

File: 25/21
Date: 9 September 2025

SMK QLD Pty Ltd for Phil Walker
PO Box 422
GOONDIWINDI QLD 4350

Attention: Tom Jobling

Dear Tom

**Decision Notice –approval (with conditions)
Reconfiguring a Lot
Lot 2 on SP333118, 12 Macintyre Street, Inglewood**

We wish to advise that on 5 September 2025 a decision was made to approve the reconfiguring a lot development application for *Subdivision – One (1) lot into four (4) lots* at Lot 2 on SP333118, 12 Macintyre Street, Inglewood. 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 26**, which requires a letter to be submitted to Council, outlining and demonstrating compliance with each condition.

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: 25/21
Council Contact: Mrs Ronnie McMahon: PD
Council Contact Phone: (07) 4671 7400

9 September 2025

Applicant Details: SMK QLD Pty Ltd for Phil Walker
PO Box 422
GOONDIWINDI QLD 4350

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 3 June 2025.

Applicant details

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

Application details

Application number: 25/21
Approval sought: Development Permit – Reconfiguring a Lot
Details of proposed development: Subdivision - One (1) lot into four (4) lots

Location details

Street address: 12 Macintyre Street, Inglewood
Real property description: Lot 2 on SP333118

Decision

Date of decision: 5 September 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	☐ ☐ ☐ ☒ ☐	☐ ☐ ☐ ☐

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 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>	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@dsdilqp.qld.gov.au

For an application involving	Name of referral agency	Address
(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>		Ph: (07) 4616 7307
As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (10.9.4.2.3.1) 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—</i> (i) <i>adjacent to a road (the relevant road) that intersects with a State-controlled road; and</i> (ii) <i>within 100m of the intersection; 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 relevant road is increased;</i> (iii) <i>there is a new or changed access between the premises and the relevant road; 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@dsdilqp.qld.gov.au Ph: (07) 4616 7307

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing No	Title	Date
24130-1	Plan of proposed subdivision - Lot 2 on SP333118 - Macintyre Street, Inglewood	30/8/2024
Job No. 25/154	Lot 1 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25
Job No. 25/155	Lot 2 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25
Job No. 25/156	Lot 3 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25
Job No. 25/157	Lot 4 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25

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

enc Attachment 1— Assessment manager and concurrence agency conditions

- State Assessment and Referral Agency Concurrence Agency Response dated 24 July 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 and Compliance 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 Compliance Agency Conditions



Assessment Manager's Conditions

Description:	Subdivision (One (1) lot into four (4) lots)
Development:	Development Permit – Reconfiguring a lot
Applicant:	SMK QLD Pty Ltd for Phil Walker
Real Property Description:	Lot 2 on SP333118
Address:	12 Macintyre Street, Inglewood
Council File Reference:	25/21

	GENERAL CONDITIONS																		
1.	Approval is granted for the purpose of Reconfiguring a Lot - Subdivision (One (1) lot into four (4) lots).																		
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>24130-1</td><td>Plan of proposed subdivision - Lot 2 on SP333118 - Macintyre Street, Inglewood</td><td>30/8/2024</td></tr><tr><td>Job No. 25/154</td><td>Lot 1 Macintyre Street Inglewood – Site Plan – Drainage Plan</td><td>16/04/25</td></tr><tr><td>Job No. 25/155</td><td>Lot 2 Macintyre Street Inglewood – Site Plan – Drainage Plan</td><td>16/04/25</td></tr><tr><td>Job No. 25/156</td><td>Lot 3 Macintyre Street Inglewood – Site Plan – Drainage Plan</td><td>16/04/25</td></tr><tr><td>Job No. 25/157</td><td>Lot 4 Macintyre Street Inglewood – Site Plan – Drainage Plan</td><td>16/04/25</td></tr></table> Where there is any conflict between the conditions of this development approval and the details shown on the above plans, the conditions must prevail. Please note this is not an approved Plan of Survey. The approved development plans are included in Attachment 2.	Drawing No	Title	Date	24130-1	Plan of proposed subdivision - Lot 2 on SP333118 - Macintyre Street, Inglewood	30/8/2024	Job No. 25/154	Lot 1 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25	Job No. 25/155	Lot 2 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25	Job No. 25/156	Lot 3 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25	Job No. 25/157	Lot 4 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25
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Job No. 25/157	Lot 4 Macintyre Street Inglewood – Site Plan – Drainage Plan	16/04/25																	

