

File: 25/29  
Date: 2 December 2025

SMK QLD Pty Ltd for Gundy Housing Group Pty Ltd  
PO Box 422  
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

**Decision Notice –approval (with conditions)  
Material Change of Use & Reconfiguring a Lot  
Lot 102 on SP150778, 14-80 Lamberth Road, Goondiwindi**

We wish to advise that on 23 January 2024 a decision was made to approve the development application for Reconfiguring a Lot – Subdivision (One (1) lot into forty-eight (48) lots and road reserve) and a Material Change of Use – “Accommodation activities” – “Dual Occupancy” (on Proposed Lots 41, 45 & 47) at Lot 102 on SP150778, 14-80 Lamberth Road, Goondiwindi. In accordance with the *Planning Act 2016*, please find attached Council’s Decision Notice for the application.

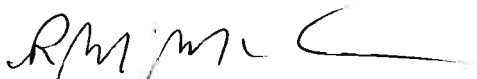
Please read the conditions carefully as these include actions which must be undertaken **prior to Council’s endorsement of the survey plan OR prior to the commencement of the use**, as applicable, as well as requirements for the ongoing operation of the site.

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note a letter is required to be submitted to Council prior to commencement of the use **OR** prior to Council’s endorsement of the survey plan, outlining and demonstrating compliance with each condition as applicable.

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](mailto: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: 25/29  
Council Contact: Mrs Ronnie McMahon  
Council Contact Phone: (07) 4671 7400

2 December 2025

**Applicant Details:** SMK QLD Pty Ltd for Gundy Housing Group Pty Ltd  
PO Box 422  
GOONDIWINDI QLD 4390

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 10 September 2025.

#### Applicant details

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Applicant name: SMK QLD Pty Ltd for Gundy Housing Group Pty Ltd  
Applicant contact details: Attn: Mr Tom Jobling  
PO Box 422, Goondiwindi, QLD 4390  
[tom@smkgld.com.au](mailto:tom@smkgld.com.au)  
(07) 4671 2445

#### Application details

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Application number: 25/29  
Approval sought: Development Permit  
Details of proposed development:

- Reconfiguring a Lot
  - Subdivision – One (1) lot into forty-eight (48) lots and road reserve; and
- Material Change of Use
  - "Accommodation activities" – "Dual Occupancy" (on Proposed Lots 41, 45 & 47).

#### Location details

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Street address: 14-80 Lamberth Road, Goondiwindi  
Real property description: Lot 102 on SP150778

#### Decision

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

### Details of the approval

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

The following approvals are given:

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

### Conditions

This approval is subject to the conditions in Attachment 1.

### Further development permits

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

1. Survey Plan Approval
2. Development Permit – Building Works
3. Compliance Permit – Plumbing Works

### Properly made submissions

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

### Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
25048-8	Proposal Plan for a ROL Application – Subdivision of 1 into 48 Lots of Lot 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	2/10/2025
25048-8	Proposal Plan for a ROL Application – Subdivision on 1 into 49 lots of Lot 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	13/8/2025
25048-8 MCU	Proposal Plan for a MCU Application Accommodation Activities (Duplex) on Lots 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	2/10/25
-	Site Plan – Proposed Lot 41 (amended in red by Council)	n.d.
-	Site Plan – Proposed Lots 45 & 47 (amended in red by Council)	n.d.
-	Custom Granny Flat Design John	n.d.

Drawing Number	Title	Date
-	Elevations – Sheet 1 – Proposed Lot 41 (amended in red by Council)	n.d.
-	Elevations – Sheet 2 – Proposed Lot 41 (amended in red by Council)	n.d.
-	Elevations – Sheet 1 – Proposed Lots 45 & 47 (amended in red by Council)	n.d.
-	Elevations – Sheet 2 – Proposed Lots 45 & 47 (amended in red by Council)	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*:

- **Material Change of Use**  
This approval lapses if the first change of use does not happen within **6 years** of this approval taking effect.
- **Reconfiguring a Lot**  
The approval will lapse if a plan for the reconfiguration is not given to the local government within the following periods, in accordance with the provisions contained in section 85(1)(b) of the *Planning Act 2016*:

(a) The period stated for that part of the approval.

Stage	Proposed Lots	Timeframe
1	38-48	Completed by 31 December 2027
2	4-7, 12-15, 20-23, 28-31, 36 & 37	Completed by 31 December 2031
3	2, 3, 8-11, 16-19, 24-27, 32-35	Completed by 31 December 2035

### Rights of appeal

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

#### Appeal by an applicant

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

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

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

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

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

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

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

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

Yours Sincerely



**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*



## **Attachment 1 – Assessment Manager's Conditions**





### Assessment Manager's Conditions

<b>Description:</b>	<ul style="list-style-type: none"><li>• Reconfiguring a Lot<ul style="list-style-type: none"><li>◦ Subdivision – One (1) lot into forty-eight (48) lots and road reserve; and</li></ul></li><li>• Material Change of Use<ul style="list-style-type: none"><li>◦ “Accommodation activities” – “Dual Occupancy” (on Proposed Lots 41, 45 &amp; 47).</li></ul></li></ul>
<b>Development:</b>	Development Permit - Reconfiguring a Lot and Material Change of Use
<b>Applicant:</b>	SMK QLD Pty Ltd for Gundy Housing Group Pty Ltd
<b>Real Property Description:</b>	Lot 102 on SP150778
<b>Address:</b>	14-80 Lamberth Road, Goondiwindi
<b>Council File Reference:</b>	25/29

### RECONFIGURING A LOT

GENERAL CONDITIONS											
1.	Approval is granted for the purpose of Reconfiguring a Lot – Subdivision (One (1) lot into forty-eight (48) lots and road reserve.										
2.	<p>The development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans:</p> <table><tr><th>Drawing No</th><th>Title</th><th>Date</th></tr><tr><td>25048-8</td><td>Proposal Plan for a ROL Application – Subdivision of 1 into 48 Lots of Lot 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390</td><td>2/10/2025</td></tr><tr><td>25048-8</td><td>Proposal Plan for a ROL Application – Subdivision on 1 into 49 lots of Lot 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390</td><td>13/8/2025</td></tr></table> <p>Please note this is not an approved Plan of Survey. The approved plan is included in <b>Attachment 2</b>.</p>		Drawing No	Title	Date	25048-8	Proposal Plan for a ROL Application – Subdivision of 1 into 48 Lots of Lot 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	2/10/2025	25048-8	Proposal Plan for a ROL Application – Subdivision on 1 into 49 lots of Lot 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	13/8/2025
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25048-8	Proposal Plan for a ROL Application – Subdivision on 1 into 49 lots of Lot 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	13/8/2025									
3.	<p>Prior to the signing of the Plan of Subdivision, the approved plans are to be amended as follows:</p> <ul style="list-style-type: none"><li>• All lots must achieve a minimum lot size of 600m<sup>2</sup>, exclusive of vehicular access strips for rear lots.</li><li>• All new roads shall have a minimum reserve width of eighteen (18) metres.</li></ul>										

4.	<p>The approval is over three (3) stages as follows:</p> <ul style="list-style-type: none"> <li>• Stage 1: Proposed Lots 38-48</li> <li>• Stage 2: Proposed Lots 4-7, 12-15, 20-23, 28-31, 36 &amp; 37</li> <li>• Stage 3: Proposed Lots 2, 3, 8-11, 16-19, 24-27, 32-35</li> </ul> <p>Conditions within this approval apply to all stages unless otherwise specified.</p>
5.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> <li>(i) Generally in accordance with development approval documents; and</li> <li>(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.</li> </ul> <p>All development must comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>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.</p>
6.	<p>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.</p>
	<p><b>EASEMENTS</b></p>
7.	<p>Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements including sewer, water and stormwater mains.</p> <p>Where not prescribed, the minimum width of any easement is the greater of 3.0 metres or that required to safely excavate the infrastructure.</p>
	<p><b>ESSENTIAL SERVICES</b></p>
8.	<p>Prior to the submission to Council of the Plan of Survey, each proposed lot shall be connected to Council's reticulated water supply system in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>The developer shall provide all necessary water infrastructure to enable all allotments to be serviced by a standard water connection to the satisfaction of Council and to relevant engineering standards.</p>

9.	<p>Prior to the submission to Council of the Plan of Survey, each proposed lot shall be connected to Council's reticulated sewerage system in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>The developer shall provide sewerage infrastructure to enable every allotment within the development to be serviced by Council's sewerage reticulation system.</p>
10.	<p>Existing water supply and sewerage mains shall be extended to service the development, in accordance with relevant engineering standards, to the satisfaction of and at no cost to Council.</p> <p>Water supply mains shall be developed to provide adequate flow and pressure for fire-fighting purposes.</p>
<b>PUBLIC UTILITIES</b>	
11.	Each proposed lot shall be connected to an adequate underground electricity supply system, at no cost to Council.
12.	Prior to the submission to Council of the Plan of Survey, submit to Council written confirmation from an electricity provider that an agreement has been made for the supply of electricity. Should the Electricity Authority require provision of network upgrades to make suitable connections to the development, these works are at no cost to Council.
<b>NOISE AND LIGHT ATTENUATION</b>	
13.	Prior to the signing of the Plan of Subdivision for Stage 1, provide a Noise Assessment Report for endorsement by Council, certified by a RPEQ (Environmental), that assesses all noise sources from adjacent non-residential uses and provides suitable mitigation measures, and implement all recommendations of this report.
14.	Prior to the submission to Council of the Plan of Survey for Stage 1, solid screen fencing, at least 2m high, shall be provided for the full length of the eastern boundaries of Proposed Lots. Fencing shall be constructed of suitable materials to protect the amenity of the proposed 'residential' lots.
<b>ACCESSES</b>	
15.	No vehicular access is permitted from any new lot to Lamberth Road.

