Goondiwindi REGIONAL COUNCIL | REGIONAL AUSTRALIA at its best!

File: 26/02
Date: 30 September 2026

Vanessa Jane Grady and Edward Leslie Albert Frey
C/- Alpha Planning Applications
PO Box 764
TOOWOOMBA CITY QLD 4350

Attention: Andrew Hill

Dear Andrew

Decision Notice –approval (with conditions)
Reconfiguring a Lot
Lot 2 on SP153279 and Lot 150 on BNT217, Cunningham Highway, Coolmunda

We wish to advise that on 23 September 2026 a decision was made to approve the reconfiguring a lot development application for a *Boundary Realignment (Two (2) lots into two (2) lots)* at Lot 2 on SP153279 and Lot 150 on BNT217, Cunningham Highway, Coolmunda. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

Please read the conditions carefully as these include actions which must be undertaken **prior to 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 21**, 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 Planning Services Department on (07) 4671 7400.

Yours faithfully

Dr Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

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

Council File Reference: 26/02
Council Contact: Mrs Ronnie McMahon: PD
Council Contact Phone: (07) 4671 7400

30 September 2026

Applicant Details: Vanessa Jane Grady and Edward Leslie Albert Frey
C/- Alpha Planning Applications
PO Box 764
TOOWOOMBA CITY QLD 4350

Attention: Andrew Hill

The development application described below was properly made to Goondiwindi Regional Council on 17 February 2026.

Applicant details

Applicant name:	Vanessa Jane Grady and Edward Leslie Albert Frey
Applicant contact details:	C/- Alpha Planning Applications PO Box 764, Toowoomba City QLD 4350 0439 373 414 andrew@alphaplanning.com.au

Application details

Application number:	26/02
Approval sought:	Development Permit – Reconfiguring a Lot
Details of proposed development:	Boundary Realignment (Two (2) lots into two (2) lots)

Location details

Street address:	Cunningham Highway, Coolmunda
Real property description:	Lot 2 on SP153279 and Lot 150 on BNT217

Decision

Date of decision:	23 September 2026
Decision details:	Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

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

The following approvals are given:

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

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Survey Plan Approval

Properly made submissions

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

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) of the PR: *Development application for reconfiguring a lot that is assessable development under section 21, if—* *(a) all or part of the premises are within 25m of a State transport corridor; and* *(b) 1 or more of the following apply—* *(i) the total number of lots is increased;*	Department of State Development, Infrastructure and Planning – *Concurrence Agency*	Department of State Development, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdilgp.qld.gov.au

For an application involving	Name of referral agency	Address
(ii) the total number of lots adjacent to the State transport corridor is increased; *(iii) there is a new or changed access between the premises and the State transport corridor;* *(iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and* *(c) the reconfiguration does not relate to government supported transport infrastructure*		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: *Development application for reconfiguring a lot that is assessable development under section 21, if—* *(a) all or part of the premises are—* *(i) adjacent to a road (the relevant road) that intersects with a State-controlled road; and* *(ii) within 100m of the intersection; and* *(b) 1 or more of the following apply—* *(i) the total number of lots is increased;* *(ii) the total number of lots adjacent to the relevant road is increased;* *(iii) there is a new or changed access between the premises and the relevant road; and* *(c) the reconfiguration does not relate to government supported transport infrastructure*	Department of State Development, Infrastructure and Planning – *Concurrence Agency*	Department of State Development, Infrastructure and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350 ToowoombaSARA@dsdilgp.qld.gov.au Ph: (07) 4616 7307

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing No	Title	Date
S3953-25	Proposed Reconfiguration of Lots 1 & 2 over Lot 150 on BNT217 and Lot 2 on SP153279	24/03/2026

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

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

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

If you wish to discuss this matter further, please contact Council's Planning Services Department on 07 4671 7400.

