Goondiwindi REGIONAL COUNCIL | REGIONAL AUSTRALIA at its best!

File: 26/09
Date: 11 September 2026

SMK QLD Pty Ltd for Sherri Smith
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

Decision Notice –part approval only (with conditions)
Material Change of Use
Lot 10 on RP209431, 13 Gurners Lane, Goondiwindi

We wish to advise that on 10 September 2026 a decision was made to approve the material change of use development application, in part only, for *"Industry activities"* – *"Transport Depot"* at Lot 10 on RP209431, 13 Gurners Lane, Goondiwindi. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

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

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note **Condition 43**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

The applicant is required to **notify Council in writing of the date of the commencement** of the use, within fourteen (14) business days of commencement.

If you require any further information, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on (07) 4671 7400 or rmcmahon@grc.qld.gov.au, who will be pleased to assist.

Yours faithfully

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

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

Council File Reference: 26/09
Council Contact: Mrs Ronnie McMahon: PD
Council Contact Phone: (07) 4671 7400

11 September 2026

Applicant Details: SMK QLD Pty Ltd for Sherri Smith
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 20 April 2026.

Applicant details

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

Application details

Application number:	26/09
Approval sought:	Development Permit – Material Change of Use
Details of proposed development:	"Industry activities" – "Transport Depot"

Location details

Street address:	13 Gurners Lane, Goondiwindi
Real property description:	Lot 10 on RP209431

Decision

Date of decision:	10 September 2026
Decision details:	Approved in part with conditions. These conditions restrict the scale of the use and 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. Development Permit – Building Works

Properly made submissions

Properly made submissions were received from the following principal submitters:

Submitter	Address
Mac and Cathy Kneipp & Mac Kneipp Pty Ltd	144 Polo Road, Goondiwindi
Mary Carrigan	61 Gurners Lane, Goondiwindi
Roger Carrigan	61 Gurners Lane, Goondiwindi
Rachel and David Holmes	Lot 2, 37 Gurners Lane, Goondiwindi
Peter and Alison Rice	PO Box 402, Goondiwindi

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
26033-1	Proposal plan to accompany a MCU application for Transport Depot at 13 Gurners Lane, Goondiwindi QLD (Lot 10 on RP209431)	17/2/2026
-	Gable Roof Garage	n.d.
-	Gable Roof Garage	n.d.

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*.

Appeal by an eligible submitter

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

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

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

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

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

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

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

Yours Sincerely

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

enc Attachment 1—Assessment manager conditions
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

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

Goondiwindi REGIONAL COUNCIL

Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Description:	"Industry activities" – "Transport Depot"
Development:	Material Change of Use – Development Permit
Applicant:	SMK QLD Pty Ltd for Sherri Smith
Address:	13 Gurners Lane, Goondiwindi
Real Property Description:	Lot 10 on RP209431
Council File Reference:	26/09

<table>
<tr><th></th><th>GENERAL CONDITIONS</th></tr>
<tr><td>1.</td><td>Approval is granted for the purpose of a Material Change of Use for:
• "Industry activities" – "Transport Depot"
as defined in the Goondiwindi Region Planning Scheme 2018 (Version 2).</td></tr>
<tr><td>2.</td><td>All conditions must be complied with or bonded within one (1) month of this approval taking effect, unless specified in an individual condition.</td></tr>
<tr><td>3.</td><td>Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans and documents:
<table>
<tr><th>Drawing/Document Number</th><th>Title</th><th>Date</th></tr>
<tr><td>26033-1</td><td>Proposal plan to accompany a MCU application for Transport Depot at 13 Gurners Lane, Goondiwindi QLD (Lot 10 on RP209431)</td><td>17/2/2026</td></tr>
<tr><td>-</td><td>Gable Roof Garage</td><td>n.d.</td></tr>
<tr><td>-</td><td>Gable Roof Garage</td><td>n.d.</td></tr>
</table></td></tr>
<tr><td>4.</td><td>The approval is over two (2) stages as follows:
• Stage 1: 2,880m^2 vehicle storage area
• Stage 2: 216m^2 shed
Conditions within this approval apply to all stages unless otherwise specified.</td></tr>
</table>

5.	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 Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. All development shall comply with any relevant provisions in the *Goondiwindi Region Planning Scheme 2018 (Version 2),* Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work. The development approval documents are the material contained in the development application, approved plans and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant Agencies during all stages of the development application assessment processes.
6.	It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site and the commencement of the use.
	OPERATION OF THE USE
7.	The proposed Transport Depot activities, including loading and unloading activities, shall only occur between the hours of: (a) 5:00am and 7:00pm, Monday to Sunday.
8.	No vehicle maintenance activities are permitted to occur on site.
9.	Vehicles permitted to be stored on site are strictly limited to: • Two (2) trucks; and • Four (4) trailers.
10.	Unless otherwise approved in writing by Council, within eighteen (18) months of this approval taking effect, all vehicles permitted to be stored on site under Condition 9 must be stored in an approved building.
11.	Upon commencement of Stage 2, any materials associated with the development are to be stored within the approved shed.
12.	No cleaning of plant, equipment and vehicles is to be carried out unless in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.