16.	<p>All lots shall be provided with a residential vehicle crossover in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council.</p> <p>Crossovers shall be either constructed or bonded prior to the submission to Council of the Plan of Survey for the relevant stage.</p> <p>The applicant shall contact Council’s Department of Engineering Services to ensure the correct specifications are obtained for all civil works prior to commencement of any works on site.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition</p>
17.	<p>Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure including any service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).</p>
	<p><b>ROADWORKS</b></p>
18.	<p>All new roads shall have a minimum reserve width of eighteen (18) metres and shall be dedicated as public road at no cost to Council. Each side of road reserves should generally be straight and parallel with the entire road.</p>
19.	<p>Unless otherwise agreed in writing by Council, all new roads shall be constructed as follows:</p> <ul style="list-style-type: none"> <li>• With a minimum eight (8) metre pavement width, measured from invert of kerb to invert of kerb.</li> <li>• Concrete kerb and channelling shall be provided on both sides of each of the proposed three (3) new roads.</li> <li>• With a new priority-controlled T-intersection with Lamberth Road</li> </ul> <p>All new roads shall be designed to relevant engineering standards as outlined in Schedule 6: Planning Scheme Policies, SC6.2.1 – Standards for Roads, Footpaths and Access of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> and to the satisfaction of the Director Engineering Services.</p>
20.	<p>At the end of each stage, a sealed turn around area is to be provided at the end of Proposed New Roads 2 and 3. The temporary turn around area is to be sealed and are to be designed to allow for a single turning movement for a 12m RCV. The sealed turn around area must remain until such time as the road is further extended or completed to its final length. Such turnaround must be designed to accommodate a tandem drive garbage truck.</p>
21.	<p>Truncations shall be provided at all road intersections to ensure that the constructed road and associated drainage is contained within the public road reserve.</p>

22.	<p>Prior to the signing of the Plan of Subdivision for Stage 2, a 2.0m wide concrete footpath shall be constructed on the southern side of Proposed New Road 1, connecting Proposed New Road 1 with the existing concrete path on the western side of Lamberth Road.</p> <p>The footpath must be designed to the satisfaction of the Director Engineering Services and in accordance with the relevant engineering standards.</p>
23.	<p>All new roads shall be appropriately named and all lots shall be given an appropriate street number in accordance with the applicable Australian Standard.</p> <p>The developer shall submit to Council a prioritised list of proposed names for consideration.</p>
24.	<p>Prior to the submission to Council of the Plan of Survey for each stage, all street name signs, within the development stage shall be supplied and erected. Street warning and regulatory signage and street name plates shall be designed and installed in accordance with the approved plans, relevant Engineering standards and to the satisfaction of and at no cost to Council.</p>
<b>STREET LIGHTING</b>	
25.	<p>Design and install street lighting along all three (3) Proposed New Roads, including the intersection with Lamberth Road, in accordance with the latest AS/NZS1158, to the satisfaction of the Director Engineering Services and to relevant engineering standards as outlined in Schedule 6: Planning Scheme Policies, SC6.2.6 – Standards for Utilities of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p> <p>Submit street light design plans showing the proposed public lighting system, to Council's Director of Engineering Services for endorsement.</p>
26.	<p>Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as approved by Council. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.</p>
<b>STORMWATER</b>	
27.	<p>The subject site shall be adequately drained and all stormwater shall be disposed of to the satisfaction of the Director Engineering Services and to relevant engineering standards as outlined in Schedule 6: Planning Scheme Policies, SC6.2.4 – Standards for Stormwater Drainage of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p>
28.	<p>The stormwater disposal system shall be designed to include mitigation measures to provide a no-worsening impact to the downstream stormwater infrastructure.</p>

29.	The stormwater drainage system shall be designed for the 1 in 5 year event. The design should be checked for the 1 in 100 year event to establish flow paths within the overall development.
30.	Any fill placed on the subject land in relation to the development shall not cause any ponding, concentration or redirection of stormwater on the site or any adjoining properties or road reserves.
<b>EARTHWORKS &amp; EROSION CONTROL</b>	
31.	<p>Any filling and excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council.</p> <p>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.</p>
32.	Erosion and sediment control measures shall be in place prior to construction commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during construction and after construction has been completed.
<b>DEVELOPER'S RESPONSIBILITIES</b>	
33.	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.
34.	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.
35.	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.
36.	The developer shall be responsible for mitigating any complaints arising from on-site operations during construction.
37.	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.

38.	At all times all requirements of the conditions of the development approval must be maintained.
	<b>ENGINEERING DESIGN</b>
39.	Prior to the commencement of construction, full detailed design engineering drawings and specifications certified by an RPEQ shall be provided for all roadworks, stormwater drainage, water supply, sewerage reticulation, electricity supply and earthworks for the approval of the Director Engineering Services.
40.	Prior to the commencement of construction, a detailed project management plan addressing traffic, quality, safety, environmental and cultural heritage management shall be provided for all roadworks, stormwater drainage, water supply, electricity supply and earthworks for the approval of the Director Engineering Services.
41.	All newly constructed works will be subject to a 12 months defect liability period. Within 12 months of Council's acceptance of the complete works, a qualified Council officer will inspect the works to confirm that there are no outstanding defects. Repair of any defects within the 12 months defect liability period will be the responsibility of the developer.
42.	Detailed "As constructed" plans shall be provided for all roadworks, stormwater drainage, water supply, electricity supply and earthworks in an electronic format suitable for uploading to Council's GIS systems.
	<b>BEFORE PLANS WILL BE ENDORSED</b>
43.	<p>The developer shall submit a detailed Plan of Survey, prepared by a licensed surveyor, for the endorsement of Council in accordance with Schedule 18 of the <i>Planning Regulations 2017</i>.</p> <p>The relevant Council Fee for endorsement of the Plan of Survey (currently \$225.00; subject to change).</p>
44.	<p>All outstanding rates and charges shall be paid to Council prior to the submission to Council of the Plan of Survey.</p> <p>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.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p>

**45.**

A letter outlining and demonstrating that each condition has been complied with or 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.

*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 periods, in accordance with the provisions contained in section 85(1)(b) of the *Planning Act 2016*:

(b) The period stated for that part of the approval.

<b>Stage</b>	<b>Proposed Lots</b>	<b>Timeframe</b>
1	38-48	Completed by 31 December 2027
2	4-7, 12-15, 20-23, 28-31, 36 & 37	Completed by 31 December 2031
3	2, 3, 8-11, 16-19, 24-27, 32-35	Completed by 31 December 2035

Section 86 of the *Planning Act 2016* sets out how an extension to the period of approval can be requested.



	<b>NOTES AND ADVICE</b>
	Infrastructure charges as outlined in the attached Infrastructure Charges Notice shall be paid upon Council's approval of the Plan of Survey. The Infrastructure Charges Notice is included in <b>Attachment 3</b> .
	All development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times.
	This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> . Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i> , a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> .