Yours Sincerely

Dr Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

cc toowoombaSARA@dsdilgp.qld.gov.au

enc Attachment 1—Assessment manager and concurrence agency conditions
- State Assessment and Referral Agency Concurrence Agency Response dated 29 July 2026

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

ATTACHMENTS

Attachment 1 – Assessment Manager's Conditions

Attachment 2 – Approved Plans

Attachment 3 – Notice about decision - Statement of reasons

Attachment 4 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates

Goondiwindi REGIONAL COUNCIL

Attachment 1 – Assessment Manager's Conditions

Assessment Manager's Conditions

Description:	Boundary Realignment (Two (2) lots into two (2) lots)
Development:	Development Permit – Reconfiguring a lot
Applicant:	Vanessa Jane Grady and Edward Leslie Albert Frey C/- Alpha Planning Applications
Real Property Description:	Lot 2 on SP153279 and Lot 150 on BNT217
Address:	Cunnigham Highway, Coolmunda
Council File Reference:	26/02

<table>
<tr><th></th><th>GENERAL CONDITIONS</th></tr>
<tr><td>1.</td><td>Approval is granted for the purpose of Reconfiguring a Lot – Boundary Realignment (Two (2) lots into two (2) lots.</td></tr>
<tr><td>2.</td><td>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>S3953-25</td><td>Proposed Reconfiguration of Lots 1 & 2 over Lot 150 on BNT217 and Lot 2 on SP153279</td><td>24/03/2026</td></tr></table>
Please note this is not an approved Plan of Survey. The approved plan is included in Attachment 2.</td></tr>
<tr><td>3.</td><td>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 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 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.</td></tr>
<tr><td>4.</td><td>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.</td></tr>
</table>

5.	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	ESSENTIAL SERVICES
6.	It shall be demonstrated to Council that each lot has an adequate volume and supply of potable water, when required, and an adequate volume and supply of water for fire-fighting purposes, to relevant engineering and environmental standards, to the satisfaction of and at no cost to council.
7.	Each proposed lot shall be connected to an appropriately designed and approved on-site sewerage 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.
	PUBLIC UTILITIES
8.	Each proposed lot shall be connected to an adequate electricity supply system, if or when required, at no cost to Council.
	VEHICLE ACCESS
9.	Access for all lot must be located in accordance with the State Assessment and Referral Agency Concurrence Agency Response, dated 29 July 2026.
10.	All proposed accesses, from the edge of the existing bitumen to the property boundary, shall be constructed 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) 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
11.	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 *Goondiwindi Region Planning Scheme 2018 (Version 2)* or to other relevant engineering standards, to the satisfaction of and at no cost to Council. Any increases in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council. There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes. The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.
12.	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 or 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.
	DEVELOPER'S RESPONSIBILITIES
13.	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.
14.	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.
15.	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.
16.	The developer shall be responsible for mitigating any complaints arising from on-site operations during construction.
17.	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.

18.	At all times all requirements of the conditions of the development approval must be maintained.
	BEFORE PLANS WILL BE ENDORSED
19.	The developer shall submit a detailed Plan of Survey, prepared by a licensed surveyor, for the endorsement of Council. In accordance with Schedule 18 of the *Planning Regulations 2017.* The relevant Council Fee for endorsement of the Plan of Survey (currently $235.00; subject to change).
20.	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.
21.	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 *Planning Act 2016*: (a) If no period is stated – **4 years** after the approval starts to have effect. Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.

	NOTES AND ADVICE
	When approval takes effect This approval takes effect in accordance with section 85 of the *Planning Act 2016*. *When approval lapses* 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 *Planning Act 2016*: (a) If no period is stated – **4 years** after the approval starts to have effect. Section 86 of the *Planning Act 2016* 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 *Environmental Protection Act 1994* 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 *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 work place health and safety.

