

File: 25/08
Date: 5 September 2025

SMK QLD Pty Ltd for L Bulmer & Co Earthmoving
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

**Decision Notice –approval (with conditions)
Reconfiguring a Lot
Lot 2 on SP119663, Leichhardt Highway, Goondiwindi**

We wish to advise that on 29 August 2025 a decision was made to approve the reconfiguring a lot development application for *One (1) lot into twenty-nine (29) lots and road reserve* at Lot 2 on SP119663, Leichhardt Highway, 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 Council's endorsement of the Plan of Survey** as well as requirements for the ongoing operation of the use.

All conditions are required to be either complied with or bonded prior to endorsement of the Plan of Survey. Please note **Condition 42**, which requires a letter to be submitted to Council, outlining and demonstrating compliance with each condition.

Please also take note of the first note on the decision notice which reads:

It will be a condition of any future Material Change of Use approval for an industrial use on any proposed new lots that the full length of the route to access that lot be upgraded to an industrial standard at least eleven (11) metres wide with concrete kerb and channel including industrial standard vehicle crossovers.

It is recommended that you contact Council to discuss this should it be intended to have industrial use of any of the new lots.

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: 25/08
Council Contact: Mrs Ronnie McMahon: PD
Council Contact Phone: (07) 4671 7400

5 September 2025

Applicant Details: SMK QLD Pty Ltd for L Bulmer & Co Earthmoving
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 26 February 2025.

Applicant details

Applicant name: SMK QLD Pty Ltd for L Bulmer & Co Earthmoving
Applicant contact details: Attn: Mr Tom Jobling
PO Box 422, Goondiwindi, QLD 4390
tom@smkgld.com.au
(07) 4671 2445

Application details

Application number: 25/08
Approval sought: Development Permit – Reconfiguring a Lot
Details of proposed development: Subdivision - One (1) lot into thirty (30) lots and road reserve

Location details

Street address: Leichhardt Highway, Goondiwindi
Real property description: Lot 2 on SP119663

Decision

Date of decision: 29 August 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	N/A		
- building work assessable under the planning scheme		☐	☐
- plumbing or drainage work		☐	☐
- material change of use		☐	☐
- reconfiguring a lot		☒	☐
- operational work		☐	

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. Survey Plan Approval

Properly made submissions

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

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
As per Schedule 10, Part 9, Division 1, Table 1, Item 1 (10.9.1.1.1) of the PR: <i>Development application for development on premises that are the subject of a designation made by the Minister, if—</i> (a) <i>the development is assessable development under a local categorising instrument; and</i> (b) <i>the infrastructure the subject of the designation is to be supplied by a public sector entity; and</i>	Department of State Development, Infrastructure and Planning – Concurrence Agency	Department of State Development, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdilgp.qld.gov.au

For an application involving	Name of referral agency	Address
(c) <i>the premises are not owned by or for the State; and</i> (d) <i>the development is for a purpose other than the designated purpose; and</i> (e) <i>the development will not be carried out by or for the State</i>		Ph: (07) 4616 7307
As per Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) of the PR: <i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i> (a) <i>all or part of the lot is subject to an easement—</i> (i) <i>for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and</i> (ii) <i>for a transmission grid or supply network; or</i> (b) <i>part of the lot is within 100m of a substation site</i>	The Chief Executive of the distribution entity or transmission entity (Ergon Energy) Advice Agency	Ergon Energy Post: Town Planning, Ergon Energy, GPO Box 1461, BRISBANE QLD 4001 townplanning@ergon.com.au Ph: 13 74 66
As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) of the PR: <i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i> (a) <i>all or part of the premises are within 25m of a State transport corridor; and</i> (b) <i>1 or more of the following apply—</i> (i) <i>the total number of lots is increased;</i> (ii) <i>the total number of lots adjacent to the State transport corridor is increased;</i> (iii) <i>there is a new or changed access between the premises and the State transport corridor;</i> (iv) <i>an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</i> (c) <i>the reconfiguration does not relate to government supported transport infrastructure</i>	Department of State Development, Infrastructure and Planning – Concurrence Agency	Department of State Development, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdilgp.qld.gov.au Ph: (07) 4616 7307

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing No	Title	Date
24061-3	Detail Survey Over Proposed Subdivision of Lot 2 on SP119663 (Staging Plan)	31/7/2025

Currency period for the approval

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

Rights of appeal

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

Appeal by an applicant

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

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

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

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

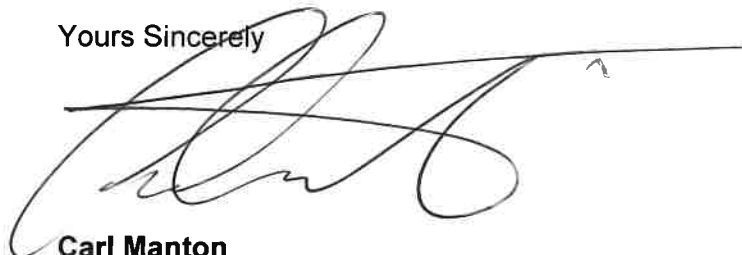
Attachment 5 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

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

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

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

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Carl Manton', with a long horizontal line extending to the right.

Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

Cc Department of State Development, Infrastructure,
 Local Government and Planning,
 PO Box 825,
 TOOWOOMBA QLD 4350

Ergon Energy
PO Box 1090
TOWNSVILLE QLD 4810

enc Attachment 1— Assessment manager and concurrence agency conditions

- State Assessment and Referral Agency Concurrence Agency Response dated 17 April 2025
- Ergon Energy Advice Agency Response dated 13 March 2025

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



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

- **Concurrence and Advice Agency Responses**

Attachment 2 – Approved Plans

Attachment 3 – Infrastructure Charges Notice

Attachment 4 – Notice about decision - Statement of reasons

Attachment 5 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Description:	One (1) lot into twenty-nine (29) lots and road reserve
Development:	Reconfiguring a Lot – Development Permit
Applicant:	SMK QLD Pty Ltd for L Bulmer & Co Earthmoving
Real Property Description:	Lot 2 on SP119663
Address:	Leichhardt Highway, Goondiwindi
Council File Reference:	25/08

GENERAL CONDITIONS								
1.	Approval is granted for the purpose of Reconfiguring a Lot – Subdivision (One (1) lot into twenty-nine (29) lots and road reserve.							
2.	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 No</th><th>Title</th><th>Date</th></tr><tr><td>24061-3</td><td>Detail Survey Over Proposed Subdivision of Lot 2 on SP119663 (Staging Plan)</td><td>31/7/2025</td></tr></table> Please note this is not an approved Plan of Survey. The approved plan is included in Attachment 2.		Drawing No	Title	Date	24061-3	Detail Survey Over Proposed Subdivision of Lot 2 on SP119663 (Staging Plan)	31/7/2025
Drawing No	Title	Date						
24061-3	Detail Survey Over Proposed Subdivision of Lot 2 on SP119663 (Staging Plan)	31/7/2025						
3.	The approval is over two (2) stages as follows: • Stage 1: Proposed Lots 9-22 • Stage 2: Proposed Lots 1-8, 23-29 Conditions within this approval apply to all stages unless otherwise specified.							

4.	Complete and maintain the approved development as follows: (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by the Council or Referral Agency unless the Council or Referral Agency agrees in writing that those parts will be adequately complied with by amended specifications. All development must comply with any relevant provisions in the <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. The development approval documents are the material contained in the development application, approved plan(s) and supporting documentation including any written and electronic correspondence between applicant, Council or Referral Agencies during all stages of the development application assessment processes.
5.	All conditions must be complied with or bonded prior to the submission to Council of the Plan of Survey, unless specified in an individual condition.
	EASEMENTS AND COVENANTS
6.	A covenant is to be provided over Proposed Lots 1 and 29, prohibiting the residential use of any building unless such buildings are constructed within the building envelopes shown on the approved plans. The covenant documentation is to be prepared for Council's approval at the developer's cost. The covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.
7.	The easement on the western boundary of Proposed Lots 1 and 29 is to remain unchanged.
8.	Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements including water and stormwater mains.
9.	A minimum buffer of 50 metres in width must be maintained along Crooked Creek. All existing vegetation within this buffer must be retained and allowed to naturally regenerate.

	ESSENTIAL SERVICES
10.	Prior to the submission to Council of the Plan of Survey, each proposed lot shall be connected to Council's reticulated water supply system in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards in the Goondiwindi Region Planning Scheme 2018 (Version 2), to the satisfaction of and at no cost to Council. The developer shall provide all necessary water infrastructure to enable all allotments to be serviced by a standard water connection to the satisfaction of Council and to relevant engineering standards.
11.	Each proposed lot shall be connected to an approved designed on-site effluent disposal sewerage system onsite, if or when required, in accordance with the Queensland Plumbing and Wastewater Code, to the satisfaction of and at no cost to Council. All sewer infrastructure (including effluent disposal areas) shall be fully located within the lot boundaries of the premises being serviced, to the satisfaction of and at no cost to Council.
	PUBLIC UTILITIES
12.	Each proposed lot shall be connected to an adequate electricity supply system, at no cost to Council.
	ACCESSES
13.	No vehicular access is permitted from any new lot to the unmade section of Polo Road on the northern or western sides of the subject site.
14.	All lots shall be provided with an industrial vehicle crossover 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) or to other relevant engineering standards to the satisfaction of and at no cost to Council. Crossovers shall be either constructed or bonded prior to the submission to Council of the Plan of Survey for the relevant stage. The applicant shall contact Council's Department of Engineering Services to ensure the correct specifications are obtained for all civil works prior to commencement of any works on site. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition
15.	Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure including any service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