## MATERIAL CHANGE OF USE

GENERAL CONDITIONS																												
1.	<p>Approval is granted for the purpose of a Material Change of Use for:</p> <ul style="list-style-type: none"><li>“Accommodation activities” –<ul style="list-style-type: none"><li>“Dual Occupancy” (on Proposed Lots 41, 45 &amp; 47)</li></ul></li></ul> <p>as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p>																											
2.	<p>All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.</p>																											
3.	<p>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:</p> <table><tr><th>Drawing Number</th><th>Title</th><th>Date</th></tr><tr><td>25048-8 MCU</td><td>Proposal Plan for a MCU Application Accommodation Activities (Duplex) on Lots 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390</td><td>2/10/25</td></tr><tr><td>-</td><td>Site Plan – Proposed Lot 41 (amended in red by Council)</td><td>n.d.</td></tr><tr><td>-</td><td>Site Plan – Proposed Lots 45 &amp; 47 (amended in red by Council)</td><td>n.d.</td></tr><tr><td>-</td><td>Custom Granny Flat Design John</td><td>n.d.</td></tr><tr><td>-</td><td>Elevations – Sheet 1 – Proposed Lot 41 (amended in red by Council)</td><td>n.d.</td></tr><tr><td>-</td><td>Elevations – Sheet 2 – Proposed Lot 41 (amended in red by Council)</td><td>n.d.</td></tr><tr><td>-</td><td>Elevations – Sheet 1 – Proposed Lots 45 &amp; 47 (amended in red by Council)</td><td>n.d.</td></tr><tr><td>-</td><td>Elevations – Sheet 2 – Proposed Lots 45 &amp; 47 (amended in red by Council)</td><td>n.d.</td></tr></table> <p>Please note these plans are not approved Building Plans.</p>	Drawing Number	Title	Date	25048-8 MCU	Proposal Plan for a MCU Application Accommodation Activities (Duplex) on Lots 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	2/10/25	-	Site Plan – Proposed Lot 41 (amended in red by Council)	n.d.	-	Site Plan – Proposed Lots 45 & 47 (amended in red by Council)	n.d.	-	Custom Granny Flat Design John	n.d.	-	Elevations – Sheet 1 – Proposed Lot 41 (amended in red by Council)	n.d.	-	Elevations – Sheet 2 – Proposed Lot 41 (amended in red by Council)	n.d.	-	Elevations – Sheet 1 – Proposed Lots 45 & 47 (amended in red by Council)	n.d.	-	Elevations – Sheet 2 – Proposed Lots 45 & 47 (amended in red by Council)	n.d.
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25048-8 MCU	Proposal Plan for a MCU Application Accommodation Activities (Duplex) on Lots 102 on SP150778, Lamberth Road, Goondiwindi QLD 4390	2/10/25																										
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-	Site Plan – Proposed Lots 45 & 47 (amended in red by Council)	n.d.																										
-	Custom Granny Flat Design John	n.d.																										
-	Elevations – Sheet 1 – Proposed Lot 41 (amended in red by Council)	n.d.																										
-	Elevations – Sheet 2 – Proposed Lot 41 (amended in red by Council)	n.d.																										
-	Elevations – Sheet 1 – Proposed Lots 45 & 47 (amended in red by Council)	n.d.																										
-	Elevations – Sheet 2 – Proposed Lots 45 & 47 (amended in red by Council)	n.d.																										
4.	<p>Building approval for the Accommodation Activities cannot be issued until the Plan of Subdivision for Stage 1 has been endorsed and titles registered for the Proposed Lots.</p>																											

5.	<p>The proposal plans are to be amended and endorsed by Council, prior to submission of an application for Building Works:</p> <ul style="list-style-type: none"> <li>• Development on Proposed Lot 41 <ul style="list-style-type: none"> <li>○ Four (4) car parking spaces to be provided on site</li> <li>○ 1m wide landscape strip along the southern boundary</li> </ul> </li> <li>• Development on Proposed Lots 45 &amp; 47 <ul style="list-style-type: none"> <li>○ Tandem car parking spaces to be identified behind proposed carports</li> </ul> </li> </ul>
6.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> <li>(i) Generally in accordance with development approval documents; and</li> <li>(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.</li> </ul> <p>All development shall comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>The development approval documents are the material contained in the development application, approved plans and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant Agencies during all stages of the development application assessment processes.</p>
7.	<p>It is the developer's responsibility to obtain all other statutory approvals required prior to the commencement of the use.</p>
	<p><b>ESSENTIAL SERVICES</b></p>
8.	<p>Prior to the issue of a building approval, the development shall be connected to Council's reticulated water supply system, in accordance with Schedule 6.2 Planning Scheme Policy 1 – Land Development Standards in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>The developer shall provide all necessary water infrastructure to enable the development to be serviced to relevant engineering standards and to the satisfaction of Council.</p>
9.	<p>Individual water meters are to be installed for each dwelling and each common area per lot, as per the Queensland Plumbing and Wastewater Code. Please contact Council's Water and Sewerage Department for further information.</p>

10.	<p>The development shall be connected to Council's reticulated sewerage system, in accordance with Schedule 6.2 Planning Scheme Policy 1 – Land Development Standards in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, when required as part of a building approval, to the satisfaction of and at no cost to Council.</p> <p>The developer shall provide all necessary sewer infrastructure to enable the development to be serviced to relevant engineering standards and to the satisfaction of Council.</p>
	<b>PUBLIC UTILITIES</b>
11.	The development shall be connected to an adequate electricity and telecommunications supply system, at no cost to Council.
	<b>SERVICES</b>
12.	Numbered post boxes for each tenancy within the approved development are to be provided in accordance with the requirements of Australia Post.
13.	One set of wheelie bins (one general waste and one recycling bin) must be provided for each unit.
14.	The wheelie bins are to be stored within the courtyard of each dwelling unit and screened from view from all roads and public places. A concrete pad is to be provided for the two bins in an appropriate location within each courtyard.
15.	All plant, air-conditioning equipment and the like shall be visually screened from the street.
16.	Clothes drying areas shall be fully screened from the street and common areas on the site by a solid screen of a suitable height and width.
	<b>ROADS AND VEHICLES</b>
17.	<p>The proposed access to the Proposed New Roads, from the edge of the existing bitumen to the property boundary, shall be constructed to a residential standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the development to ensure compliance with this condition.</p>

18.	<p>Four (4) car parking spaces shall be supplied on each proposed lot. This area shall be constructed to a sealed standard in accordance with AS2890.1 Parking Facilities – Off Street Parking and Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Car parking areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>						
	<p><b>LANDSCAPING</b></p>						
19.	<p>Landscaping shall be provided in accordance with Schedule 6.3 – Planning Scheme Policy 3 – Landscaping Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, with a minimum of:</p> <ul style="list-style-type: none"><li>a) Street frontage landscaping along the road frontage of each lot, excluding vehicle access points, at a minimum width of 2m, generally in accordance with the approved Site Plan.</li><li>b) Landscaping, to a minimum width of 1m, is to be provided along the full length of the southern boundary of Proposed Lot 41 of the site.</li><li>c) Landscaping, to a minimum width of 1m, is to be provided along the eastern and western boundaries of Proposed Lot 45 and Proposed Lot 47, for a length of 6m measured from the property frontage.</li></ul> <p>All landscaping is to be planted and maintained to the satisfaction of a Council Officer. A bond for the amount of <b>\$3,472</b> is to be submitted prior to the commencement of the use for the maintenance of landscaping.</p> <p>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 the bond is accepted.</p> <p>The bond shall be returned in accordance with the following schedule if the landscaping meets the criteria:</p> <table><tr><th>Time from acceptance of landscaping works</th><th>Criteria</th><th>Bond Refund / Reduction</th></tr><tr><td>9 months – From acceptance of works</td><td><p>Landscaping conforms to requirements, is established and maintained.</p><p>Adequate provision for on-going watering and growth.</p><p>Any/all replacement plants are provided.</p></td><td>50%</td></tr></table>	Time from acceptance of landscaping works	Criteria	Bond Refund / Reduction	9 months – From acceptance of works	<p>Landscaping conforms to requirements, is established and maintained.</p> <p>Adequate provision for on-going watering and growth.</p> <p>Any/all replacement plants are provided.</p>	50%
Time from acceptance of landscaping works	Criteria	Bond Refund / Reduction					
9 months – From acceptance of works	<p>Landscaping conforms to requirements, is established and maintained.</p> <p>Adequate provision for on-going watering and growth.</p> <p>Any/all replacement plants are provided.</p>	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%
	<p>After the required bond holding time has passed, a refund of bond monies will only be considered upon written request from the person who paid the bond once the required bond holding time has been completed.</p> <p>A Council Officer may inspect landscaping plantings to ensure compliance with this condition and acceptance of the works.</p> <p>Council will hold the funds in trust from 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.</p> <p><b>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.</b></p>		
20.	<p>Solid screen fencing, 1.8m high, shall be provided for the full length of all side and rear boundaries of the site and between private open space areas.</p> <p>The fence shall be appropriately integrated with the existing landscaping on site and present an attractive visual appearance to adjoining properties.</p>		
	<b>STORMWATER</b>		
21.	<p>Prior to the commencement of the use, the site shall be adequately drained and all stormwater shall be disposed of to a legal point of discharge in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Any increase in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council.</p> <p>There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes.</p> <p>The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting or waterways.</p>		