DELIVERING FOR QUEENSLAND | Queensland Government

Department of
State Development,
Infrastructure and Planning

SARA reference: 2605-52689 SRA
Council reference: 26/02

29 July 2026

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—Cunningham Highway, Coolmunda

(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 2 June 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	29 July 2026
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 - Boundary realignment - Two (2) lots into two (2) 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 or that is a future state transport corridor	

Darling Downs South West regional office
128 Margaret Street, Toowoomba
PO Box 825, Toowoomba QLD 4350

	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:	2605-52689 SRA
Assessment manager:	Goondiwindi Regional Council
Street address:	Cunningham Highway, Coolmund
Real property description:	Lot 2 on SP153279; Lot 150 on BNT217
Applicant name:	Vanessa Jane Grady and Edward Leslie Frey C/- Alpha Planning Applications
Applicant contact details:	PO Box 764 Toowoomba City QLD 4350 andrew@alphaplanning.com.au
Human Rights Act 2019 considerations:	Consideration was given to the 23 fundamental human rights under section 58 of the *Human Rights Act 2019*. It was determined that this decision does not unjustifiably limit these 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@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

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

cc Vanessa Jane Grady and Edward Leslie Frey C/- Alpha Planning Applications, andrew@alphaplanning.com.au

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Development permit for Reconfiguring a Lot		
Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 - Reconfiguring a lot near a state transport corridor or that is a future state transport corridor; Schedule 10, part 9, division 4, subdivision 2, table 3, item 1 - Reconfiguring a lot near a state-controlled road intersection (Planning Regulation 2017)—The chief executive administering the *Planning Act 2016* 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.	Road access to proposed lot 2 is located generally in accordance with the PROPOSED RECONFIGURATION OF LOTS 1 & 2 OVER LOT 150 ON BNT217 AND LOT 2 ON SP153279 prepared by Ian A. Rosenberger (Surveys) Pty Ltd dated 22/06/2026, reference S3953-25.	At all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016*, its regulation or the State Development Assessment Provisions (SDAP) (version 3.6). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- The development complies with State Code 1: Development in a state-controlled road environment of the SDAP in that 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, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
  - adversely impact the function efficiency of state-controlled roads or future state-controlled roads.

- The development complies with State code 2: Development in a railway environment of the SDAP in that the development does not:
  - create a safety hazard for users of a railway
  - compromise the structural integrity of railways, rail transport infrastructure, other rail infrastructure or railway works
  - result in a worsening of the physical condition or operating performance of railways and the rail network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019.*

