

File: 24/29
Date: 21 January 2025

S & E Jackson Pty Ltd
17 Gough Street
GOONDIWINDI QLD 4390

Attention: Scott Jackson

Dear Scott

**Decision Notice –approval (with conditions)
Material Change of Use
Lot 73 on CP889038, 99 Callandoon Road, Goondiwindi**

We wish to advise that on 20 January 2025 a decision was made to approve the material change of use development application for "*Residential activities*" – "*Multiple Dwellings*" (Three (3) dwelling units – one (1) additional dwelling house) at Lot 73 on CP889038, 99 Callandoon Road, Goondiwindi. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

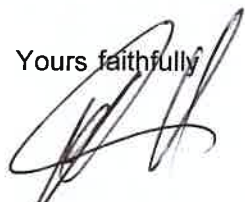
Please read the conditions carefully as these include actions which must be undertaken **prior to the commencement of the use** as well as requirements for the ongoing operation of the use.

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note **Condition 25**, 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: 24/29
Council Contact: Mrs Ronnie McMahon: PD
Council Contact Phone: (07) 4671 7400

21 January 2025

Applicant Details: S & E Jackson Pty Ltd
17 Gough Street
GOONDIWINDI QLD 4390

Attention: Scott Jackson

The development application described below was properly made to Goondiwindi Regional Council on 11 October 2024.

Applicant details

Applicant name: S&E Jackson Pty Ltd
Applicant contact details: Attention: Scott Jackson
17 Gough Street, Goondiwindi Qld 4390
Ph: 0415 583 570
E: thinkqualitybuilding@gmail.com

Application details

Application number: 24/29
Approval sought: Development Permit – Material Change of Use
Details of proposed development: "Residential activities" – "Multiple Dwellings" (Three (3) dwelling units – one (1) additional dwelling house)

Location details

Street address: 99 Callandoon Road, Goondiwindi
Real property description: Lot 73 on CP889038

Decision

Date of decision: 20 January 2025
Decision details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

The application is not taken to be approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	N/A	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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 Work
2. Compliance Permit – Plumbing Work

Properly made submissions

There were no properly made submissions for this application.

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
As per Schedule 10, Part 3, Division 4, Table 3, Item 1 (10.3.4.3.1) of the PR: <i>Development application for a material change of use that is assessable development under a local categorising instrument and relates to a lot that is 5ha or larger, if—</i> (a) <i>the application—</i> (i) <i>is for a preliminary approval that includes a variation request; and</i>	Department of Housing, Local Government, Planning and Public Works— Concurrence Agency	Department of Housing, Local Government, Planning and Public Works, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350

For an application involving	Name of referral agency	Address
<p>(ii) relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area; and</p> <p>(iii) is for a material change of use, other than a non-referable material change of use; or</p> <p>(b) the application is not stated in paragraph (a) and all of the following apply—</p> <p>(i) the material change of use does not involve prescribed clearing;</p> <p>(ii) accepted operational work may be carried out because of the material change of use, or the material change of use involves operational work that is assessable development under section 5;</p> <p>(iii) the accepted operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land, land the subject of an occupation licence under the Land Act, or land the subject of a lease given under the Land Act for agriculture or grazing purposes</p>		<p>ToowoombaSARA@dsdilgp.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
02(A) of 14	Location Plan	05/08/24
03 of 14	Site Plan	05/08/24
04 of 14	Floor Plan	05/08/24
06 of 14	Elevations A & B	05/08/24
07 of 14	Elevations C & D	05/08/24

Currency period for the approval

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

Rights of appeal

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the

Planning Act 2016. For certain applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

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

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

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

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


Attachment 5 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

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

Attachment 4 is a Notice about decision - Statement of reasons, in accordance with section 63 (5) of the *Planning Act 2016*.

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

Yours Sincerely



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

Cc Department of Housing, Local Government,
Planning and Public Works
PO Box 825,
TOOWOOMBA QLD 4350

enc Attachment 1— Assessment manager and concurrence agency conditions

- State Assessment and Referral Agency Concurrence Agency Response dated 12 December 2024

Attachment 2—Approved Plans

Attachment 3—Infrastructure Charges Notice

Attachment 4—Notice about decision – Statement of reasons

Attachment 5—*Planning Act 2016* Extracts



ATTACHMENTS

Attachment 1 – Assessment Manager and Concurrence Agency Conditions

Attachment 2 – Approved Plans

Attachment 3 – Infrastructure Charges Notice

Attachment 4 – Notice about decision - Statement of Reasons

Attachment 5 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



**Attachment 1 – Assessment Manager's Conditions and
Concurrence Agency Conditions**



Assessment Manager's Conditions

Description:	<i>"Residential activities" – "Multiple Dwellings" (Three (3) dwelling units – one (1) additional dwelling house)</i>
Development:	Material change of use – Development Permit
Applicant:	S & E Jackson Pty Ltd
Address:	99 Callandoon Road, Goondiwindi
Real Property Description:	Lot 73 on CP889038
Council File Reference:	24/29

	GENERAL CONDITIONS																		
1.	Approval is granted for the purpose of a Material Change of Use for: <ul style="list-style-type: none">• <i>“Residential activities” – “Multiple Dwellings” (Three (3) dwelling units – one (1) additional dwelling house)</i> as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.																		
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.																		
3.	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>02(A) of 14</td><td>Location Plan</td><td>05/08/24</td></tr><tr><td>03 of 14</td><td>Site Plan</td><td>05/08/24</td></tr><tr><td>04 of 14</td><td>Floor Plan</td><td>05/08/24</td></tr><tr><td>06 of 14</td><td>Elevations A & B</td><td>05/08/24</td></tr><tr><td>07 of 14</td><td>Elevations C & D</td><td>05/08/24</td></tr></table> <p>Please note these plans are not approved Building Plans. Floor Plans and Elevations of all buildings must be provided prior to lodgement of a Building Application.</p>	Drawing Number	Title	Date	02(A) of 14	Location Plan	05/08/24	03 of 14	Site Plan	05/08/24	04 of 14	Floor Plan	05/08/24	06 of 14	Elevations A & B	05/08/24	07 of 14	Elevations C & D	05/08/24
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06 of 14	Elevations A & B	05/08/24																	
07 of 14	Elevations C & D	05/08/24																	

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 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.	It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site and the commencement of the use.
	PUBLIC UTILITIES
6.	The development shall be connected to a suitable electricity and telecommunications supply system, at no cost to Council.
	ESSENTIAL SERVICES
7.	It shall be demonstrated to Council that each lot 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
8.	<p>Prior to the commencement of the use, the development shall be connected to an approved designed onsite 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>

	ROADS AND VEHICLES
9.	<p>The proposed access to Callandoon Road, from the edge of the existing bitumen to the property boundary, shall be constructed 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 <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the development to ensure compliance with this condition.</p>
10.	<p>All internal access roads, parking and manoeuvring areas shall be maintained to an all-weather standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>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>
	STORMWATER
11.	<p>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 system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>
12.	<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
13.	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.
14.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>
	AVOIDING NUISANCE
15.	<p>At all times while the use continues, provision must be made on site for the collection of general refuse in covered waste containers with a capacity sufficient for the use.</p> <p>Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.</p>
16.	<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>
17.	At all times while the use continues, any air conditioned equipment shall be acoustically screened to ensure noise levels do not exceed 5 dB(A) above the background noise level measured at the boundaries of the subject site.
	DEVELOPER'S RESPONSIBILITIES
18.	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.
19.	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.