22.	<p>Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council.</p> <p>No ponding, concentration or redirection of stormwater shall occur on adjoining properties unless specifically agreed to in writing by Council and the owners of any adjoining properties affected by these changes.</p>
	<b>EARTHWORKS AND EROSION CONTROL</b>
23.	<p>Any filling or excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council.</p> <p>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.</p>
24.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>
	<b>AVOIDING NUISANCE</b>
25.	<p>At all times while the use continues, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> (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.</p>
26.	<p>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.</p>
27.	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>



28.	<p>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>The site must be kept in a clean and tidy state at all times during construction.</p>
29.	<p>At all times while the use continues, any air conditioned equipment shall be acoustically screened to ensure noise levels do not exceed 5 dB(A) above the background noise level measured at the boundaries of the subject site.</p>
	<p><b>DEVELOPER'S RESPONSIBILITIES</b></p>
30.	<p>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.</p>
31.	<p>All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances to carry out the works.</p>
32.	<p>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.</p>
33.	<p>At all times while the use continues, all requirements of the conditions of the development approval must be maintained.</p>
	<p><b>COMMENCEMENT OF USE</b></p>
34.	<p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p> <p>The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.</p>
35.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within <b>six years</b> of the date the development approval takes effect, in accordance with the provisions contained in sections 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>

36.	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.
	<b>PLEASE READ CAREFULLY - NOTES AND ADVICE</b>
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the change of use has not occurred within the following period, in accordance with the provisions contained in section 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>(a) If no period stated – 6 years after the approval starts to have effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	Infrastructure charges as outlined in the Infrastructure Charges Notice included in <b>Attachment 3</b> shall be paid prior to the commencement of the use.
	This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> . Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i> , a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).
	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> .
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.



## Attachment 2 – Approved Plans





ROAD

WARDEN STREET

GUNSYND DRIVE

POWER LINE & POLES  
TO BE RELOCATED IN  
FUTURE DEVELOPMENT

BERNBOROUGH PLACE

TULLOCH CRESENT

LAMBERTH

28  
SP113615

178.16

50  
RP903312

1  
4.50 ha

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 25/29  
Dated: 02/12/2025  
Signed: *R.M. McMahon*  
Print Name: *Ronnie McMahon*  
(Under Delegation) ASSESSMENT MANAGER

112  
RP895883

111  
RP895883

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



SCALE 1: 2000

TRENT MURRAY

SCALE Horiz 1:2000

SMK OLD

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

PROPOSAL PLAN FOR A ROL  
APPLICATION - SUBDIVISION  
OF 1 INTO 48 LOTS OF LOT  
102 ON SP150778, LAMBERTH  
ROAD, GOONDIWINDI QLD 4390

25048-8

25048

A3

Surveyor TJ 2/10/2025 3:16PM

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28  
SP113615

178.16

ROAD

WARDEN STREET

GUNSYND DRIVE

BERNBOROUGH PLACE

TULLOCH CRESENT

LAMBERTH

POWER LINE & POLES  
TO BE RELOCATED IN  
FUTURE DEVELOPMENT

50  
RP903312

4.50 ha

- STAGE 1  
— STAGE 2  
— STAGE 3

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 25/29  
Dated: 02/12/2025  
Signed: *R.M. McMahon*  
Print Name: *Ronnie McMahon*  
(Under Delegation) ASSESSMENT MANAGER

112  
RP895883

111  
RP895883

0m 40m 80m 120m 160m 200m

SCALE 1: 2000

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part of this plan

TRENT MURRAY

SMK OLD

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

Surveyor TJ 13/8/2025 8:55 AM

C:\Users\TrentMurray\OneDrive\Documents\25048 TRENT MURRAY RD\Worksheets\25048.dwg

25048

SCALE Horiz 1:2000

PROPOSAL PLAN FOR A ROL  
APPLICATION - SUBDIVISION  
OF 1 INTO 49 LOTS OF LOT  
102 ON SP150778, LAMBERTH  
ROAD, GOONDIWINDI QLD 4390

25048-8

A3



28  
SP113615



ROAD

WARDEN STREET

GUNSYND DRIVE

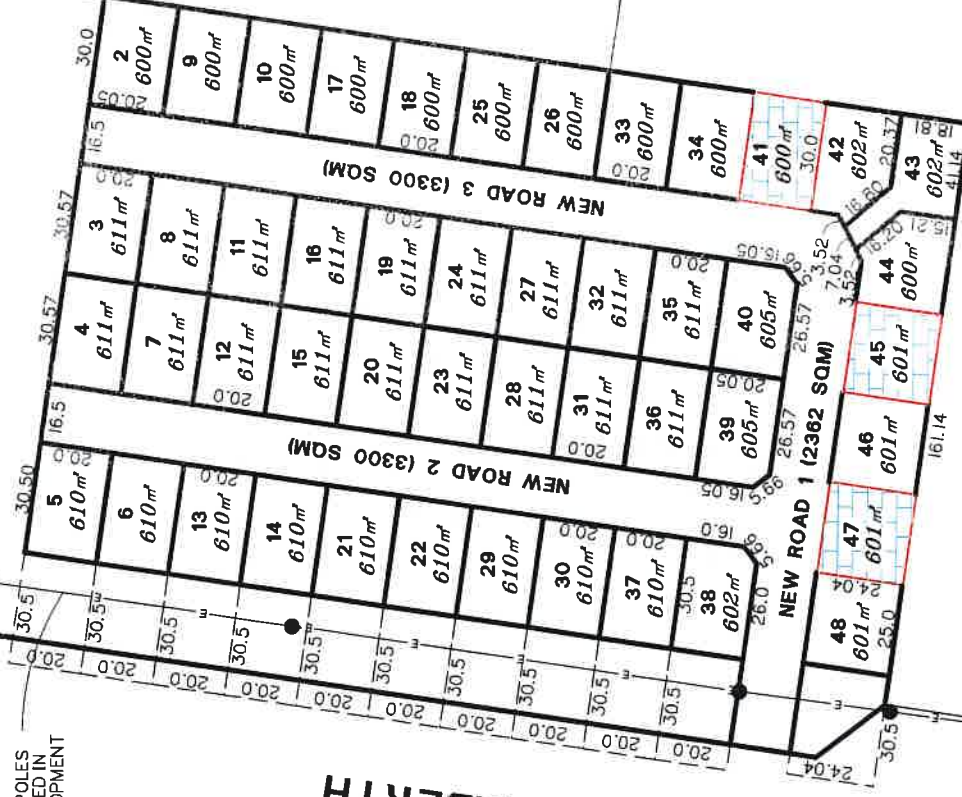
BERNBOROUGH PLACE

TULLOCH CRESENT

POWER LINE & POLES  
TO BE RELOCATED IN  
FUTURE DEVELOPMENT

50  
RP903312

1  
4.50 ha



112  
RP895883

111  
RP895883

\* LOTS 41, 45 & 47  
ARE THE SUBJECT  
LOTS FOR THE  
MCU APPLICATION

— MCU'S FOR DUPLEX

Note:  
This plan was prepared for Trent Murray  
as a proposed subdivision to accompany a  
subdivision application to the Goondiwindi Regional  
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involving the land. This note is an integral  
part of this plan



SCALE 1: 2000

TRENT MURRAY

SCALE Horiz 1:2000

SMK OLD

PROPOSAL PLAN FOR A MCU  
APPLICATION ACCOMMODATION  
ACTIVITIES (DUPLEX) ON LOT  
102 ON SP150778, LAMBERTH  
ROAD, GOONDIWINDI QLD 4390

25048-8  
MCU

25048

Goondiwindi · Brisbane · Gold Coast · Toowoomba · Gatton

Phone: (07) 4671 2445

Email: admin@smkqld.com.au

Surveyor

TJ

2/10/2025

5:13PM

C:\Users\TrentMurray\Documents\25048 TRENT MURRAY RD\1.Tem Planning\Working Documents\25048.jpg