	ROADWORKS
16.	All new roads shall have a minimum reserve width of twenty (20) metres and shall be dedicated as public road at no cost to Council. Each side of road reserves should generally be straight and parallel with the entire road, including batters and drains, contained within the road reserve.
17.	Unless otherwise agreed in writing by Council, all new roads shall be constructed as follows: - Proposed New Roads 1 and 2 - with a minimum seven (7) metre wide bituminous seal on an eight (8) metre wide pavement, constructed on an eight (8) metre wide formation. - The proposed extension of Polo Road - with a minimum eight (8) metre wide bituminous seal on a nine (9) metre wide pavement, constructed on a nine (9) metre wide formation. All new roads shall be designed to the satisfaction of the Director Engineering Services and shall be in accordance with relevant Engineering standards. The design vehicle shall be a 42m PBS 3B vehicle.
18.	At the completion of Stage 1, where New Road 2 is not constructed to its final length, a sealed turn around area is to be provided at the end of the constructed section of road. The temporary turn around area is to be sealed and are to be designed to allow for a single turning movement for a 42m PBS 3B vehicle. The sealed turn around area must remain until such time as the road is further extended or completed to its final length. Such turnaround must be designed to accommodate a tandem drive garbage truck.
19.	Truncations shall be provided at all road intersections to ensure that the constructed road and associated drainage is contained within the public road reserve.
20.	Prior to the endorsement of plans for stage one (1), the intersection of Polo Road and the Leichardt Highway shall be constructed to standards determined by the Department of Transport and Main Roads.
21.	All new roads shall be appropriately named and all lots shall be given an appropriate street number in accordance with the applicable Australian Standard. The developer shall submit to Council a prioritised list of proposed names for consideration.
22.	Prior to the submission to Council of the Plan of Survey for each stage, all street name signs, within the development stage shall be supplied and erected. Street warning and regulatory signage and street name plates shall be designed and installed in accordance with the approved plans, relevant Engineering standards and to the satisfaction of and at no cost to Council.

	STREET LIGHTING
23.	Design and install street lighting along New Roads 1 and 2 and the extension of Polo Road, including the intersection with the Leichhardt Highway, in accordance with the latest AS/NZS1158 to a P5 or equivalent standard. Submit street light design plans showing the proposed public lighting system, to Council's Director of Engineering Services for endorsement.
24.	Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as approved by Council. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.
	STORMWATER
25.	The subject site shall be adequately drained and all stormwater shall be disposed of to a legal discharge point 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 the Director of Engineering Services and at no cost to Council. Any increases 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. 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. The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.
26.	Stormwater shall not be allowed to pond on the site during construction and after construction has been completed unless the type and size of ponding has been agreed in writing by Council. 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.
27.	The stormwater drainage system shall be designed for the 1 in 5 year event. The design should be checked for the 1 in 100 year event to establish flow paths within the overall development.

	EARTHWORKS & EROSION CONTROL
28.	Any filling and excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018 (Version 2) or to other relevant engineering standards to the satisfaction of and at no cost to Council. 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.
29.	Erosion and sediment control measures shall be in place prior to construction commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018 (Version 2) or to other relevant engineering standards to the satisfaction of and at no cost to Council. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during construction and after construction has been completed.
	DEVELOPER'S RESPONSIBILITIES
30.	Any alteration or damage to roads and public infrastructure that is attributable to the progress of works or vehicles associated with the development must be repaired to Council's satisfaction or the cost of repairs paid to Council.
31.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including Council, to meeting those costs.
32.	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.
33.	The developer shall be responsible for mitigating any complaints arising from on-site operations during construction.
34.	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises. During construction the site must be kept in a clean and tidy state at all times.
35.	At all times all requirements of the conditions of the development approval must be maintained.