20.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
21.	All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances in place to carry out the works.
22.	All costs reasonably associated with the approved development, unless there is specific agreement by other parties to meet these costs, shall be met by the developer.
23.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
	COMMENCEMENT OF USE
24.	<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>
25.	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 within three (3) months of this approval taking effect. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.
	PLEASE READ CAREFULLY - NOTES AND ADVICE
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes 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>

	Infrastructure charges as outlined in the Infrastructure Charges Notice included in Attachment 3 shall be paid prior to the commencement of the use.
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	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").
	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> .
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering workplace health and safety.



SARA reference: 2410-43012 SRA
Council reference: 24/29

12 December 2024

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

Attention: Ronnie McMahon

Dear Ronnie

SARA referral agency response—Callandoon Road, Callandoon

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 22 October 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	12 December 2024
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use for "Residential activities" – "Multiple Dwellings" (Three (3) dwelling units – one (1) additional dwelling house).
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 3, Item 1 – Material change of use that involves clearing native vegetation (Planning Regulation	

2017)

SARA reference: 2410-43012 SRA

Assessment manager: Goondiwindi Regional Council

Street address: Callandoon Road, Callandoon

Real property description: Lot 73 on CP889038

Applicant name: S & E Jackson Pty Ltd

Applicant contact details: 17 Gough Street
Goondiwindi QLD 4390
thinkqualitybuilding@gmail.com

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

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

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

For further information please contact Danica Clark, Senior Planner, on 3307 6175 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

cc S & E Jackson Pty Ltd, thinkqualitybuilding@gmail.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Material change of use for "Residential activities" – "Multiple Dwellings" (Three (3) dwelling units – one (1) additional dwelling house)		
Schedule 10, Part 3, Division 4, Table 3, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>Clearing of vegetation must:</p> <p>(a) only occur within Area (Part A¹) and Area C (Part C¹) as shown on the attached:</p> <p>(i) Vegetation Management Plan, prepared by Queensland Government, reference VMP2410_43012 SRA, Sheet 1 and 2, version 1.</p> <p>(ii) Attachment to Vegetation Management Plan VMP 2410-43012 SRA Derived Reference Points for GPS;</p> <p>(b) not exceed 0.402 hectares.</p>	At all times
2.	<p>Built infrastructure, other than for fences, roads, underground services as relevant, must not be established, constructed or located within Area C (C¹) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2410-43012 SRA, Sheet 1 and 2, version 1.</p> <p>(b) Attachment to Vegetation Management Plan VMP 2410-43012 SRA Derived Reference Points for GPS.</p>	At all times
3.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing

Attachment 2—Advice to the applicant

General advice

- | | |
|----|--|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.1). If a word remains undefined it has its ordinary meaning. |
|----|--|

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

With conditions, the development complies with State code 16: Native vegetation clearing (State code 16) of the State Development Assessment Provisions (SDAP) version 3.1. Specifically, the development:

- avoids clearing, or where avoidance is not reasonably possible, minimises clearing to:
 - conserve vegetation
 - avoid land degradation
 - avoid the loss of biodiversity
 - maintain ecological processes.
- for vegetation retention purposes, is undertaken in a manner that retains or regenerates vegetation by sustainably managing the impacts of the clearing on regional ecosystems, biodiversity and ecological processes over time
- avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not possible
- does not result in a significant residual impact on a matter of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.1), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

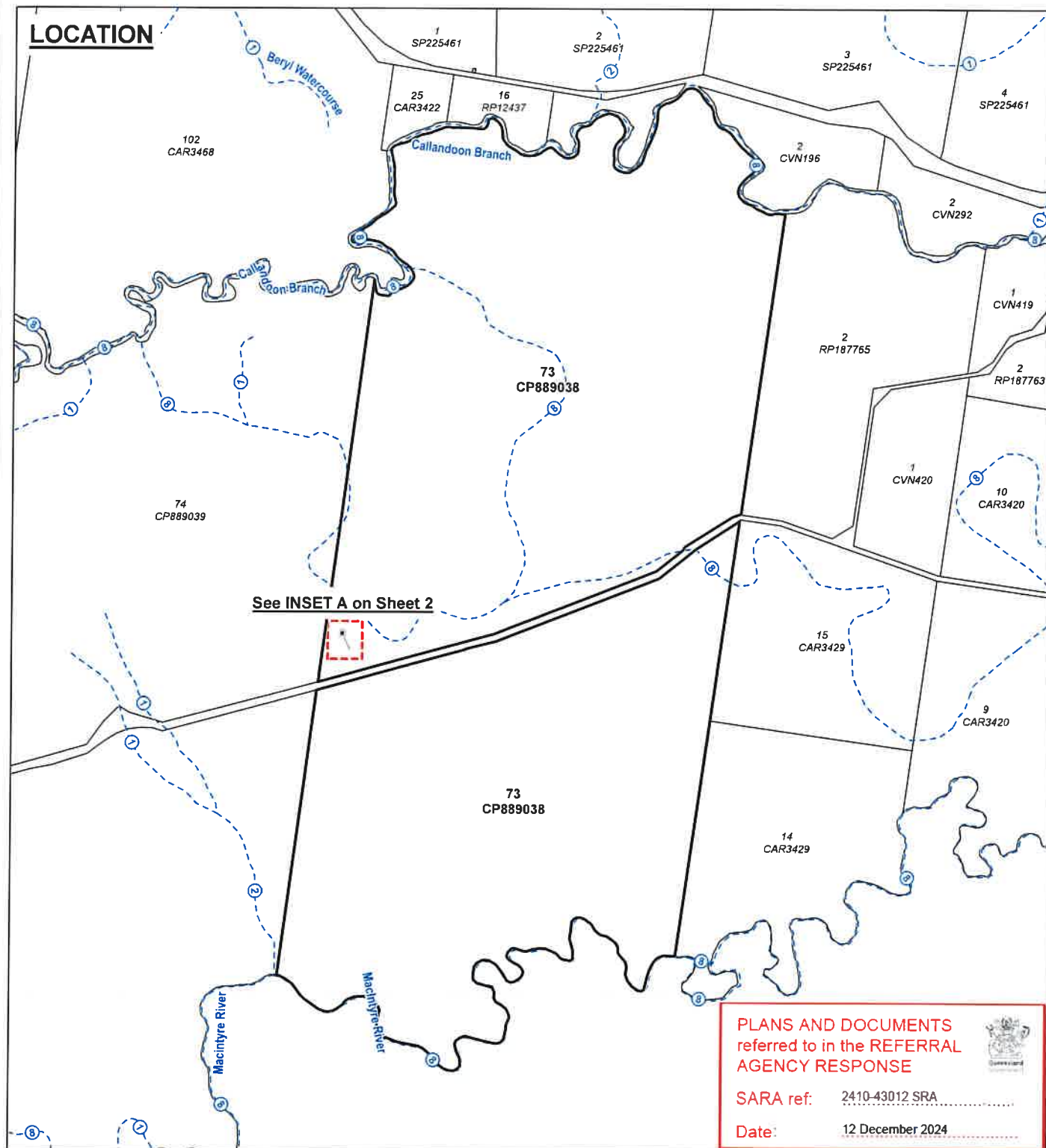
- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