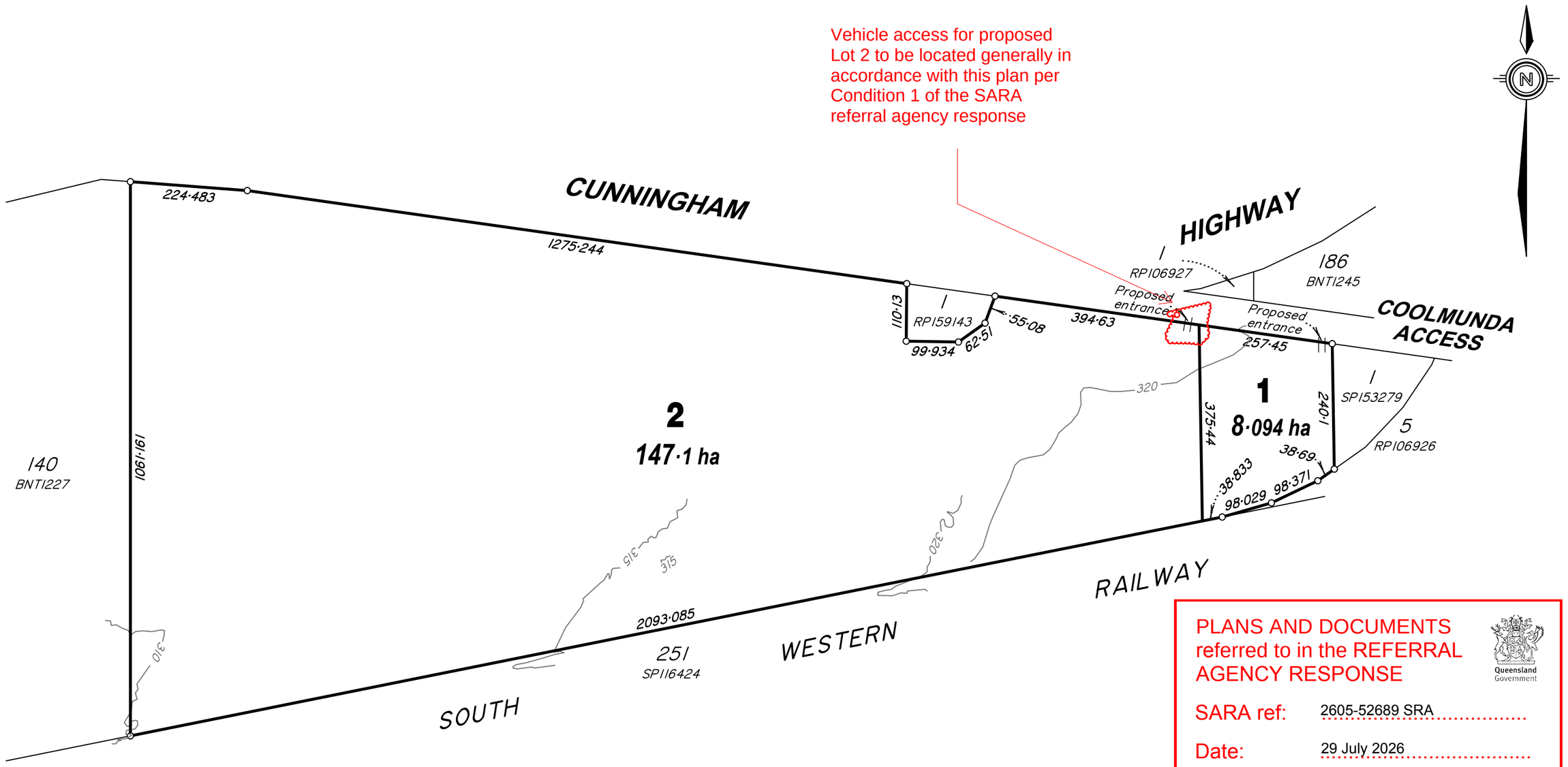
Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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Vehicle access for proposed Lot 2 to be located generally in accordance with this plan per Condition 1 of the SARA referral agency response



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

Queensland Government

SARA ref: 2605-52689 SRA

Date: 29 July 2026

IMPORTANT NOTE:

This plan was prepared as a proposed subdivision and should not be used for any other purpose. The dimensions,areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any revelant legislation. In particular,no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

0m 400m 800m 1200m

IAN A. ROSENBERGER (SURVEYS) PTY. LTD.
A.C.N. 069 537 622

CADASTRAL & ENGINEERING SURVEYORS
PLANNERS & LAND DEVELOPMENT CONSULTANTS

P.O. BOX 100
DRAYTON NORTH, QLD.4350

TOOWOOMBA (07) 4636 2050
FAX (07) 4636 2650
surveys@rosenberger.com.au

ASSOCIATED PROJECT CONSULTANTS:

PROJECT: FREY & GRAY

DESIGNED:
DRAWN: Stanfield's
CHECKED:
APPROVED:
LEVEL DATUM:
FIELD BOOK:

REFERENCE No.: S3953-25 | SCALE: 1:8000
DWG No.: | CAD FILE: IR260025 | DATE: 22/06/2026
LOCAL AUTHORITY: GOONDIWINDI REGIONAL COUNCIL

PROPOSED RECONFIGURATION

OF LOTS 1 & 2
OVER LOT 150 ON BNT217 AND LOT 2 ON SP153279
LOCALITY OF COOLMUNDA

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 Rules[1] 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