	PUBLIC UTILITIES
13.	The development shall be connected to an adequate electricity and telecommunications supply system, at no cost to Council.
	ESSENTIAL SERVICES
14.	Connection to Council's reticulated water supply system shall be retained to the subject site, in accordance with Schedule 6.2 Planning Scheme Policy 1 – Land Development Standards in the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, at no cost to Council.
15.	Connection to an approved designed onsite effluent disposal sewerage system shall be retained, in accordance with the Queensland Plumbing and Wastewater Code, to the satisfaction of and at no cost to Council. All sewer infrastructure (including effluent disposal areas) shall be fully located within site boundaries, to the satisfaction of and at no cost to Council.
	ROADS AND VEHICLES
16.	The Gurners Lane access shall be upgraded from the edge of the existing bitumen to the property boundary to an industrial standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, to the satisfaction of and at no cost to Council. Ensure that crossover splay is designed to accommodate turning movements of a 36.5m long AB Triple in both directions and is sufficient that vehicles do not cross the road centreline to enter/exit the site. Crossovers shall be constructed within one (1) month of this approval taking effect. Prior to the commencement of construction of the access, detailed plans certified by a suitably qualified RPEQ shall be submitted to Council for approval. A qualified Council Officer may inspect construction works at the request of the development to ensure compliance with this condition.

17.	Within three (3) months of this approval taking affect, submit to Council for approval a plan prepared by a suitably qualified RPEQ showing the swept path of a 36.5m long AB Triple entering and leaving the site and turning in all directions at the Gurners Lane/Polo Road intersection. Where vehicle swept paths are unable to remain on the existing bitumen sealed road surface on both Gurners Lane and Polo Road, widening of the road pavement together with a 2-coat bitumen seal shall be constructed in accordance with relevant engineering standards and to the satisfaction of and at no cost to Council. A trial drive indicating that a 36.5m long AB Triple (design vehicle) can safely and successfully manoeuvre through all proposed turns shall be performed to the satisfaction of Council prior to the letter of compliance being submitted to Council. The criteria to be assessed during the trial drive are: • That the vehicle keeps within its traffic lane without running off the bitumen surface • That the vehicle swept path shall not affect other traffic or Council Infrastructure • That the vehicle will not increase the likelihood of an accident
18.	The Eastern Shoulder of Gurners Lane adjacent to the access shall be reinstated to the satisfaction of and at no cost to Council.
19.	All parking and manoeuvring areas shall be constructed to a dust suppressant all weather standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, to the satisfaction of and at no cost to Council. All parking areas shall be constructed prior to the commencement of the use. The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.
20.	Vehicle manoeuvring areas shall be provided on-site so that all vehicles, including all heavy vehicles, can enter and leave the site in a forward direction.
	FENCING & LANDSCAPING
21.	Solid screen fencing, a minimum of 1.8m high, shall be provided along the southern boundary of the site, for the full length of the development footprint. The fence shall be appropriately integrated with the proposed landscaping on site and present an attractive visual appearance to adjoining properties.

22. Landscaping shall be provided in accordance with Schedule 6.3 – Planning Scheme Policy 3 – Landscaping Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, with a minimum of:

- Street frontage landscaping along the site's Gurners Lane road frontage, with a minimum width of 5 metres.
- Screening of external activity areas along the northern and southern property boundaries, from the Gurners Lane frontage with a minimum length of 175m and a minimum width of 5m.

All landscaping and tree plantings are to be planted and maintained to the satisfaction of a qualified Council Officer. A bond for the amount of **$62,300** is to be submitted prior to the issue of a building approval for the maintenance of landscaping.