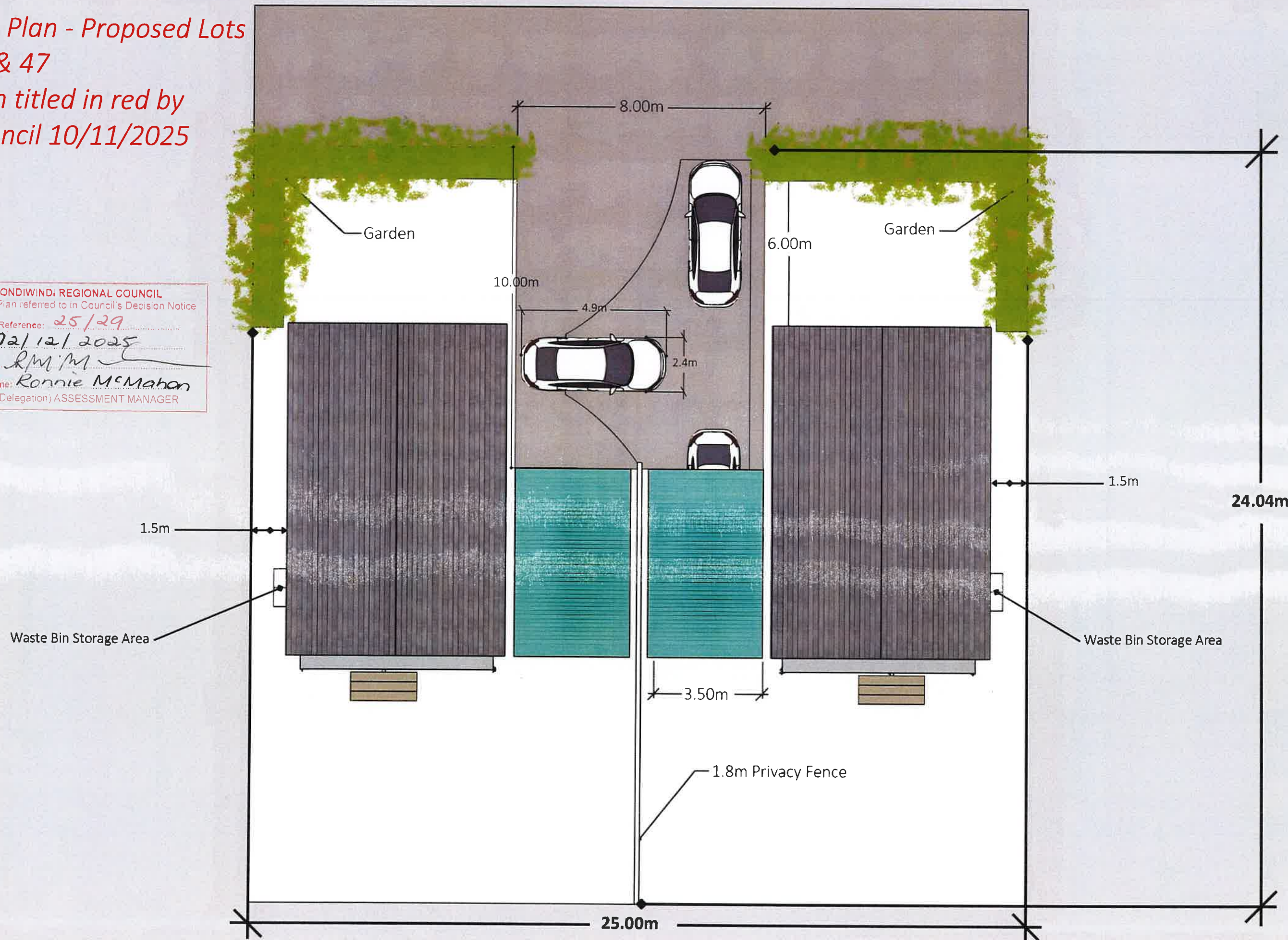




Site Plan - Proposed Lots  
45 & 47

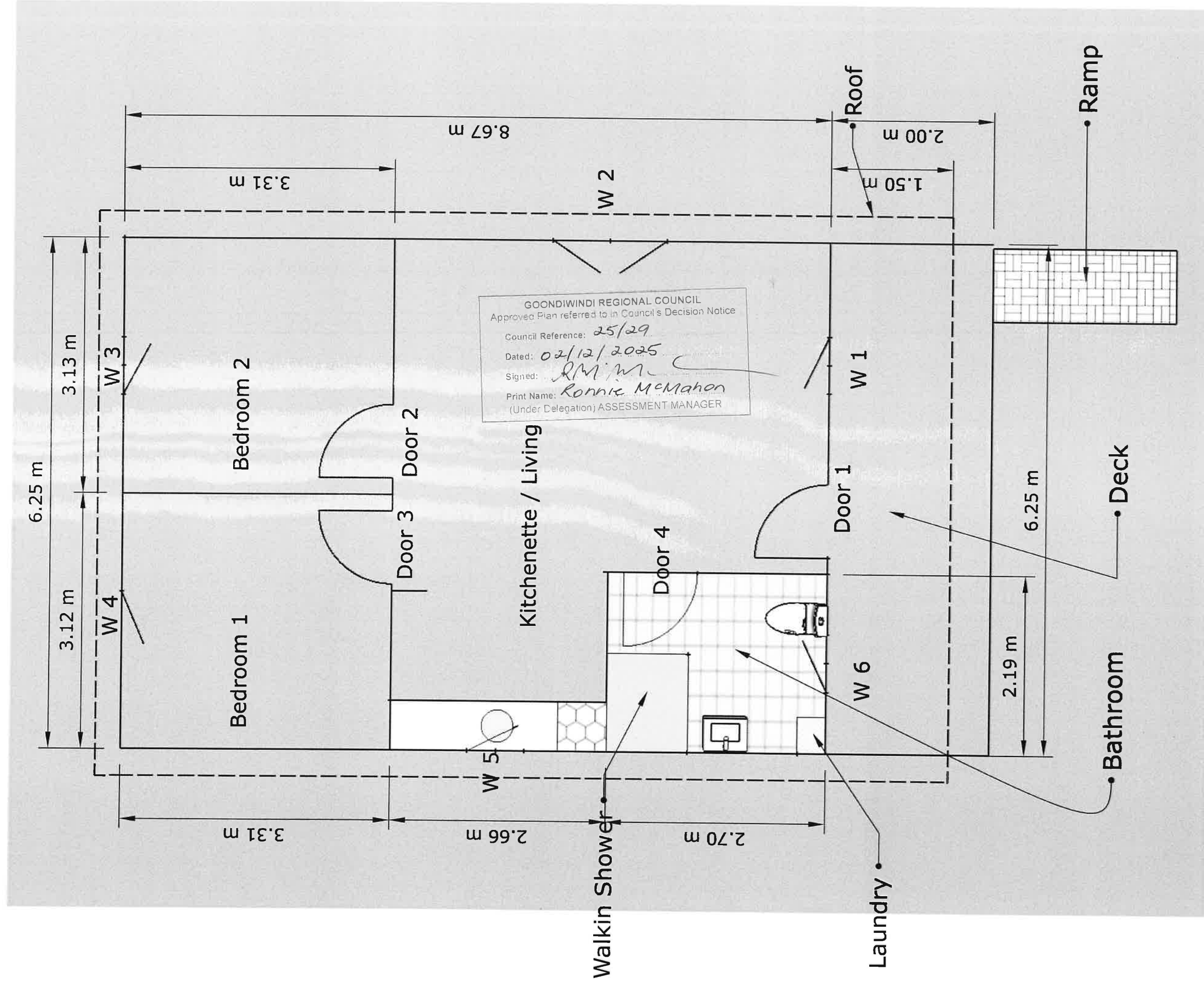
Plan titled in red by  
Council 10/11/2025

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 25/29  
Dated: 02/12/2025  
Signed: *R.M.M.*  
Print Name: Ronnie McMahon  
(Under Delegation) ASSESSMENT MANAGER

