

File: 23/05
Date: 6 April 2023

SMK QLD Pty Ltd for Michael Thew
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

**Decision Notice –approval (with conditions)
Material Change of Use
Lot 7 on RP203100, 1653 Tobacco Road, Coolmunda**

We wish to advise that on 6 April 2023 a decision was made to approve the material change of use development application for “Residential activities” – “Dwelling House” (House in a Bushfire Hazard Area) at Lot 7 on RP203100, 1653 Tobacco Road, Coolmunda. 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 28**, 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



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 23/05
Council Contact: Mrs Ronnie McMahon
Council Contact Phone: (07) 4671 7400

6 April 2023

Applicant Details: SMK QLD Pty Ltd for Michael Thew
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 27 February 2023.

Applicant details

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

Application details

Application number: 23/05
Approval sought: Development Permit – Material Change of Use
Details of proposed development: “Residential activities” – “Dwelling House” (House in a Bushfire Hazard Area)

Location details

Street address: 1653 Tobacco Road, Coolmunda
Real property description: Lot 7 on RP203100

Decision

Date of decision: 6 April 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	N/A		
- building work assessable under the planning scheme		<input type="checkbox"/>	<input type="checkbox"/>
- plumbing or drainage work		<input type="checkbox"/>	<input type="checkbox"/>
- material change of use		<input checked="" type="checkbox"/>	<input type="checkbox"/>
- reconfiguring a lot		<input type="checkbox"/>	<input type="checkbox"/>
- operational work		<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
2. Compliance Permit – Plumbing Works

Properly made submissions

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

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
22138-1	Proposed House and Shed Location, 1653 Tobacco Road, Coolmunda Dam, Lot 7 RP203100	16/2/2023
22138-2	Floor Plans for Proposed Dwelling to Accompany MCU application on Lot 7 RP203100	16/2/2023
22138-3	Elevation Plans for Proposed Dwelling to Accompany MCU application on Lot 7 RP203100	16/2/2023
221106, Issue 1	Bushfire Management Plan	22/12/22

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*.

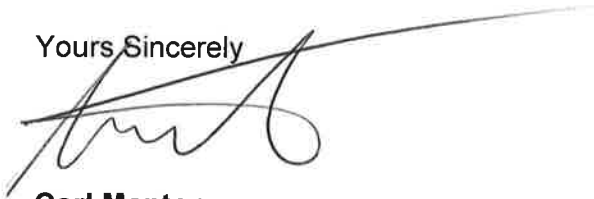
Attachment 4 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit: <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

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

If you wish to discuss this matter further, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on 07 4671 7400.

Yours Sincerely



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

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



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

Attachment 2 – Approved Plans

Attachment 3 – Notice about decision - Statement of reasons

Attachment 4 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Description:	"Accommodation activities" – "Dwelling House" (House in a Bushfire Hazard Area)
Development:	Material Change of Use – Development Permit
Applicant:	SMK QLD Pty Ltd for Michael Thew
Address:	1653 Tobacco Road, Coolmunda
Real Property Description:	Lot 7 on RP203100
Council File Reference:	23/05

GENERAL CONDITIONS																	
1.	Approval is granted for the purpose of a Material Change of Use for: <ul style="list-style-type: none">“Accommodation activities” – “Dwelling House” (House in a Bushfire Hazard Area) 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.	Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans: <table><tr><th>Drawing Number</th><th>Title</th><th>Date</th></tr><tr><td>22138-1</td><td>Proposed House and Shed Location, 1653 Tobacco Road, Coolmunda Dam, Lot 7 RP203100</td><td>16/2/2023</td></tr><tr><td>22138-2</td><td>Floor Plans for Proposed Dwelling to Accompany MCU application on Lot 7 RP203100</td><td>16/2/2023</td></tr><tr><td>22138-3</td><td>Elevation Plans for Proposed Dwelling to Accompany MCU application on Lot 7 RP203100</td><td>16/2/2023</td></tr><tr><td>221106, Issue 1</td><td>Bushfire Management Plan</td><td>22/12/22</td></tr></table>		Drawing Number	Title	Date	22138-1	Proposed House and Shed Location, 1653 Tobacco Road, Coolmunda Dam, Lot 7 RP203100	16/2/2023	22138-2	Floor Plans for Proposed Dwelling to Accompany MCU application on Lot 7 RP203100	16/2/2023	22138-3	Elevation Plans for Proposed Dwelling to Accompany MCU application on Lot 7 RP203100	16/2/2023	221106, Issue 1	Bushfire Management Plan	22/12/22
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221106, Issue 1	Bushfire Management Plan	22/12/22															

Please note the plans are not approved Building Plans.

4.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by the Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <p>All development shall comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>The development approval documents are the material contained in the development application, approved plans and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant Agencies during all stages of the development application assessment processes.</p>
5.	<p>Prior to any construction work commencing on the site as a result of this approval, a Development Approval to undertake Building Work is to be obtained either from a Licensed Building Surveyor (Certifier) or Goondiwindi Regional Council.</p>
	<p>ESSENTIAL SERVICES</p>
6.	<p>It shall be demonstrated to Council that the proposed Dwelling House has an adequate volume and supply of potable water and an adequate volume and supply of water for fire-fighting purposes, to relevant engineering and environmental standards, to the satisfaction of and at no cost to Council</p>
7.	<p>Prior to the commencement of the use, the development shall be connected to an appropriately designed and approved onsite sewerage effluent disposal system, in accordance with the Queensland Plumbing and Wastewater Code, to the satisfaction of and at no cost to Council.</p> <p>All sewer infrastructure (including effluent disposal areas) shall be fully located within site boundaries, to the satisfaction of and at no cost to Council.</p>
	<p>PUBLIC UTILITIES</p>
8.	<p>The development shall be connected to an adequate electricity and telecommunications supply system, at no cost to Council, when required.</p>

	ROADS AND VEHICLES
9.	<p>Access from Tobacco Road shall be constructed from the edge of the existing bitumen to the property boundary, or upgraded if required, to a residential standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018 (Version 2), 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.</p> <p>A qualified Council Officer may inspect construction works at the request of the development to ensure compliance with this condition.</p>
	STORMWATER
10.	<p>Prior to the commencement of the use, the site shall be adequately drained and all stormwater shall be disposed of to a legal point of discharge in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Any increase in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council.</p> <p>There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes.</p> <p>The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>
11.	<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>

	EARTHWORKS AND EROSION CONTROL
12.	<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>
13.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or in accordance with other relevant engineering standards to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>
	AVOIDING NUISANCE
14.	<p>At all times while the use continues, the development shall be conducted in accordance with the provision of the <i>Environmental Protection Act 1994</i> (the Act) and all relevant regulation and standards under the Act.</p> <p>Noise during construction period – must not carry out Building Work, if the noise is audible:</p> <ul style="list-style-type: none"> a) At any time, on a Sunday or public holiday; or b) Before 6:30am or after 6:30pm, on a Saturday or business day.
15.	<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 adjoining premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.</p> <p>Roof water drainage from structures/buildings and the yard area is to be discharged to a Council approved drainage system.</p>
16.	The operator shall be responsible for mitigating any complaint arising from on-site operations.
17.	<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>

18.	Construction waste is to be contained within an approved skip container or enclosed trailer on site to ensure litter does not become an issue off site. All waste is to be disposed of at the Inglewood Waste Facility. Separation of waste can achieve cost savings when delivering waste to the Waste Facility.
19.	At all times while the use continues, any air conditioning equipment shall be acoustically screened to ensure noise levels do not exceed 5dB(A) above the background noise level measured at the boundaries of the subject site.
DEVELOPER'S RESPONSIBILITIES	
20.	It is the developer's responsibility to ensure that the development is resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.
21.	It is the developer's responsibility to ensure that the development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level, and does not increase the potential for flood damage either on-site or on other properties.
22.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or associated with the use of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
23.	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.
24.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs.
25.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.

	COMMENCEMENT OF USE
26.	<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>
27.	<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>
28.	<p>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. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.</p>
	PLEASE READ CAREFULLY - NOTES AND ADVICE
	<p>When approval takes effect</p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p>When approval lapses</p> <p>This approval will lapse if the change of use has not occurred within the following period, in accordance with the provisions contained in section 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>(a) If no period stated – 6 years after the approval starts to have effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	<p>It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.</p>

	<p>This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i>. Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i>, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).</p>
	<p>This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i>.</p>
	<p>The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.</p>



Attachment 2 – Approved Plans

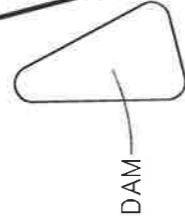




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SP172533



DAM

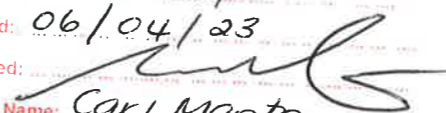
VERANDAH
3m*12m

HOUSE
6m*12m

E 325680.290
S 6849675.84
Z 56

OPEN
SHED
5m*5m

8
RP203100

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/05
Dated: 06/04/23
Signed: 
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER



SCALE 1: 800

MICHAEL THEW

SMK QLD

Goondiwindi · Brisbane · Gold Coast · Toowoomba · Gatton
Phone: (07) 4671 2445 Email: admin@smkqld.com.au

Surveyor JFJ 16/2/2023 11:30AM

22138

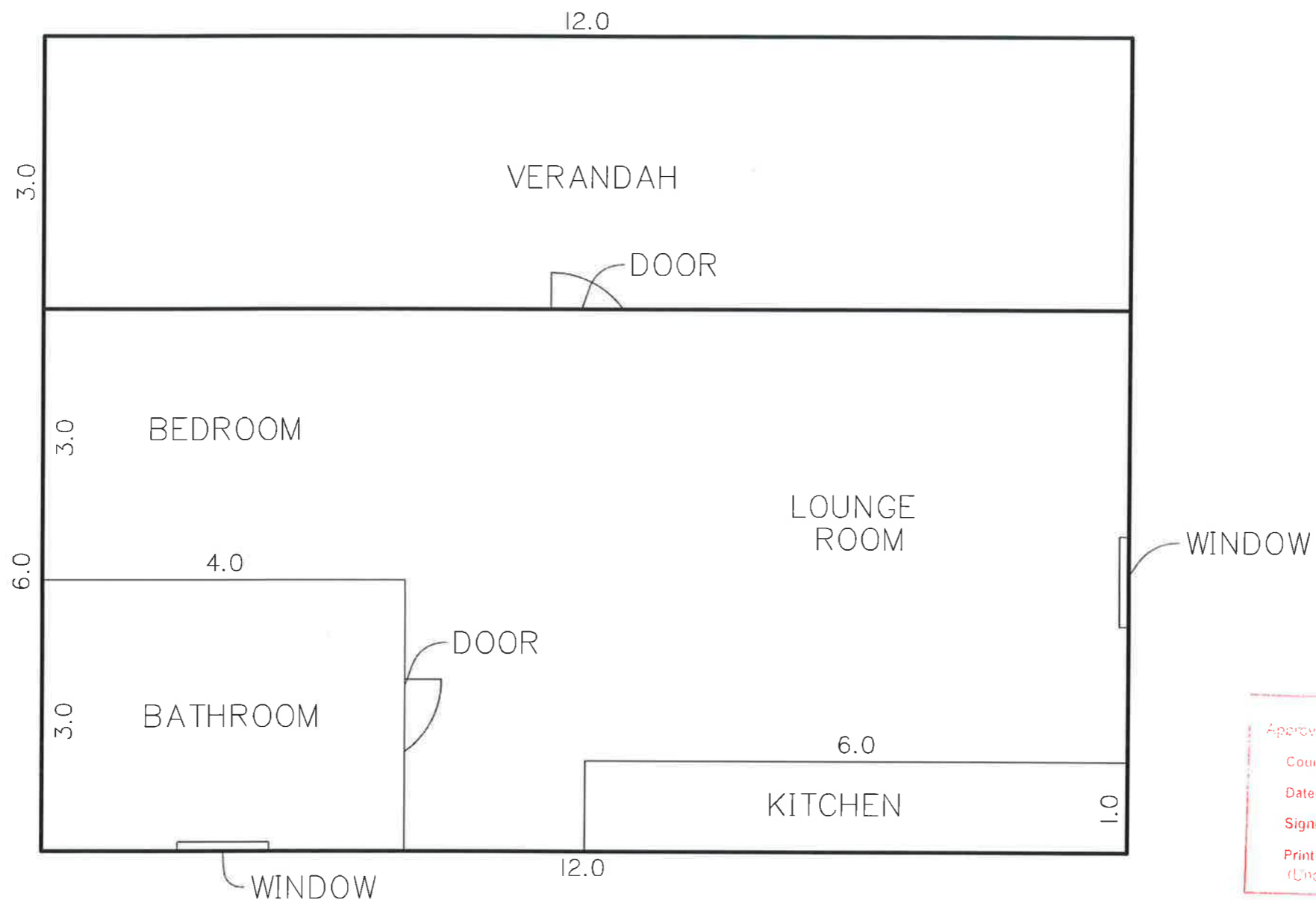
PROPOSED HOUSE AND SHED
LOCATION, 1653 TOBACCO
ROAD, COOLMUNDA DAM, LOT
7 RP203100

SCALE Horiz 1:800

22138-I

A3

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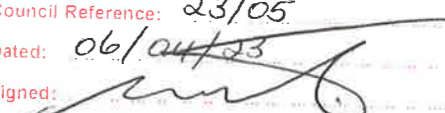


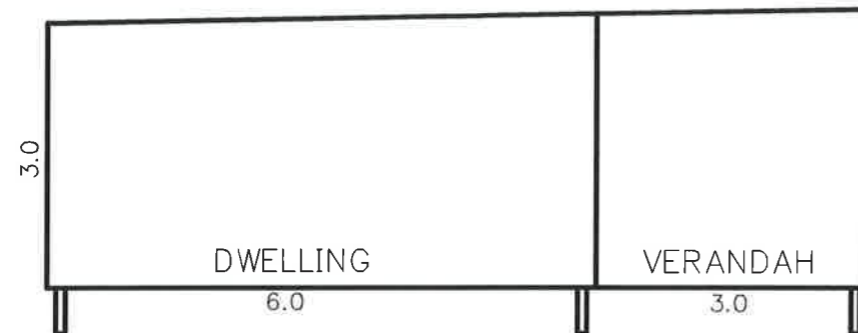
GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 23/05
 Dated: 06/04/23
 Signed: *[Signature]*
 Print Name: Carl Manton
 (Under Delegation) ASSESSMENT MANAGER

Note:
 This plan was prepared for Michael Thew to accompany a MCU Application to the Goondiwindi Regional Council and should not be used for any other purpose. This note is an integral part of this plan.

