

File: 23/41  
Date: 1 March 2024

Abralate Pty Ltd  
C/- Property Projects Australia  
PO Box 3686  
TOOWOOMBA QLD 4350

Attention: Harriet Veal / James Juhasz

Dear Harriet and James

**Amended Decision Notice –approval (with conditions)  
Material Change of Use & Reconfiguring a Lot  
Lot 3 on SP158267, 1 Wilson Court, Goondiwindi**

We wish to advise that on 23 January 2024 a decision was made to approve the development application for a Material Change of Use for “*Industry activities*” – “*Warehouse*” and ancillary office and Reconfiguring a Lot (One (1) lot into Three (3) lots in stages, and easement giving access to a constructed road) at Lot 3 on SP158267, 1 Wilson Court, Goondiwindi. In accordance with the *Planning Act 2016*, please find attached Council’s Decision Notice for the application.

This amended decision notice replaces the decision notice dated 30 January 2024.

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

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note 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: 23/41  
Council Contact: Mrs Ronnie McMahon  
Council Contact Phone: (07) 4671 7400

1 March 2024

**Applicant Details:** Abralate Pty Ltd  
C/- Property Projects Australia  
PO Box 3686  
**TOOWOOMBA QLD 4350**

Attention: Harriet Veal / James Juhasz

The development application described below was properly made to Goondiwindi Regional Council on 13 October 2023.

### Applicant details

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Applicant name: Abralate Pty Ltd  
Applicant contact details: C/- Property Projects Australia  
PO Box 3686, Toowoomba Qld 4350  
[harriet@propertyprojectsaustralia.com.au](mailto:harriet@propertyprojectsaustralia.com.au)  
[james@propertyprojectsaustralia.com.au](mailto:james@propertyprojectsaustralia.com.au)  
(07) 3254 1566

### Application details

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Application number: 23/41  
Approval sought: Development Permit  
Details of proposed development:

- Material Change of Use
  - “Industry activities” – “Warehouse” and ancillary office
- Reconfiguring a Lot
  - One (1) lot into Three (3) lots in stages; and
  - easement giving access to a constructed road

### Location details

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Street address: 1 Wilson Court, Goondiwindi  
Real property description: Lot 3 on SP158267

### Decision

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Date of decision: 23 January 2024  
Decision details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

## Details of the approval

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

The following approvals are given:

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

## Properly made submissions

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

## Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
As per Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) of the PR: <i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</i> <i>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</i>	Department of State Development, Infrastructure, Local Government and Planning –  Concurrence Agency	Department of State Development, Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350

For an application involving	Name of referral agency	Address
<p>(b) <i>the development meets or exceeds the threshold—</i></p> <p>(i) <i>for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</i></p> <p>(ii) <i>for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</i></p> <p>(c) <i>for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</i></p> <p><i>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose</i></p>		<p><a href="mailto:ToowoombaSARA@dsdilgp.qld.gov.au">ToowoombaSARA@dsdilgp.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) of the PR:</p> <p><i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i></p> <p>(a) <i>all or part of the premises are within 25m of a State transport corridor; and</i></p> <p>(b) <i>1 or more of the following apply—</i></p> <p>(i) <i>the total number of lots is increased;</i></p> <p>(ii) <i>the total number of lots adjacent to the State transport corridor is increased;</i></p> <p>(iii) <i>there is a new or changed access between the premises and the State transport corridor;</i></p> <p>(iv) <i>an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</i></p> <p>(c) <i>the reconfiguration does not relate to government supported transport infrastructure</i></p>	<p>Department of State Development, Infrastructure, Local Government and Planning –</p> <p>Concurrence Agency</p>	<p>Department of State Development, Infrastructure, Local Government and Planning,</p> <p>Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p><a href="mailto:ToowoombaSARA@dsdilgp.qld.gov.au">ToowoombaSARA@dsdilgp.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) of the PR:</p> <p><i>Development application for a material change of use, other than an excluded material change</i></p>	<p>Department of State Development, Infrastructure, Local</p>	<p>Department of State Development, Infrastructure, Local Government and Planning,</p>

For an application involving	Name of referral agency	Address
<p><i>of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p>(a) <i>are within 25m of a State transport corridor; or</i></p> <p>(b) <i>are a future State transport corridor; or</i></p> <p>(c) <i>are—</i></p> <p>(i) <i>adjacent to a road that intersects with a State-controlled road; and</i></p> <p>(ii) <i>within 100m of the intersection</i></p>	<p>Government and Planning –</p> <p><i>Concurrence Agency</i></p>	<p>Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p><a href="mailto:ToowoombaSARA@dcdilgp.qld.gov.au">ToowoombaSARA@dcdilgp.qld.gov.au</a></p> <p>Ph: (07) 4616 7307</p>

### Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
A0002, Issue P2	Locality Plan	16/11/23
A1002, Issue P4	Proposed Site and Roof Plan	16/11/23
A1004, Issue P4	Site Cover Calculations	16/11/23
A2101, Issue P4	Office Floor Plan	16/11/23
A2102, Issue P1	Warehouse Floor Plan	11/09/23
A3001, Issue P3	Proposed Elevations and Section	11/09/23
B4679	Landscape Concept	23/09/2023
BE230337-TIA-02	Proposed Industrial Development – Stage 1, 1 Wilson Court Goondiwindi, Traffic Impact Assessment	17/11/23
BE230337-RP-CSMP-01	1 Wilson Court, Goondiwindi – Conceptual Stormwater Management Plan	11/10/23
A1001, Issue P3	Proposed Subdivision Lot Plan	16/11/23

### 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**  
This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to a local government for approval is not given within **4 years** of this approval taking effect.

### 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

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

enc Attachment 1— Assessment manager and concurrence agency conditions

- State Assessment and Referral Agency Concurrence Agency Response dated 11 December 2023

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



## **ATTACHMENTS**

**Attachment 1 – Assessment Manager and Concurrence Agency Conditions**

**Attachment 2 – Approved Plans**

**Attachment 3 – Infrastructure Charges Notice**

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

**Attachment 5 – *Planning Act 2016* Extracts**

*Planning Act 2016 appeal provisions*

*Planning Act 2016 lapse dates*



**Attachment 1 – Assessment Manager and Concurrence Agency Conditions**





## Assessment Manager's Conditions

<b>Description:</b>	<ul style="list-style-type: none"> <li>• Material Change of Use <ul style="list-style-type: none"> <li>○ "Industry Activities" – "Warehouse" and ancillary office; and</li> </ul> </li> <li>• Reconfiguring a Lot <ul style="list-style-type: none"> <li>○ One (1) lot into three (3) lots; and</li> <li>○ Easement giving access to a constructed road</li> </ul> </li> </ul>
<b>Development:</b>	Material Change of Use & Reconfiguring a Lot – Development Permit
<b>Applicant:</b>	Abralate Pty Ltd C/- Property Projects Australia
<b>Address:</b>	1 Wilson Court, Goondiwindi
<b>Real Property Description:</b>	Lot 3 on SP158267
<b>Council File Reference:</b>	23/41

## 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>• "Industry Activities" – "Warehouse" and ancillary office</li> </ul> <p>as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p>																											
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.																											
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 and reports:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Drawing Number</th> <th style="text-align: center;">Title</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A1002, Issue P4</td> <td style="text-align: center;">Proposed Site and Roof Plan</td> <td style="text-align: center;">16/11/23</td> </tr> <tr> <td style="text-align: center;">A1004, Issue P4</td> <td style="text-align: center;">Site Cover Calculations</td> <td style="text-align: center;">16/11/23</td> </tr> <tr> <td style="text-align: center;">A2101, Issue P4</td> <td style="text-align: center;">Office Floor Plan</td> <td style="text-align: center;">16/11/23</td> </tr> <tr> <td style="text-align: center;">A2102, Issue P1</td> <td style="text-align: center;">Warehouse Floor Plan</td> <td style="text-align: center;">11/09/23</td> </tr> <tr> <td style="text-align: center;">A3001, Issue P3</td> <td style="text-align: center;">Proposed Elevations and Section</td> <td style="text-align: center;">11/09/23</td> </tr> <tr> <td style="text-align: center;">B4679</td> <td style="text-align: center;">Landscape Concept</td> <td style="text-align: center;">21/09/2023</td> </tr> <tr> <td style="text-align: center;">BE230337-TIA-02</td> <td style="text-align: center;">Proposed Industrial Development – Stage 1, 1 Wilson Court Goondiwindi, Traffic Impact Assessment</td> <td style="text-align: center;">17/11/23</td> </tr> <tr> <td style="text-align: center;">BE230337-RP-CSMP-01</td> <td style="text-align: center;">1 Wilson Court, Goondiwindi – Conceptual Stormwater Management Plan</td> <td style="text-align: center;">11/10/23</td> </tr> </tbody> </table> <p>Please note these plans are not approved Building Plans.</p>	Drawing Number	Title	Date	A1002, Issue P4	Proposed Site and Roof Plan	16/11/23	A1004, Issue P4	Site Cover Calculations	16/11/23	A2101, Issue P4	Office Floor Plan	16/11/23	A2102, Issue P1	Warehouse Floor Plan	11/09/23	A3001, Issue P3	Proposed Elevations and Section	11/09/23	B4679	Landscape Concept	21/09/2023	BE230337-TIA-02	Proposed Industrial Development – Stage 1, 1 Wilson Court Goondiwindi, Traffic Impact Assessment	17/11/23	BE230337-RP-CSMP-01	1 Wilson Court, Goondiwindi – Conceptual Stormwater Management Plan	11/10/23
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4.	<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>
5.	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.
6.	It is the developer's responsibility to obtain all other statutory approvals required prior to the commencement of the use.
<b>OPERATION OF THE USE</b>	
7.	The proposed industry activities shall be operated generally between the hours of 7:00am and 6:00pm, Monday to Friday.
8.	Loading and unloading activities are limited to between the hours of 7:00am and 6:00pm, Monday to Friday.
9.	There shall be no goods stored or displayed external to the building, apart from the parking and storage of heavy vehicles and trailers, as shown on the approved plan.
<b>ESSENTIAL SERVICES</b>	
10.	<p>Prior to the commencement of the use, 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 Goondiwindi Region Planning Scheme 2018 (Version 2), 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>