	ENGINEERING DESIGN
36.	Prior to the commencement of construction, full detailed design engineering drawings and specifications certified by an RPEQ shall be provided for all roadworks, stormwater drainage, water supply, electricity supply and earthworks for the approval of the Director Engineering Services.
37.	Prior to the commencement of construction, a detailed project management plan addressing traffic, quality, safety, environmental and cultural heritage management shall be provided for all roadworks, stormwater drainage, water supply, electricity supply and earthworks for the approval of the Director Engineering Services.
38.	All newly constructed works will be subject to a 12 months defect liability period. Within 12 months of Council's acceptance of the complete works, a qualified Council officer will inspect the works to confirm that there are no outstanding defects. Repair of any defects within the 12 months defect liability period will be the responsibility of the developer.
39.	Detailed "As constructed" plans shall be provided for all roadworks, stormwater drainage, water supply, electricity supply and earthworks in an electronic format suitable for uploading to Council's GIS systems.
	BEFORE PLANS WILL BE ENDORSED
40.	The developer shall submit a detailed Plan of Survey, prepared by a licensed surveyor, for the endorsement of Council in accordance with Schedule 18 of the <i>Planning Regulations 2017</i>. The relevant Council Fee for endorsement of the Plan of Survey (currently \$205.00; subject to change).
41.	All outstanding rates and charges shall be paid to Council prior to the submission to Council of the Plan of Survey. At its discretion, Council may accept bonds or other securities by way of bank guarantee or cash, to ensure completion of specified development approval conditions to expedite the endorsement of the Plan of Survey. It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.

42.	A letter outlining and demonstrating that each condition has been complied with of how they will be complied with shall be submitted to Council prior to the submission to Council of the Plan of Survey. Council officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards. The approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(a) of the <i>Planning Act 2016</i>: (a) If no period is stated – 4 years after the approval starts to have effect. Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.
	NOTES AND ADVICE
	It will be a condition of any future Material Change of Use approval for an industrial use on any proposed new lots that the full length of the route to access that lot be upgraded to an industrial standard at least eleven (11) metres wide with concrete kerb and channel including industrial standard vehicle crossovers.
	Infrastructure charges as outlined in the attached Infrastructure Charges Notice shall be paid upon Council's approval of the Plan of Survey. The Infrastructure Charges Notice is included in Attachment 3.
	All development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times.
	This approval in no way removes the duty of care responsibility of the applicant under the <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").
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i>.



SARA reference: 2503-45100 SRA
Council reference: 25/08
Applicant reference: 24061

17 April 2025

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

Attention: Ronnie McMahon

Dear Mrs McMahon

SARA referral agency response—Leichhardt Highway, Goondiwindi

(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 14 March 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	17 April 2025
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Reconfiguring of a Lot - Subdivision - One (1) lot into thirty (30) lots and Road Reserve
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 1, Table 1, Item 1 – Development on premises that are the subject of a Ministerial designation	

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor (Planning Regulation 2017)

SARA reference: 2503-45100 SRA

Assessment manager: Goondiwindi Regional Council

Street address: Leichhardt Highway, Goondiwindi

Real property description: Lot 2 on SP119663

Applicant name: SMK QLD Pty Ltd for L Bulmer & Co Earthmoving

Applicant contact details: 9 Pratten Street
GOONDIWINDI QLD 4390
tom@smkqld.com.au

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 SMK QLD Pty Ltd for L Bulmer & Co Earthmoving, tom@smkqld.com.au

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

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)

No.	Conditions	Condition timing
Reconfiguring of a Lot - Subdivision - One (1) lot into thirty (30) lots and Road Reserve		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads 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 condition:		
1.	(a) Provide road works comprising BAL and BAR turn treatments for turn movements into the western leg of Polo Road at the Polo Road/Leichhardt Highway intersection. (b) Design and construct the road works, required in part (a) of this condition in accordance: - the Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition; and - the Department of Transport and Main Roads' Policies and Technical Specifications.	Prior to submitting the Plan of Survey to the local government for approval.

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 3.2). If a word remains undefined it has its ordinary meaning.
2.	Transport noise corridor: Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available online at: http://spp.dsdi.esriaustraliaonline.com.au/geoviewer/map/planmaking. This tool allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.

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 1. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.2)
- 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.



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

13 March 2025

Chief Executive Officer
Goondiwindi Regional Council

Attention: *Ronnie McMahon*
Via email: rmcmahon@grc.qld.gov.au

cc L Bulmer & Co Earthmoving
c/- SMK QLD Pty Ltd
Attention: *Tom Jobling*
Via email: tom@smkqld.com.au

Dear Sir/Madam,

Ergon Advice Agency Response – Reconfiguring a Lot for 1 Lot into 30 Lots and Road Reserve located at Leichhardt Highway, Goondiwindi, described as 2SP119663

Council Ref: 25/08

Our Ref: ECM 23328047- 23330607

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

Response	
Outcome	Approved in full - subject to conditions
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	The works do not conflict with: ▪ the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i> ▪ the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 & 5.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.