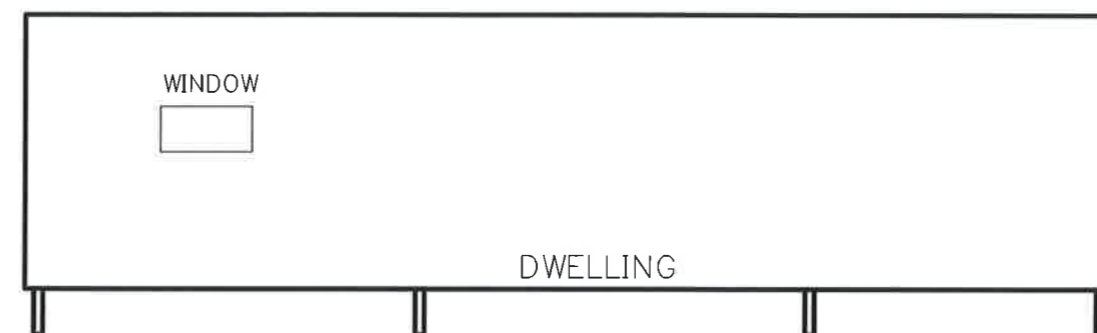


M THEW		FLOOR PLANS FOR PROPOSED DWELLING TO ACCOMPANY MCU APPLICATION ON LOT 7 RP203100				22138		A3	22138-2
SMK QLD						SCALE	Horiz 1:60		
Goondiwindi · Brisbane · Gold Coast · Toowoomba · Gatton Phone: (07) 4671 2445 Email: admin@smkqld.com.au		Surveyor	TJJ	16/2/2023 9:24AM		C:\Users\Tom\Dropbox\JOBS\2022\22138 M THEW COOLMUNDA DAM HOUSE FIRE HAZARD\Working Documents\22138-Floor Plan.pro			

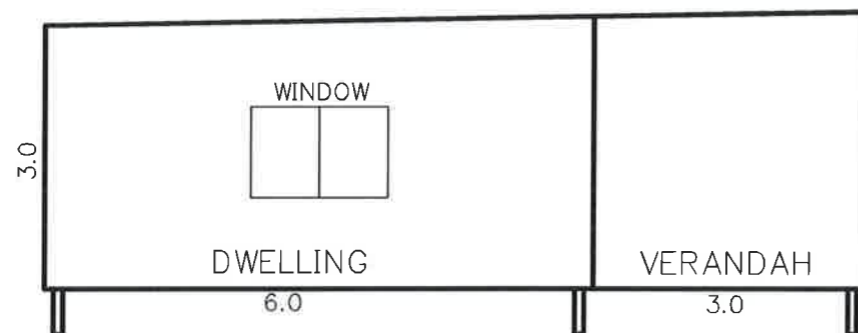
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 23/05
Dated: 06/04/23
Signed: 
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER



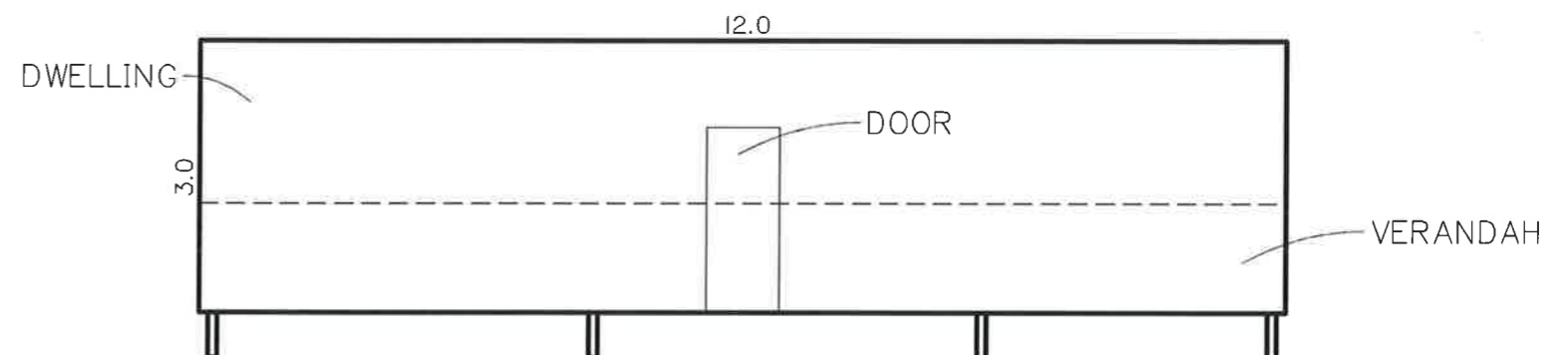
WESTERN ELEVATION



SOUTHERN ELEVATION



EASTERN ELEVATION



NORTHERN ELEVATION



SCALE 1: 80

M THEW
SMK QLD

Goondiwindi · Brisbane · Gold Coast · Toowoomba · Gatton
Phone: (07) 4671 2445 Email: admin@smkqld.com.au

ELEVATION PLANS FOR PROPOSED
DWELLING TO ACCOMPANY MCU
APPLICATION ON LOT 7 RP203100

Horizontal Datum:
Vertical Datum:

22138

A3

22138-3

SCALE Horiz 1:80

Surveyor

TJJ

16/2/2023
3:46PM

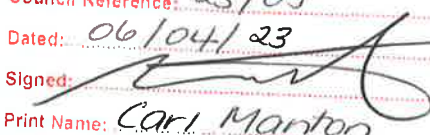
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Bushfire Management Plan

SMK QLD Ltd
Michael Thew
1653 Tobacco Road,
Coolmunda, QLD 4387

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

Council Reference: 23/05
Dated: 06/04/23
Signed: 
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER

Lot 7 RP203100

Prepared by Aquila NRM
December 2022



BAL – 12.5
BMP: 221106

DOCUMENT CONTROL RECORD

Title	Bushfire Management Plan
Address	1653 Tobacco Road, Coolmunda, QLD
Job Number	221106
Client	Michael Thew

DOCUMENT ISSUE

Issue	Date	Prepared By	Reviewed By
1	22 December 2022	Skye Melton & Rick Galbraith	Rick Galbraith

This Bushfire Management Plan has been prepared using the guidelines set out in the Australian Standard. "Construction of Buildings in Bushfire-prone Areas" (AS 3959-2018) and the Goondiwindi Region Planning Scheme Bushfire Hazard Overlay Code (2018 Version 2).

Disclaimer

It must be borne in mind that the measures dealt with in this report cannot guarantee that a building will survive a bushfire event. This is due mainly to the unpredictable nature and behaviour of fire and the difficulties associated with extreme weather conditions.

It must also be stated that this report is based on site conditions prevailing at the time the inspection was undertaken. These conditions can and will change dependent on both weather conditions and the maintenance undertaken by property owners.

This fire report has been prepared on the basis that bushfire mitigation measures identified are implemented and maintained into the future. Failure to maintain these measures may contribute to the development being exposed to a higher level of bushfire threat and attack.

As site conditions can and will change over time this report is valid for a period of 24 months.

Bushfire Management Plan prepared by



Rick Galbraith,
Dip Horticultural Science
22nd December 2022

Aquila NRM
7701 New England Highway
Crows Nest Qld 4355

Mob: 0407 622 995
Ph: 07 4698 2151
Email: info@aquilanrm.com.au



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Executive summary

An assessment of the vegetation on and surrounding 1653 Tobacco Road, Coolmunda, QLD 4387 (Lot 7 RP203100) was undertaken to assist in the development of a fire plan for the purpose of ensuring that the relocation of a dwelling on the site meets the requirement of the Australian Standard, “Construction of buildings in bushfire-prone areas” (AS 3959-2018). The dwelling has been identified as being exposed to a Bushfire Attack Level (BAL) of 12.5. This bushfire management plan and report has been prepared on the basis that a minimum separation distance of greater than 19 metres exists and can be maintained between the dwelling and potentially hazardous understorey vegetation. Failure to achieve and maintain this separation distance will result in a higher Bushfire Attack Level (BAL) being applied to the dwelling. This report provides recommendations for a number of measures that will assist in ensuring the safety of life and property and mitigating the impacts of bushfire.

The dwelling site is identified by the Queensland Government State Planning Policy Interactive Mapping System Natural Hazards and Risk Resilience Mapping being contained within an area of ‘**Medium**’ potential bushfire risk with nearby areas of ‘**Potential Impact Buffer**’ due to the presence of native vegetation on the site and in the surrounding landscape. The implementation of the following measures will assist in mitigating the bushfire threat to an acceptable level for future residents and assets on the site.

Minimisation of risk - Building

A number of construction measures are required to minimise the risk of bushfire impact on buildings. Key areas include:

- Roof to be fully sarked, **or**
- Gaps under corrugations or roof sheeting sealed at the fascia or wall line and at valleys, hips and ridges,
- Vents and weepholes in walls and eave linings to be screened,
- Cladding to be of bushfire resisting material for walls that are less than 400mm from the ground, decks, awnings, and other horizontal surfaces,
- Openable parts of windows to be screened with corrosion resistant metal mesh, and
- Decking to be of bushfire-resistant or non-combustible material.

Water supply

An adequate water supply suitable for fire-fighting purposes should be available at all times. This can be achieved by provision of a water tank with a minimum available capacity of 10,000 litres to be dedicated for firefighting purposes.

Adjacent structures

Where a garage, carport, or similar structure is not attached to the building covered by this report and it is located closer than 6 metres, it will be required to comply with the construction requirements of this report.

Property access

Adequate access is constructed and maintained to enable efficient, practical access to buildings and water supply for emergency services appliances.

Prepare, Act, Survive

The property is located in a bushfire hazard area. It is critically important that residents are well prepared during times of high fire danger and have well made plans that can be readily enacted in a time of bushfire emergency.

Maintenance of bushfire mitigation measures

This fire report has been prepared on the basis that bushfire mitigation measures identified are implemented and maintained into the foreseeable future. Failure to maintain these measures may contribute to the dwelling being exposed to a higher level of bushfire threat and attack.

Determination of Bushfire Attack Level (BAL)

The following steps were carried out using information collected from the relevant site and applying this information to the conditions required and set out in Australian Standard 'Construction of Buildings in Bushfire-prone areas' (AS 3959-2018).

Step	Procedure	Value
1	Fire Danger Index (FDI)	40
2	Classification of vegetation type	B-05
3	Distance of Classified vegetation from the building site	>19m*
4	Location of vegetation (Upslope/Downslope)	Level & Upslope
5	Effective slope of land under classified vegetation	0 degrees
7	Determination of BAL from Table 2.7 AS 3959-2018	BAL – 12.5
8	Appropriate construction methods – See	Appendix 2

***Note:** This fire report has been prepared on the basis that a minimum separation distance of greater than **19 metres** exists and can be maintained between the building and the edge of hazardous vegetation. Failure to maintain these separation distances will result in a higher Bushfire Attack Level (BAL) being applied to the building.

The following photographs were taken from the house site and show the nature of vegetation surrounding the house site.



Photo 1: View to the north from the site of the dwelling.



Photo 2: View to the east from the site of the dwelling.



Photo 3: View to the south from the site of the dwelling.



Photo 4: View to the west from the site of the dwelling.