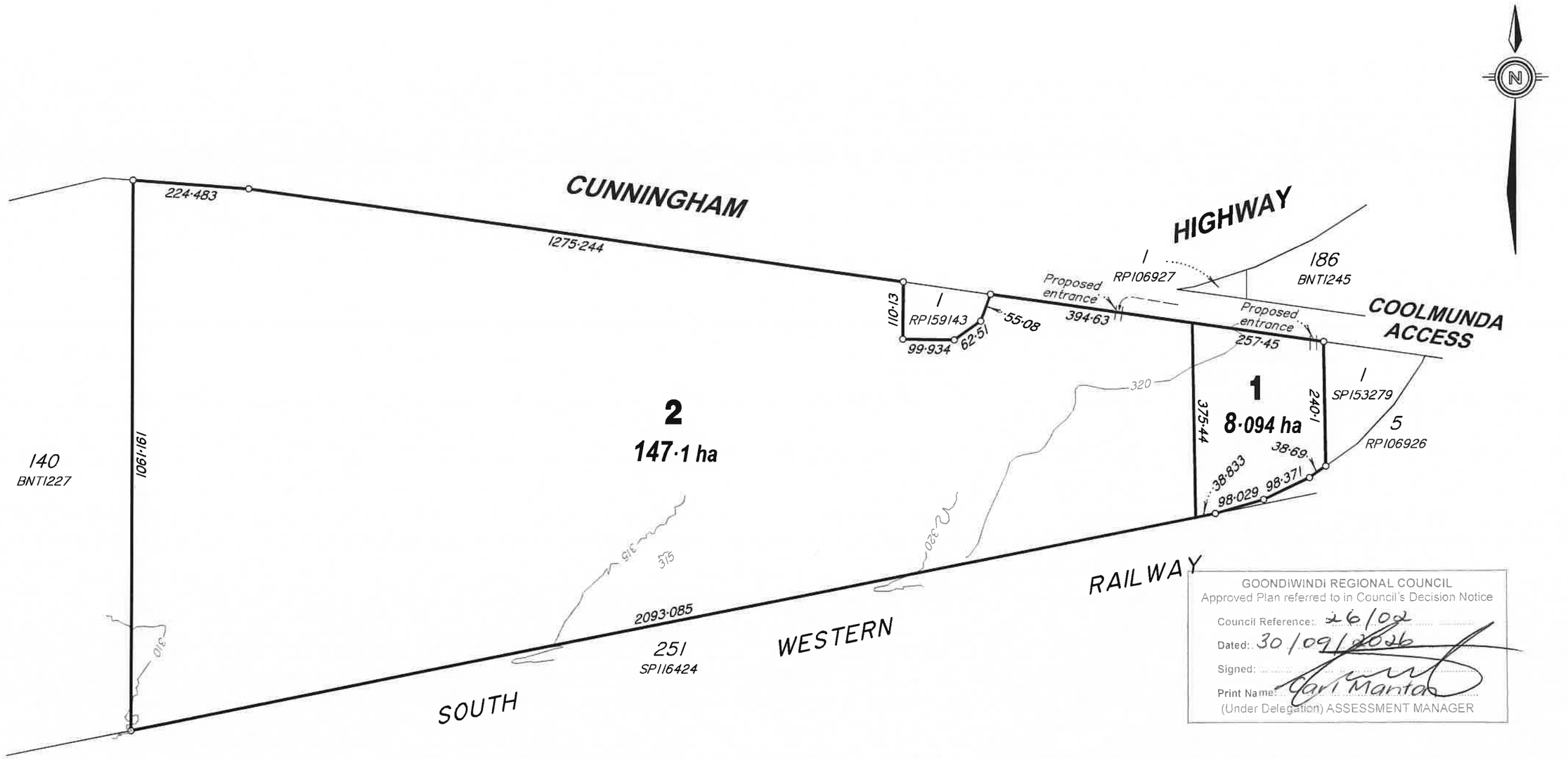
30 Representations about a referral agency response

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.