Development Details

Applicant	L Bulmer & Co Earthmoving c/- SMK QLD Pty Ltd
Assessment Manager	Goondiwindi Regional Council
Council Application No.	25/08
Street Address	Leichhardt Highway, Goondiwindi
RPD	2SP119663
Development Type	Reconfiguring a Lot for 1 Lot into 30 Lots and Road Reserve
Referral Trigger	☒ Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network;
Impacted Electrical Infrastructure	Easement N on SP164028

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
ROL	☒ S56(1)(b)(i) – approval subject to stated development conditions

In accordance with Section 56(1) should the Assessment Manager decide to approve the proposed Development Application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under Section 55 (2) of the *Planning Act 2016*.

Table 1			
Plans forming part of this Approval			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Detail survey over proposed subdivision of Lot 2 on SP119663</i>	<i>24061-3</i>	<i>A3</i>	<i>13 January 2025</i>

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Table 2			
Condition		Timing	Purpose/Reason
1	Carry out the approved development generally in accordance with the approved plans and documents outlined within Table 1 of this approval and the following: ▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and ▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
2	Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
3	All conditions of Easement N on SP164028 must be maintained	At all times	To ensure the safe and efficient operation of the supply network.

General Advice:

- Compliance with the *Electrical Safety Act 2002*, including any Code of Practice under the Act and the *Electrical Safety Regulation 2013* including any safety exclusion zones defined in the Regulation is mandatory

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact Tammara Scott on 0492 137 878 or via email at townplanning@ergon.com.au.

Yours faithfully,



Tammara Scott
Town Planner

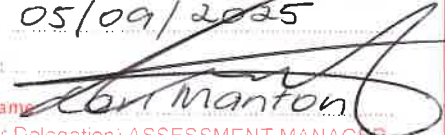
Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency



Attachment 2 – Approved Plans



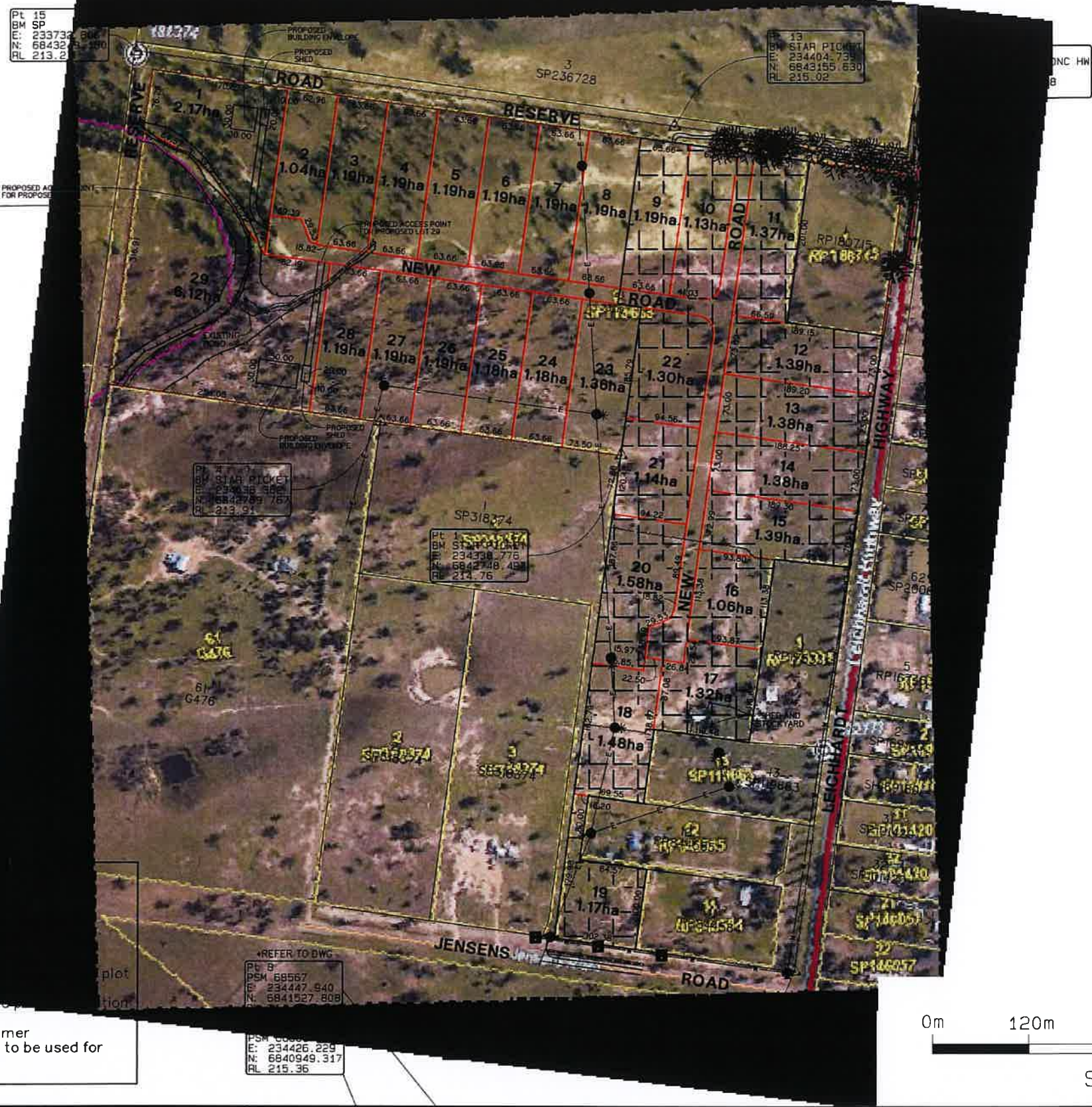
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 25/08
Dated: 05/09/2025
Signed: 
Print Name: Colin Bulmer
(Under Delegation) ASSESSMENT MANAGER