1.0 Introduction

The property is situated at 1653 Tobacco Road, Coolmunda.

The Real Property description is Lot 7 RP203100.

Area of land is 16.2 hectares.

2.0 General site details

The property is located in a rural residential area in the locality of Coolmunda, approximately 18 kilometres by road southeast of the township of Inglewood. Tobacco Road is located on the western boundary of the property. Rural residential properties are located in the north, south and west of the site with rural lands to the east. Areas of native vegetation are present on the property and in the surrounding landscape. The dwelling is located on a gently sloping area with the land falling from the southwest to the northeast with underlying slopes in the order of 4% or 2 degrees.

Figure 1 provides an aerial view of the property and its context within the surrounding landscape with Figure 2 illustrating the topography.

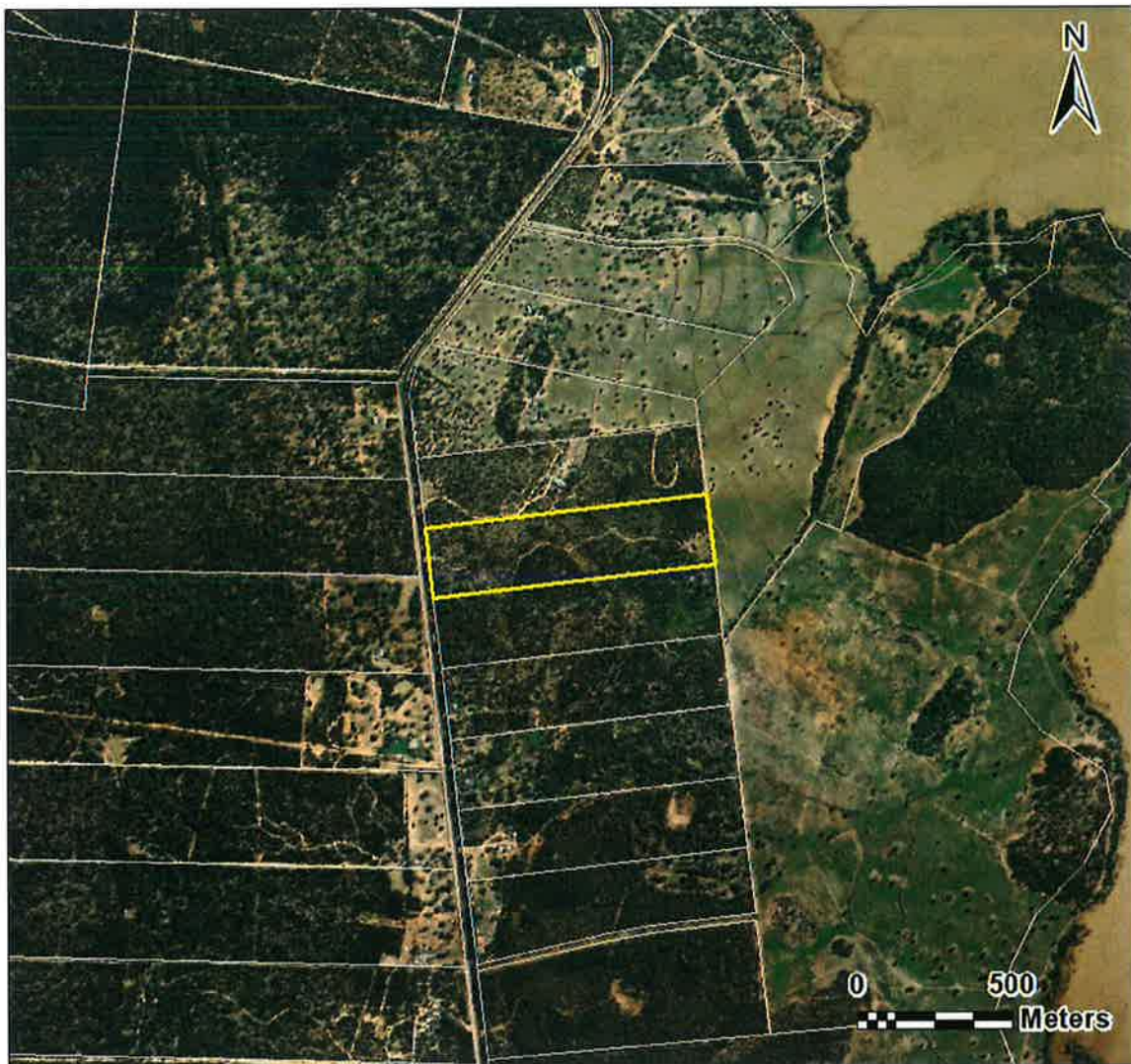


Figure 1: Aerial view providing landscape context for the site which is highlighted with a yellow border. Imagery sourced from Google Earth Pro captured on 26 March 2021.

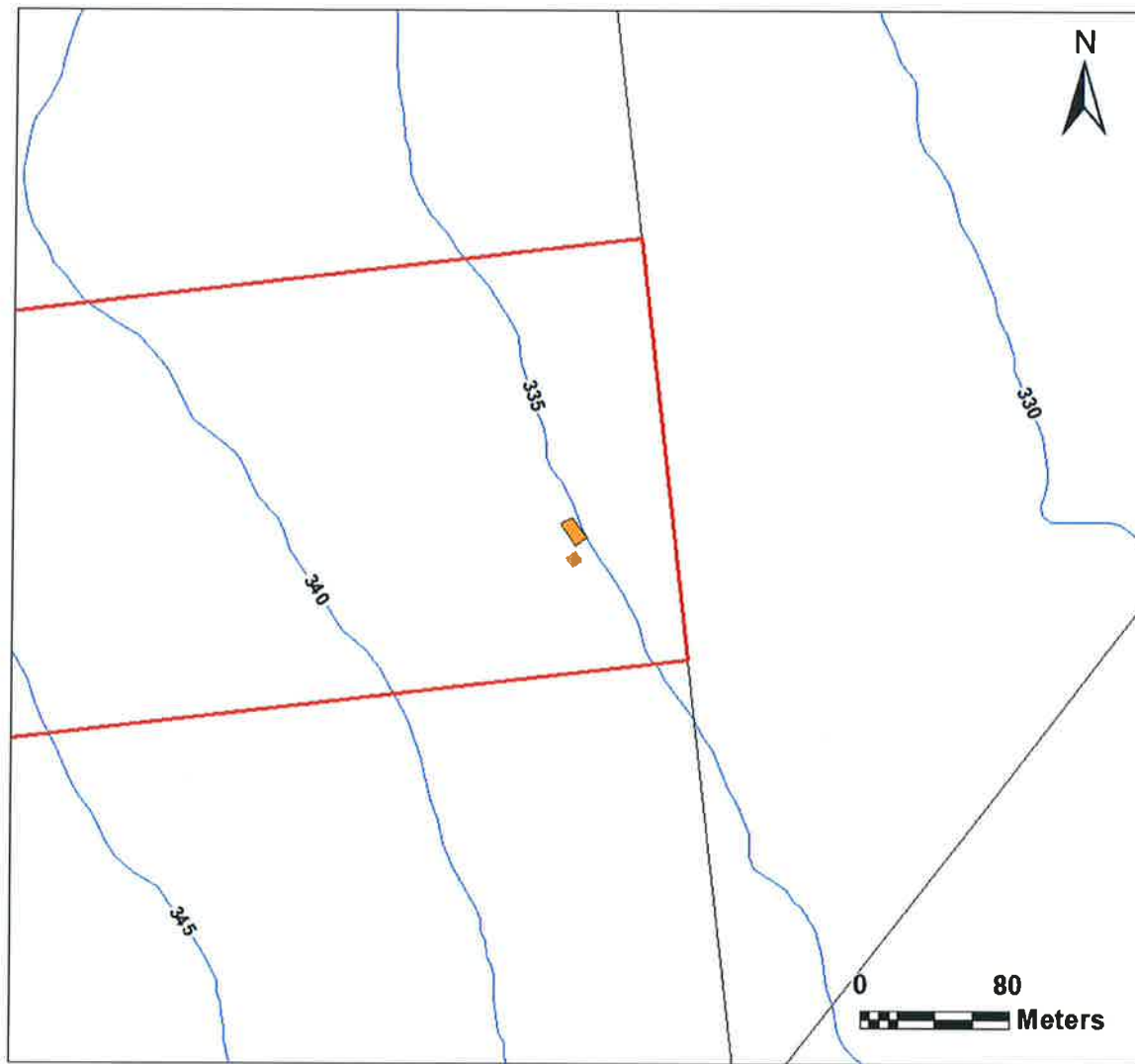


Figure 2: Topography for the site with contour intervals of 5 metres.

Figure 3 provides an aerial view of the property, the location of the proposed house and presence of native vegetation. The Bushfire Attack Level (BAL) that is likely to be experienced by a building in the event of a bushfire is determined by the type of vegetation present, its distance from the building and the slope of the site.

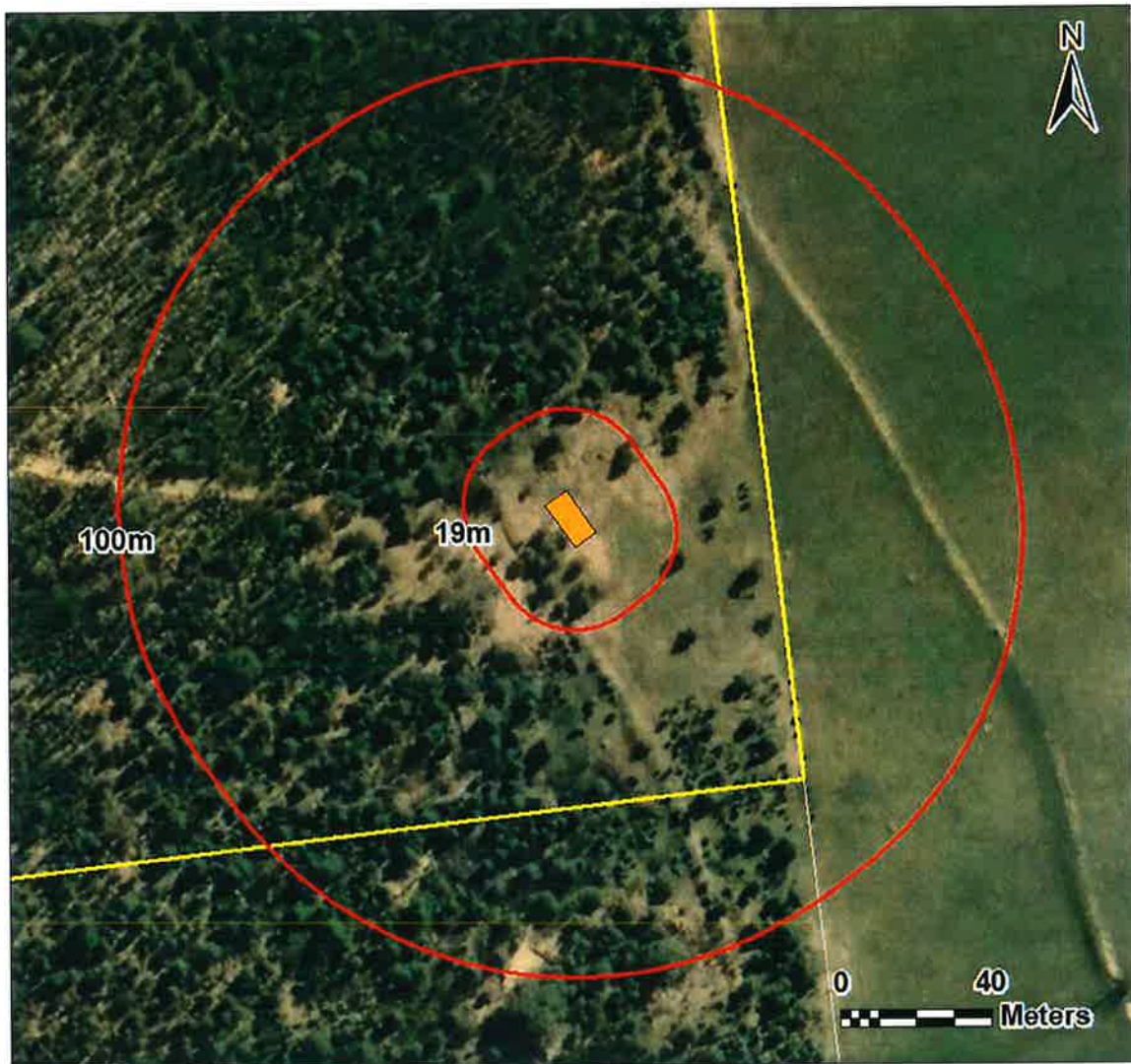


Figure 3: Aerial view of the proposed dwelling. The red rings indicate radius' distance in metres from the dwelling which can be used to determine the applicable Bushfire Attack Level. Imagery sourced from Google Earth Pro captured on 26 March 2021.