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

Attachment 5—Documents referenced in conditions

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LOCATION



SCALE 1:30,000 @ A3 paper size



Projection: GDA2020 MGA Zone 56

Datum: GDA2020

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

Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2410-43012 SRA

LEGEND

- Subject Lot
- Area A - Clearing Permitted
- Area C - Firebreak/safety buffer (only certain infrastructure permitted)
- Watercourse and/or drainage feature (Stream order label)



Vegetation Management Plan

Plan of Area A (Part A1) and Area C (Part C1) in Lot 73 on Plan CP889038



© The State of Queensland, 2024

VMP
2410-43012 SRA
Sheet 1 of 2

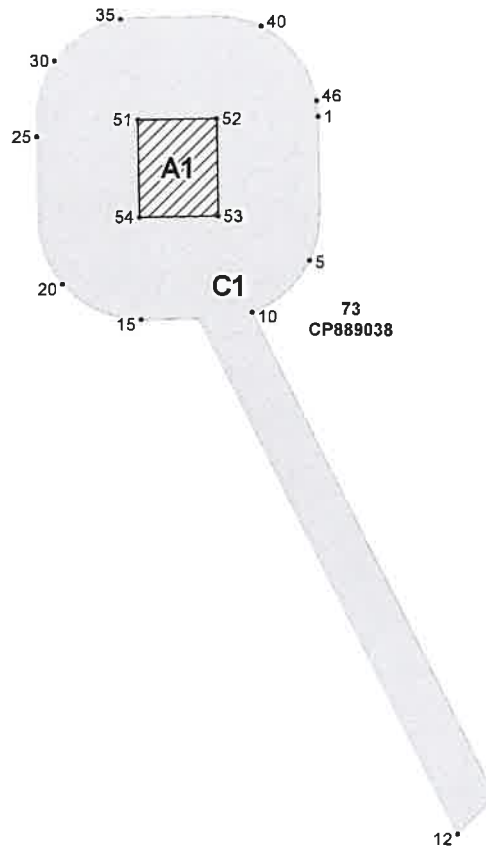
Version: 1

eLVAS Case ID: 2024/003901

Note: This is a colour map and must be reproduced in colour

VMGIS-NR-3371

INSET A



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2410-43012 SRA

Date: 12 December 2024

SCALE 1:1,000 @ A3 paper size



Projection: GDA2020 MGA Zone 56

Datum: GDA2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.
Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.
The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2410-43012 SRA

LEGEND

- 1 Derived Reference Points (see attachment)
- Subject Lot
- Area A - Clearing Permitted
- Area C - Firebreak/safety buffer
(only certain infrastructure permitted)
- Watercourse and/or drainage feature
(Stream order label)

Note: This is a colour map and must be reproduced in colour



Vegetation Management Plan

Plan of Area A (Part A1) and Area C (Part C1) in Lot 73 on Plan CP889038

Version: 1

eLVAS Case ID: 2024/003901



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VMP
2410-43012 SRA
Sheet 2 of 2

Attachment: 2410-43012 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 56

Notes: Derived Reference Points are provided to assist in the location of Area boundaries.
 Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
 Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
C1	1	216530	6839680
C1	2	216530	6839661
C1	3	216530	6839658
C1	4	216529	6839655
C1	5	216528	6839652
C1	6	216527	6839650
C1	7	216525	6839647
C1	8	216522	6839645
C1	9	216520	6839643
C1	10	216517	6839642
C1	11	216565	6839547
C1	12	216558	6839540
C1	13	216558	6839540
C1	14	216506	6839641
C1	15	216495	6839641
C1	16	216492	6839641
C1	17	216488	6839642
C1	18	216485	6839643
C1	19	216482	6839645
C1	20	216480	6839647
C1	21	216477	6839650
C1	22	216476	6839653
C1	23	216475	6839657
C1	24	216475	6839660
C1	25	216474	6839676
C1	26	216474	6839679
C1	27	216474	6839682
C1	28	216475	6839685
C1	29	216476	6839688
C1	30	216478	6839691
C1	31	216480	6839693
C1	32	216482	6839695
C1	33	216485	6839697
C1	34	216487	6839698
C1	35	216490	6839699
C1	36	216494	6839700
C1	37	216509	6839700
C1	38	216512	6839700
C1	39	216515	6839699
C1	40	216518	6839698
C1	41	216521	6839696
C1	42	216523	6839694
C1	43	216525	6839692
C1	44	216527	6839689
C1	45	216528	6839687
C1	46	216529	6839684
C1	47	216494	6839680
C1	48	216495	6839661
C1	49	216510	6839661
C1	50	216510	6839680
A1	51	216494	6839680
A1	52	216510	6839680
A1	53	216510	6839661
A1	54	216495	6839661

PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE



SARA ref: 2410-43012 SRA

Date: 12 December 2024



Attachment 2 – Approved Plans



BARWON HIGHWAY

MACINTYRE RIVER

LOT2 RP187765 LOT 15 CAR3429 LOT 14 CAR3429

LOT2 CVN196

2388.870m
APPROX.

402.336m
201.168m

LOT 73

LOT 73

CALLANDOON RD

1602.344m

1442.771m

APPROX.
3144.10

APPROX. LOCATION OF
PROPOSED RESIDENCE
REFER TO SHEET 4 FOR PROPOSED
VEHICLE ACCESS VIA
CALLANDOON ROAD

EXISTING STRUCTURES
LOT 74
(REFER IMAGE B)

LOT 74
CP889039

LOT 74
CP889039

(5401.562m)
APPROX.

LOT 14
430000
155000
360000
LOT 16
491000
LOT 25

EXISTING HOUSES
(REFER IMAGE A)
SITE ACCESS VIA BARWON HWY

LOCATION PLAN (APPROX. SCALE)
1:24000



IMAGE A

LOCATION PLAN (APPROX. SCALE)
1:24000



IMAGE B

PROPERTY DESCRIPTION

LOT: 73, 99 CP 889038
SUBURB: SOUTH CALLANDOON
LOCAL AUTHORITY: GOONDIWINDI

AREA OF RESIDENCE - 291.5m²

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 24/29
Dated: 21-01-2025
Signed:
Print Name: CARL MANTON
(Under Delegation) ASSESSMENT MANAGER

THINK QUALITY BUILDING
M: 0415 583 570
E: thinkqualitybuilding@gmail.com
S&E Jackson Pty Ltd
ABN: 53 654 336 213
QLD QBCC: 15267106

AREI

M: 0403 508 705
E: plans@areidesigns.com.au
W: areidesigns.com.au
QLD QBCC: 15040886
VIC VBA: CDB-U 73620
TAS BSP: 071565667
ABN: 31 615 195 818

PLAN NUMBER:
#2221/24
BUILDERS NUMBER:

AREI PLAN CODE:
AREI DESIGNS

CLIENT:
THINK QUALITY BUILDERS

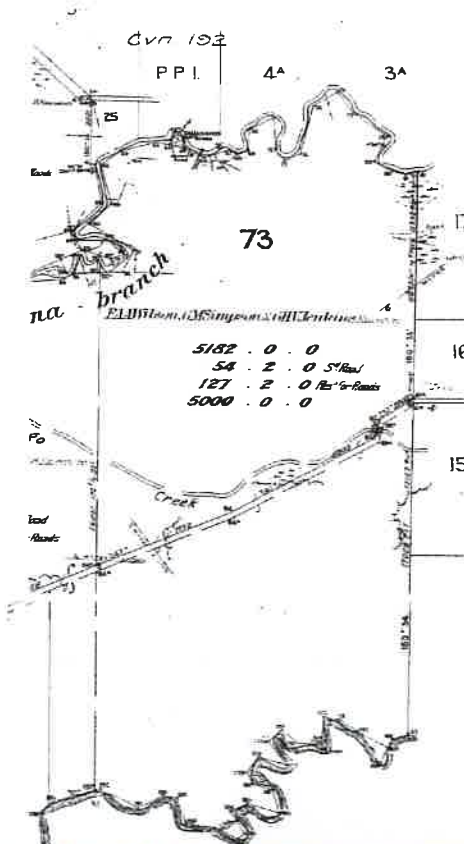
DRAWING NAME:
LOCATION PLAN

PROJECT:
PROPOSED RESIDENCE FOR SARAH TURNER AT LOT 73 (99) CALLANDOON ROAD SOUTH CALLANDOON QLD 4390

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PAGE NO:
02 (A) OF 14
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F	CONSTRUCTION ISSUE	SM	11/07/24
G	CONSTRUCTION ISSUE	SM	15/07/24
H	CONSTRUCTION ISSUE	SM	05/08/24

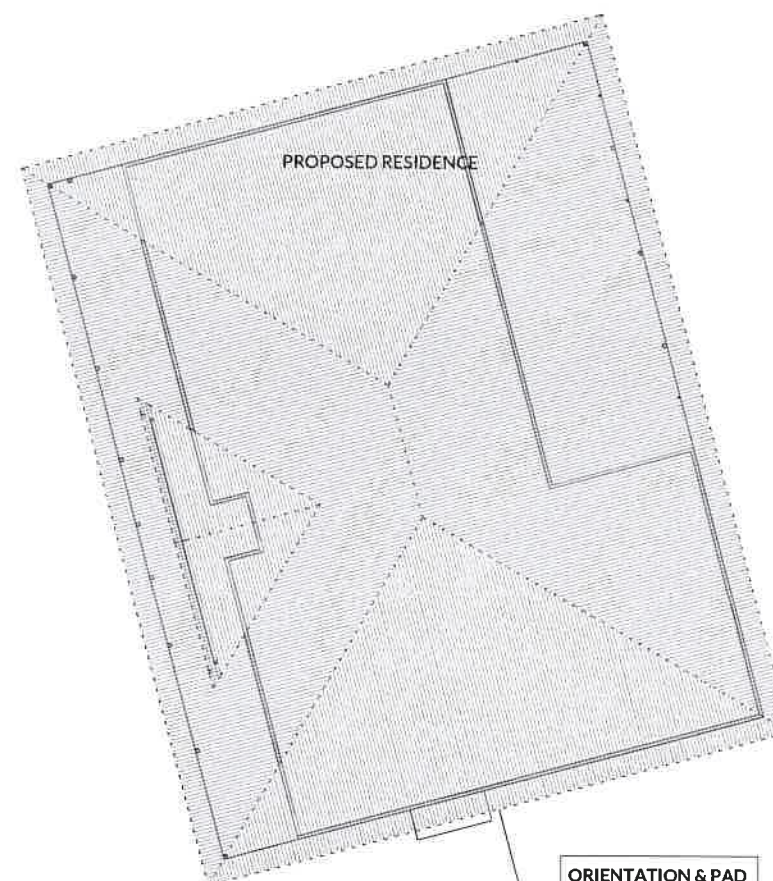
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APPROX.

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 24/29
Dated: 21-01-2025
Signed:
Print Name: KARL MANTON
(Under Delegation) ASSESSMENT MANAGER

CURRENT VEHICLE ACCESS
TO PROPOSED PAD VIA LOT
74 REFER SHEET 3.



SITE PLAN

ORIENTATION & PAD
DISTANCE TO BE
CONFIRMED ON SIT

TO CALLANDON ROAD
APPROX 340.4m

PROPERTY DESCRIPTION

LOT: 73, 99 CP 889038
SUBURB: SOUTH CALLANDON
LOCAL AUTHORITY: GOONDIWINDI

AREA OF RESIDENCE - 291.5m²

PROPOSED VEHICLE ACCESS
TO PROPOSED PAD FROM
CALLANDON ROAD.
ACCESS TO AVOID TREES AS
SHOWN



COUNCIL ONLINE MAPPING AERIAL VIEW

LEGEND

- | | | | |
|--|------------------------|--|------------------------|
| | UNDERGROUND GAS MARKER | | SEWER LINE |
| | HYDRANT | | CONTOUR LINE |
| | STORM WATER PIT | | EXISTING RETAINING |
| | WATER CONNECTION | | NEW RETAINING |
| | ELECTRICAL TURRET | | ROOF LINE |
| | TELSTRA PIT | | STORM WATER LINE |
| | MAN HOLE | | FENCE |
| | 100mm DOWN PIPE | | ELECTRICAL |
| | POWER POLE | | TELSTRA COMMUNICATIONS |
| | STREET LIGHT | | WATER LINE |
| | SITE BENCH MARK | | |



M: 0415 583 570
E: thinkqualitybuilding@gmail.com
S&E Jackson Pty Ltd
ABN: 53 654 336 213
QLD QBCC: 15267106



M: 0403 508 705
E: plans@areidesigns.com.au
W: areidesigns.com.au
QLD QBCC: 15040886
VIC VBA: CDB-U 73620
TAS BSP: 071565667
ABN: 31 615 195 818

PLAN NUMBER:
#2221/24
BUILDERS NUMBER:
AREI PLAN CODE:
AREI DESIGNS

CLIENT:
THINK QUALITY BUILDERS
DRAWING NAME:
SITE PLAN

PROJECT:
PROPOSED RESIDENCE FOR SARAH TURNER AT LOT 73 (99) CALLANDON ROAD SOUTH CALLANDON QLD 4390

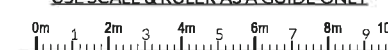
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FLOOR AREAS

ROOM	SQUARES	SQM
ALFRESCO DECK	4.92	45.7 m ²
LIVING	21.99	204.3 m ²
PORCH DECK	4.47	41.5 m ²
TOTAL	31.38	291.5 m ²

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

Council Reference: 24/29

Dated: 21-07-2025

Signed:

Print Name:

(Under Delegation) ASSESSMENT MANAGER

WINDOW SCHEDULE

MARK	SIZE	DESCRIPTION
W1	1200 x 2400	ALUM. FRAMED SLIDING WINDOW
W2	1200 x 900	ALUM. FRAMED SLIDING WINDOW
W3	1200 x 900	ALUM. FRAMED SLIDING WINDOW
W4	1200 x 3000	ALUM. FRAMED SLIDING WINDOW
W5	2400 x 3600	ALUM. FRAMED SLIDING GLASS DOOR
W6	2100 x 1200	ALUM. FRAMED SLIDING WINDOW
W7	2400 x 3600	ALUM. FRAMED SLIDING GLASS DOOR
W8	600 x 1800	ALUM. FRAMED SLIDING WINDOW
W9	1200 x 2100	ALUM. FRAMED SLIDING WINDOW
W10	1200 x 2100	ALUM. FRAMED SLIDING WINDOW
W11	1200 x 600	ALUM. FRAMED SLIDING WINDOW
W12	1200 x 2100	ALUM. FRAMED SLIDING WINDOW
W13	1200 x 2100	ALUM. FRAMED SLIDING WINDOW
W14	1200 x 2100	ALUM. FRAMED SLIDING WINDOW
W15	1200 x 2100	ALUM. FRAMED SLIDING WINDOW

DOOR SCHEDULE

MARK	SIZE	DOOR TYPE
D1	2400 x 1020	GLASS ENTRY DOOR
D2	2 OF 2040 x 420	HOLLOW CORE SWING
D3	2 OF 2040 x 820	2 of HOLLOW CORE SURFACE SLIDER
D4	2340 x 870	HOLLOW CORE SWING
D5	2340 x 870	HOLLOW CORE CAVITY SLIDER
D6	2340 x 870	HOLLOW CORE CAVITY SLIDER
D7	2340 x 870	HOLLOW CORE SWING
D8	2400 x 870	SOLID HALF GLASS
D9	2340 x 870	HOLLOW CORE SWING
D10	2340 x 870	HOLLOW CORE SWING
D11	2400 x 870	SOLID HALF GLASS
D12	2340 x 870	HOLLOW CORE SWING
D13	2340 x 870	HOLLOW CORE SWING
D14	2340 x 870	HOLLOW CORE SWING

LEGEND

C	CASEMENT WINDOW
SL.G.D	SLIDING GLASS DOOR
S.W	SLIDING WINDOW
A	AWNING WINDOW
D.HU	DOUBLE HUNG WINDOW
B.D.	BIFOLD DOORS
LU	LOUVERS
SL	SIDELIGHT
M.V.	MECHANICAL VENT
SKL	SKYLIGHT
F.G.	FIXED GLASS WINDOW

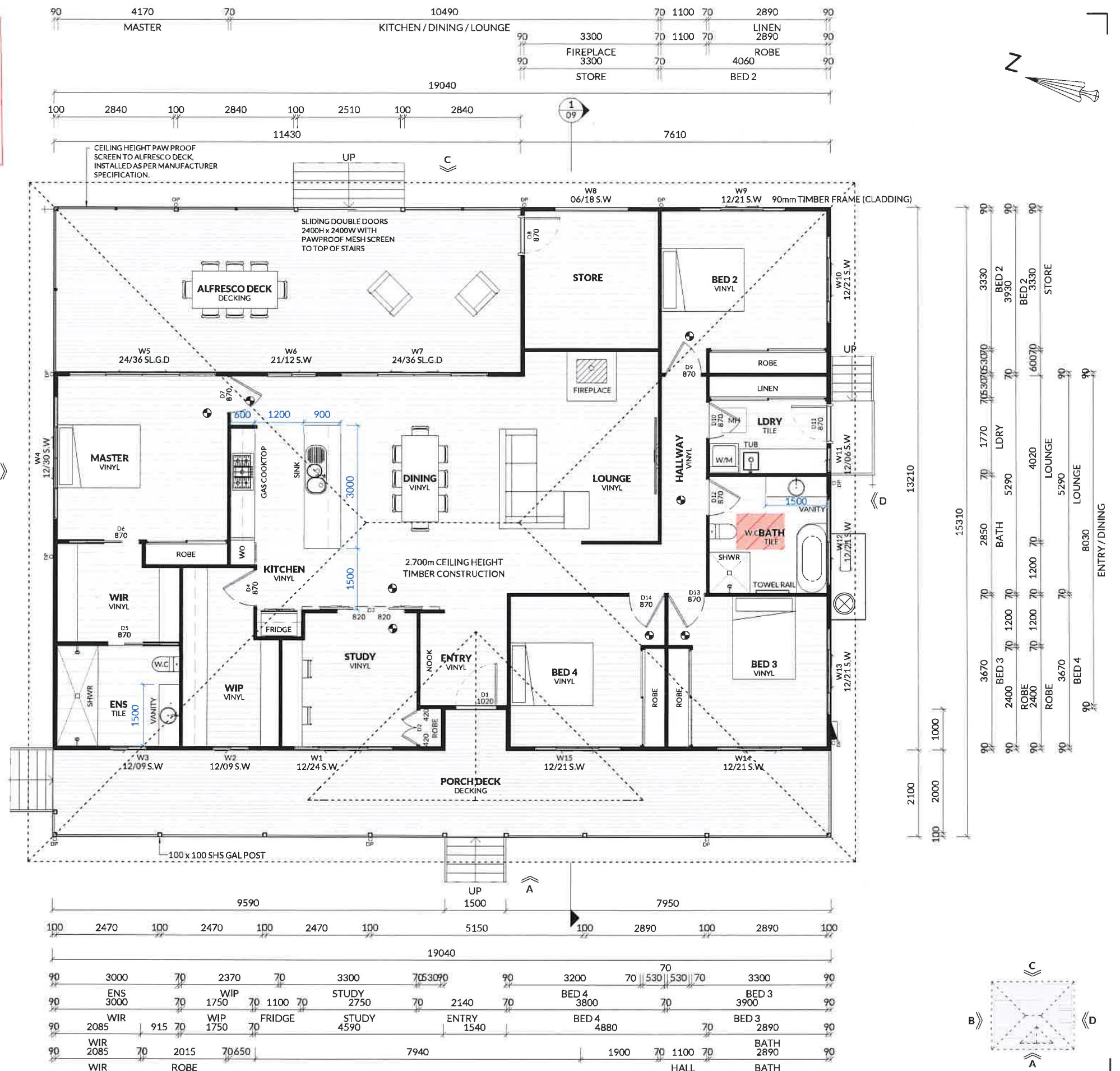
☼	SMOKE ALARM
†	HOSE COCK
⬮	ELEC M/BOX
⊙	GAS BOTTLES
⊗	HOT WATER
⊕	FLOOR WASTE

ENERGY EFFICIENCY

- 50mm ANTICON BLANKET TO ROOF
- R3 BATTS TO CEILING
- R2 BATTS TO EXTERNAL WALLS
- R1.5BATTS TO INTERNAL WALLS
- CLEAR SINGLE GLAZING

MECHANICAL VENTS

ALL MECHANICAL VENTS TO COMPLY WITH NCC 10.8.2. AND DISCHARGE TO OUTDOOR AIR. MIN. FLOW RATE OF 25L/s FOR BATHROOMS & SANITARY COMPARTMENTS, 40L/s FOR KITCHEN AND LAUNDRY.