Note:
The proposed Building and Shed Envelopes on all proposed lots are subject to change location dependant on the preference of a future owner who develops the site. The location has been selected to show each lots capability of disposing wastewater onsite.

APPROX
NEW ROAD
AREA: 2.73ha

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

- Notes:
- 1) Orientation vide MGA2020 Z56 AUSPOS
 - 2) Coordinates vide AUSPOS STN I
 - 3) Elevation datum vide mean of PSM 685
 - 4) Underground services to be verified by
 - 5) Contours @ 0.25m intervals.
 - 6) Cadastral boundaries reinstated using
 - 7) This survey has been completed with GPS on
 - 8) Data contained herein is supplied to Colin Bulmer in accordance with the specifications and is not to be used for any other purpose whatsoever.
 - 9) This note is an integral part of this plan.



Stage I

Legend

- Electrical point
- Telstra Pit
- Water Meter
- Stop Valve/Tap
- Bench Mark
- Fire Hydrant
- Sewer MH/Septic Tank
- Electrical Pillar
- Power Box
- Power Pole
- Power Pole Stay
- Light Pole
- Down Pipe
- Sign
- Pit Unclassified
- Irrigation Pit
- Pump

Legend

- Overhead power line
- Edge of bitumen
- Centreline of bitumen
- Shoulder on Bitumen
- Gravel track
- Top of Bank
- Toe of Bank
- Drain
- Concrete
- Subject boundary
- Adjoining boundary
- Concrete Path
- Top of Kerb
- Invert of Kerb
- Sewer line
- Water line
- Telstra line
- Underground Electrical line
- Guard Rail
- Garden/Tree Line



SCALE 1: 6000

COLIN BULMER
SMK QLD

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

DETAIL SURVEY OVER PROPOSED
SUBDIVISION OF LOT 2 ON SPII9663

Horizontal Datum: MGA2020 Z56 AUSPOS STN I
Vertical Datum: MEAN OF PSM 68567
8 PSM 68568

Surveyor MLH 31/7/2025 10:06AM

24061 A3 24061-3
SCALE Horiz 1:6000

C:\Users\Tom\Dropbox\JOBS\2024\24061 COL BULMER JENSENS ROAD SUBDIVISION\24061-DS.pro



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 – Stage 1

Address	Leichhardt Highway, Goondiwindi
Owner	Bulmer Holdings Pty Ltd
Applicant	SMK QLD Pty Ltd for L Bulmer & Co Earthmoving
Application No.	25/08
Lot and Survey Plan	Lot 2 on SP119663
Date	5 September 2025
Approval	Reconfiguring a Lot – Development Permit

Development Application Details
One (1) lot into twenty-nine (29) lots and road reserve – STAGE 1

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot	A	\$3,750	14	\$52,500

Due Date	When Goondiwindi Regional Council approves the plan of subdivision	Total Charge (\$)	\$52,500
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	5 September 2029		