3.0 Bushfire and vegetation

3.1 Bushfire

The dwelling site is identified by the Queensland Government State Planning Policy Interactive Mapping System Natural Hazards and Risk Resilience Mapping being contained within an area of **'Medium'** potential bushfire risk with nearby areas of **'Potential Impact Buffer'** due to the presence of native vegetation on the site and in the surrounding landscape.

The bushfire risk category for the property and surrounding area is shown in Figure 4. Under adverse conditions, a bushfire could potentially approach from any direction. Severe fire weather conditions are typically associated with strong westerly to northerly winds. Bushfires in the area have the potential to generate quantities of embers that could impact on the building even though the fire does not necessarily reach it.

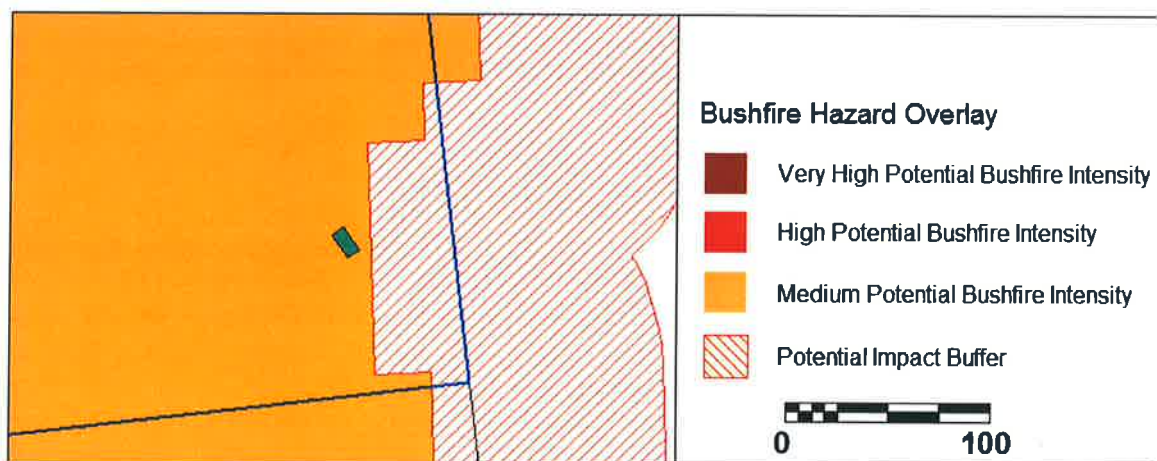


Figure 4: Bushfire Hazard for Lot 7 RP203100 as identified by the Queensland Government State Planning Policy Interactive Mapping System Natural Hazards and Risk Resilience Mapping.

3.2 Vegetation details

An assessment of the vegetation on Lot 7 RP203100 was undertaken to assist in the development of a fire plan for the purpose of ensuring that a dwelling to be constructed on the property meets the requirements of the Australian Standard, AS 3959-2018. The current Vegetation Management Supporting Map indicates that there are extensive areas mapped as high value regrowth vegetation and remnant vegetation present on the property and in the surrounding landscape. The extent of mapped regulated vegetation in the area and its conservation status is shown in Figure 5 with Table 1 providing a description of the vegetation present within the vicinity of the house site.

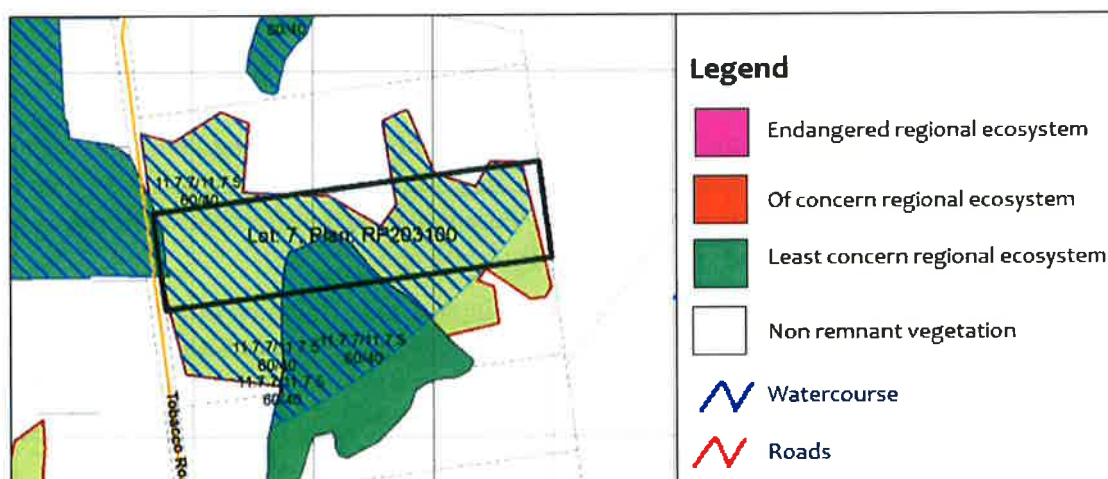


Figure 5: Extent of mapped non-remnant vegetation within the vicinity of Lot 7 RP203100 as identified on the Vegetation Management Supporting Map accessed from the Department of Resources website.

Table 1: Regional Ecosystem vegetation description

Regional ecosystem:	11.7.7	Conservation status	Least concern
Description	<p><i>Eucalyptus fibrosa</i> subsp. <i>nubila</i> (Blue-leaved Ironbark) predominates and forms a distinct but discontinuous open-forest to woodland canopy (22-25m high). <i>E. crebra</i> (Narrow-leaved Ironbark) often co dominates or be locally dominant, particularly on lower slopes. Also includes areas with <i>Corymbia citriodora</i> (Spotted Gum) as a codominant. Other frequently occurring sub-dominant tree species include <i>Corymbia trachyphloia</i> (Brown Bloodwood), <i>E. apothalassica</i> (White Mahogany), <i>E. sideroxylon</i> (Red Ironbark), <i>Acacia shirleyi</i> (Lancewood) and <i>Callitris glaucophylla</i> (Cypress). There is usually a low woodland mid layer dominated by <i>Acacia</i> spp. or sometimes <i>Allocasuarina luehmannii</i> (Bull Oak) and <i>Callitris endlicheri</i> (Black Cypress Pine). Scattered tall shrubs may occur, but rarely form a prominent layer. There is usually a moderately dense, low shrub layer developed with a variable floristic composition. The ground layer is open to moderately dense and dominated by grasses. Occurs on low hills and ranges formed from deeply weathered sediments. Soils are usually shallow (< 30cm deep) uniform sands with stone or rocks covering much of the ground surface.</p>		
Regional ecosystem:	11.7.5	Conservation status	Least concern
Description	<p>Shrubland +/- emergent eucalypts. Characteristic genera include <i>Calytrix</i> spp., <i>Hakea</i> spp., <i>Kunzea</i> spp., <i>Micromyrtus</i> spp., <i>Acacia</i> spp., <i>Melaleuca</i> spp. and (in the ground layer) <i>Triodia</i> spp. Often scattered or fringing emergent tree species are present, including <i>Eucalyptus exserta</i> (Queensland Peppermint), <i>E. panda</i> (Tumbledown Ironbark), <i>E. curtisii</i> (Plunkett Mallee), <i>Corymbia trachyphloia</i> (Brown Bloodwood) and <i>Acacia blakei</i> (Blake's Wattle). Occurs on shallow soils often associated with natural scalds on Cainozoic lateritic duricrusts and sometimes lithosols derived from quartzose sandstone.</p>		

The information above was sourced from the Queensland Herbarium (2021) Regional Ecosystem Description Database (REDD). Version 12.1 (December 2021) (Queensland Department of Environment and Science: Brisbane).

Potentially hazardous vegetation is located level with, and upslope of the house site and comprises an open woodland structure with a mostly grassy understorey. Using AS 3959 – 2018, Table 2.3

Classification of Vegetation, the vegetation is classified as Woodland B-05 which is shown in Figure 6. It is described as: “Trees 10 m–30 m high; 10%–30% foliage cover dominated by eucalypts and/or callistris with a prominent grassy understorey. May contain isolated shrubs.”.

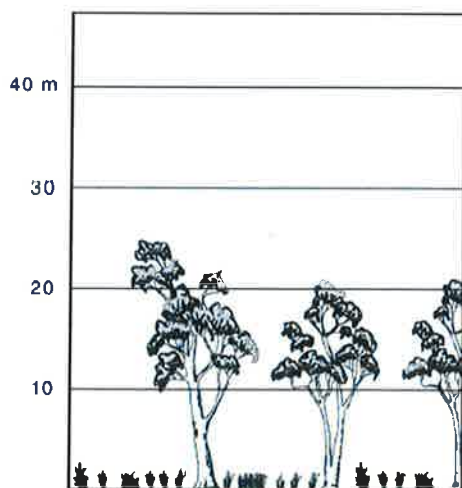


Figure 6: Vegetation Class B-05 Woodland (AS3959-2018).

A component of assessing potential bushfire attack is to determine the vegetation type, its distance from the proposed building and whether vegetation is upslope or downslope of the building. In this situation, vegetation is located upslope of the proposed dwelling site as illustrated in Figure 7.

‘In assessing vegetation classes for forests, woodlands and rainforests, the classified vegetation will be determined by the unmanaged understorey rather than either the canopy (drip line) or trunk of any trees’. (AS3959-2018)

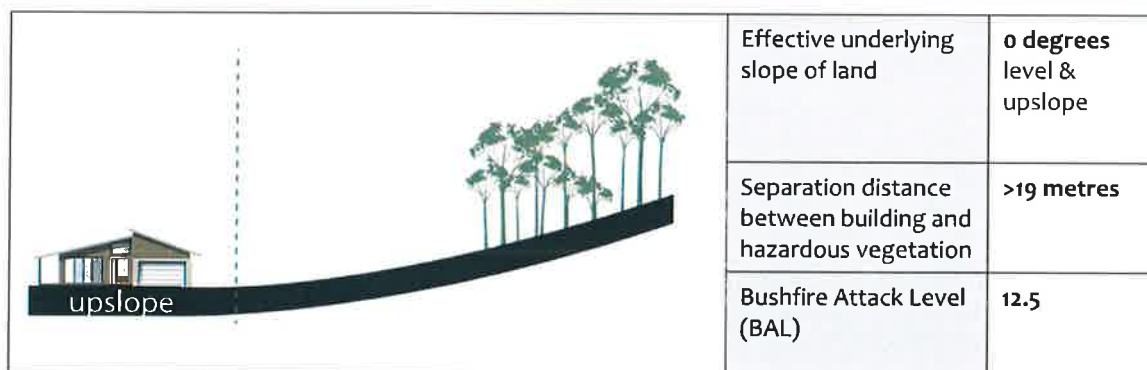


Figure 7: Determination of distance from classified vegetation and effective slope of land.

4.0 Determination of Bushfire Attack Level (BAL)

The following details summarise the steps that were carried out using information collected from the relevant site and apply this information to the conditions required and set out in Australian Standard 'Construction of Buildings in Bushfire-prone areas' (AS 3959-2018).

Table 2: Summary of attributes to determine BAL rating

Step	Procedure	Value southwest
1	Fire Danger Index (FDI)	40
2	Classification of vegetation type	B-05
3	Distance of Classified vegetation from the building site	>19m*
4	Location of vegetation (Upslope/Downslope)	Upslope
5	Effective slope of land under classified vegetation	0 degrees
7	Determination of BAL from Table 2.7 AS 3959-2018	BAL – 12.5
8	Appropriate construction methods – See	Appendix 2

***Note:** This fire report has been prepared on the basis that a minimum separation distance of greater than **19 metres** exists and can be maintained between the building and the edge of hazardous vegetation. Failure to maintain these separation distances will result in a higher Bushfire Attack Level (BAL) being applied to the building.

The Bushfire Attack Level for the proposed building was calculated using AS 3959 – 2018 Method 1 and was determined to be 12.5. The parameters used were:

- Woodland, all upslopes and flat land (0 degrees) and predominant vegetation located greater than 19 metres from the dwelling

An explanation of Bushfire Attack Levels is provided in Appendix 3 of this report.

5.0 Planning requirements

The Goondiwindi Region Planning Scheme (2018 Version 2) contains a Bushfire hazard overlay code, the purpose of which is to ensure that risk to life, property and the environment as a result of bushfire is mitigated to an acceptable or tolerable level.