M: 0415 583 570
E: thinkqualitybuilding@gmail.com
S&E Jackson Pty Ltd
ABN: 53 654 336 213
QLD QBCC: 15267106



M: 0403 508 705
E: plans@areidesigns.com.au
W: areidesigns.com.au
QLD QBCC: 15040886
VIC VBA: CDB-U 73620
TAS BSP: 071565667
ABN: 31 615 195 818

PLAN NUMBER:
#2221/24
BUILDERS NUMBER:
AREI PLAN CODE:
AREI DESIGNS

CLIENT:
THINK QUALITY BUILDERS
DRAWING NAME:
FLOOR PLAN

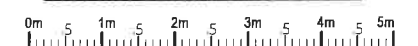
PROJECT:
PROPOSED RESIDENCE FOR SARAH TURNER AT LOT 73 (99) CALLANDOON ROAD SOUTH CALLANDOON QLD 4390

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PAGE NO:
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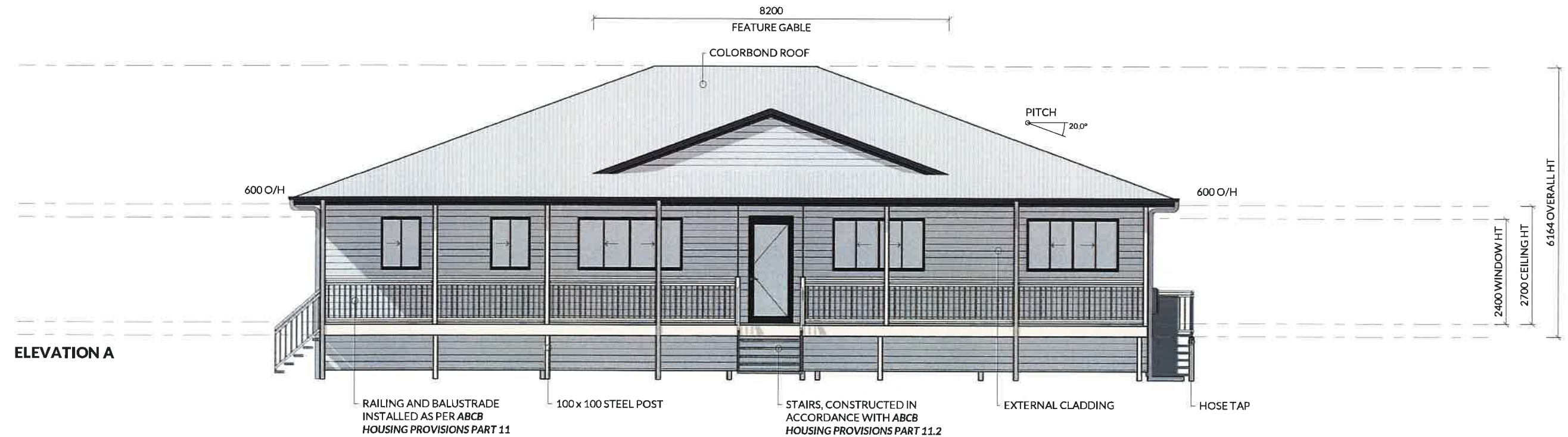
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F	CONSTRUCTION ISSUE	SM	11/07/24
G	CONSTRUCTION ISSUE	SM	15/07/24
H	CONSTRUCTION ISSUE	SM	05/08/24

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- SURFMIST ROOF
 - SURFMIST WINDOW FRAMES



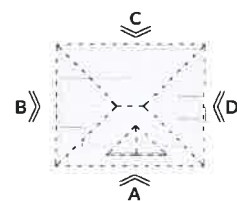
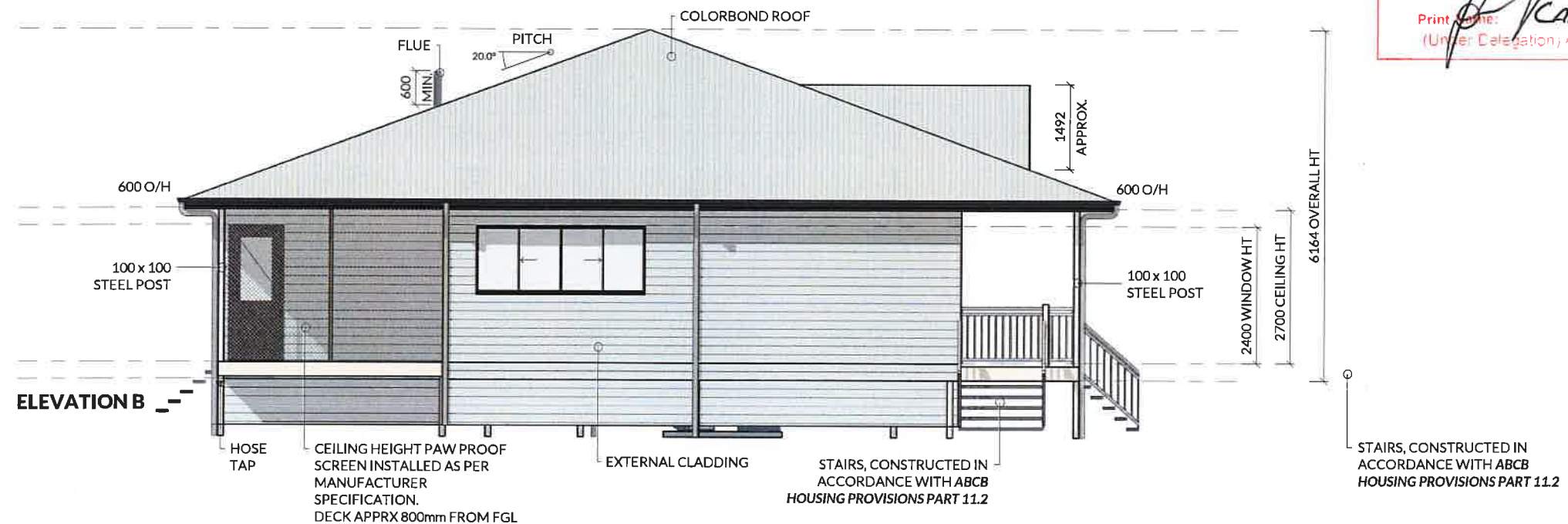
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 24/29

Dated: 21-01-2025

Signed: *[Signature]*

Print Name: CARL MANTON
(Under Delegation) ASSESSMENT MANAGER



M: 0415 583 570
E: thinkqualitybuilding@gmail.com
S&E Jackson Pty Ltd
ABN: 53 654 336 213
QLD QBCC: 15267106



M: 0403 508 705
E: plans@areidesigns.com.au
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VIC VBA: CDB-U 73620
TAS BSP: 071565667
ABN: 31 615 195 818