The bond holding time starts from the acceptance of works. Council must be contacted by the applicant to request an inspection of the landscaping as soon as possible after completion of planting and payment of bond. The bond shall be returned in accordance with the following schedule if the landscaping meets the criteria:

Time from acceptance of landscaping works	Criteria	Bond Refund / Reduction
9 months – From acceptance of works	Landscaping conforms to requirements, is established and maintained. Adequate provision for on-going watering and growth. Any/all replacement plants are provided.	50%
18 months – From acceptance of works	Landscaping is well established (as a guide >50% full growth depending on species). All replacement plants are established. The landscaping intent is being achieved.	25%
24 months – From acceptance of works	Landscaping is fully established, or within 80% depending on species.	25%

After the required bond holding time has passed, a refund of bond monies will only be considered upon a written request from the person who paid the bond once the required bond holding time has been completed. A qualified Council Officer may inspect landscaping plantings to ensure compliance with this condition and acceptance of the works.

Council will hold the funds in trust for a maximum of three years, at which time should work not be carried out and maintained to Council's satisfaction, the bond will be used by Council to have the works performed unless an extension of time is requested by the land owner or applicant and approved by Council.

To clarify, bonds can only be refunded upon a written request from the person who paid the bond upon the works being satisfactorily maintained for the required bond holding time.

	STORMWATER
23.	Prior to the commencement of the use and at all times while the use continues, the site shall be adequately drained and all stormwater shall be disposed of to a legal point of discharge in accordance with the approved Stormwater Management Plan and Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, to the satisfaction of and at no cost to Council. Any increase in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council. 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 system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.
24.	Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council. 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.
	EARTHWORKS AND EROSION CONTROL
25.	Any filling or 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.
26.	All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the *Goondiwindi Region Planning Scheme 2018 (Version 2)* to the satisfaction of and at no cost to Council. Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.

	AVOIDING NUISANCE
27.	At all times while the use continues, the development shall be conducted in accordance with the provisions of the approved documents and the *Environmental Protection Act 1994* (the Act) 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 while the use continues.
28.	At all times while the use continues it shall be operated in such a manner as to ensure that no nuisance shall arise to adjoining premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.
29.	At all times while the use continues, provision must be made on site for the collection of general refuse in covered waste containers with a capacity sufficient for the use. Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.
30.	At all times while the use continues, lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties, motorists or the operational safety of the surrounding road network.
31.	All external lighting is to be compliant with AS/NZS 4282-2019 *"Control of obtrusive effects of outdoor lighting"*.
32.	The operator shall be responsible for mitigating any complaints arising from on-site operations.
33.	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises. The site must be kept in a clean and tidy state at all times during construction.

34.	Within one (1) month of this approval taking effect, the applicant must prepare and submit a Dust Management Plan for Council endorsement. The plan must be prepared by a suitably qualified person to manage dust emanating from the premises to prevent harm and/or nuisance to road networks or surrounding properties. The plan shall include: (i) continual dust monitoring methodology; (ii) dust suppression methods and application rates; (iii) a register for all complaints received and the action taken in response to the complaint. (iv) Details of who will be responsible for dust management on site.
	DEVELOPER'S RESPONSIBILITIES
35.	It is the developer's responsibility to ensure that the development is resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.
36.	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.
37.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
38.	All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances in place to carry out the works.
39.	All costs reasonably associated with the approved development, unless there is specific agreement by other parties to meet these costs, shall be met by the developer.
40.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.

	COMMENCEMENT OF USE
41.	At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions. It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed. The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.
42.	Council must be notified in writing of the date of the commencement of the use within 14 days of commencement. This approval will lapse if the use has not commenced within **six (6) years** of the date the development approval takes effect, in accordance with the provisions contained in section 85(i)(a) of the *Planning Act 2016.* Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.
43.	A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.
	PLEASE READ CAREFULLY - NOTES AND ADVICE
	When approval takes effect This approval takes effect in accordance with section 85 of the *Planning Act 2016.* *When approval lapses* This approval will lapse if the use has not commenced within **six (6) years** of the date the development approval takes effect. Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.
	Infrastructure charges as outlined in the Infrastructure Charges Notice included in **Attachment 3** shall be paid prior to the commencement of the use.
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.