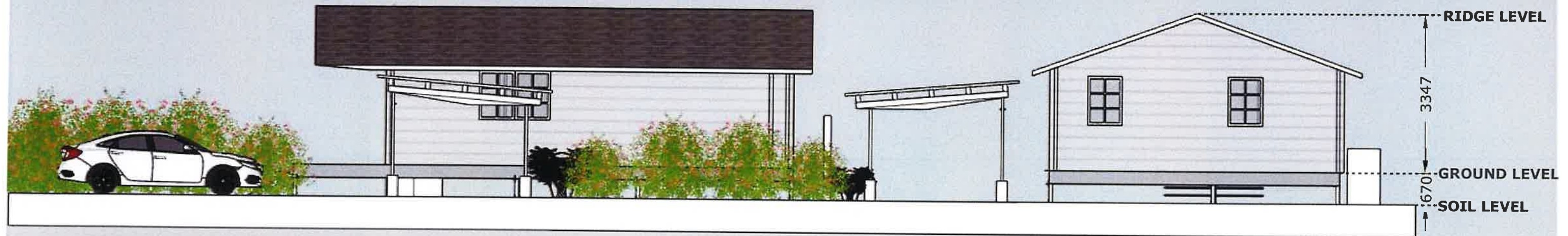




# Custom Granny Flat Design John







SOUTH ELEVATION

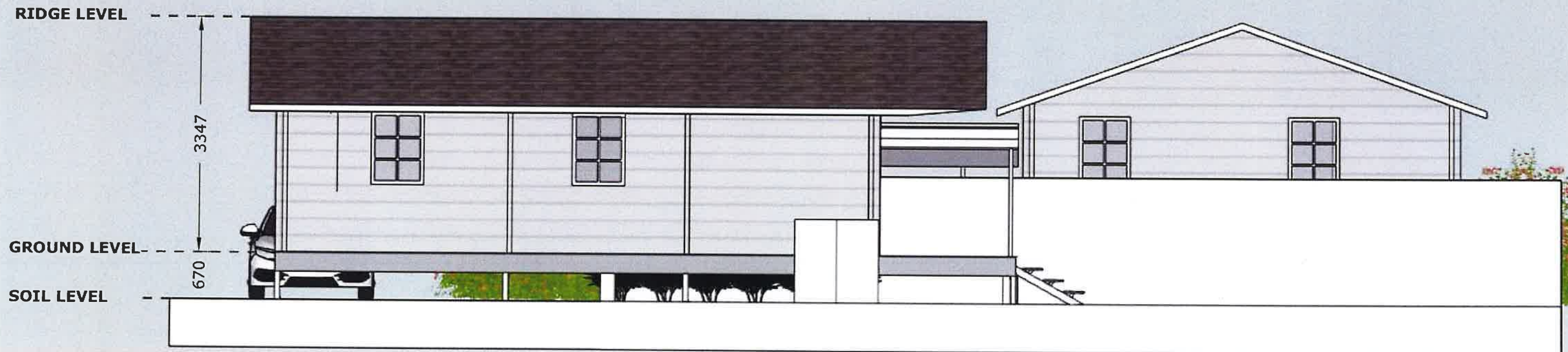


WEST ELEVATION

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 25/29  
Dated: 02/12/2025  
Signed: RM/M  
Print Name: Ronnie McMahon  
(Under Delegation) ASSESSMENT MANAGER

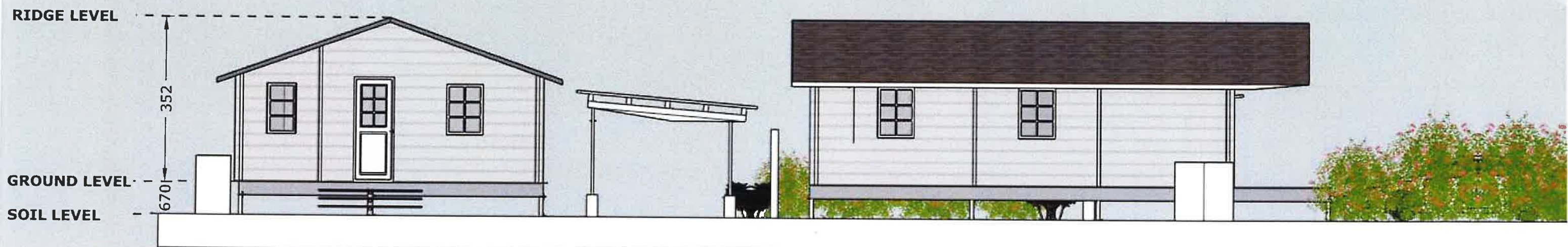


Elevations - Sheet 2 - Proposed Lot 41  
Plan titled in red by Council 10/11/2025



EAST ELEVATION

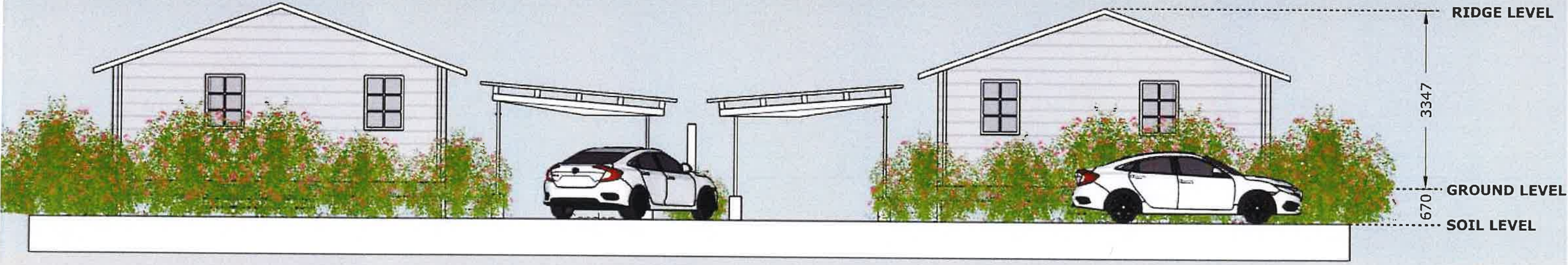
GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 25/29  
Dated: 02/12/2025  
Signed: RM M  
Print Name: Ronnie McMahon  
(Under Delegation) ASSESSMENT MANAGER



NORTH ELEVATION

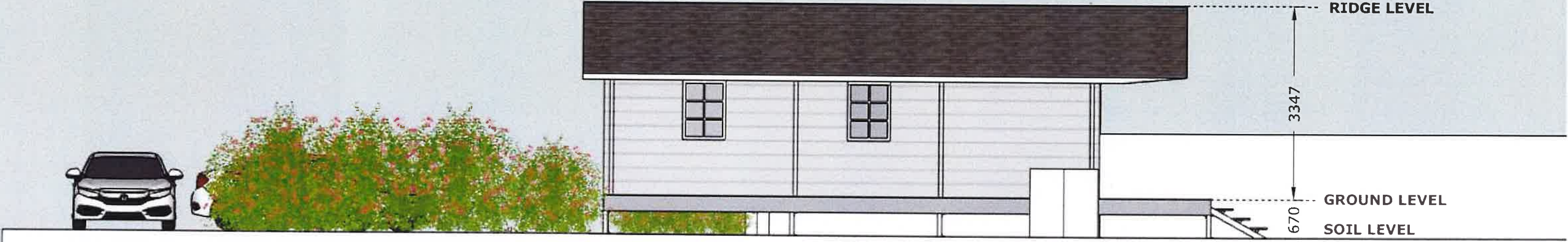


Elevations - Sheet 1 - Proposed Lots 45 & 47  
Plan titled in red by Council 10/11/2025



NORTH ELEVATION

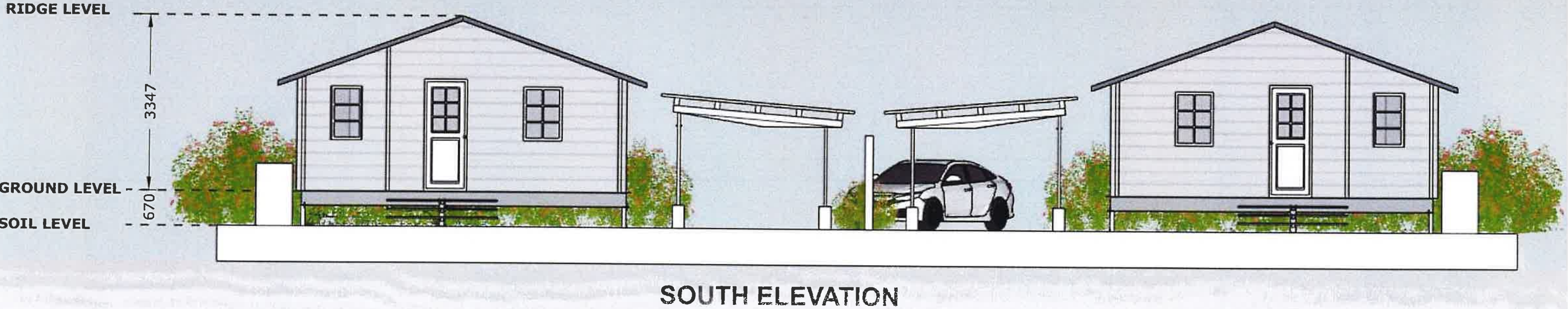
GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 25/29  
Dated: 02/12/2025  
Signed: RMM  
Print Name: Ronnie McMahon  
(Under Delegation) ASSESSMENT MANAGER