PLAN NUMBER:
#2221/24
BUILDERS NUMBER:
AREI PLAN CODE:
AREI DESIGNS

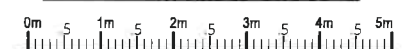
CLIENT:
THINK QUALITY BUILDERS
DRAWING NAME:
ELEVATIONS A & B

PROJECT:
PROPOSED RESIDENCE FOR SARAH TURNER AT LOT 73 (99) CALLANDOON ROAD SOUTH CALLANDOON QLD 4390

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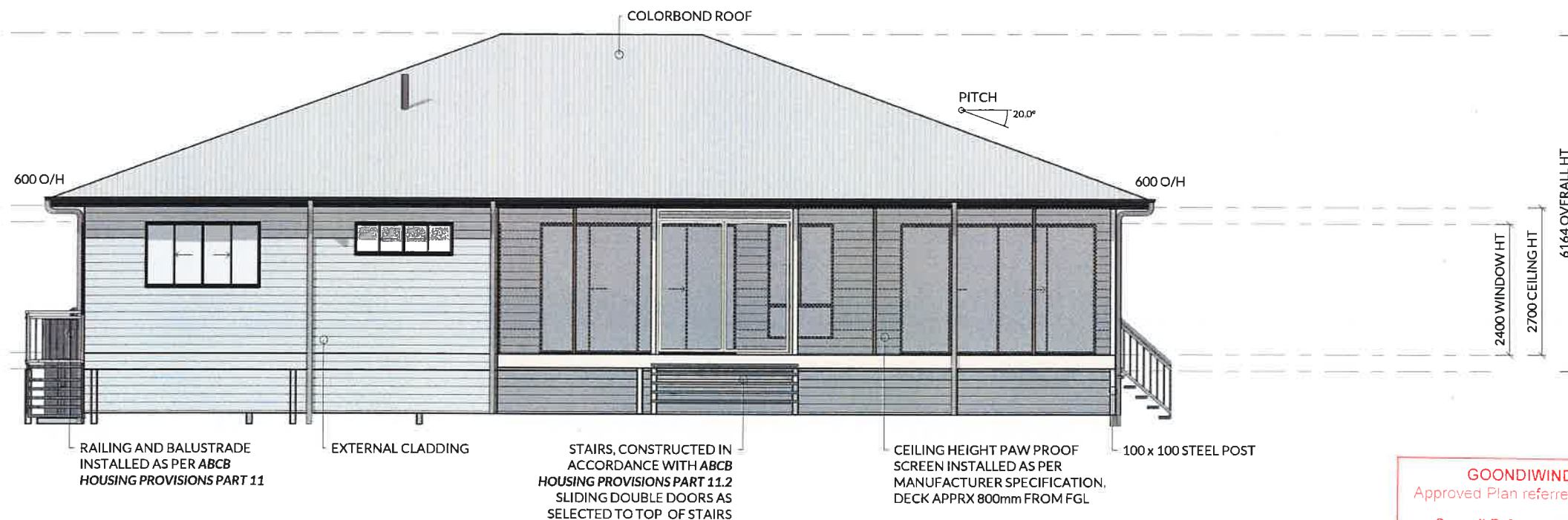
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ELEVATION C



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

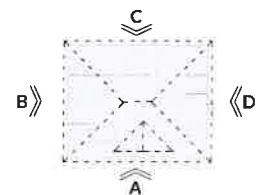
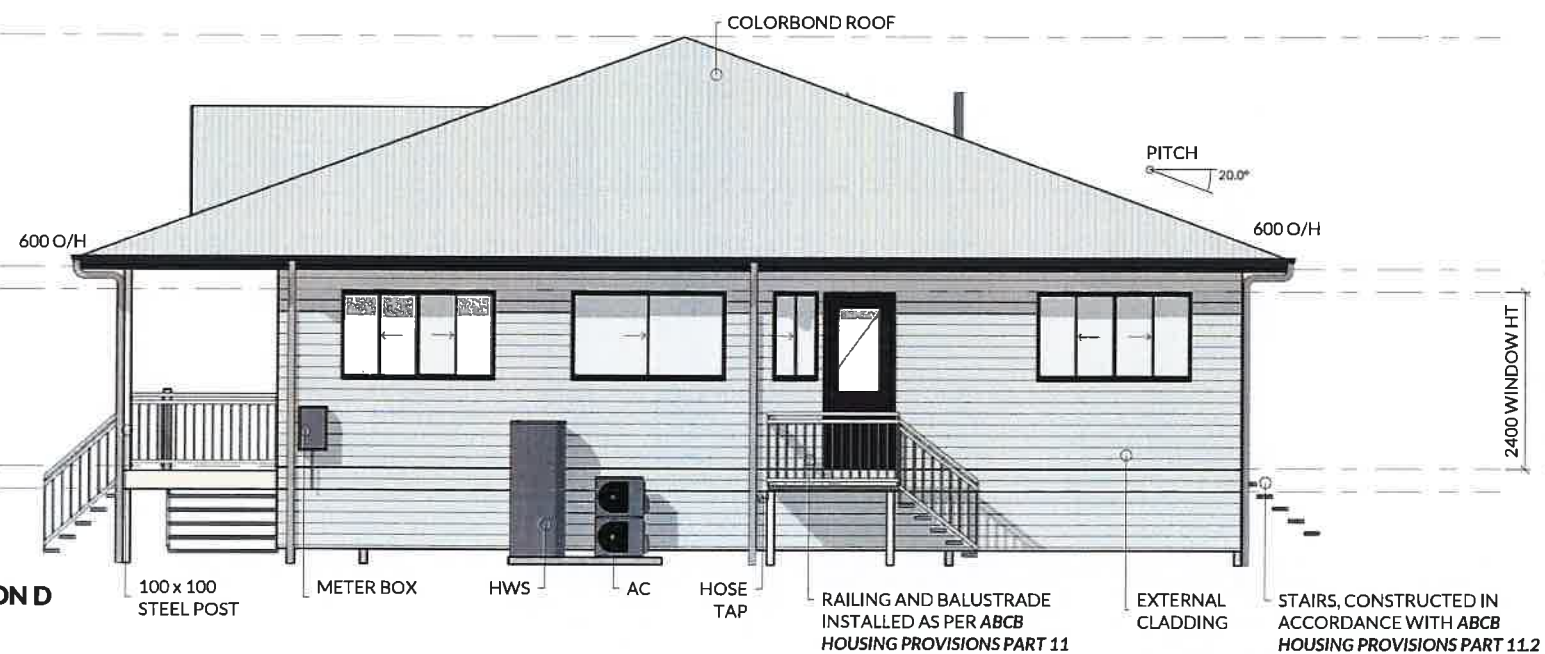
Council Reference: **24/29**

Dated: **21-01-2025**

Signed:

Print Name: **CARL MANTOL**
(Under Delegation) ASSESSMENT MANAGER

ELEVATION D



M: 0415 583 570
E: thinkqualitybuilding@gmail.com
S&E Jackson Pty Ltd
ABN: 53 654 336 213
QLD QBCC: 15267106



M: 0403 508 705
E: plans@areidesigns.com.au
W: areidesigns.com.au
QLD QBCC: 15040886
VIC VBA: CDB-U 73620
TAS BSP: 071565667
ABN: 31 615 195 818

PLAN NUMBER:
#2221/24
BUILDERS NUMBER:
AREI PLAN CODE:
AREI DESIGNS

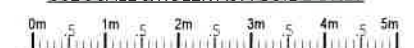
CLIENT:
THINK QUALITY BUILDERS
DRAWING NAME:
ELEVATIONS C & D

PROJECT:
PROPOSED RESIDENCE FOR SARAH TURNER AT LOT 73 (99) CALLANDON ROAD SOUTH CALLANDON QLD 4390

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PAGE NO:
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REV	DESCRIPTION	DRAWN	DATE
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F	CONSTRUCTION ISSUE	SM	11/07/24
G	CONSTRUCTION ISSUE	SM	15/07/24
H	CONSTRUCTION ISSUE	SM	05/08/24

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Attachment 3 – Infrastructure Charges Notice





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

Locked Mail Bag 7
Inglewood QLD 4387

Telephone: 07 4671 7400
Email: mail@grc.qld.gov.au

Infrastructure Charges Notice

Address	99 Callandoon Road, Goondiwindi
Owner	MHPF Burdekin Land Pty Limited
Applicant	S & E Jackson Pty Ltd
Application No.	24/29
Lot and Survey Plan	Lot 73 on CP889038
Date	21 January 2025
Approval	Development Permit – Material Change of Use

Development Application Details	
"Residential activities" – "Multiple Dwellings" (Three (3) dwelling units – one (1) additional dwelling house)	

Proposed Use	Charge Area	Type of Charge	Charge Amount (\$)	Demand	Total Charge (\$)
Multiple Dwelling	E	Transport and Parks	\$378 per 3 or more bedroom dwelling	1	378

Due Date	When the change happens	Total Charge (\$)	\$378
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	21 January 2031		

Authorised by:

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

An offset has been applied to this notice, where the existing dwellings have not been charged.