Table 3: Accepted development and assessable development

Performance outcomes	Acceptable outcomes	Compliance comments
For accepted development and assessable development		
Safety of people and property		
PO1 Potential bushfire hazards are appropriately mitigated to reflect the hazard level of the site in regard to; <ul style="list-style-type: none"> (a) vegetation type and proximity; (b) slope and aspect; (c) bushfire history; (d) on-site environmental values; (e) ease of maintenance; and (f) any specific implications of the development. 	AO1.1 A site specific assessment of the subject site by a suitably qualified bushfire hazard specialist confirms that the site is not subject to bushfire hazard. OR The proposed development complies with an approved Bushfire Hazard Management Plan prepared by a suitably qualified person. OR The development complies with an existing approved Bushfire Hazard Management Plan associated with a lawful and current approval over the subject site.	CC1.1 Complies A site-specific assessment of the site was undertaken by a suitably qualified bushfire hazard specialist (See Appendix 6 for a CV of the suitably qualified bushfire hazard specialist). A Bushfire Hazard Management Plan has been prepared which that identifies bushfire hazards present and measures for mitigating the associated risks and hazards to an acceptable level.
Lot Layout		
PO2 The lot layout of new development is designed and oriented to: <ul style="list-style-type: none"> (a) mitigate any potential bushfire hazard; (b) provide safe building sites. 	AO2.1 Residential lots are designed and oriented to allow for efficient emergency access to buildings and structures for fire service and emergency vehicles by avoiding battle-axe or hatchet lots or long narrow lots. AO2.2 Residential lots are designed to provide for a building envelope that is not located within a bushfire hazard area or on the area of lowest hazard within the lot. AO2.3 No new residential lots are created within an area identified as a very high bushfire hazard area.	CC2.1-3 Not applicable. This application is for the establishment of a single dwelling on an existing lot and does not involve the reconfiguration of a lot

Performance outcomes	Acceptable outcomes	Compliance comments
Vulnerable uses		
PO3 Development that is particularly vulnerable to the adverse impacts of bushfire is not established or materially intensified within a bushfire hazard area unless there is an overriding need or other exceptional circumstances.	AO3 The following activities are not established or materially intensified within a confirmed medium, high, or very high bushfire hazard area: <ul style="list-style-type: none"> (a) uses involving the accommodation or congregation of vulnerable sectors of the community such as a <i>child care centre, community care centre, educational establishment, detention facility, hospital, rooming accommodation, retirement facility or residential care facility</i>; or (b) essential services including <i>community uses, emergency services, utility installation, telecommunications facility, substation and major electricity infrastructure</i>. 	CC3 Not applicable This application is for the establishment of a single dwelling on an existing lot. The development does not involve uses listed
Community infrastructure		
PO4 Community infrastructure is able to function effectively during and immediately after bushfire events.	AO4 Community infrastructure is not located with a confirmed medium, high, or very high bushfire hazard area. OR Where community infrastructure cannot practicably be located in an area not subject to medium, high, or very high bushfire hazard, the community infrastructure is designed and operated to function effectively during and after bushfire events in accordance with a bushfire hazard assessment and management plan prepared by a suitably qualified person.	CC4 Not applicable. This application is for the establishment of a single dwelling on an existing lot. No community infrastructure is proposed.
Hazardous materials manufactured or stored in bulk		
PO5 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on	AO5 Development involving the manufacture or storage of hazardous materials in bulk is not located within a	CC5 Not applicable. No hazardous materials are proposed to be stored or manufactured on site.

Performance outcomes	Acceptable outcomes	Compliance comments
hazardous materials manufactured or stored in bulk.	confirmed medium, high or very high bushfire hazard area.	
Access and evacuation routes		
<p>PO6 Vehicular access is designed to mitigate against bushfire hazard by:</p> <ul style="list-style-type: none"> (a) ensuring adequate access for fire fighting and other emergency vehicles; (b) ensuring adequate access for the evacuation of residents and emergency personnel in an emergency situation, including alternative safe access routes should access in one direction be blocked in the event of a fire; (c) providing for the separation of developed areas and adjacent bushland. <p>Note—Where it is not practicable to provide firebreaks in accordance with AO6.3, fire maintenance trails are provided in accordance with the following:</p> <ul style="list-style-type: none"> i. located as close as possible to the boundaries of the lot and the adjoining hazardous vegetation; ii. the minimum cleared width not less than 6 metres; iii. the formed width is not less than 2.5 metres; iv. the formed gradient is not greater than 15%; v. vehicular access is provided at both ends; vi. passing bays and turning areas are provided for fire-fighting appliances either 	<p>AO6.1 The road layout provides for “through roads” and avoids culs-de-sac and “dead end” roads (except where a perimeter road isolates the development from hazardous vegetation or the cul-de-sacs are provided with an alternative access linking the cul-de-sac to other through roads).</p> <p>AO6.2 Roads have a maximum gradient of 12.5%.</p> <p>AO6.3 Where development involves the creation of a new road, fire breaking trails are:-</p> <ul style="list-style-type: none"> (a) provided along a minimum 20m of cleared road reserve; (b) a maximum gradient of 12.5%; (c) located between the development site and hazardous vegetation. <p>OR Where development does not involve the creation of a new road, fire breaking trails are provided between the development site and hazardous vegetation and such trails:- (a) have a cleared minimum width of 6m; (b) have a maximum gradient of 12.5%; (c) provide continuous access for fire fighting vehicles; (d) allow for vehicle access every 200m; (e) provide passing bays and turning areas every 200m.</p> <p>Note – Road design is in accordance with SC6.2 – Planning Scheme Policy 1 – land development Standards.</p>	<p>CC6.1-3 Not applicable. This application is for the establishment of a single dwelling on an existing lot. It is not for the reconfiguration of a lot and no new roads are proposed. No new trails are identified or required. The area around the proposed dwelling is currently maintained in a low fuel load state with adequate separation distances from potentially hazardous vegetation (i.e. greater than 19 metres). Existing constructed access to the site is provided that is in accordance with Code requirements.</p>

Performance outcomes	Acceptable outcomes	Compliance comments
located on public land or in an access easement that is granted in favour of the Local Government and QFRS.		
Water supply for fire fighting purposes		
PO7 Development provides an adequate and reliable water supply for fire fighting purposes which is safely located and has sufficient flow and pressure characteristics.	Where within a water supply service area: AO7.1 The on-site water supply has flow and pressure characteristics of 10 litres a second at 200 kPa. Where outside a water supply service area: AO7.2 A water tank is provided within 10m of each building (other than a class 10 building) which: (a) is either below ground level or of non-flammable construction ; (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: i 10,000l for residential buildings; ii 45,000l for industrial buildings; and iii 20,000l for other buildings; (c) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank; (d) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and (d) is clearly identified by directional signage provided at the street frontage.	CC7.1 Not applicable. The site is located outside of a reticulated water supply area. CC7.2 Complies A water tank holding a dedicated fire-fighting water supply of 10,000 litres is to be provided in accordance with AO7.2 at the time of establishing the dwelling on the site.

Performance outcomes	Acceptable outcomes	Compliance comments
Landscaping		
PO8 Landscaping does not increase the potential bushfire risk of development within a bushfire hazard area.	AO8 Landscaping does not include species that will exacerbate a bushfire event and does not increase fuel loads within separation areas.	CC8 Complies The following landscaping measures are identified to minimise potential adverse bushfire impacts: <ul style="list-style-type: none"> ▪ There are substantial gaps (of at least 2 - 5m) between the canopies of any trees in the immediate area surrounding the dwelling (i.e. within 19 metres of the dwelling) ▪ There are no continuous fuels linked horizontally or vertically. (Smooth barked trees provide a lesser fuel ladder to the canopy than rough barked or ribbon barked species). ▪ Tree canopies do not overhang the roof. ▪ Surface and near surface fuels are kept to a minimum. This includes lawns to be kept short (less than 10 cm in height) and removal of accumulated leaf & bark litter. ▪ Avoidance of flammable mulches on garden beds such as woodchip or straw within 10 metres of the dwelling. ▪ Use of non-flammable mulches such as river pebbles or stones on garden beds near dwellings and buildings. ▪ use of plants with low flammability

6.0 Mitigating the bushfire risk

Vegetation management

Maintenance of vegetation near the building will assist in managing fuel loads and associated bushfire risks. An Asset Protection Zone (APZ) should be established at the time of constructing the dwelling for a minimum radius of **19 metres** from the dwelling. **Contrary to common belief, the area around the building does not need to be totally devoid of vegetation, and in fact some trees in this area can serve a valuable role in trapping embers before they impact on the asset.** It is important however that:

- There are substantial gaps (of at least 2 - 5m) between the canopies of any trees in this area.
- There are no continuous fuels linked horizontally or vertically. (Smooth barked trees provide a lesser fuel ladder to the canopy than rough barked or ribbon barked species).
- Tree canopies do not overhang the roof.
- Surface and near surface fuels are kept to a minimum. This includes lawns to be kept short (less than 10 cm in height) and removal of accumulated leaf and bark litter.
- Avoidance of flammable mulches on garden beds such as woodchip or straw within 10 metres of the dwelling.
- Use of non-flammable mulches such as river pebbles or stones on garden beds near dwellings and buildings.

If these steps are followed it should be possible for fuel loads to be maintained at 5 tonnes per hectare or less. Failure to maintain the property in a low fuel load state could significantly elevate the intensity of a bushfire should one occur. Appendix 4 contains additional details on creating and maintaining an Asset Protection Zone and guidelines for landscaping in fire prone areas are provided in Appendix 5.

It is worth noting that findings from the major bushfires in southern states identified that one of the most important factors in building survival was effective vegetation management (e.g. maintenance of low fuel loads and shrubby understorey) for a minimum radius of 40 metres around the house site.

Water supply

An adequate water supply suitable for fire-fighting purposes should be available at all times. This can be achieved by provision of a water tank with a minimum available capacity of 10,000 litres to be dedicated for fire-fighting purposes.

Adjacent structures

Where any garage, carport, or similar structure is not attached to the building covered by this report, the entire garage, carport, or similar roofed structure on the subject allotment shall comply with the construction requirements of this report, alternatively the building shall be at least 6m from the building covered in this report or it shall be separated by a fire wall with an FRL -/60/60.

Prepare, Act, Survive

The property is located in a bushfire hazard area. It is critically important that residents are well prepared during times of high fire danger and have well made plans that can be readily enacted in a time of bushfire emergency.

Maintenance of bushfire mitigation measures

It is the landholders' responsibility to ensure that the bushfire mitigation measures identified in this report are implemented and maintained into the future. Failure to maintain these measures may contribute to the dwelling being exposed to a higher level of bushfire threat and attack should one occur in the area.

7.0 Minimisation of risk - building

A number of construction measures are required to minimise the risk of bushfire impact on buildings. The key areas are summarised below and include:

- Roof to be fully sarked, **or**
- Foil-backed insulation blankets (anticon) be installed over battens under roof sheeting, **or**
- Gaps under corrugations or roof sheeting sealed at the fascia or wall line and at valleys, hips and ridges,
- Cladding to be of bushfire resisting material for walls that are less than 400mm from the ground, decks, awnings, and other horizontal surfaces,
- Vents and weepholes in external walls and eave linings to be screened with corrosion resistant steel mesh,
- Openable parts of windows to be screened with corrosion resistant steel mesh with a maximum aperture of 2mm,
- Garage doors (roller and panel lift) have a maximum permissible gap of 3mm, and
- Decking to be of bushfire-resistant timber or a non-combustible material.

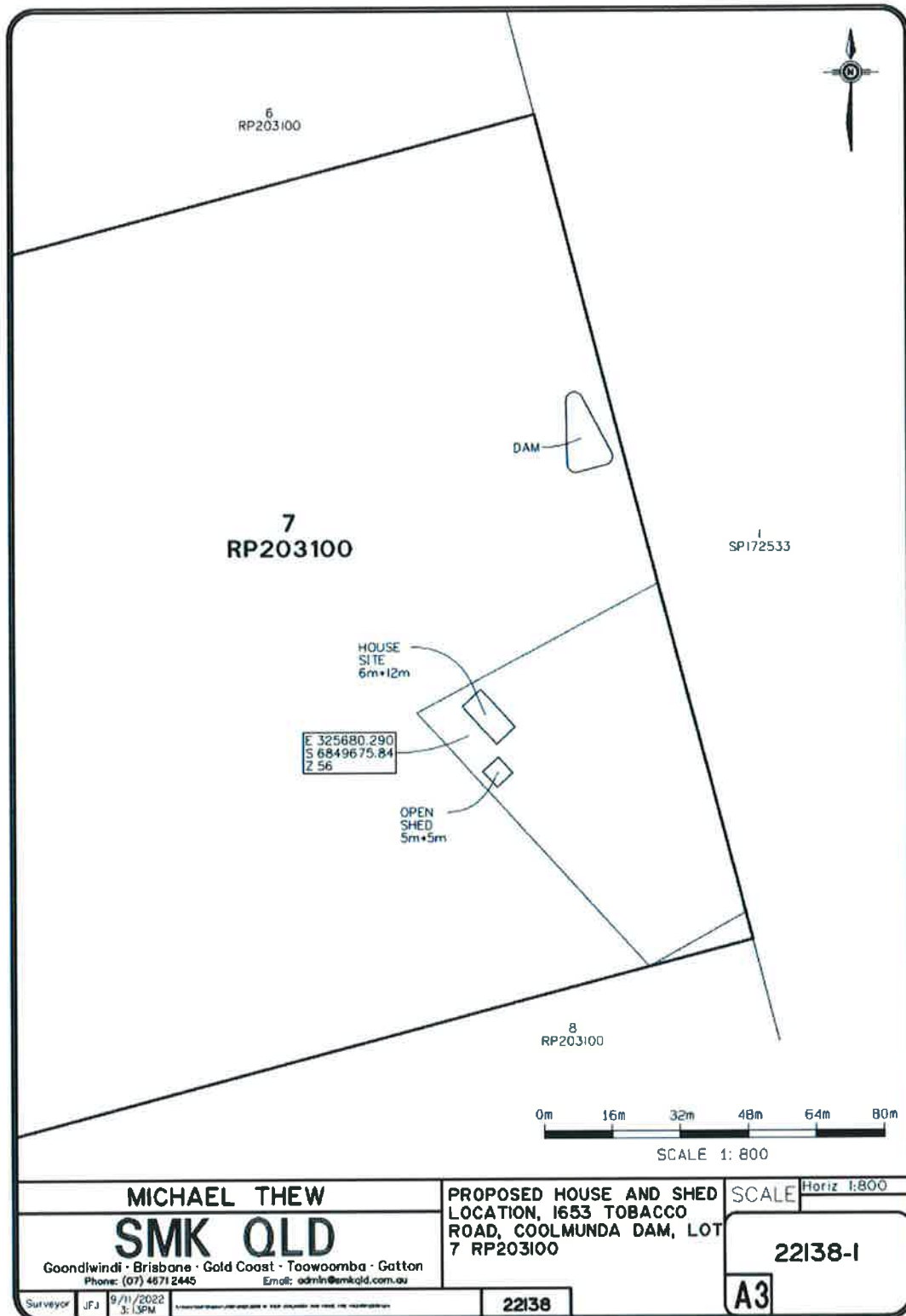
8.0 Safety of people

Any residential property located in a Bushfire prone area should have its own smoke alarms and basic fire-fighting equipment, and a fire fighting, and evacuation procedure should be in place and well-rehearsed.