EAST ELEVATION



Elevations - Sheet 2 - Proposed Lots 45 & 47  
Plan titled in red by Council 10/11/2025



GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 25/29  
Dated: 02/12/2025  
Signed: RM/M  
Print Name: Ronnie McMahon  
(Under Delegation) ASSESSMENT MANAGER





## **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](mailto:mail@grc.qld.gov.au)

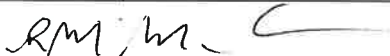
## Infrastructure Charges Notice

<b>Address</b>	14-80 Lamberth Road, Goondiwindi
<b>Owner</b>	Wagners Properties Pty Ltd
<b>Applicant</b>	SMK QLD Pty Ltd for Gundy Housing Group Pty Ltd
<b>Application No.</b>	25/29
<b>Lot and Survey Plan</b>	Lot 102 on SP150778
<b>Date</b>	2 December 2025
<b>Approval</b>	Development Permit – Reconfiguring a Lot

Development Application Details
<b>STAGE 1</b> - One (1) lot into forty-eight (48) lots and road reserve

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot	A	5,000	11	55,000

<b>Due Date</b>	When Goondiwindi Regional Council approves the plan of subdivision	<b>Total Charge (\$)</b>	<b>55,000</b>
<b>Charge to be paid to</b>	Goondiwindi Regional Council		
<b>Lapse Date</b>	31 December 2027		

Authorised by: 

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

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

*In accordance the Planning Act 2016*

**Office Use – Receipt Number**

Subdivisions – 1250-1150-0000







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

Locked Mail Bag 7  
Inglewood QLD 4387

Telephone: 07 4671 7400  
Email: [mail@grc.qld.gov.au](mailto:mail@grc.qld.gov.au)

## Infrastructure Charges Notice

<b>Address</b>	14-80 Lamberth Road, Goondiwindi
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<b>Lot and Survey Plan</b>	Lot 102 on SP150778
<b>Date</b>	2 December 2025
<b>Approval</b>	Development Permit – Reconfiguring a Lot

Development Application Details
<b>STAGE 2</b> - One (1) lot into forty-eight (48) lots and road reserve

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot	A	5,000	18	90,000

<b>Due Date</b>	When Goondiwindi Regional Council approves the plan of subdivision	<b>Total Charge (\$)</b>	<b>90,000</b>
<b>Charge to be paid to</b>	Goondiwindi Regional Council		
<b>Lapse Date</b>	31 December 2031		

Authorised by:

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

*In accordance the Planning Act 2016*

**Office Use – Receipt Number**

Subdivisions – 1250-1150-0000







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

Locked Mail Bag 7  
Inglewood QLD 4387

Telephone: 07 4671 7400  
Email: [mail@grc.qld.gov.au](mailto:mail@grc.qld.gov.au)

## Infrastructure Charges Notice

<b>Address</b>	14-80 Lamberth Road, Goondiwindi
<b>Owner</b>	Wagners Properties Pty Ltd
<b>Applicant</b>	SMK QLD Pty Ltd for Gundy Housing Group Pty Ltd
<b>Application No.</b>	25/29
<b>Lot and Survey Plan</b>	Lot 102 on SP150778
<b>Date</b>	2 December 2025
<b>Approval</b>	Development Permit – Reconfiguring a Lot

Development Application Details
<b>STAGE 3</b> - One (1) lot into forty-eight (48) lots and road reserve

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot	A	5,000	18	90,000

<b>Due Date</b>	When Goondiwindi Regional Council approves the plan of subdivision	<b>Total Charge (\$)</b>	<b>90,000</b>
<b>Charge to be paid to</b>	Goondiwindi Regional Council		
<b>Lapse Date</b>	31 December 2035		

Authorised by:

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

*In accordance the Planning Act 2016*

**Office Use – Receipt Number**

Subdivisions – 1250-1150-0000





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

Locked Mail Bag 7  
Inglewood QLD 4387

Telephone: 07 4671 7400  
Email: [mail@grc.qld.gov.au](mailto:mail@grc.qld.gov.au)

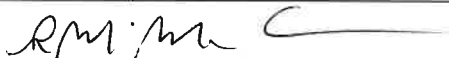
## Infrastructure Charges Notice

<b>Address</b>	14-80 Lamberth Road, Goondiwindi
<b>Owner</b>	Wagners Properties Pty Ltd
<b>Applicant</b>	SMK QLD Pty Ltd for Gundy Housing Group Pty Ltd
<b>Application No.</b>	25/29
<b>Lot and Survey Plan</b>	Lot 102 on SP150778
<b>Date</b>	2 December 2025
<b>Approval</b>	Development Permit – Material Change of Use

Development Application Details
"Accommodation Activities" – "Dual Occupancy"

Proposed Use	Charge Area	Type of Charge	Charge Amount (\$)	Demand	Credit	Total Charge (\$)
Dual Occupancy (Lot 41)	A	Water, sewerage, stormwater, transport and parks	\$4,000 each 2 or less bedroom dwelling	2 units = \$8,000	\$5,000	\$3,000
Dual Occupancy (Lot 45)			\$4,000 each 2 or less bedroom dwelling	2 units = \$8,000	\$5,000	\$3,000
Dual Occupancy (Lot 47)			\$4,000 each 2 or less bedroom dwelling	2 units = \$8,000	\$5,000	\$3,000

<b>Due Date</b>	When the change of use happens	<b>Total Charge (\$)</b>	<b>\$9,000</b>
<b>Charge to be paid to</b>	Goondiwindi Regional Council		
<b>Lapse Date</b>	2 December 2031		

Authorised by: 

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

*In accordance the Planning Act 2016*

An offset has been applied to this notice, where the proposed lots have not been charged. These charges are levied under the related subdivision approval.

**Office Use – Receipt Number**

Charges – 1250-1150-0000





**Attachment 4 – Notice about decision - Statement of reasons**



## Notice about decision - Statement of reasons

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

The development application for Reconfiguring a Lot - Subdivision (One (1) lot into forty-eight (48) lots and road reserve) and Material Change of Use - "Accommodation activities" – "Dual Occupancy" (on Proposed Lots 41, 45 & 47).

**25/29**

14-80 Lamberth Road, Goondiwindi

Lot 102 on SP150778

On 1 December 2025, the above development application was:

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

### 1. Reasons for the decision

The reasons for this decision are:

- Having regard to the relevant criteria in the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, the proposed development satisfied all relevant criteria or amendments were required, such that the proposal was approved subject to appropriate, relevant and reasonable conditions.

### 2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Schedule 12A of the <i>Planning Regulation 2017</i>	Section 4-8
Reconfiguring a Lot Code	PO1-PO12
General Residential Zone Code	PO1-PO5
Accommodation Activities Code	PO3-PO7
Transport & Infrastructure Code	PO1-PO15
Natural Resources Overlay Code	PO5-PO8
Flood Hazard Overlay Code	PO1-PO4

