
C3	217	279427	6837960
C3	218	279356	6837958
C3	219	279362	6838003
C3	220	279426	6838005
C3	221	279484	6838006
C3	222	279489	6838006
C3	223	279494	6838005
C3	224	279499	6838004
C3	225	279504	6838002
C3	226	279509	6837999
C3	227	279513	6837996
C3	228	279561	6837956
C3	229	279596	6837949
C3	230	279600	6837947
C3	231	279605	6837946
C3	232	279609	6837943
C3	233	279699	6837890
C3	234	279790	6837866
C3	235	279877	6837864
C3	283	279554	6839051
C3	284	279555	6839057
C3	285	279557	6839062
C3	286	279559	6839067
C3	287	279562	6839072
C3	288	279566	6839077
C3	289	279570	6839081
C3	290	279618	6839121
C3	291	279623	6839125

Part	ID	Easting	Northing
C3	242	279923	6838108
C3	243	279903	6838118
C3	244	279863	6838122
C3	245	279857	6838123
C3	246	279852	6838124
C3	247	279848	6838126
C3	248	279843	6838129
C3	249	279839	6838132
C3	250	279835	6838135
C3	251	279832	6838139
C3	252	279797	6838185
C3	253	279793	6838189
C3	254	279791	6838194
C3	255	279789	6838200
C3	256	279780	6838229
C3	257	279763	6838287
C3	258	279763	6838289
C3	259	279750	6838339
C3	260	279709	6838411
C3	261	279664	6838447
C3	262	279659	6838450
C3	263	279656	6838455
C3	264	279628	6838491
C3	265	279580	6838519
C3	266	279575	6838522
C3	267	279571	6838526
C3	268	279567	6838530
C3	269	279564	6838535
C3	270	279561	6838540
C3	271	279559	6838545
C3	272	279534	6838633
C3	273	279532	6838638
C3	274	279532	6838644
C3	275	279530	6838734
C3	276	279530	6838739
C3	277	279530	6838743
C3	278	279531	6838747
C3	279	279557	6838844
C3	280	279559	6838849
C3	281	279556	6838941
C3	282	279554	6839045

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2105-22385 SRA

Date: 11 June 2021

Attachment to Plan: 2105-22385 SRA
Derived Reference Points for GPS

Datum: GDA 2020 Projection: Transverse Mercator MGA Zone 56

Note: Derived Reference Points are provided to assist in the location of area boundaries only.
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Coordinates start at a point indicated on accompanying plan and proceed in a clockwise direction.

Part	ID	Easting	Northing	Part	ID	Easting	Northing
C3	292	279628	6839128				
C3	293	279633	6839130				
C3	294	279639	6839131				
C3	295	279690	6839141				
C3	296	279696	6839141				
C3	297	279697	6839141				
C3	298	279791	6839143				
C3	299	279796	6839146				
C3	300	279797	6839146				
C3	301	279854	6839139				

Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.

28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—

(a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or

(b) the Minister has given the concurrence agency a direction under section 99 of the Act; or

(c) the applicant has given written agreement to the change to the referral agency response.[2]

28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.

28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—

(a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and

(b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

---

1 Pursuant to Section 68 of the *Planning Act 2016*

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

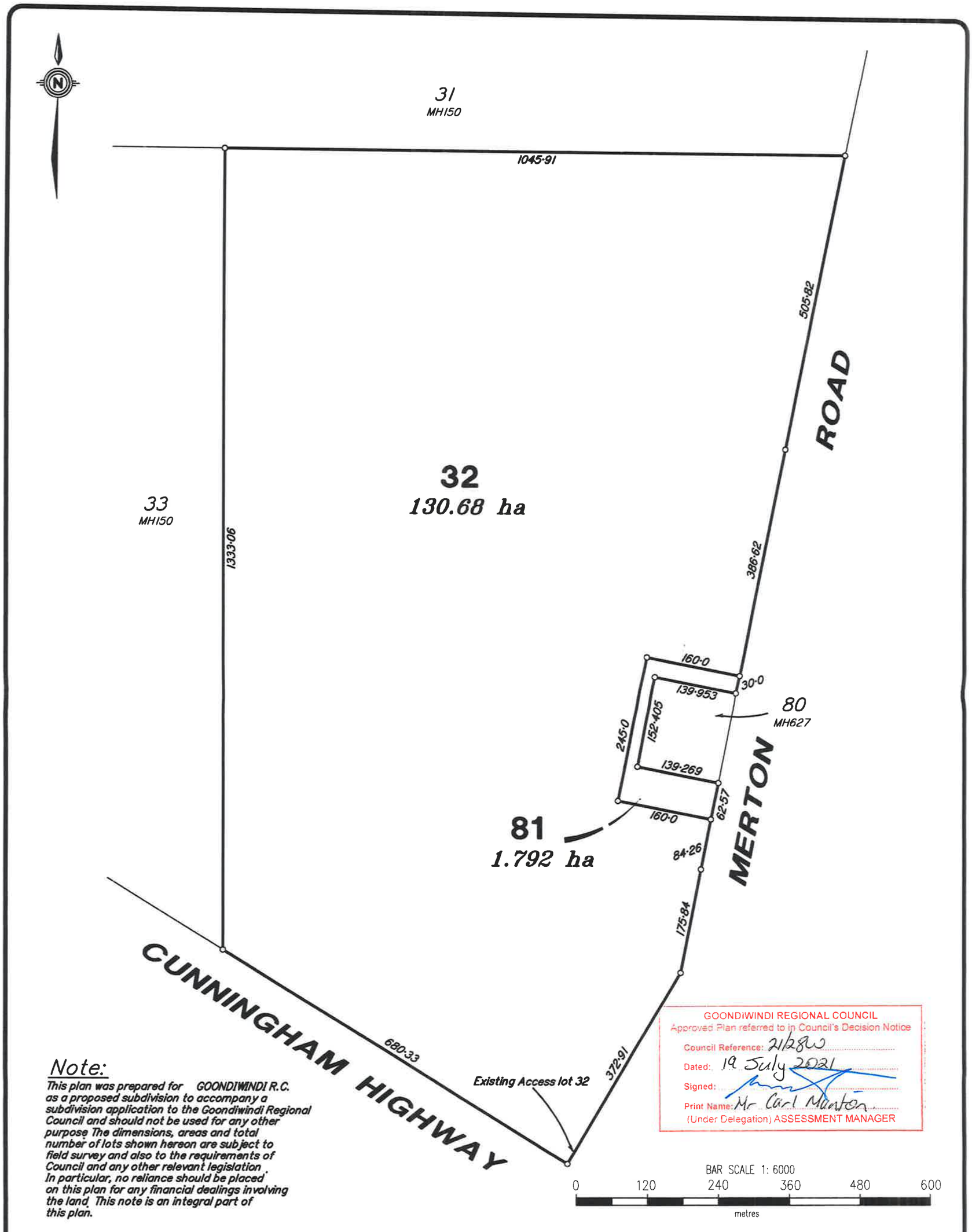
Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.[3]