Authorised by:

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

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

In accordance the Planning Act 2016

Office Use – Receipt Number

Subdivisions – 1250-1150-0000





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 – Stage 2

Address	Leichhardt Highway, Goondiwindi
Owner	Bulmer Holdings Pty Ltd
Applicant	SMK QLD Pty Ltd for L Bulmer & Co Earthmoving
Application No.	25/08
Lot and Survey Plan	Lot 2 on SP119663
Date	5 September 2025
Approval	Reconfiguring a Lot – Development Permit

Development Application Details
One (1) lot into twenty-nine (29) lots and road reserve – STAGE 2

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot	A	\$3,750	14	\$52,500

Due Date	When Goondiwindi Regional Council approves the plan of subdivision	Total Charge (\$)	\$52,500
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	5 September 2029		

Authorised by:

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

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

In accordance the Planning Act 2016

Office Use – Receipt Number

Subdivisions – 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 Subdivision - One (1) lot into thirty (30) lots and road reserve

25/08

Leichhardt Highway, Goondiwindi

Lot 2 on SP119663

On 29 August 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 adequately satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Reconfiguring a Lot Code	PO1-PO12
Flood Hazard Overlay Code	PO1-PO7
Bushfire Hazard Overlay Code	PO1-PO8
Biodiversity Areas Overlay Code	PO1-PO3
Natural Resources Overlay Code	PO5-PO8

3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Reconfiguring a Lot Code Where within an <i>urban area</i> AO4.1 Each lot is connected to Council's reticulated sewerage system in accordance with SC6.2 – Planning Scheme Policy 1 – Land Development Standards .	Alternative Solution The subject site is located outside Council's reticulated sewerage area. All lots will be provided with a sufficient on-site wastewater treatment system when required.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Where within the Rural Zone or Rural Residential Zone AO4.2 Each lot contains an area capable of accommodating safe and efficient on-site waste water disposal in accordance with <i>Queensland, Plumbing and Wastewater Code</i> and <i>Australian Standard A3500</i>.	
AO11 Pedestrian and cycle infrastructure is designed and constructed in accordance with: (a) <i>AUSTROADS Guide to Road Design – Part 3: Geometric Design</i> and <i>Part 6A: Pedestrians and Cyclists Paths</i>; (b) <i>AUSTROADS Guide to Traffic Management: Part 6 – Intersections, Interchanges and Crossings (2007)</i>; and (c) Parts 4, 4A, 4B and 4C of the <i>Guide to Road Design</i> (AUSTROADS 2009c, 2009d, 2009e and 2009f respectively).	Alternative Solution The proposal is for a rural residential style subdivision on the north-western edge of Goondiwindi. No footpath network connects the site or locality to the Goondiwindi CBD. As a result, no footpaths are proposed to be required to service this development.
Flood Hazard Overlay Code	
AO1.1 Development is located on the highest part of the site practicable. AO1.2 Finished surface levels for reconfiguring a lot and finished floor levels for habitable rooms are a minimum of 300mm above the defined flood event (DFE). OR Where involving an extension to an existing dwelling house that is situated below the DFE:- (a) the extension has a gross floor area not exceeding 50m²; and (b) the finished floor level of all habitable rooms is not less than the floor level of existing habitable rooms. AO1.3 Non-habitable floor areas are designed and constructed to be resilient to the effects of flood, up to and including the DFE. AO1.4 A safe evacuation route that remains passable with sufficient flood warning time to enable people to progressively evacuate to a gathering point above the DFE in the face of advancing flood waters is available.	Alternative Solution In general, all lots are located within the area of Goondiwindi protected by the town levee bank. Therefore, it is considered that the site is generally resilient to flood events. However, Proposed Lots 1 and 29 contain Crooked Creek and are mapped as being subject to flood hazard. The applicant has identified building envelopes on these lots to ensure future residential uses are located outside the mapped hazard areas and that suitable flood safe access can be provided to these dwellings.
AO6.1 Development does not increase the number of lots in an area identified as a High flood hazard area except for the purposes of public open space. AO6.2 There is no intensification of residential uses on premises within the High flood hazard area including the development of dual occupancy and multiple residential uses.	Alternative Solution The proposal increases the number of lots in the flood hazard area. Two lots will not contain mapped high hazard. The applicant has revised the layout to ensure both lots contain adequate areas outside mapped flood hazard areas to locate and potential residential uses.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
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 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.	Alternative Solution Proposed Lots 1 and 29 contain areas of mapped bushfire hazard. The proposal includes building envelopes for these lots to address flood hazard. These envelopes generally also address potential bushfire hazard risks. Notwithstanding, future dwellings on these lots will be required to prepare site specific bushfire hazard assessments, if required.
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). AO6.2 Roads have a maximum gradient of 12.5%. AO6.3 Where development involves the creation of a new road, fire breaking trails are:- (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. 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. Note – Road design is in accordance with SC6.2 – Planning Scheme Policy 1 – land development Standards.	Alternative Solution The proposed lot layout creates two new cul-de-sac roads. New Road 2 terminates in a cul-de-sac head near the bushfire hazard area and provides a safe evacuation route for all lots. The construction of the proposed new roads to the relevant engineering standards and in accordance with the planning scheme criteria, can be conditioned as part of an approval.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Natural Resources Overlay Code	
PO7 Development for <i>accommodation activities</i> and other <i>sensitive land uses</i> in proximity to ALC Class A and Class B land is located and designed in a manner that: (a) avoids land use conflicts; (b) avoids the alienation of the resource; (c) mitigates adverse impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; and (d) does not adversely affect public health, safety and amenity.	Performance Solution The proposed development involves a residential subdivision on urban zoned land. The proposed development would not impact on agricultural activities, or result in land use conflicts or the alienation of the resource.
PO8 Development for non-agricultural purposes is located, designed and constructed to minimise adverse impacts of sediment and stormwater run-off on ALC Class A and Class B land.	Performance Solution The subject site is mapped as Class A & B agricultural land, however the proposed development involves a residential subdivision on urban zoned land, which is considered appropriate for the subject site. The collection and discharge of stormwater can be conditioned as part of an approval.