9.0 Conclusions

As noted at the beginning of the report, the proposed dwelling is exposed to a BAL of 12.5. The contents of this report should be implemented, and the attached appendices heeded in order to ensure that the highest level of protection can be achieved for the residents and their property.

Appendix 1: Site Plan



Appendix 2: Summary of AS3959-2018 BAL 12.5 construction requirements

Note: this is a summary of some portions of the standard - the building designer, builder and subcontractors should refer to AS3959-2018 in full prior to construction.

Subfloor supports

The Standard does not provide construction requirements for sub-floor supports where the sub-floor is enclosed in accordance with wall that conforms to the requirements for walls listed below or is enclosed with corrosion resistant steel, bronze or aluminium mesh with a maximum aperture of 2 mm.

Floors

The Standard does not provide construction requirements for concrete slabs on the ground.

Unenclosed subfloor space

The standard does not provide construction requirements for bearers, joists and floors that are greater than 400mm above finished ground level

External walls

External walls that are less than 400mm from the ground, decks, carport roofs and similar elements should be:

- (a) made of non-combustible materials (e.g. full masonry, brick veneer etc.) with a minimum thickness of 90 mm,
- (b) timber logs with a density of 680 kg/m³ and a minimum nominal thickness of 90mm; or
- (c) cladding that is fixed externally to a timber or metal frame and is:
 - (i) non-combustible; or
 - (ii) fibre cement a minimum of 6mm thick; or
 - (iii) bushfire-resisting timber.

Joints

All joints in the external surface material of walls shall be covered, sealed, overlapped, backed or butt-jointed.

Vents and weepholes

Vents and weepholes in external walls are to be screened with corrosion-resistant steel, bronze or aluminium mesh with a maximum aperture of 2 mm.

External glazed elements, assemblies and doors

Screens for windows and doors

Where fitted, screens for windows and doors shall have mesh or perforated sheet made of corrosion-resistant steel, bronze or aluminium with a maximum aperture of 2 mm.

Windows

Frame material for windows less than 400 mm from the ground, decks, carport roofs and awnings, window frames are to be made from bushfire-resisting timber, metal or metal-reinforced uPVC.

Where glazing is less than 400mm from the ground, decks, carport roofs and awnings, glazing shall be Grade A safety glass with a minimum 4 mm thickness.

The openable portions of windows shall be screened with a mesh with a max aperture of 2 mm made of corrosion resistant steel, bronze or aluminium.

Doors - side hung external doors, panel fold & sliding doors

Doors- shall be completely protected externally by a screen with a mesh with a max aperture of 2mm made of corrosion resistant steel, bronze or aluminium, **OR**

Door panel material shall be:

- (a) non-combustible; or
- (b) solid timber, laminated timber or reconstituted timber, having a minimum thickness of 35 mm for the first 400 mm above the threshold;
- (c) hollow core, solid timber, laminated timber or reconstituted timber with a non-combustible kickplate on the outside for the first 400 mm above the threshold; or
- (d) protected externally by a metal screen with a maximum aperture of 2 mm; or
- (e) fully framed glazed door panels with framing made from metal or bushfire resisting timber.

There is no requirement to screen the openable part of a door at this level.

Garage doors

The lower portion (within 400 mm of the ground) of vehicle access doors shall be made from:

- (i) non-combustible material; or
- (ii) bushfire-resisting timber; or
- (iii) fibre-cement sheet, a minimum of 6 mm in thickness; or
- (iv) a combination of any of items (i), (ii) or (iii) above.

All vehicle access doors to be protected with suitable weather strips, draught excluders, draught seals or brushes.

Roofs

The following apply to all types of roofs and roofing systems:

- (a) roof tiles, roof sheets and roof covering accessories shall be non-combustible,
- (b) the roof/wall and roof/roof junction shall be sealed, or otherwise protected to prevent openings greater than 2mm,
- (c) roof ventilation openings, such as gable and roof vents, shall be fitted with ember guards made of non-combustible material or a mesh or perforated sheet with a max aperture of 2mm made of corrosion resistant steel, bronze or aluminium.

Tiled roofs shall be fully sarked.

Sheet roofs shall:

- (a) be fully sarked with sarking, except that foil backed insulation blankets may be installed over battens; **OR**
- (b) have any gaps sealed at the fascia, or wall line, hips and ridges by:
 - (i) a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium (this may include gutter guard), or
 - (ii) mineral wool, or

- (iii) other non-combustible material, or
- (iv) -a combination of any of the above.

Roof penetrations

The following apply to roof penetrations:

- (a) roof penetrations, including roof lights, roof ventilators, roof-mounted evaporative cooling units, aerials, vent pipes and supports for solar collectors, shall be adequately sealed at the roof to prevent gaps greater than 3 mm.
- (b) openings in vented roof lights, roof ventilators or vent pipes shall be fitted with ember guards made from a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium.
- (c) glazed elements in roof lights and skylights may be of polymer provided a grade safety glass diffuser, complying with AS 1288, is installed under the glazing.

Eaves linings, fascias and gables

The following apply to eaves linings, fascias and gables:

- (a) gables shall comply with requirements for walls.
- (b) eaves ventilation openings are to be fitted with ember guards and be made of corrosion resistant steel, bronze or aluminium.

The Standard does not provide construction requirements for fascias, bargeboards and eaves linings.

Gutters and downpipes

The Standard does not provide material requirements for gutters and downpipes, with the exception of box gutters.

Box gutters are to be non-combustible and flashed at the roof junction with non-combustible material.

If installed, gutter and valley leaf guards are to be non-combustible.

Verandahs, decks, steps, ramps and landings

Decking may be spaced. There is no requirement to enclose the subfloor spaces of verandas, decks, steps, ramps or landings.

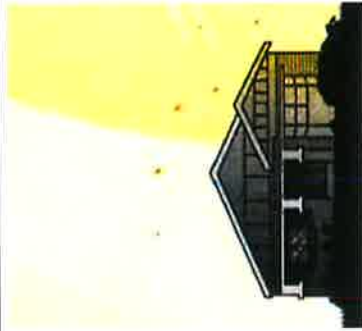
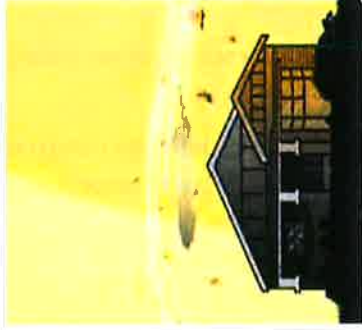


Decking, stair treads and trafficable surfaces of ramps and landings less than 300 mm (measured horizontally at deck level) from glazed elements that are less than 400 mm (measured vertically) from the surface of the deck are to be made from:

- (a) of non-combustible material; or
- (b) of bushfire-resisting timber; or
- (c) a combination of items (a) and (b) above.

Water and gas supply pipes

Above ground, exposed water and gas supply pipes shall be metal.

Appendix 3: Bushfire Attack Levels explained

				
BAL-12.5	BAL-19	BAL-29	BAL-40	BAL-FZ
The risk is considered to be LOW	The risk is considered to be MODERATE	The risk is considered to be HIGH	The risk is considered to be VERY HIGH	The risk is considered to be EXTREME
There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5 kW/m ² .	There is a risk of ember attack and burning debris ignited by wind borne embers and a likelihood of exposure to radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 19 kW/m ²	There is an increased risk of ember attack and burning debris ignited by windborne embers and a likelihood of exposure to an increased level of radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 29 kW/m ² .	There is a much increased risk of ember attack and burning debris ignited by windborne embers, a likelihood of exposure to a high level of radiant heat and some likelihood of direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux not greater than 40 kW/m ² .	There is an extremely high risk of ember attack and burning debris ignited by windborne embers, and a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux greater than 40 kW/m ² .

Images sourced from Planning Practice Note 65 September 2014 Victoria State Government

Appendix 4: Living in a Bushfire Prone area

A bushfire can ignite fuel and spread in three ways:

- Embers and burning debris carried by wind,
- Heat radiation from fire, and
- Direct flame contact

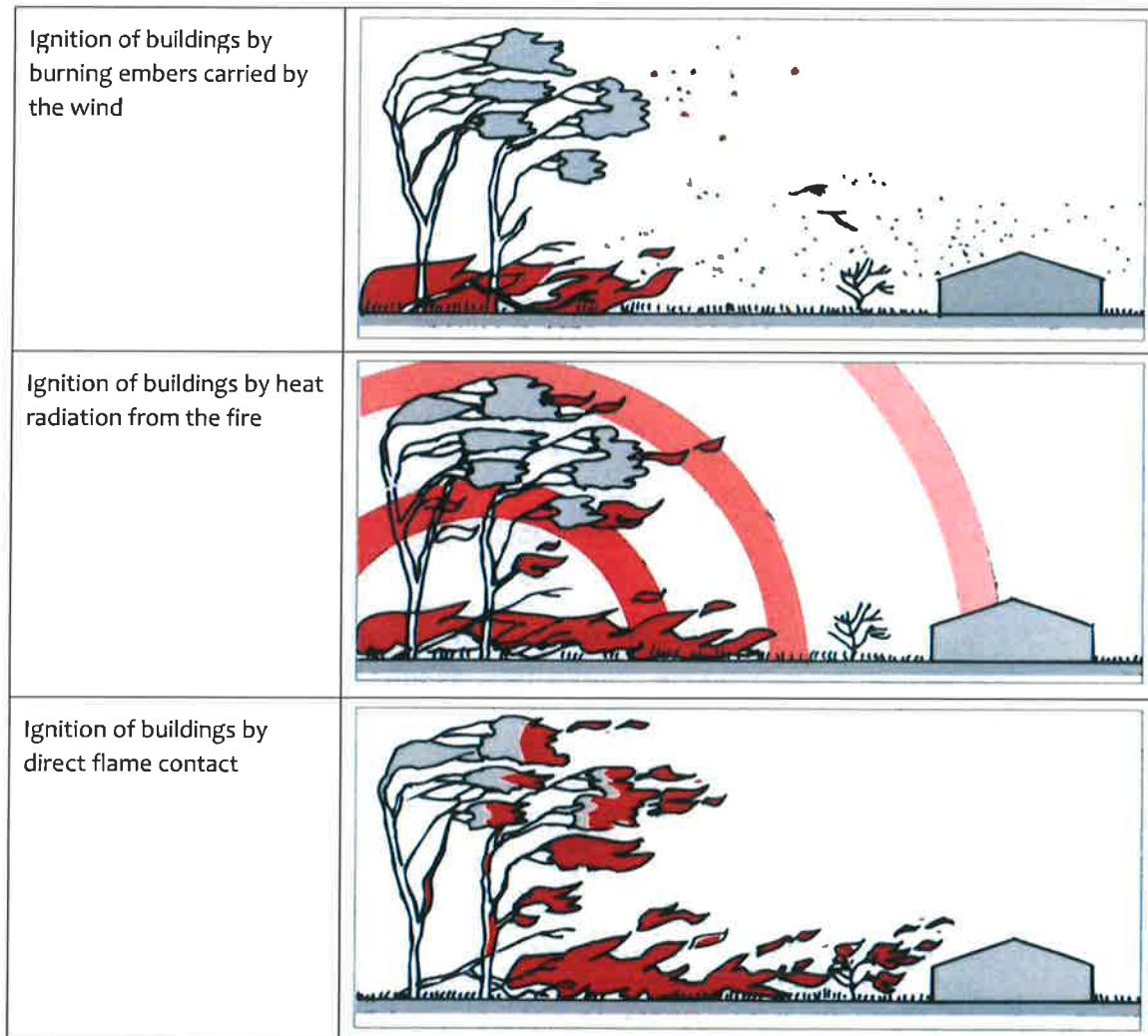


Figure 8: The three main elements of bushfire, which threaten life and property. (Ramsay & Rudolf 2003)

Overall, the intention of bush fire protection measures should be to prevent flame contact to a structure, reduce radiant heat to below the ignition thresholds for various elements of a building, to minimise the potential for wind driven embers to cause ignition and reduce the effects of smoke on residents and fire-fighters.