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

Attachment 2 – Approved Plan



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 21/280
Dated: 19 July 2021
Signed:
Print Name: Mr Carl Manton
(Under Delegation) ASSESSMENT MANAGER

Note:

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

GOONDIWINDI R.C.

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

Drawn	JFJ	2/4/20	Checked			FBK	

220035

PLAN OF PROPOSED SUBDIVISION OF LOT 32 ON MH803

A3

SCALE: 1:6000

220035-3

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	"Cranbourne", Cunningham Highway, Yelarbon
Owner	David Raymond Lennon
Applicant	Goondiwindi Regional Council
Application No.	21/28W
Lot and Survey Plan	Lot 32 on MH803
Date	19 July 2021
Approval	Development Permit – Reconfiguration of a Lot

Development Application Details
Development Permit for Reconfiguration of a Lot (One (1) into Two (2) lot subdivision)

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot ($)	Number of additional lots	Charge ($)
Reconfiguring a Lot	E	1,080	1	1,080

Due Date	When Goondiwindi Regional Council approves the plan of subdivision	**Total Charge ($)**	1,080
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	19 July 2025		

Authorised by:

Print Name: **Mr Carl Manton**
Chief Executive Officer

An offset has been applied to this notice, where the existing lots have not been charged. The amount of the charge per lot is $1,080 for the additional lots.

In accordance the Planning Act 2016

Office Use – Receipt Number

Subdivisions – 1250-1150-0000

Goondiwindi REGIONAL COUNCIL

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 *One (1) into two (2) lot subdivision*

21/28W

"Cranbourne", Cunningham Highway, Yelarbon

Lot 32 on MH803

On 19 July 2021, the above development application was:

☐ approved in full or

☐ approved in part for _____ or

☒ approved in full with conditions or

☐ approved in part for _____, with conditions or

☐ refused.

1. Reasons for the decision

The reasons for this decision are:

- *Having regard to the relevant criteria in the Reconfiguring a Lot Code, the Biodiversity Areas Overlay Code, the Flood Hazard Overlay Code, the Bushfire Hazard Overlay Code and the Infrastructure Overlay Code of the Goondiwindi Region Planning Scheme 2018 (Version 2), the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.*

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Reconfiguring a Lot Code	*Goondiwindi Region Planning Scheme 2018 (Version 2):* AO1.1, AO1.2, AO1.3, AO3.2,, AO4.2, AO5, AO6, AO8, AO9, AO10, PO12
Biodiversity Areas Overlay Code	*Goondiwindi Region Planning Scheme 2018 (Version 2):* AO1.1, AO1.2, AO2
Flood Hazard Overlay Code	*Goondiwindi Region Planning Scheme 2018 (Version 2):* AO1.1, AO1.2, AO1.3, AO1.4, AO2.2, AO3.1, AO3.2, AO4, AO8.1, AO8.2, AO9, AO9.1, AO10.1, AO10.2, AO11.1, AO11.2, PO12
Bushfire Hazard Overlay Code	*Goondiwindi Region Planning Scheme 2018 (Version 2):* AO1.1, SO2.1, AO2.2, AO2.3, AO3, AO4, AO5, AO6.1, AO6.2, AO6.3, AO7.2, AO8

Benchmarks applying for the development	Benchmark reference
Infrastructure Overlay Code	*Goondiwindi Region Planning Scheme 2018 (Version 2):* AO3.1, AO3.2, AO3.3, AO5.1, AO5.2

3. Compliance with benchmarks

Not applicable, as the development complied with applicable benchmarks.

4. Relevant matters for impact assessable development

Not applicable, as the development was code assessable.

5. Matters raised in submissions for impact assessable development

Not applicable, as the development was code assessable.

6. Matters prescribed by Regulation

Not applicable to this development.

Goondiwindi REGIONAL COUNCIL

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.