3.	Complete and maintain the approved development as follows: (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by the Council or Referral Agency unless the Council or Referral Agency agrees in writing that those parts will be adequately complied with by amended specifications. All development must comply with any relevant provisions in the <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.
4.	All conditions must be complied with or bonded prior to the submission to Council of the Plan of Survey, unless specified in an individual condition.
5.	A covenant is to be provided over all proposed lots 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.
	ESSENTIAL SERVICES
6.	Prior to the submission to Council of the Plan of Survey, each proposed lot shall be serviced by and connected to Council's reticulated water supply system in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council. The developer shall provide all necessary water infrastructure, including any extensions to reticulated infrastructure, to enable all portions of each parcel to be serviced by a standard water connection to the satisfaction of Council and to relevant engineering standards.
7.	Each proposed lot shall be connected to an approved designed on-site effluent disposal system, 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.

8.	All water connections, stormwater drainage, on-site effluent disposal systems and services (including electricity and telephone) associated with the development on the land are to be relocated so that they are wholly contained within the lot it serves, or easements provided over this private drainage and services. A plan, drawn by a suitably qualified person, showing all drainage and services associated with the existing development is to be submitted to Council to demonstrate compliance with this requirement.
	PUBLIC UTILITIES
9.	Each proposed lot shall be connected to an adequate electricity supply system at no cost to Council.
	VEHICLE ACCESS
10.	Prior to the submission to Council of the Plan of Survey, Macintyre Street, from the end of the existing bitumen to the access for Proposed Lot 1, shall be constructed to a minimum 5.0m wide bitumen seal on a 6.5m formation, including an all-weather cul-de-sac, to the satisfaction of and at no cost to Council. Prior to the commencement of construction, full detailed design engineering drawings and specifications, certified by an RPEQ, shall be provided for all roadworks for the approval of the Director Engineering Services.
11.	Access for Proposed Lots 1, 2 and 4 shall be constructed from the edge of the bitumen surface to the property boundary, 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> 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. The applicant shall contact Council's Department of Engineering to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.

12.	Access for Proposed Lot 3 shall be upgraded from the edge of the bitumen surface to the property boundary, 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> 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. The applicant shall contact Council's Department of Engineering to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.
	STORMWATER
13.	The proposed development 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 and at no cost to Council. All 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 and constructed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.
14.	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 in writing by Council and the owners of any adjoining properties affected by these changes.
	EARTHWORKS AND EROSION CONTROL
15.	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. 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.

16.	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 <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. 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	
17.	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.
18.	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.
19.	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.
20.	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.
21.	The developer shall be responsible for mitigating any complaints arising from on-site operations during construction.
22.	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.
23.	At all times all requirements of the conditions of the development approval must be maintained.
24.	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.
25.	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
26.	All works necessitated by the conditions of approval for roadworks, access and water supply and sewerage shall be completed prior to the submission to Council of the Plan of Survey required.
27.	The developer shall submit a detailed Plan of Survey, and all associated easement documents, 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).
28.	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.
29.	A letter outlining and demonstrating that each condition has been complied with of how they will be complied with shall be submitted to Council prior to the submission to Council of the Plan of Survey. Council officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards. The approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the <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
	<i>When approval takes effect</i> This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>. <i>When approval lapses</i> The approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the <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.
	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.