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

Goondiwindi REGIONAL COUNCIL

Attachment 2 – Approved Plans

www.dialbeforeyoudig.com.au
DIAL 1100 BEFORE YOU DIG

2
SP318370

1
SP318370

LANE

320.75

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/09
Dated: 11/09/2026
Signed: RM McM
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

125.09

10
RP209431

157.64

Existing Dwelling

Existing Shed

Existing Access Point for Lot 10

322.59

12.0

18.0

Proposed Shed

6.5

3
SP124618

5
SP124618

GURNERS

— VEHICLE STORAGE AREA

DEVELOPMENT ASSESSMENT

- OVERALL SITE AREA = 45,360 sqm
- BUILDING SITE COVER = 700 sqm (INCLUDES ROOF AREA)
- VEHICLE STORAGE AREA = 2,880 sqm

TOTAL SITE COVER: 7.90%

IMPERVIOUS AREAS - BUILDINGS

- PRE SITE DEVELOPMENT = 484 sqm (INCLUDES ROOF AREA)
- POST SITE DEVELOPMENT = 700 sqm (INCLUDES ROOF AREA)

BUILDING AREAS - GFA

NEW SHED = 216 sqm

Legend

- Edge of bitumen
- Gravel track
- Subject boundary
- Adjoining boundary

Note:
This plan was prepared for Sherri Smith to accompany a Material Change of Use application to the GOONDIWINDI REGIONAL Council and should not be used for any other purpose. This note is an integral part of this plan

0m 30m 60m 90m 120m 150m

SCALE 1: 1500

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

PROPOSAL PLAN TO ACCOMPANY A MCU APPLICATION FOR TRANSPORT DEPOT AT 13 GURNERS LANE, GOONDIWINDI QLD (LOT 10 ON RP209431)

26033	A3	26033-1	
SCALE	Horiz 1:1500		
Surveyor	TJ	17/2/2026 5:24PM	C:\Users\Tom\Dropbox\JOBS\2026\26033 SHERRI SMITH MCU\Town Planning\Working Documents\26033-1.pro

Gable Roof Garage

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/09
Dated: 11/09/2026
Signed: RM McM
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

Shed Profile Bays

Reset

SPAN / WIDTH
12.00 m

LENGTH
18.00 m

EAVE HEIGHT
6.00 m

CUSTOM BAY SIZES
Select to edit

PITCH
15°



Gable Roof Garage

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/09
Dated: 11/09/2026
Signed: RM McM
Print Name: Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER

6.0

12.00

18.00

Goondiwindi REGIONAL COUNCIL

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	13 Gurners Lane, Goondiwindi
Owner	Sherri Narelle Smith
Applicant	SMK QLD Pty Ltd for Sherri Smith
Application No.	26/09
Lot and Survey Plan	Lot 10 on RP209431
Date	11 September 2026
Approval	Development Permit – Material Change of Use

Development Application Details
STAGE 1 – "Industry Activities" – "Transport Depot"

Proposed Use	Charge Area	Type of Charge	Charge Amount ($)	Unit	Total Charge ($)
Transport Depot (Stage 1)	**A**	Water, transport and parks	$5.60 per m² of GFA	0m²	0
		Stormwater	1.00 per m² of IA	2,880m²	2,880

Due Date	When the change of use happens	**Total Charge ($)**	$2,880
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	11 September 2032		

Authorised by:

Print Name: **Mrs Ronnie McMahon**
Manager of Planning Services

In accordance the Planning Act 2016

Office Use – Receipt Number

Charges– 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

Address	13 Gurners Lane, Goondiwindi
Owner	Sherri Narelle Smith
Applicant	SMK QLD Pty Ltd for Sherri Smith
Application No.	26/09
Lot and Survey Plan	Lot 10 on RP209431
Date	11 September 2026
Approval	Development Permit – Material Change of Use

Development Application Details
STAGE 2 – "Industry Activities" – "Transport Depot"

Proposed Use	Charge Area	Type of Charge	Charge Amount ($)	Unit	Total Charge ($)
Transport Depot (Stage 2)	**A**	Water, transport and parks	$5.60 per m² of GFA	216m²	1,209.60
		Stormwater	1.00 per m² of IA	0m² additional	0

Due Date	When the change of use happens	**Total Charge ($)**	$1,209.60
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	11 September 2032		

Authorised by:

Print Name: **Mrs Ronnie McMahon**
Manager of Planning Services

In accordance the Planning Act 2016

Office Use – Receipt Number

Charges – 1250-1150-0000

Goondiwindi REGIONAL COUNCIL

Attachment 4 – Notice about decision - Statement of reasons

Notice about decision - Statement of reasons

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

The development application for "Industry activities" – "Transport Depot"

26/09

13 Gurners Lane, Goondiwindi

Lot 10 on RP209431

On 10 September 2026, the above development application was:

☐ approved in full or

☐ approved in part for _____

☐ approved in full with conditions or

☒ approved in part for storage of two (2) trucks and four (4) trailers only, with conditions or

☐ refused.