Goondiwindi REGIONAL COUNCIL

Attachment 2 – Approved Plans



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 26/02
Dated: 30/09/2026
Signed: .....
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER

IMPORTANT NOTE:

This plan was prepared as a proposed subdivision and should not be used for any other purpose. The dimensions,areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any revelant legislation. In particular,no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

0m 400m 800m 1200m
0 50 mm 100 mm 150 mm

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surveys@rosenberger.com.au

ASSOCIATED PROJECT CONSULTANTS:

PROJECT: FREY & GRAY

DESIGNED:
DRAWN: Stanfield's
CHECKED:
APPROVED:
LEVEL DATUM:
FIELD BOOK:

REFERENCE No.: S3953-25
SCALE: 1:8000
DWG No.:
CAD FILE: IR260025
DATE: 24/03/2026
LOCAL AUTHORITY: GOONDIWINDI REGIONAL COUNCIL

PROPOSED RECONFIGURATION

OF LOTS 1 & 2
OVER LOT 150 ON BNT217 AND LOT 2 ON SP153279
LOCALITY OF COOLMUNDA

Goondiwindi REGIONAL COUNCIL

Attachment 3 – Notice about decision - Statement of reasons

Notice about decision - Statement of reasons

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

The development application for Boundary Realignment (Two (2) lots into two (2) lots)

26/02

Cunnigham Highway, Coolmunda

Lot 2 on SP153279 and Lot 150 on BNT217

On 23 September 2026 , the above development application was:

☐ approved in full or

☐ approved in part for _____ or

☒ approved in full with conditions or

☐ approved in part for _____ , with conditions or

☐ refused.

1. Reasons for the decision

The reasons for this decision are:

- Having regard to the relevant criteria in the Goondiwindi Region Planning Scheme 2018, the proposed development was approved despite the conflicts with the assessment benchmarks.

  It was considered that there were sufficient grounds to overcome the conflict in this instance, as detailed below.

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
Biodiversity Areas Overlay Code	PO1-PO3
Natural Resources Overlay Code	PO1-PO8

3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Reconfiguring a Lot Code	
AO1.1 The minimum lot size and frontage dimensions are in accordance with **Table 9.4.3.2—Minimum lot size and frontages.** OR Where rear lots are provided: (a) the minimum frontage dimensions specified in **Table 9.4.3.2** do not apply; and (b) the minimum lot sizes specified in **Table 9.4.3.2** are exclusive of any access strips. **AO1.2** Lots are regular in shape. OR Where rear lots are provided: (a) no more than two access strips for rear lots are situated adjacent to each other; and (b) access strips to rear lots have a minimum width of 10 metres where in a Residential zone category and otherwise are of sufficient width to accommodate the maximum vehicle class servicing the site. **AO1.3** Lots have a slope not exceeding 15%.	**Alternative Solution** The proposed lot sizes do not comply with the requirements specified in Table 9.4.3.2. The proposed development is a boundary realignment only and does not increase the number of lots in the Rural Zone. However, the proposal does create one small rural-residential style allotment which is not consistent with the intended character of the neighbourhood expressed in the zone. Consideration has been given to the existing character in this locality. The immediately surrounding area is characterised by small historical lots containing commercial (Service Station and Caravan Park) or residential type uses. The proposed small lot directly adjoins the Coolmunda Caravan Park and use of this land for rural-residential type uses is not considered to introduce a land use conflict. The balance of the site will be retained in a single parcel, able to be used for productive agricultural purposes. Both proposed lots will have a safe and legible access from Coolmunda Access Road, as approved by the Department of Transport and Main Roads. While the proposal is inconsistent with the Planning Scheme outcomes for the Rural Zone, the proposed layout has been accepted in this instance. It is considered there are sufficient grounds to overcome the conflicts with the Planning Scheme. The proposed lots are generally regular in shape in the context of the existing lot layout. No rear lots are created and no part of the lots have a slope exceeding 15%.
Natural Resources Overlay Code	
PO6 Where realigning the boundaries of a lot on, or adjacent to, ALC Class A or Class B land, the realignment: (a) results in a more productive use and management of ALC Class A or Class B land and water for agricultural uses, and (b) does not lead to increased fragmentation of ALC Class A or Class B land, and does not increase the potential conflict between agricultural and non-agricultural land uses.	**Performance Solution** The proposal will realign the site to create one larger rural parcel and one small rural-residential land parcel. The proposed layout provides opportunity for increased productivity on Proposed Lot 2. Given the nearby small rural residential lots, the proposed small lot is not considered to lead to increased fragmentation.