SARA reference: 2506-46646 SRA
Council reference: 25/21

24 July 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—12 Macintyre Street, 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 27 June 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	24 July 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 a lot - One (1) lot into four (4) lots
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 (Planning Regulation 2017)–	Reconfiguring a lot near a state transport corridor

Schedule 10, part 9, division 4, subdivision 2, table 3, item 1 (Planning Regulation 2017)– Reconfiguring a lot near a state-controlled road intersection

SARA reference: 2506-46646 SRA

Assessment manager: Goondiwindi Regional Council

Street address: 12 Macintyre Street, Inglewood

Real property description: Lot 2 on SP333118

Applicant name: SMK QLD Pty Ltd for Phil Walker

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

Human Rights Act 2019 considerations: Consideration of section 58 of 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 (section 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 Rodney O'Brien, Principal Planning Officer, on 07 4616 7304 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 Phil Walker, 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
Development Permit for Reconfiguring a Lot – One (1) lot into four (4) lots		
Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 (Planning Regulation 2017)—Reconfiguring a lot near a state transport corridor; and Schedule 10, part 9, division 4, subdivision 2, table 3, item 1 (Planning Regulation 2017)—Reconfiguring a lot near a state-controlled road intersection—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(s):		
1.	Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) concentrate or increase the velocity of flows to state-controlled road; (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iv) surcharge any existing culvert or drain on the state-controlled road; (v) reduce the quality of stormwater discharge onto the state-controlled road; and (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road.	At all times
2.	Direct vehicle access is not permitted between the Cunningham Highway and the subject site.	At all times

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.dsdip.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:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development does not:

- increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- adversely impact the structural integrity or physical condition of state-controlled roads, or road transport infrastructure.
- adversely impact the function efficiency of state-controlled roads or future state-controlled roads.

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), 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.



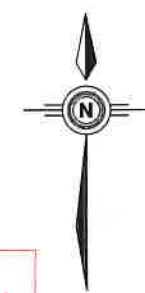
Attachment 2 – Approved Plans



DENISON STREET

HIGHWAY

CUNNINGHAM



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 25/21
Dated: 09/09/2025
Signed: *[Signature]*
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER

1
1,426m²

2
1,667m²

3
2,236m²

4
2,981m²

2
RP139259

SEPTIC TANK

EXISTING DWELLING

DOWN PIPES ONTO GRASS

GARDEN SHED

GREY WATER PUMP

GREY WATER LINE ONTO GRASS

W/M

PROPOSED ACCESS POINT FOR LOT 2

EXISTING ACCESS POINT FOR LOT 3

PROPOSED ACCESS POINT FOR LOT 4

PROPOSED ACCESS POINT FOR LOT 1

Legend

- Overhead power line
- Sewer line
- Water line
- Telstra line

MACINTYRE

STREET

0m 10m 20m 30m 40m 50m

SCALE 1: 500

PHILLIP WALKER

SMK QLD

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

PLAN OF PROPOSED SUBDIVISION
LOT 2 ON SP333118
MACINTYRE STREET, INGLEWOOD

24130

A3

24130-1

SCALE Horiz 1:500

Surveyor TJ

30/8/2024
4:54PM

C:\Users\Tom\Dropbox\JOBS\2024\24130 PHILLIP WALKER SUBDIVISION\24130-1.pro

MACINTYRE STREET

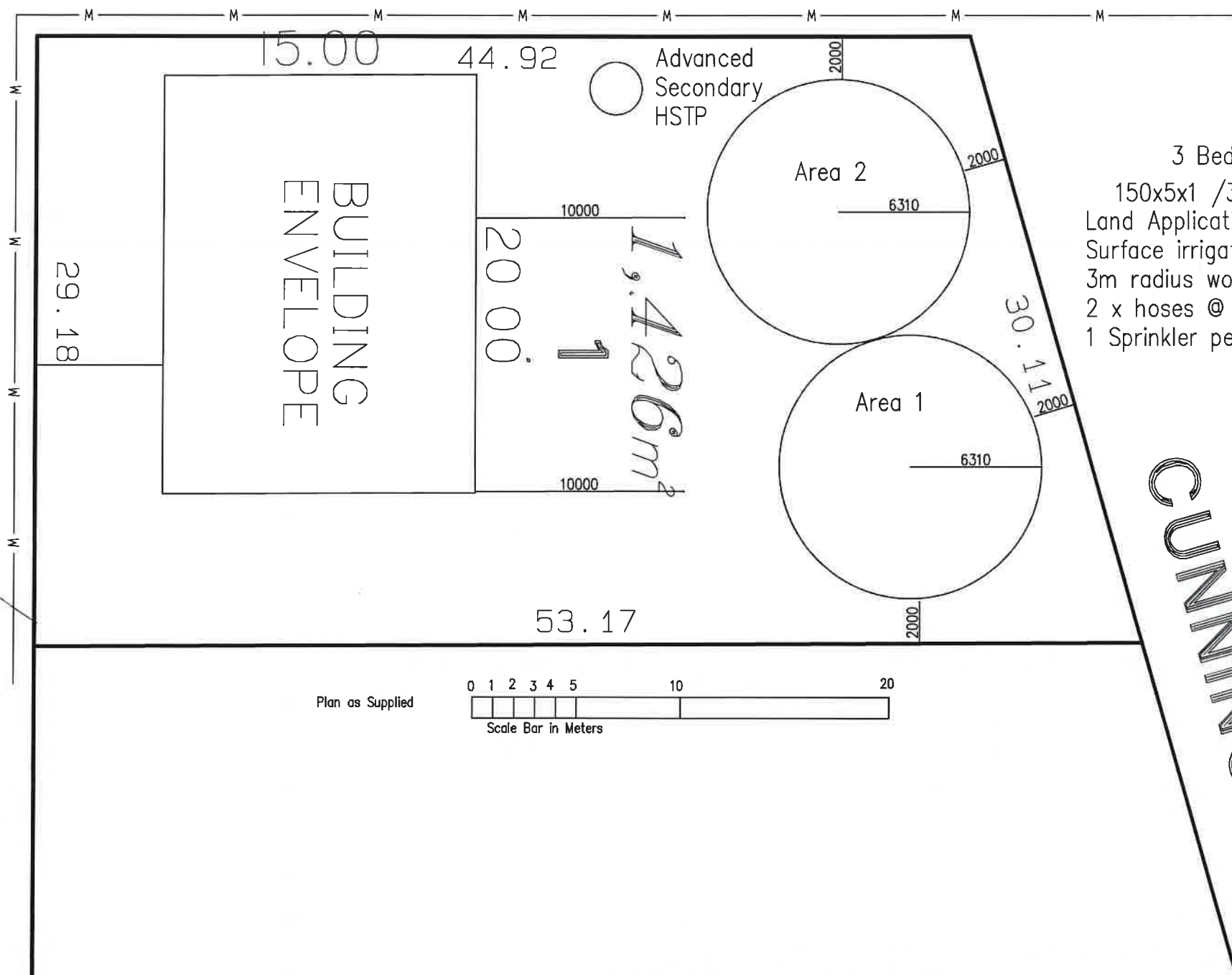
DENISON

STREET

Cat 5 as per soil test

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 25/21
Dated: 09/09/2025
Signed: 
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER

PROPOSED ACCESS
POINT FOR LOT 1



3 Bed Cat 5
 $150 \times 5 \times 1 / 3 = 250$
Land Application Area
Surface irrigation min 250m total
3m radius wobblers to be used
2 x hoses @ 3.31m
1 Sprinkler per area required

CUNNINGHAM

- NOTE:
1. Consult the designer before making any amendments/alterations to this design.
 2. Contour site drainage to prevent surface water entering the land application area.
 3. Where practical land application area to be exposed to prevailing winds and not shaded from sunlight.
 4. All work to be carried out by licensed persons in conjunction with the Plumbers & Drainers Act, AS 1547: The Queensland Plumbing & Wastewater Code, AS/NZS 3500 and Local Authority Conditions.
 5. A warning sign shall be posted at each corner of the land application area (or areas).
 6. The owner is responsible for the ongoing maintenance of the HSTP and disposal areas as determined by the Department of Energy and Public Works.
 7. The owner shall ensure that even distribution of effluent is maintained within the nominated area and contact the service technician with any concerns, the area is not to be relocated without Council Approval.
 8. This plan is to be read in conjunction with the report as submitted and shall not be installed until Council approval is received.
 9. Ensure setback distances apply from the application area (See report tables T4, T5 & T7).
 10. Note that on some installations tank risers may be required and shall be installed to the manufacturer's details
 - 11 Land application areas to natural grass Grass seeded or Turfed areas.
 - 12 These plans and design remain the property of A1 Sewerage until paid for in full.