1. Reasons for the decision

The reasons for this decision are:

Having regard to the requirements of the *Goondiwindi Region Planning Scheme 2018 (Version 2)* and the relevant facts and circumstances, it is recommended that the proposed development be approved, in part only, subject to appropriate, relevant and reasonable conditions.

The development, as proposed, is considered to conflict with the purpose and intent of the Rural Residential Zone and conditions cannot resolve the identified conflicts with the Planning Scheme. At a reduced scale, the potential land use conflicts are considered able to be managed.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Strategic Framework	Elements 1-7
Rural Residential Zone Code	PO1-PO7
Transport & Infrastructure Code	PO1-PO15
Natural Resources Overlay Code	PO5-PO8
Flood Hazard Overlay Code	PO1-PO7

3. Compliance with benchmarks

<table>
<tr><th>Benchmark reference</th><th>Reasons for the approval despite non-compliance with benchmark</th></tr>
<tr><td colspan="2">Rural Residential Zone Code</td></tr>
<tr><td>Where in Goondiwindi:
AO4
Domestic outbuildings do not exceed the following dimensions:

<table>
<tr><th>Land size (m²)</th><th>Gross Floor Area (GFA) (m²)</th><th>Max Ht</th><th>Door Ht</th></tr>
<tr><td>600 – 800</td><td>91</td><td>4m</td><td>3m</td></tr>
<tr><td>801 – 1,000</td><td>120</td><td>4m</td><td>3m</td></tr>
<tr><td>1,001 – 1,200</td><td>150</td><td>4m</td><td>3m</td></tr>
<tr><td>1,201 – greater</td><td>200</td><td>6m</td><td>4m</td></tr>
</table></td><td>Alternative Solution

The proposal is to construct a 216m² shed on the site. The scale of the shed is consistent with rural residential sheds in the locality.</td></tr>
<tr><td>PO6
Development does not detract from the amenity of the local area through unacceptable impacts relating to:
(a) noise;
(b) hours of operation;
(c) traffic;
(d) advertising devices
(e) lighting;
(f) visual amenity;
(g) privacy;
(h) odour; or
(i) emissions.

Editor's note: Any development involving a sensitive land use must take into account and mitigate any nuisance impacts from existing development in the locality.</td><td>Approval in Part

The proposal is for an industrial activity in the rural residential zone. The development at the scale proposed currently detracts from the amenity of the local area. As a result, conditions will be applied approving the development in part only, to reduce the scale of the use, and will also be applied in relation to hours of operation, lighting, visual amenity and emissions to protect the surrounding locality.</td></tr>
</table>

4. Relevant matters for impact assessable development

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

Other relevant matters to the assessment of the development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
Scale of proposed activity was not in keeping with surrounding rural residential character and not consistent with other approvals issued in Rural Residential Zone	Strategic Framework – Element 4	☐ assessed against ☒ had regard to