Asset Protection Zones

The most immediate form of defense for an asset is a well-designed Asset Protection Zone (APZ). This zone serves to protect the asset from flames and radiant heat. It improves the chances of the asset surviving the passing of the fire front, providing a safe refuge for occupants during this period and providing a relatively "defendable space" for firefighting activity.

Whilst research shows that ember attack ultimately claims more vacant houses than radiant heat or flames, if a house is occupied, ember attack can be relatively easily dealt with.

The consequence of leaving a house unattended is that there will probably be nobody there to prevent the small fires which initially start, from gradually taking hold of various parts of the structure. This process can occur over a significant period of time, usually simply with embers which fly about and settle, and start smoldering. The hot windy conditions associated with the fire help fan the smoldering clumps of fuel and bring many small fires to life. These are usually easy fires to extinguish if there is someone there with the equipment and water to put them out. In their absence, often some time, even hours after the initial fire front, the house succumbs to small fires which have grown to larger ones.

Over 90% of houses burnt down in bushfires are attributable to ember attack, and the vast majority of these are unattended at the time. In the 1984 study of the Ash Wednesday Fires around Mt Macedon, the survival rate amongst the 450 houses was 82% where they were occupied and 90% where the occupants were active, able bodied defenders, while only 30% of houses survived without someone to patrol them (Wilson & Ferguson, 1984).

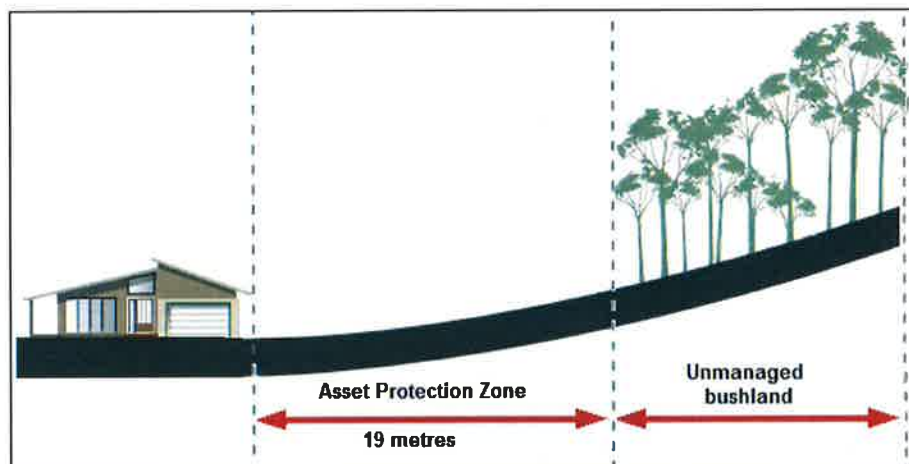


Figure 9: Recommended asset protection zone. (Adapted from Planning for Bushfire Protection 2017)

Outer Protection Area (OPA) is effectively the fuel-reduced outer protection area which serves to deprive attacking fire of fuel and reduce the intensity of the fire front. Removal of mid layer fuels prevents flames from transferring from ground fuels to the canopy where destructive potential is greatest. The OPA will also help shield a building from radiant heat, minimize the rate of spread and also intercept burning embers carried by the wind. Understory fuel levels in the OPA should be kept below 8t/ha.

Inner Protection Area (IPA) refers to the area between the fuel reduced zone and the asset, and its design may serve to considerably reduce risks posed to the asset. Contrary to common belief, this area does not need to be devoid of vegetation, and in fact some trees in this area can serve a valuable role in trapping embers before they impact on the asset. It is important however that:

- There are substantial gaps (or at least 2 - 5m) between the canopies of any trees in this area.
- There are no continuous fuels linked horizontally or vertically. Smooth barked trees provide a lesser fuel ladder to the canopy than rough barked or ribbon barked species.
- Tree canopies do not overhang the roof.

- Surface and near surface fuels are kept to a minimum. This includes lawns (to be kept short) leaf litter and garden mulches.
- Plants with a higher tolerance to fire should be utilised closest to the house and are maintained in a healthy moisture state throughout the fire season.

Asset Protection Zones act as a buffer zone between a dwelling and the hazard. The primary purpose of an Asset Protection Zone is to ensure that a progressive reduction of bushfire fuels occurs between the bushfire hazard and any habitable structures.

Asset Protection Zones should be in place for dwellings adjoining a bushfire hazard area, whether it is a single building, a group of isolated buildings or an urban subdivision.

Various amenities can contribute to the Asset Protection Zone, provided they are not combustible or otherwise add to radiant heat levels. Such amenities include driveways, tennis courts, swimming pools or fire trails, each adding to the distance from the hazard.

Radiant heat barriers such as non-combustible walls or water tanks can help shield assets from radiant heat, thereby complementing the APZ, and in some cases reducing the requirement for distance from the hazard, to a degree.

The required distances for Asset Protection Zones are dependent on the vegetation type (hazard), the slope of the site and whether the hazard is upslope or downslope from the asset.

Appendix 5: Landscaping in Fire Prone Areas

The design, management and maintenance of the landscape in the immediate vicinity of buildings are fundamental to the chances of survival of both people and buildings in a bushfire event. Vegetation provides the major fuel element in a bushfire. All vegetation, regardless of how succulent or green it is will eventually burn, provided the fire has sufficient intensity. Table 4 identifies the attributes of plants that may influence fire behaviour.

Table 4: Attributes of plants that may influence bushfire attack

Growing plant attributes Composition of leaves	Growing plant attributes Structure	Ground fuel attributes
Moisture content Volatile oil content Mineral content	Leaf fineness Density of foliage Continuity of plant form Height of lowest foliage above ground Size of plant in terms of its volume and spread Dead foliage on plant Bark texture / characteristics	Quantity of ground fuel available in fire season Fineness of ground fuel Compacting ability of ground fuel Mineral content of ground fuel

When landscaping in bushfire prone areas, it is important to use or retain plants of low flammability that have the following characteristics:

- Leaves with high moisture content,
- Low volatile oil content in leaves,
- Leaves that have a high mineral content,
- Limited retention of leaves and twigs in canopy and mid branches, and
- Smooth or tight bark

To assist building survival in a bushfire event, it is important that a fuel-reduced zone is maintained around it. This can be achieved by keeping all vegetation away from the building or by using low flammability plantings to help shield the building from radiant heat. Trees and shrubs that drop litter should not be planted or retained close to buildings where they can contribute to the accumulation of flammable material.

- Plants to avoid using in bushfire prone areas are ones that:
- Accumulate or create lots of dry dead debris during the fire season,
- Have a high volatile oil content in their leaves,
- Have loose flaky bark, and
- Have masses of very fine leaves, especially if they are continuous to the ground.

Garden maintenance actions include:

- Pruning lower branches of trees to provide a minimum vertical 2 metre high fire break,
- Removal of loose bark, dead twigs, leaves,
- Regular mowing of lawns,
- Keeping other grassed areas to less than 100mm in height.
- Use of non-flammable mulches such as river pebbles or stones on garden beds near dwellings and buildings, and
- Avoidance of flammable mulches on garden beds such as woodchip or straw.

Appendix 6: Suitably qualified and experienced practitioner

The Queensland Government publication 'Bushfire Resilient Communities - Technical Reference Guide for the State Planning Policy State Interest 'Natural Hazards, Risk and Resilience - Bushfire' (October 2019) identifies the requirements for suitably qualified and experienced personnel to undertake the assessment and preparation of bushfire reports. It identifies the following requirements.

The preparation of planning scheme provisions or applicant-initiated assessments and reports should be prepared by suitably qualified and experienced people. These people should have the following qualifications and experience as a starting point:

1. degree (AQF level 8) qualifications in environmental science, environmental management (or equivalent discipline)
2. demonstrated experience in botanical survey and spatial analysis methods, including use of geographic information systems (GIS) software
3. demonstrated experience in the assessment of bushfire hazard and risks or technical qualifications in environmental science, environmental management (or an equivalent discipline)
4. demonstrated relevant industry experience in the assessment of bushfire hazard and risks for a minimum five years. Where a local government proposes to include advice about the process for preparation of applicant-initiated assessments in its planning scheme (as a planning scheme policy, for example), it is recommended that advice on the necessary expertise also be included.

This bushfire management plan was prepared by a consultant who possesses tertiary qualifications in horticulture and has extensive experience in items 2 to 4. A CV is attached that provides relevant details of qualifications and expertise.



Curricula Vitae

RICK GALBRAITH

Director of Aquila NRM

Diploma of Horticultural Science 1978

Member - EIANZ

SUMMARY OF EXPERIENCE

Rick is a senior ecologist and has worked extensively throughout southern inland Queensland for the past 25 years as a natural resource management practitioner with a particular focus on vegetation and bushfire. During this time Rick has worked with Regional, State and Federal Governments, Regional Natural Resource Management (NRM) bodies, Landcare and community groups, developers and consultancy organisations.

Rick has undertaken over 1500 bushfire related projects throughout Queensland for a broad range of clients. These projects have included bushfire assessment and planning plans and reports for residential developments, Age Care facilities, recreational and specialist facilities, and building reports properties in identified bushfire hazard areas.

Additionally, Rick has delivered Fire and Biodiversity Property Planning workshops throughout inland southern Queensland for rural and rural residential landholders to assist them in preparing for bushfire events.

KEY AREAS OF EXPERTISE

- Bushfire Hazard assessment and preparation of reports in accordance with the State Planning Policy, Natural hazards, risk and resilience – Bushfire, (including methodologies and policies);
- Bushfire Hazard assessment and preparation of plans and reports in accordance with the Regional Council Planning Scheme Policies and Codes;
- Site assessment, preparation of Bushfire Reports for buildings and inspection for compliance with AS3959-2018;
- Environmental Impact Assessments and preparation of environmental management plans for civil construction projects;
- Vegetation assessment and Protected Plant surveys throughout southern inland Queensland.

SELECTED CAREER EXPERIENCE

Selected projects that Rick has completed throughout his career are provided to demonstrate his capabilities and experience in the fields of environment including vegetation assessment and management and bushfire.

- **Bushfire assessments and reports 2006 – present.**
 - Site assessment and the preparation of planning and bushfire management reports for developments in bushfire prone areas. Reports have been prepared for urban and rural

- residential subdivisions, outdoor education centres, accommodation and conference facilities and campgrounds.
- Undertaken site inspections and the preparation of Bushfire Reports for the past 16 years for the construction of buildings in accordance with the Australian Standard – Construction of buildings in bushfire-prone areas (AS3959-2018). Approximately 250 reports are prepared annually for individuals, builders and various organisations.
 - Preparation of planning reports for developments in bushfire prone areas. These reports have included subdivisions, Outdoor Education Centres, accommodation and conference facilities and campgrounds. Approximately 10 to 15 reports prepared annually.
 - Inspection of buildings for compliance with Bushfire Reports and AS3959-2018 for the purpose of issuing Form 12 Certificates.
 - **Environmental Impact Assessments 2007 – present.** Preparation of Environmental Impact Assessments for developments such as urban and rural residential subdivisions throughout southern inland Queensland.
 - **Flora surveys including Protected Plants 2014 - present:** Flora surveys including protected plants comprising site assessment, identification of plant species and preparation of reports in accordance with relevant guidelines. Flora surveys have been undertaken throughout southern inland Queensland for a range of clients.



Attachment 3 – Notice about decision - Statement of reasons



Notice about decision - Statement of reasons

The following information is provided in accordance with section 63 (5) of the *Planning Act 2016* and must be published on the assessment managers website.