4. Relevant matters for impact assessable development

5. Matters raised in submissions for impact assessable development

6. Matters prescribed by Regulation



Attachment 5 – *Planning Act 2016* Extracts



EXTRACT FROM *PLANNING ACT 2016* RELATING TO APPEAL RIGHTS

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

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

(b) the person—

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

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

(3) The appeal period is—

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

deemed approval notice to the assessment manager; or

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

Note—

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

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

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

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

- (a) the adopted charge itself; or*
- (b) for a decision about an offset or refund—*
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or*
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.*

230 Notice of appeal

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

- (a) is in the approved form; and*
- (b) succinctly states the grounds of the appeal.*

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

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

- (a) the respondent for the appeal; and*
- (b) each co-respondent for the appeal; and*
- (c) for an appeal about a development application under schedule 1, table 1, item 1—each*

principal submitter for the development application; and

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

(4) The **service period** is—

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

231 Other appeals

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

(4) In this section—

decision includes—

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

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

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

232 Rules of the P&E Court

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

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

(iii) to analyse complex technical issues; and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

appointment notice means—

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

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

234 Referee with conflict of interest

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

235 Establishing development tribunal

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

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

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

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

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

236 Remuneration

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

237 Tribunal proceedings

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

238 Registrar and other officers

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

Division 2 Applications for declarations

239 Starting proceedings for declarations

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

240 Application for declaration about making of development application

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

respondent means—

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

241 Application for declaration about change to development approval

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

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

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

- (4) In this section—

respondent means—

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

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

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

243 Chief executive excusing noncompliance

- (1) This section applies if—

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

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

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

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

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

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

244 Ending tribunal proceedings or establishing new tribunal

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

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

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

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

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

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

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

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

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

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

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

245 Refunding fees

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

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

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

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

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

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

249 Conduct of tribunal proceedings

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

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

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

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

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

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

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

- (6) When hearing proceedings, the tribunal—

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

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

250 Tribunal directions or orders

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

Examples of directions—

- a direction to an applicant about how to make their development application comply with this Act
- a direction to an assessment manager to assess a development application, even though the referral agency's response to the assessment manager was to refuse the application

251 Matters tribunal may consider

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

252 Deciding no jurisdiction for tribunal proceedings

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

- (4) The decision notice must state the effect of subsection (3).
- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

253 Conduct of appeals

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

254 Deciding appeals to tribunal

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

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

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

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

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

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

255 Notice of tribunal's decision

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

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

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

258 Tribunal may extend period to take action

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

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

259 Publication of tribunal decisions

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

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

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

(a) the P&E court; or

(b) a tribunal.

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

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

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

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

(b) a provision of a development approval for—

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

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

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

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

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

(d) a development condition if—

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

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

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

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

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

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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

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

1. Development applications

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

Minister, an appeal may be made against—

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

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

(c) a provision of the development approval; or

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

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

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

85 Lapsing of approval at end of current period

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

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

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

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

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

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

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

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

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

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

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