5. Matters raised in submissions for impact assessable development

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
Inconsistent Land Use • *Undermines the character and amenity of the locality and creates a precedent for future industrial development within the precinct.* • *May permanently alter the nature of the area* • *Not consistent with amenity expectations of a Rural Residential Area* • *Will significantly change the historical use approved by Council in the part and over a long period of time.* • *Increase in more like approvals, completely changing current social and economic long held values for the area, previously insisted by Council*	The applicant's response to the submissions states that "*there are a number of existing uses within the Rural Residential zone that are similar in use, in particular the most recent approval of GRC Application 24/06 for the Transport Depot use and a number of different sites throughout the Rural Residential zone that are utilised for the storage of trucks.*" The approval referenced by the applicant is not comparable to the proposed use and is not considered to establish a precedent that supports the proposed development. The scale and impact of the proposed development is identifiably different to the nature of the proposed use. Further, the referenced approval included conditions that limited operations to be between 7am-5pm, Monday to Friday, and that all materials and goods associated with the development are to be stored within the approved buildings. The nature and scale of the proposed use is more suited to the Mixed Use Zone within the Planning Scheme. Approval of the development at the proposed scale undermines the purpose of the Mixed Use zone in the Planning Scheme. It is considered that at a smaller scale, the proposal could be supported and is more reflective of the rural residential nature of the locality. Conditions will be applied restrict the scale of the use and operating hours to not establish a precedent for industrial uses to establish in the Rural Residential Zone.
Infrastructure Impacts • *Gurners Lane is a narrow rural road that is not line marked and not designed to safely accommodate frequent heavy vehicle movements.* • *The roadside opposite the entrance to the property has already experienced visible deterioration and damage which appears consistent with the turning movements of heavy vehicles entering and exiting the site.* • *Proof of the turning nature of the vehicles already evident.*	The applicant's response to submissions did not address the matters raised in relation to road impacts. In response to Council's Information Request, the applicant has stated that vehicles up to AB Triple configuration will attend the site. No further information on the length of vehicle was provided. The applicant also did not provide information on the number of vehicle movements expected from the site, particularly during 'harvest season'. The development has the potential to impact on the safety of the local road network. Conditions have been applied to require an engineering safety assessment along the haul route and to undertake upgrades, where required. Conditions can be applied for the access to be upgraded such that vehicles do not cross the road crown or cause dilapidation of road edges. Conditions will also be applied to ensure the crossover is suitable to accommodate the maximum size vehicle accessing the site.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
Increased traffic and safety risks • *Large trucks slowing, turning and manoeuvring in the property have potential to create safety issues and traffic conflicts on Gurners Lane.* • *The entrance to the property is commonly kept closed due to animals being kept on the property…concerns regarding how large heavy vehicle combinations can safely enter and exit the site without stopping on Gurners Lane while gates are opened and closed.* • *Increase in vehicle movements, including heavy vehicles, may create safety issues for residents, school buses and other road users.*	The applicant's response to submissions did not address the matters raised in relation to road impacts. In response to Council's Information Request, the applicant has stated that vehicles up to AB Triple configuration will attend the site. No further information on the length of vehicle was provided. The applicant also did not provide information on the number of vehicle movements expected from the site, particularly during 'harvest season'. The development has the potential to impact on the safety of the local road network. Conditions have been applied to require an engineering safety assessment along the haul route and to undertake upgrades, where required. Conditions can be applied for the access to be upgraded such that vehicles do not cross the road crown or cause dilapidation of road edges.
Amenity Impacts – noise, lighting, dust • *Truck movements, engine noise, reversing alarms and vehicle manoeuvring activities will adversely affect the quiet enjoyment of our home.* • *Headlights and work lights already shine directly into adjoining residence when the vehicles are operating on the site.* • *Dust generated by the heavy vehicle movements, trailer manoeuvring and use of gravel areas has the potential to affect existing livestock water sources and animal welfare* • *Reduces the amenity and enjoyment of outdoor areas of adjoining property.* • *No detailed dust management plan provided demonstrating how dust impacts will be effectively controlled over the long term.* • *Based on previous heavy vehicle operations before and after the establishment of the gravel manoeuvring areas in late 2025…still experiencing dust impacts on residences, raising concerns regarding the effectiveness of the proposed dust suppression measures and the long-term management of dust generated by transport depot activities.* • *Greatly increase noise, dust, chemical and continuous night and day negative pollution.* • *Storage areas already in direct line of sight of neighbouring property.*	The applicant's response to the submissions states that *"concerns raised of dust, lighting and noise can be appropriately conditioned to avoid the proposed Transport Depot use creating adverse impacts on the surrounding and adjoining land uses. The impacts on adjoining land uses can be appropriately screened via landscaping, fencing and the proposed shed that is included in stage 2…* *…The site has an existing dust-suppressant gravel hardstand area for vehicle movements on the site that will alleviate possible dust issues that may occur on the adjoining land uses."* The scale of the proposed development is stated to be 4 trucks and 9 trailers. This presents a large industrial footprint on the site, which cannot be screened from view with landscaping and fencing. The nature and scale of the proposed use is more suited to the Mixed Use Zone within the Planning Scheme. Approval of the development at the proposed scale undermines the purpose of the Mixed Use zone in the Planning Scheme. It is considered that, at a smaller scale, the appearance of the use is more consistent with the rural residential locality and that landscaping and fencing can achieve a level of softening of the visual impacts. Conditions can be applied to limit operating hours, which may address lighting impacts. Further conditions can be applied to manage light spill. As noted by the submitters, the current gravel surface may not be achieving a suitable level of dust suppression as stated by the applicant. Conditions can be applied for the vehicle storage area to be sealed in the event dust suppression treatments are not suitably maintained. Conditions will be applied to ensure the crossover is suitable to accommodate the maximum size vehicle accessing the site.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
Hours of operation • *Harvest transport operations means that vehicles frequently occur outside standard business hours, including before sunrise, after dark and on weekends.* • *Outside normal business hours could result in unacceptable noise levels and disturbance for nearby residents and landowners.*	The applicant's response to the submissions states that *"The operating of the site may vary depending on the time of year; however, this would only be for the movement of vehicles to and from the site to farms, in particular during the harvest period and there would generally not be activities undertaken on the site other than vehicles and entering and leaving the site, there would be minimal operations actually being undertaken on the site."* The application documents do not clarify the number or hours of vehicle movements during harvest periods. While conditions of approval can be applied to restrict operating hours, it is unclear from the application documents if that will be reflective of the operation of the use. Conditions will be applied to limit operating hours and vehicle movements.
Existing operations • *The existence of these activities prior to approval demonstrates that the impacts described in this submission are not hypothetical but are based on direct experience of the current operation.*	The applicant's response to the submissions states that "*It is acknowledged that the use has been established previously and that the has been operational without approval…"* As noted by the applicant, the application has been made in response to compliance correspondence issued by Council.
Financial Impacts • *Will highly likely impact on current home and land values.* • *Increased local council rates and charges for local and adjoining residents.*	The applicant's response to the submissions states that *"The concerns regarding the management of the site, including the roaming of pigdogs and the impact on property values and rates are not valid planning concerns and do not relate to the planning approval."* Property values and rates are not considered relevant matters in the assessment of the application under the *Planning Act 2016.*
Environmental Impacts • *May negatively affect local wildlife, vegetation, drainage patterns and water quality.*	The applicant's response to submissions did not address these matters raised. The site is not located in close proximity to any areas of ecological significance. Stormwater runoff from vehicle storage areas has the potential to contain contaminants that could affect downstream properties. Conditions will be applied for the management of the quality of stormwater runoff.
Consultation • *Many residents may not have been adequately informed or consulted regarding the proposal and its potential consequences.*	The applicant's response to the submissions states that *"the appropriate community consultation steps as per the Planning Regulation 2017 and Planning Act 2016 have been undertaken throughout the Public Notification and Planning Application process."* Public notification was undertaken in accordance with the relevant statutory requirements.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
Impact on existing neighbouring business • *Vet clinic on Lot 5 on SP124618 is an approved and longstanding established large animal veterinary facility for treating and hospitalising cattle and horses every day. some animals need sedation, close monitoring and a quiet low-stress environment.* • *A transport depot next door would be incompatible with the vet clinic use and would affect the safe and proper operation of the clinic and the established lawful use of the land.*	The applicant's response to submissions did not address these matters raised. The scale of the proposed use is not generally supported and is considered to conflict with the Rural Residential zone purpose. It is considered that at a reduced scale, along with conditions relating to fencing and landscaping, impacts on the existing lawful land use can be appropriately managed. Conditions to approve the development in part only, plus application of landscaping and fencing conditions to reduce impacts to existing lawful land use.
Concerns about site management • *Concerned about the way the property is being managed. Applicant's dogs wander outside property boundaries.* • *Adds to concerns that a more intensive industrial use will create further problems for adjoining owners.*	The applicant's response to the submissions states that *"The concerns regarding the management of the site, including the roaming of pigdogs and the impact on property values and rates are not valid planning concerns and do not relate to the planning approval."* The control of the applicant's dogs are regulated separately to the Planning Scheme. Matters relating the broader amenity impacts have been addressed above. No conditions will be applied in relation to animal management. Amenity impacts and associated recommended conditions are addressed above.