### 3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<b>Reconfiguring a Lot Code</b>	
<b>AO1.1</b> The minimum lot size and frontage dimensions are in accordance with <b>Table 9.4.3.2—Minimum lot size and frontages</b> .  OR  <b>Where rear lots are provided:</b> (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.  <b>AO1.2</b> 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.  <b>AO1.3</b> Lots have a slope not exceeding 15%.	<b>Alternative Solution</b> All of the proposed lots exceed the specified minimum lot size of 600m <sup>2</sup> . However, not all lots have a frontage of 15m and Proposed Lot 43 does not meet the minimum lot size, exclusive of the access strip. Conditions will be applied to redesign the corner allotments (Proposed Lots 42-44) to achieve a minimum 600m <sup>2</sup> lot size, exclusive of rear lot access.  All proposed lots are generally regular in shape and will not have a slope exceeding 15%.
<b>General Residential Zone Code</b>	
<b>AO3.1</b> Buildings and structures, other than <i>garden structures</i> , are <i>setback</i> a minimum of: (a) 6 metres from the <i>primary road frontage</i> ; and (b) 4.5 metres from a secondary road frontage.  <b>AO3.2</b> Buildings and structures, other than <i>garden structures</i> , are <i>setback</i> a minimum of 1.5 metres from each side boundary and rear boundary.  <b>AO3.3</b> Extensions to existing buildings and structures already located within the boundary setback: (a) the existing building line is maintained  <b>AO3.4</b> Replacement of an existing building and structure, where the existing building and structure was located within the boundary setback: (a) the new building boundary setback is no closer to any property boundary than the existing building being replaced.	<b>AO3.1 Alternative Solution</b> The front unit on Proposed Lot 41 is setback 6m from the road frontage, however steps and projections extend forward of the building line. The encroachment is minor and is not considered to impact the future streetscape. Development of Proposed Lots 45 & 47 complies with the 6m setback.  <b>AO3.2 Condition to Comply</b> The site plan for Proposed Lot 41 does not provide a setback measurement to the southern boundary. Conditions will be applied to ensure this setback is 1.5m. All other proposed buildings are setback a minimum of 1.5m from side and rear boundaries.  <b>AO3.3 Not Applicable</b>  <b>AO3.4 Not Applicable</b>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<b>Accommodation Activities Code</b>	
<b>AO3</b> The site density is equal to or less than one dwelling per 400 square metres of site area.	<b>Alternative Solution</b> The proposed development will result in 1 dwelling per 300m <sup>2</sup> on each of the proposed Dual Occupancy lots. The proposed density is not considered to be an over development of the site. The proposed density maintains setbacks to external boundaries to ensure no adverse impacts on the future character of the surrounding area.
<b>AO7</b> Clothes drying facilities, mechanical equipment and water tanks are located or screened so as not to be visible from the road or public open space.  Note—Mechanical equipment includes air conditioners and other plant equipment but does not include solar panels for electricity generation or water heating and does not include antennae and the like.	<b>Condition to comply</b> Conditions will be applied to ensure clothes drying facilities and mechanical equipment are screened from view.
<b>Transport &amp; Infrastructure Code</b>	
<b>AO1</b> Vehicle access is designed and constructed in accordance with <i>Australian Standard AS2890</i> or Standard Drawing 1 in SC6.2 – Planning Scheme Policy 1 – Land Development Standards.	<b>Condition to comply</b> Conditions will be applied for the residential crossovers to each Dual Occupancy to be designed and constructed to an appropriate engineering standard.
<b>AO2</b> Parking is provided on the site in accordance with the requirements identified in <b>Table 9.4.4.2 - Car parking generation rates and service vehicle requirements</b> .  Note—where for a <i>supermarket</i> or <i>shopping centre</i> including a <i>supermarket</i> in the Central business district precinct or Pratten Street precinct of the Centre Zone or the Callandoon Street precinct or Marshall Street precinct of the General residential zone, a Traffic and Car Parking Impact Assessment and Street Improvement Plan is undertaken in support of any development application seeking car parking concessions.  <b>OR</b>  Where development is for a material change of use involving no building work or <i>minor building work</i> , the existing number of car parking spaces on the premises is maintained.	<b>Condition to Comply</b> Parking on Proposed Lot 41 does not comply with Table 9.4.4.2. Conditions will be applied for a revised site layout to be submitted to demonstrate the required parking spaces.  The layout of Proposed Lots 45 and 47 can comply, with plans to be amended to reflect tandem parking spaces behind each carport.
<b>AO12.1</b> All on-site vehicle parking, manoeuvring, loading and unloading areas are designed and constructed in accordance with <i>Australian Standard AS2890</i> and SC6.2 – Planning Scheme Policy 1 – Land Development Standards.  <b>AO12.2</b> Development provides for all vehicles to enter and exit the site in forward gear.	<b>AO12.1 Condition to Comply</b> Conditions will be applied to ensure access and parking is provided in accordance with the relevant standards.  <b>AO12.2 Alternative Solution</b> The design and layout of the development on Proposed Lots 45 & 47, does not provide for vehicles to enter and exit in a forward gear, subject to provision of tandem parking spaces. Based on the scale and nature of the use, the proposal is considered to be acceptable in this instance.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p><b>AO15.1</b> Landscaping complies with the standards specified in <b>SC6.4 Planning Scheme Policy 1 – Landscaping Standards</b>.</p> <p><b>AO15.2</b> Street frontage landscaping has a minimum width of 2 metres for the full length of the site frontage (excluding driveways).</p> <p><b>AO15.3</b> Landscape screening to external use areas has a minimum width of 3 metres for the full length of all boundaries adjoining external use areas on the site.</p> <p><b>AO15.4</b> For industrial activities adjoining premises not included in an industry zone and used for non-industrial activities, a solid screen fence with a minimum height of 1.8 metres is provided on the common boundary.</p>	<p><b>Condition to comply</b> Landscaping along the property frontages will be conditioned to be a minimum of 2m in width.</p>
<b>Natural Resources Overlay Code</b>	
<p><b>PO7</b> Development for <i>accommodation activities</i> and other <i>sensitive land uses</i> in proximity to ALC Class A and Class B land is located and designed in a manner that:</p> <ul style="list-style-type: none"> <li>(a) avoids land use conflicts;</li> <li>(b) avoids the alienation of the resource;</li> <li>(c) mitigates adverse impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; and</li> <li>(d) does not adversely affect public health, safety and amenity.</li> </ul>	<p><b>Performance Solution</b> The proposed development involves a residential development on urban zoned land. The proposed development would not impact on agricultural activities nor result in land use conflicts or the alienation of the resource.</p>
<p><b>PO8</b> Development for non-agricultural purposes is located, designed and constructed to minimise adverse impacts of sediment and stormwater run-off on ALC Class A and Class B land.</p>	<p><b>Performance Solution</b> The subject site is mapped as Class A &amp; B agricultural land, however the proposed development involves a residential development on urban zoned land, which is considered appropriate for the subject site.</p> <p>The collection and discharge of stormwater can be conditioned as part of an approval.</p>

**4. Relevant matters for impact assessable development**

**5. Matters raised in submissions for impact assessable development**

## 6. Matters prescribed by Regulation

Assessment against Schedule 12A of the Planning Regulation 2017 was a mandatory assessment benchmark prescribed by the regulation. Non-compliance is addressed below.

Assessment Benchmark	Response
<p><b>4 Connectivity</b></p> <p>The reconfiguration provides connectivity for pedestrians by—</p> <ul style="list-style-type: none"> <li>(a) ensuring that any roads constructed or extended in association with the reconfiguration are connected in a grid-like pattern that is responsive to topography and other physical constraints; and</li> <li>(b) ensuring that, to the extent topography and other physical constraints reasonably permit, any roads constructed or extended in association with the reconfiguration, or footpaths provided in relation to the reconfiguration— <ul style="list-style-type: none"> <li>(i) connect to roads and footpaths in surrounding areas; or</li> <li>(ii) allow for connection to future roads and footpaths in surrounding areas.</li> </ul> </li> </ul>	<p>The proposed development establishes a grid-like pattern, subject to completion of future Stages. Following completion of Stage 1, two new cul-de-sac roads will be completed.</p> <p>A new footpath will be conditioned to be constructed on New Road 1, with a new connection to the footpath on the western side of Lamberth Road also required to be constructed.</p>
<p><b>6 Street trees</b></p> <p>The reconfiguration provides shade for comfortable walking by—</p> <ul style="list-style-type: none"> <li>(a) if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark; or</li> <li>(b) otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.</li> </ul>	<p>No street trees are proposed.</p> <p>Council's preferred development form does not include the provision of street trees. No street trees are proposed to be conditioned.</p>
<p><b>7 Footpaths</b></p> <p>The reconfiguration provides for convenient and comfortable pedestrian movement by ensuring—</p> <ul style="list-style-type: none"> <li>(a) for a new road used mainly for providing direct access to a created lot—a footpath is constructed— <ul style="list-style-type: none"> <li>(i) if a local assessment benchmark for the reconfiguration requires the construction of a footpath on both sides of the new road—on both sides of the road; or</li> <li>(ii) otherwise—on at least 1 side of the new road; or</li> </ul> </li> <li>(b) for another new road—a footpath is constructed on both sides of the road.</li> </ul>	<p>A new footpath will be conditioned to be constructed on New Road 1, with a new connection to the footpath on the western side of Lamberth Road also required to be constructed.</p>
<p><b>8 Parks and other areas of open space</b></p> <ul style="list-style-type: none"> <li>(1) The reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public.</li> <li>(2) In this section— <ul style="list-style-type: none"> <li>park includes— <ul style="list-style-type: none"> <li>(a) an existing park; and</li> <li>(b) a park, to be provided under a development approval, if development of the park has started; and</li> <li>(c) land identified as a park in a local planning instrument; and</li> <li>(d) land identified in an LGIP for public park infrastructure.</li> </ul> </li> </ul> </li> </ul>	<p><b>Alternative Solution</b></p> <p>No areas of parkland are proposed as part of the development which is consistent with Council's LGIP.</p>





**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.*