4. Relevant matters for impact assessable development

5. Matters raised in submissions for impact assessable development

6. Matters prescribed by Regulation

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Attachment 4 – *Planning Act 2016* Extracts

EXTRACT FROM *PLANNING ACT 2016* RELATING TO APPEAL RIGHTS

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

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

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

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

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

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

*(3) The **appeal period** is—*

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

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

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

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

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

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

Note—

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

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

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

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

(a) the adopted charge itself; or

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

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

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

230 Notice of appeal

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

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

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

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

(a) the respondent for the appeal; and

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

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

principal submitter for the development application; and

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

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

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

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

(4) The ***service period*** *is—*

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

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

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

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

231 Other appeals

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

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

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

(4) In this section—

decision *includes—*

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

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

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

(d) a purported decision; and

(e) a deemed refusal.

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

(a) is final and conclusive; and

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

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

232 Rules of the P&E Court

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

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

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

(b) has demonstrated an ability—

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

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

(iii) to analyse complex technical issues; and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

***appointment notice** means—*

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

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

234 Referee with conflict of interest

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

235 Establishing development tribunal

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

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

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

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

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

236 Remuneration

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

237 Tribunal proceedings

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

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

(3) A tribunal may—

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

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

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

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

(4) A regulation may provide for—

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

(b) the required fee for tribunal proceedings.

238 Registrar and other officers

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

(a) a registrar; and

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

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

Division 2 Applications for declarations

239 Starting proceedings for declarations

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

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

240 Application for declaration about making of development application

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

(a) the applicant;

(b) the assessment manager.

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

(3) The proceedings must be started by—

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

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

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

(5) In this section—

***respondent** means—*

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

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

241 Application for declaration about change to development approval

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

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

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

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

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

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

(4) In this section—

***respondent** means—*

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

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

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

(a) establish a tribunal for the proceedings; and

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

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

243 Chief executive excusing noncompliance

(1) This section applies if—

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

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

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

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

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

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

244 Ending tribunal proceedings or establishing new tribunal

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

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

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

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

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

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

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

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

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

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

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

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

245 Refunding fees

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

(a) not to establish a tribunal; or

(b) to end the proceedings.

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

• material about the proceedings (plans, for example)

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

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

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

(a) in person; or

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

249 Conduct of tribunal proceedings

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

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

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

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

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

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

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

(6) When hearing proceedings, the tribunal—

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

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

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

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

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

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

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

250 Tribunal directions or orders

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

Examples of directions—

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

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

251 Matters tribunal may consider

(1) This section applies to tribunal proceedings about—

(a) a development application or change application; or

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

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

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

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

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

252 Deciding no jurisdiction for tribunal proceedings

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

(a) on the tribunal's initiative; or

(b) on the application of a party.

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

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

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

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

253 Conduct of appeals

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

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

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

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

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

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

(b) any information provided under section 246.

254 Deciding appeals to tribunal

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

(2) The tribunal must decide the appeal by—

(a) confirming the decision; or

(b) changing the decision; or

(c) replacing the decision with another decision; or

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

(e) for a deemed refusal of an application—

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

(ii) deciding the application.

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

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

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

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

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

255 Notice of tribunal's decision

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

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

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

258 Tribunal may extend period to take action

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

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

259 Publication of tribunal decisions

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

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

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

(a) the P&E court; or

(b) a tribunal.

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

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

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

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

(b) a provision of a development approval for—

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

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

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

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

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

(d) a development condition if—

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

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

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

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

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

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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

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

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

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

Division 4 Lapsing of and extending development approvals

85 Lapsing of approval at end of current period

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

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

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

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

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

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

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

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

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

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

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