~~6. Matters prescribed by Regulation~~

Goondiwindi REGIONAL COUNCIL

Attachment 5 – *Planning Act 2016* Extracts

EXTRACT FROM *PLANNING ACT 2016* RELATING TO APPEAL RIGHTS

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

*(i) who may appeal a matter (the **appellant**); and*

(ii) who is a respondent in an appeal of the matter; and

(iii) who is a co-respondent in an appeal of the matter; and

(iv) who may elect to be a co-respondent in an appeal of the matter.

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

*(3) The **appeal period** is—*

(a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

(b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or

(e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or

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

Note—

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

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

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

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

(a) the adopted charge itself; or

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

(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

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

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

(a) the respondent for the appeal; and

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

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

principal submitter for the development application; and

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

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

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

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

(4) The ***service period*** *is—*

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

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

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

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

231 Other appeals

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

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

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

(4) In this section—

decision *includes—*

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

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

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

(d) a purported decision; and

(e) a deemed refusal.

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

(a) is final and conclusive; and

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

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

232 Rules of the P&E Court

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

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

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

(b) has demonstrated an ability—

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

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

(iii) to analyse complex technical issues; and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

***appointment notice** means—*

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

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

234 Referee with conflict of interest

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

235 Establishing development tribunal

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

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

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

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

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

236 Remuneration

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

237 Tribunal proceedings

(1) A tribunal must ensure all persons before the tribunal are afforded natural justice.