A1 SEWERAGE DESIGNS

N.J. HOLDER CERT IV WASTE WATER MANAGEMENT
PH: 0400 968 681 A.B.N. 15 588 441 635

CLIENT: Phillip Walker
JOB No: 25/154 DATE: 16/04/25 SCALE: 1:300 @ A3
© Copyright A1 SEWERAGE DESIGNS DRAWN: N.J. HOLDER

Lot 1 Macintyre Street Inglewood

ISSUE
1

SITE PLAN - DRAINAGE PLAN

CALCULATIONS:
 $AREA = Q \times DAYS / WEEK / DIR$
 $Q = LITRES / PERSON / DAY$
 $DAYS = 1$
 $DIR = 3$
 $(150 \times 5 \times 1) / 3 = 750L/D (250M2)$

NOS:
1 Wc
2 Utility Sink Tw
3 Bath untrapped to Fwg
4 Tubs Tw
5 Basins Tw to Fwg
6 Showers Untrapped to Fwg

☒ SWIVEL JOINT
☒ EXPANSION JOINT

MACINTYRE STREET

Cat 5 as per soil test

53.17

5.00

PROPOSED ACCESS
POINT FOR LOT 2

29.18

BUILDING
ENVELOPE

20.00

1
667m²
2

Advanced
Secondary
HSTP

Area 1

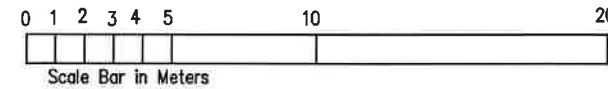
6920

Area 2

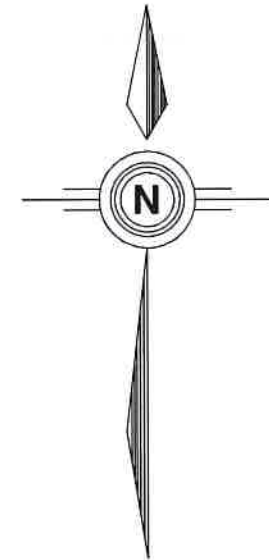
6920

61.42

Plan as Supplied



WINNINGHAM HIGHWAY



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 25/21
Dated: 09/09/2025
Signed: *Carl Mantou*
Print Name: Carl Mantou
(Under Delegation) ASSESSMENT MANAGER

- NOTE:
- Consult the designer before making any amendments/alterations to this design.
 - Contour site drainage to prevent surface water entering the land application area.
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 - All work to be carried out by licensed persons in conjunction with the Plumbers & Drainers Act, AS 1547: The Queensland Plumbing & Wastewater Code, AS/NZS 3500 and Local Authority Conditions.
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 - Note that on some installations tank risers may be required and shall be installed to the manufacturer's details
 - Land application areas to natural grass Grass seeded or Turfed areas.
 - These plans and design remain the property of A1 Sewerage until paid for in full.

A1 SEWERAGE DESIGNS

N.J. HOLDER CERT IV WASTE WATER MANAGEMENT
PH: 0400 968 681 A.B.N. 15 588 441 635

CLIENT: Phillip Walker

JOB No: 25/155 DATE: 16/04/25 SCALE: 1:300 @ A3

© Copyright A1 SEWERAGE DESIGNS DRAWN: N.J. HOLDER

Lot 2 Macintyre Street Inglewood

ISSUE
1

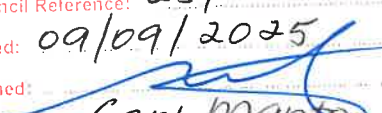
SITE PLAN - DRAINAGE PLAN

CALCULATIONS:
AREA = QxDAYS/WEEK/DIR
Q = LITRES/PERSON/DAY
DAYS = 1
DIR = 3
(150x6x1)/3 = 900L/D (300M2)