In accordance the Planning Act 2016

Office Use – Receipt Number

Charges – 1250-1150-0000





Attachment 4 – Notice about Decision - Statement of Reasons



Notice about decision - Statement of reasons

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

The development application for "Residential activities" – "Multiple Dwellings" (Three (3) dwelling units – one (1) additional dwelling house)

24/29

99 Callandoon Road, Goondiwindi

Lot 73 on CP889038

On 20 January 2025, the above development application was:

- ☐ approved in full or
☐ approved in part for _____ or
☒ approved in full with conditions or
☐ approved in part for _____, with conditions or
☐ refused.

1. Reasons for the decision

The reasons for this decision are:

- Having regard to the relevant criteria in the Goondiwindi Region Planning Scheme 2018, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Strategic Framework	Elements 1-7
Rural Zone Code	Purpose & Overall Outcomes PO1-PO5
Accommodation Activities Code	PO3-PO7
Transport and Infrastructure Code	PO1-PO15
Biodiversity Areas Overlay Code	PO1-PO3
Bushfire Hazard Overlay Code	PO1-PO8
Natural Resources Overlay Code	PO5-PO8
Flood Hazard Overlay Code	PO1-PO4

3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Accommodation Activities Code	
AO5.1 A minimum of 15% of the <i>site</i> area is provided as landscaped open space.	Complies More than 15% of the site will be retained as open space.
AO5.2 A minimum 1 metre wide vegetated buffer or 1.8 metre high screen fence is provided adjacent to any movement or parking areas along the side or rear boundary of the site.	Performance Solution The proposal is located in the Rural Zone and the dwelling is more than 3km from the nearest dwelling. No additional landscaping or fencing is considered to be required.
Transport & Infrastructure Code	
AO15.1 Landscaping complies with the standards specified in SC6.4 Planning Scheme Policy 1 – Landscaping Standards.	Alternative Solution The proposal is located in the Rural Zone and is more than 300m from the road frontage. it is considered that existing vegetation on site achieves an acceptable outcome for landscaping on the premises.
AO15.2 Street frontage landscaping has a minimum width of 2 metres for the full length of the site frontage (excluding driveways).	
AO15.3 Landscape screening to external use areas has a minimum width of 3 metres for the full length of all boundaries adjoining external use areas on the site.	
AO15.4 For industrial activities adjoining premises not included in an industry zone and used for non-industrial activities, a solid screen fence with a minimum height of 1.8 metres is provided on the common boundary.	
Bushfire Hazard Overlay Code	
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 qualifies person. OR The development complies with an existing approved Bushfire Hazard Management Plan associated with a lawful and current approval over the subject site.	Alternative Solution The applicant has not provided a site specific bushfire assessment. The proposed dwelling is located in the potential bushfire impact area and can be suitably protected from nearby bushfire hazard areas.

4. Relevant matters for impact assessable development

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

Other relevant matters to the assessment of the development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
The State Assessment and Referral Agency has issued an approval for limited clearing of mapped areas to facilitate the development.	Strategic Framework, Element 2	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to

5. Matters raised in submissions for impact assessable development

No submissions were received in relation to the development application.

6. Matters prescribed by Regulation



Attachment 5 – *Planning Act 2016* Extracts



EXTRACT FROM PLANNING ACT 2016 RELATING TO APPEAL RIGHTS

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

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

(b) the person—

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

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

(3) The **appeal period** is—

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

deemed approval notice to the assessment manager; or

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

Note—

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

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

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

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

(a) the adopted charge itself; or

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

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

230 Notice of appeal

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

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

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

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

(a) the respondent for the appeal; and

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

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

principal submitter for the development application; and

- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the appointer) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and

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

(iii) to analyse complex technical issues; and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

appointment notice means—

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

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

234 Referee with conflict of interest

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

235 Establishing development tribunal

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

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

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

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

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

236 Remuneration

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

237 Tribunal proceedings

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

238 Registrar and other officers

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

Division 2 Applications for declarations

239 Starting proceedings for declarations

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

240 Application for declaration about making of development application

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

respondent means—

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

241 Application for declaration about change to development approval

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

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

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

- (4) In this section—

respondent means—

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

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

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

243 Chief executive excusing noncompliance

- (1) This section applies if—

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

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

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

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

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

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

244 Ending tribunal proceedings or establishing new tribunal

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

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

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

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

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

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

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

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

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

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

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

245 Refunding fees

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

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

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

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

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

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

249 Conduct of tribunal proceedings

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

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

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

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

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

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

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

- (6) When hearing proceedings, the tribunal—

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

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

250 Tribunal directions or orders

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

Examples of directions—

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

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

251 Matters tribunal may consider

- (1) This section applies to tribunal proceedings about—
 - (a) a development application or change application; or
 - (b) an application or request (however called) under the Building Act or the Plumbing and Drainage Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
 - (a) the application or request was properly made; or
 - (b) if the application or request was not required to be properly made—the application or request was made.
- (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.

252 Deciding no jurisdiction for tribunal proceedings

- (1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—
 - (a) on the tribunal's initiative; or
 - (b) on the application of a party.
- (2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.
- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.

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

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

253 Conduct of appeals

- (1) This section applies to an appeal to a tribunal.
- (2) Generally, the appellant must establish the appeal should be upheld.
- (3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.
- (4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.
- (5) However, the tribunal may, but need not, consider—
 - (a) other evidence presented by a party to the appeal with leave of the tribunal; or
 - (b) any information provided under section 246.

254 Deciding appeals to tribunal

- (1) This section applies to an appeal to a tribunal against a decision.
- (2) The tribunal must decide the appeal by—
 - (a) confirming the decision; or
 - (b) changing the decision; or
 - (c) replacing the decision with another decision; or
 - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or
 - (e) for a deemed refusal of an application—
 - (i) ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or
 - (ii) deciding the application.

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

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

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

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

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

255 Notice of tribunal's decision

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

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

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

258 Tribunal may extend period to take action

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

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

259 Publication of tribunal decisions

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

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

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

(a) the P&E court; or

(b) a tribunal.

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

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

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

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

(b) a provision of a development approval for—

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

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

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

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

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

(d) a development condition if—

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

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

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

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

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

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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

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

1. Development applications

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

Minister, an appeal may be made against—

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

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

(c) a provision of the development approval; or

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

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

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

85 Lapsing of approval at end of current period

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

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

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

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

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

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

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

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

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

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

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