(2) A tribunal must make its decisions in a timely way.

(3) A tribunal may—

(a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and

(b) sit at the times and places the tribunal decides; and

(c) hear an appeal and application for a declaration together; and

(d) hear 2 or more appeals or applications for a declaration together.

(4) A regulation may provide for—

(a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or

(b) the required fee for tribunal proceedings.

238 Registrar and other officers

(1) The chief executive may, by gazette notice, appoint—

(a) a registrar; and

(b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.

(2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.

Division 2 Applications for declarations

239 Starting proceedings for declarations

(1) A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.

(2) The application must be accompanied by the required fee.

240 Application for declaration about making of development application

(1) The following persons may start proceedings for a declaration about whether a development application is properly made—

(a) the applicant;

(b) the assessment manager.

(2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.

(3) The proceedings must be started by—

(a) the applicant within 20 business days after receiving notice from the assessment manager, under the development assessment rules, that the development application is not properly made; or

(b) the assessment manager within 10 business days after receiving the development application.

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

(5) In this section—

respondent means—

(a) if the applicant started the proceedings—the assessment manager; or

(b) if the assessment manager started the proceedings—the applicant.

241 Application for declaration about change to development approval

(1) This section applies to a change application for a development approval if—

(a) the approval is for a material change of use of premises that involves the use of a classified building; and

(b) the responsible entity for the change application is not the P&E Court.

(2) The applicant, or responsible entity, for the change application may start proceedings for a

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

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

(4) In this section—

***respondent** means—*

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

(b) if the responsible entity started the proceedings—the applicant.

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

(a) establish a tribunal for the proceedings; and

(b) appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and

(c) give notice of the establishment of the tribunal to each party to the proceedings.

243 Chief executive excusing noncompliance

(1) This section applies if—

(a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and

(b) the document does not comply with any requirement under this Act for validly starting the proceedings.

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

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

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

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

244 Ending tribunal proceedings or establishing new tribunal

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

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

• there are no qualified referees or insufficient qualified referees because of a conflict of interest

• the referees who are available will not be able to decide the proceedings in a timely way

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

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

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

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

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

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

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

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

245 Refunding fees

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

(a) not to establish a tribunal; or

(b) to end the proceedings.

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

• material about the proceedings (plans, for example)

• information to help the chief executive decide whether to excuse noncompliance under section 243

• for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

(a) in person; or

(b) by an agent who is not a lawyer.

249 Conduct of tribunal proceedings

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

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

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

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

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

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

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

(6) When hearing proceedings, the tribunal—

(a) need not proceed in a formal way; and

(b) is not bound by the rules of evidence; and

(c) may inform itself in the way it considers appropriate; and

(d) may seek the views of any person; and

(e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and

(f) may prohibit or regulate questioning in the hearing.

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

250 Tribunal directions or orders

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

Examples of directions—

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

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

251 Matters tribunal may consider

(1) This section applies to tribunal proceedings about—

(a) a development application or change application; or

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

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

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

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

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

252 Deciding no jurisdiction for tribunal proceedings

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

(a) on the tribunal's initiative; or

(b) on the application of a party.

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

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

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

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

253 Conduct of appeals

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

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

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

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

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

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

(b) any information provided under section 246.

254 Deciding appeals to tribunal

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

(2) The tribunal must decide the appeal by—

(a) confirming the decision; or

(b) changing the decision; or

(c) replacing the decision with another decision; or

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

(e) for a deemed refusal of an application—

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

(ii) deciding the application.

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

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

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

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

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

255 Notice of tribunal's decision

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

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

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

258 Tribunal may extend period to take action

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

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

259 Publication of tribunal decisions

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

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

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

(a) the P&E court; or

(b) a tribunal.

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

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

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

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

(b) a provision of a development approval for—

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

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

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

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

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

(d) a development condition if—

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

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

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

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

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

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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

***storey** see the Building Code, part A1.1.*

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal
1. Development applications
For a development application other than a development application called in by the
Minister, an appeal may be made against—
(a) the refusal of all or part of the development application; or
(b) the deemed refusal of the development application; or
(c) a provision of the development approval; or
(d) if a development permit was applied for—the decision to give a preliminary approval.

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

Division 4 Lapsing of and extending development approvals

85 Lapsing of approval at end of current period

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

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

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

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

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

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

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

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

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

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

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