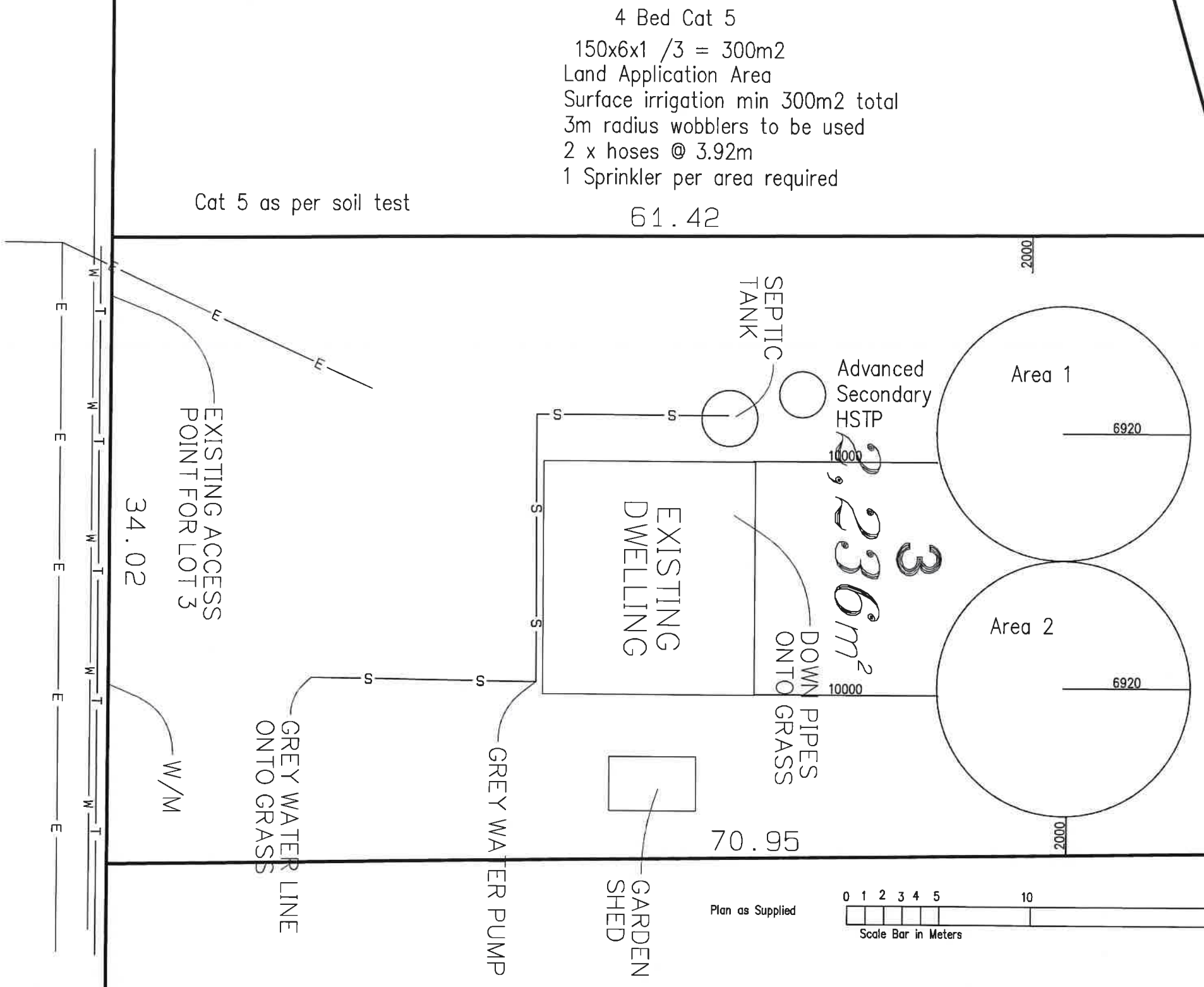
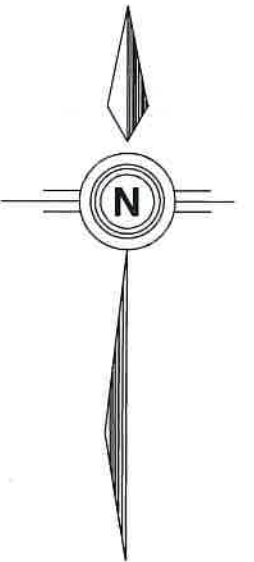
NOS:
1 Wc
2 Utility Sink Tw
3 Bath untrapped to Fwg
4 Tubs Tw
5 Basins Tw to Fwg
6 Showers Untrapped to Fwg