The development application for "*Accommodation activities*" – "*Dwelling House*" (*House in a Bushfire Hazard Area*)

23/05

1653 Tobacco Road, Coolmunda

Lot 7 on RP203100

On 6 April 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 of the Goondiwindi Region Planning Scheme 2018, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Biodiversity Areas Overlay Code	PO1-PO3
Bushfire Hazard Overlay Code	PO1-PO8

4. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>AO1.1 The development site does not contain any matters of environmental significance.</p> <p>OR</p> <p>The design, layout and operation of development minimises adverse impacts on areas of environmental significance by:</p> <ul style="list-style-type: none"> (a) focusing development in cleared areas to protect existing habitat; (b) utilising urban design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitat are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site. <p>Editor's note—a report certified by an appropriately qualified person may be required to demonstrate:</p> <ul style="list-style-type: none"> (a) that the development will not result in significant impacts on relevant environmental values; (b) that the development site does not contain any matters of environmental significance, or that the extent of the area of environmental significance is different to that mapped; (c) how the proposed development mitigates impacts, including on water quality, hydrology and biological processes. 	<p>Alternative Solution The proposed dwelling location is mapped as containing wildlife habitat (endangered or vulnerable) and in close proximity to essential habitat. The clearing of vegetation for a single dwelling is exempt clearing as defined in the <i>Planning Regulation 2017</i>. The scale of the activity is not considered likely to result in significant adverse impacts on the mapped areas of environmental significance.</p>
<p>AO1.2 For residual adverse impacts, an environmental offset is provided that is consistent with the <i>Environmental Offsets Act 2014</i>.</p>	<p>Not Applicable No offsets are considered to be required.</p>
<p>AO2 A buffer for an area of environmental significance is applied and maintained, the width of which is supported by an evaluation of the environmental values, including the function and threats to matters of environmental significance.</p>	<p>Alternative Solution No buffer is considered to be required as a result of the proposed dwelling. As noted, clearing for a dwelling house is defined as exempt clearing. No additional clearing works are permitted or proposed under this development application.</p>

5. Relevant matters for impact assessable development

6. Matters raised in submissions for impact assessable development

7. Matters prescribed by Regulation



Attachment 4 – *Planning Act 2016* Extracts



EXTRACT FROM *PLANNING ACT 2016* RELATING TO APPEAL RIGHTS

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person—

- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the

deemed approval notice to the assessment manager; or

- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

(a) the adopted charge itself; or

(b) for a decision about an offset or refund—

- (i) the establishment cost of trunk infrastructure identified in a LGIP; or
- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

(2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

(a) the respondent for the appeal; and

(b) each co-respondent for the appeal; and

(c) for an appeal about a development application under schedule 1, table 1, item 1—each

principal submitter for the development application; and

(d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and

(e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

(f) for an appeal to the P&E Court—the chief executive; and

(g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

(a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or

(b) otherwise—10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

(1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

(2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

(3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

(a) conduct engaged in for the purpose of making a decision; and

(b) other conduct that relates to the making of a decision; and

(c) the making of a decision or the failure to make a decision; and

(d) a purported decision; and

(e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

(a) is final and conclusive; and

(b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and

(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.

(2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

(1) The Minister, or chief executive, (the appointer) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

(a) has the qualifications or experience prescribed by regulation; and

(b) has demonstrated an ability—

(i) to negotiate and mediate outcomes between parties to a proceeding; and

(ii) to apply the principles of natural justice; and

(iii) to analyse complex technical issues; and

(iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

(2) The appointer may—

(a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice; and

(b) reappoint a referee, by notice, for further terms of not more than 3 years.

(3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.

(4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.

(5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.

(6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.

(7) In this section—

appointment notice means—

(a) if the Minister gives the notice—a gazette notice; or

(b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

234 Referee with conflict of interest

(1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—

(a) the tribunal is to hear a matter about premises—

(i) the referee owns; or

(ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or

(iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or

(iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;

(b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.

(2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.

(3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.

(4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

235 Establishing development tribunal

(1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.

(2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.

(3) The chief executive must appoint a referee as the chairperson for each tribunal.

(4) A regulation may specify the qualifications or experience required for particular proceedings.

(5) After a tribunal is established, the tribunal's membership must not be changed.

236 Remuneration

A tribunal member must be paid the remuneration the Governor in Council decides.

237 Tribunal proceedings

- (1) A tribunal must ensure all persons before the tribunal are afforded natural justice.*
- (2) A tribunal must make its decisions in a timely way.*
- (3) A tribunal may—*
 - (a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and*
 - (b) sit at the times and places the tribunal decides; and*
 - (c) hear an appeal and application for a declaration together; and*
 - (d) hear 2 or more appeals or applications for a declaration together.*
- (4) A regulation may provide for—*
 - (a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or*
 - (b) the required fee for tribunal proceedings.*

238 Registrar and other officers

- (1) The chief executive may, by gazette notice, appoint—*
 - (a) a registrar; and*
 - (b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.*
- (2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.*

Division 2 Applications for declarations

239 Starting proceedings for declarations

- (1) A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.*
- (2) The application must be accompanied by the required fee.*

240 Application for declaration about making of development application

- (1) The following persons may start proceedings for a declaration about whether a development application is properly made—*
 - (a) the applicant;*
 - (b) the assessment manager.*
- (2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.*
- (3) The proceedings must be started by—*
 - (a) the applicant within 20 business days after receiving notice from the assessment manager, under the development assessment rules, that the development application is not properly made; or*
 - (b) the assessment manager within 10 business days after receiving the development application.*
- (4) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.*
- (5) In this section—*

respondent means—

- (a) if the applicant started the proceedings—the assessment manager; or*
- (b) if the assessment manager started the proceedings—the applicant.*

241 Application for declaration about change to development approval

- (1) This section applies to a change application for a development approval if—*
 - (a) the approval is for a material change of use of premises that involves the use of a classified building; and*
 - (b) the responsible entity for the change application is not the P&E Court.*
- (2) The applicant, or responsible entity, for the change application may start proceedings for a*

declaration about whether the proposed change to the approval is a minor change.

- (3) *The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.*

- (4) *In this section—*

respondent means—

- (a) *if the applicant started the proceedings—the responsible entity; or*
- (b) *if the responsible entity started the proceedings—the applicant.*

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

If a document starting tribunal proceedings is filed with the registrar within the period required under this Act, and is accompanied by the required fee, the chief executive must—

- (a) *establish a tribunal for the proceedings; and*
- (b) *appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and*
- (c) *give notice of the establishment of the tribunal to each party to the proceedings.*

243 Chief executive excusing noncompliance

- (1) *This section applies if—*

- (a) *the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and*
- (b) *the document does not comply with any requirement under this Act for validly starting the proceedings.*

- (2) *The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).*

- (3) *If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect,*

because of the noncompliance, to the person who filed the document.

- (4) *The chief executive must give the notice within 10 business days after the document is given to the chief executive.*

- (5) *If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.*

244 Ending tribunal proceedings or establishing new tribunal

- (1) *The chief executive may decide not to establish a tribunal when a document starting tribunal proceedings is filed, if the chief executive considers it is not reasonably practicable to establish a tribunal.*

Examples of when it is not reasonably practicable to establish a tribunal—

- *there are no qualified referees or insufficient qualified referees because of a conflict of interest*
- *the referees who are available will not be able to decide the proceedings in a timely way*

- (2) *If the chief executive considers a tribunal established for tribunal proceedings—*

(a) *does not have the expertise to hear or decide the proceedings; or*

(b) *is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example); the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.*

- (3) *However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.*

- (4) *If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.*

- (5) *Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief*

executive gives the decision notice to the party who started the proceedings.

- (6) The decision notice must state the effect of subsection (5).

245 Refunding fees

The chief executive may, but need not, refund all or part of the fee paid to start proceedings if the chief executive decides under section 244—

- (a) not to establish a tribunal; or
- (b) to end the proceedings.

246 Further material for tribunal proceedings

- (1) The registrar may, at any time, ask a person to give the registrar any information that the registrar reasonably requires for the proceedings.

Examples of information that the registrar may require—

- material about the proceedings (plans, for example)
- information to help the chief executive decide whether to excuse noncompliance under section 243
- for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.

- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

247 Representation of Minister if State interest involved

If, before tribunal proceedings are decided, the Minister decides the proceedings involve a State interest, the Minister may be represented in the proceedings.

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

- (a) in person; or
- (b) by an agent who is not a lawyer.

249 Conduct of tribunal proceedings

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.

- (2) The tribunal may decide the proceedings on submissions if the parties agree.

- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.

- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.

- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—

- (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or

- (b) for proceedings to be decided by hearing—the person, or the person's agent, does not appear at the hearing.

- (6) When hearing proceedings, the tribunal—

- (a) need not proceed in a formal way; and
- (b) is not bound by the rules of evidence; and
- (c) may inform itself in the way it considers appropriate; and
- (d) may seek the views of any person; and
- (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and
- (f) may prohibit or regulate questioning in the hearing.

- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

250 Tribunal directions or orders

A tribunal may, at any time during tribunal proceedings, make any direction or order that the tribunal considers appropriate.

Examples of directions—

- a direction to an applicant about how to make their development application comply with this Act

- a direction to an assessment manager to assess a development application, even though the referral agency's response to the assessment manager was to refuse the application

251 Matters tribunal may consider

(1) This section applies to tribunal proceedings about—

(a) a development application or change application; or

(b) an application or request (however called) under the Building Act or the Plumbing and Drainage Act.

(2) The tribunal must decide the proceedings based on the laws in effect when—

(a) the application or request was properly made; or

(b) if the application or request was not required to be properly made—the application or request was made.

(3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.

252 Deciding no jurisdiction for tribunal proceedings

(1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—

(a) on the tribunal's initiative; or

(b) on the application of a party.

(2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.

(3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.

(4) The decision notice must state the effect of subsection (3).

(5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

253 Conduct of appeals

(1) This section applies to an appeal to a tribunal.

(2) Generally, the appellant must establish the appeal should be upheld.

(3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.

(4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.

(5) However, the tribunal may, but need not, consider—

(a) other evidence presented by a party to the appeal with leave of the tribunal; or

(b) any information provided under section 246.

254 Deciding appeals to tribunal

(1) This section applies to an appeal to a tribunal against a decision.

(2) The tribunal must decide the appeal by—

(a) confirming the decision; or

(b) changing the decision; or

(c) replacing the decision with another decision; or

(d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or

(e) for a deemed refusal of an application—

(i) ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or

(ii) deciding the application.

(3) However, the tribunal must not make a change, other than a minor change, to a development application.

(4) The tribunal's decision takes the place of the decision appealed against.

(5) The tribunal's decision starts to have effect—

(a) if a party does not appeal the decision—at the end of the appeal period for the decision; or

(b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

255 Notice of tribunal's decision

A tribunal must give a decision notice about the tribunal's decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

If a tribunal directs or orders a party to do something, the party must notify the registrar when the thing is done.

258 Tribunal may extend period to take action

(1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.

(2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

259 Publication of tribunal decisions

The registrar must publish tribunal decisions under the arrangements, and in the way, that the chief executive decides.

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

(1) Table 1 states the matters that may be appealed to—

(a) the P&E court; or

(b) a tribunal.

(2) However, table 1 applies to a tribunal only if the matter involves—

(a) the refusal, or deemed refusal of a development application, for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(b) a provision of a development approval for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(c) if a development permit was applied for—the decision to give a preliminary approval for—

(i) a material change of use for a classified building; or

(ii) operational work associated with building work, a retaining wall, or a tennis court; or

(d) a development condition if—

(i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

(ii) the building is, or is proposed to be, not more than 3 storeys; and

(iii) the proposed development is for not more than 60 sole-occupancy units; or

(e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or

(f) a decision for, or a deemed refusal of, a change

application for a development approval that is only for a material change of use of a classified building; or

(g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or

(h) a decision to give an enforcement notice—

(i) in relation to a matter under paragraphs (a) to (g); or

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

(j) the refusal, or deemed refusal, of a conversion application; or

(l) a matter prescribed by regulation.

(3) Also, table 1 does not apply to a tribunal if the matter involves—

(a) for a matter in subsection (2)(a) to (d)—

(i) a development approval for which the development application required impact assessment; and

(ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or

(b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

(4) Table 2 states the matters that may be appealed only to the P&E Court.

(5) Table 3 states the matters that may be appealed only to the tribunal.

(6) In each table—

(a) column 1 states the appellant in the appeal; and

(b) column 2 states the respondent in the appeal; and

(c) column 3 states the co-respondent (if any) in the appeal; and

(d) column 4 states the co-respondents by election (if any) in the appeal.

(7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than a development application called in by the

Minister, an appeal may be made against—

(a) the refusal of all or part of the development application; or

(b) the deemed refusal of the development application; or

(c) a provision of the development approval; or

(d) if a development permit was applied for—the decision to give a preliminary approval.

**EXTRACT FROM THE *PLANNING ACT 2016*
RELATING TO LAPSE DATES**

***Division 4 Lapsing of and extending
development approvals***

85 Lapsing of approval at end of current period

*(1) A part of a development approval lapses at the end of the following period (the **currency period**)—*

(a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—6 years after the approval starts to have effect;

(b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—4 years after the approval starts to have effect;

(c) for any other part of the development approval if the development does not substantially start within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—2 years after the approval starts to take effect.

(2) If part of a development approval lapses, any monetary security given for that part of the approval must be released.