☒ SWIVEL JOINT

☒ EXPANSION JOINT

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 25/21
Dated: 09/09/2025
Signed: 
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER

CUMMINGHAM HIGHWAY



- NOTE:
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A1 SEWERAGE DESIGNS

N.J. HOLDER CERT IV WASTE WATER MANAGEMENT
PH: 0400 968 681 A.B.N. 15 588 441 635

CLIENT: Phillip Walker

JOB No: 25/156

DATE: 16/04/25

SCALE: 1:300 @ A3

© Copyright A1 SEWERAGE DESIGNS

DRAWN: N.J. HOLDER

Lot 3 Macintyre Street Inglewood

ISSUE
1

SITE PLAN - DRAINAGE PLAN

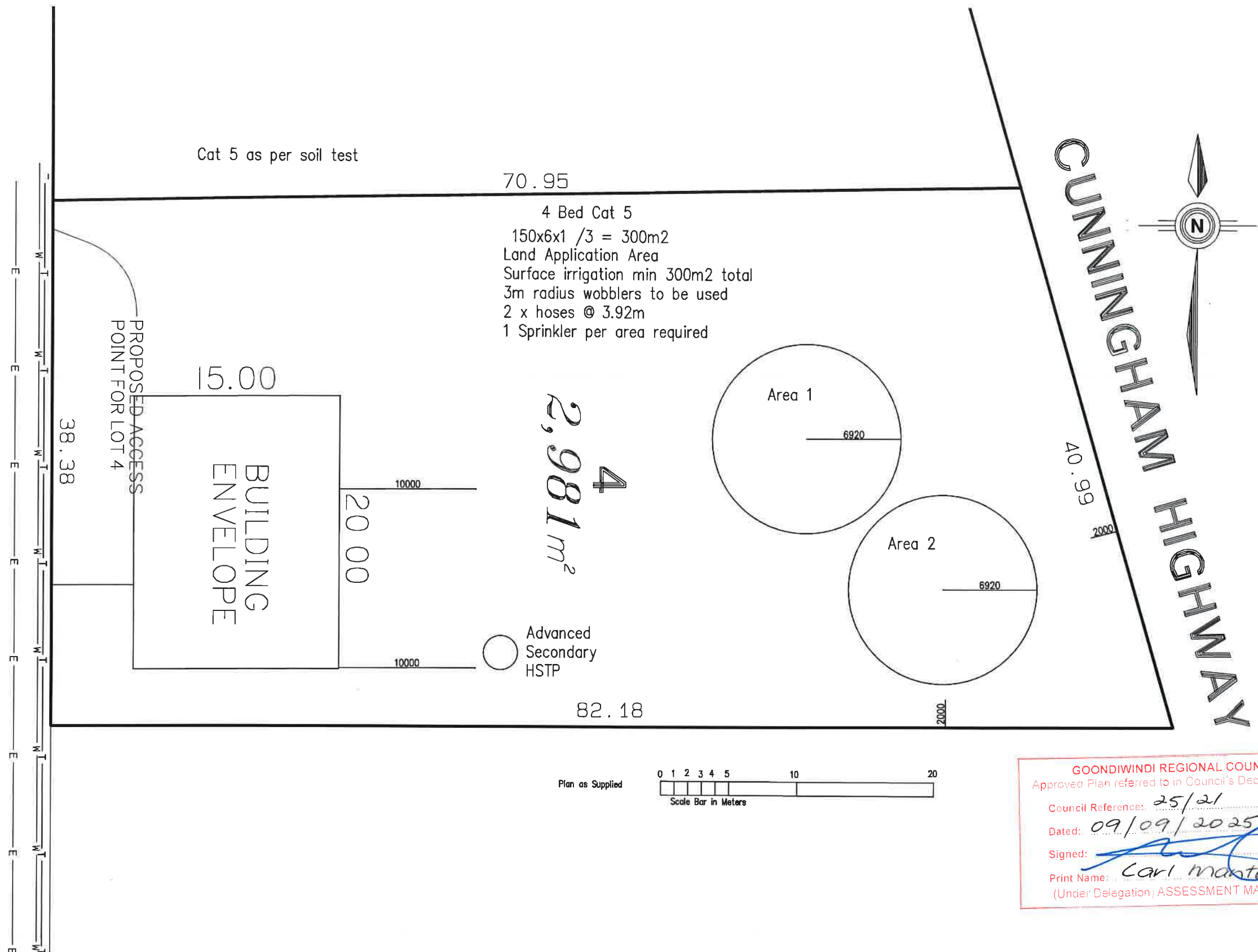
CALCULATIONS:
AREA = QxDAYS/WEEK/DIR
Q = LITRES/PERSON/DAY
DAYS = 1
DIR = 3
(150x6x1)/3= 900L/D (300M2)

NOS:
1 Wc
2 Utility Sink Tw
3 Bath untrapped to Fwg
4 Tubs Tw
5 Basins Tw to Fwg
6 Showers Untrapped to Fwg

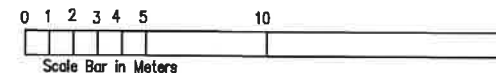
☒ SWIVEL JOINT

☒ EXPANSION JOINT

MACINTYRE STREET



Plan as Supplied



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 25/21
Dated: 09/09/2025
Signed: *[Signature]*
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER

- NOTE:
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 3. Where practical land application area to be exposed to prevailing winds and not shaded from sunlight.
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A1 SEWERAGE DESIGNS

N.J. HOLDER CERT IV WASTE WATER MANAGEMENT
PH: 0400 968 681 A.B.N. 15 588 441 635

CLIENT: Phillip Walker

JOB No: 25/157 DATE: 16/04/25 SCALE: 1:300 @ A3

© Copyright A1 SEWERAGE DESIGNS DRAWN: N.J. HOLDER

Lot 4 Macintyre Street Inglewood

ISSUE
1

SITE PLAN - DRAINAGE PLAN

CALCULATIONS:
AREA = QxDAYS/WEEK/DIR
Q = LITRES/PERSON/DAY
DAYS = 1
DIR = 3
(150x6x1)/3 = 900L/D (300M2)

☒ SWIVEL JOINT

☒ EXPANSION JOINT

NOS:
1 Wc
2 Utility Sink Tw
3 Bath untrapped to Fwg
4 Tubs Tw
5 Basins Tw to Fwg
6 Showers Untrapped to Fwg



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	12 Macintyre Street, Inglewood
Owner	Philip John Walker
Applicant	SMK QLD Pty Ltd for Phil Walker
Application No.	25/21
Lot and Survey Plan	Lot 2 on SP333118
Date	9 September 2025
Approval	Development Permit – Reconfiguring a Lot

Development Application Details
Subdivision (One (1) lot into four (4) lots)

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot	B	2,250	3	6,750

Due Date	When Goondiwindi Regional Council approves the plan of subdivision	Total Charge (\$)	\$6,750
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	9 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 four (4) lots)

25/21

12 Macintyre Street, Inglewood

Lot 2 on SP333118

On 5 September 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 (Version 2)*, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Reconfiguring a Lot Code	PO1-PO12
Flood Hazard Overlay Code	PO1-PO4, PO8-PO12
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 urban area 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 in the General Residential Zone, however is outside Council's reticulated sewerage service area. Conditions will be applied that an on-site wastewater disposal system is provided within all lots, if and when required, and ensuring that the existing on-site system is wholly contained within Proposed Lot 3.

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>.	
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 The entire site is mapped as being subject to Significant Flood Hazard. Finished floor levels of future habitable rooms will be required to be raised above the defined flood level. The site has a suitable evacuation route travelling east along Macintyre Street, once constructed.

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.