11.	<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 Goondiwindi Region Planning Scheme 2018 (Version 2), 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>	
12.	<p>The development shall be connected to an adequate electricity and telecommunications supply system, at no cost to Council.</p>
<b>ROADS AND VEHICLES</b>	
13.	<p>The proposed accesses to Wilson Court, from the edge of the existing bitumen to the property boundary, shall be constructed to an industrial standard generally in the location shown in on the approved plans. The crossovers must be constructed in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018, to the satisfaction of and at no cost to Council.</p> <p>Crossovers shall be constructed prior to the commencement of the use or prior to the submission to Council of the Plan of Survey, whichever comes first.</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>
14.	<p>A sealed driveway, 13.0 metres in width, is to be constructed for the full length of the access easement from Wilson Court to the southern boundary of Proposed Lot 2. The driveway is to connect from the road.</p>
15.	<p>Vehicle manoeuvring areas shall be provided on-site so that all vehicles, up to and including a 36.5m Type 1 Road Train, can enter and leave the site in a forward direction.</p>

16.	<p>Nineteen (19) sealed and delineated car parking spaces shall be supplied within proposed Lot 1 and the five (5) future car parks shall be constructed to the same standard. All other areas where vehicles manoeuvre shall be constructed to a dust suppressant all weather standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <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 constructed 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>												
17.	<p>Provide service vehicle parking for a 36.5m Type 1 Road Train in accordance with Australian Standard 2890.2 – Off-street Commercial Vehicle Facilities.</p>												
<b>LANDSCAPING</b>													
18.	<p>Landscaping shall be provided in accordance with Schedule 6.3 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018, generally in accordance with the Approved Landscape Concept Plan.</p> <p>All landscaping and tree plantings are to be planted and maintained to the satisfaction of a qualified Council Officer. A bond for the amount of <b>\$9,709.98</b> is to be submitted prior to the issue of a building approval for the maintenance of landscaping.</p> <p>If the landscaping complies with Schedule 6.3 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018, the applicant will be advised in writing that the bond is accepted.</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 bond. The bond shall be returned in accordance with the following schedule if the landscaping meets the criteria:</p> <table border="1" data-bbox="331 1585 1533 2089"> <thead> <tr> <th data-bbox="331 1585 639 1720">Time from acceptance of landscaping works</th> <th data-bbox="639 1585 1342 1720">Criteria</th> <th data-bbox="1342 1585 1533 1720">Bond Refund / Reduction</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 1720 639 1890">9 months – From acceptance of works</td> <td data-bbox="639 1720 1342 1890">           Landscaping conforms to requirements, is established and maintained.            Adequate provision for on-going watering and growth.            Any/all replacement plants are provided.         </td> <td data-bbox="1342 1720 1533 1890">50%</td> </tr> <tr> <td data-bbox="331 1890 639 2024">18 months – From acceptance of works</td> <td data-bbox="639 1890 1342 2024">           Landscaping is well established (as a guide &gt;50% full growth depending on species).            All replacement plants are established.            The landscaping intent is being achieved.         </td> <td data-bbox="1342 1890 1533 2024">25%</td> </tr> <tr> <td data-bbox="331 2024 639 2089">24 months – From acceptance of works</td> <td data-bbox="639 2024 1342 2089">           Landscaping is fully established, or within 80% depending on species.         </td> <td data-bbox="1342 2024 1533 2089">25%</td> </tr> </tbody> </table>	Time from acceptance of landscaping works	Criteria	Bond Refund / Reduction	9 months – From acceptance of works	Landscaping conforms to requirements, is established and maintained. Adequate provision for on-going watering and growth. Any/all replacement plants are provided.	50%	18 months – From acceptance of works	Landscaping is well established (as a guide >50% full growth depending on species). All replacement plants are established. The landscaping intent is being achieved.	25%	24 months – From acceptance of works	Landscaping is fully established, or within 80% depending on species.	25%
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	<p>After the required bond holding time has passed, a refund of bond monies will only be considered upon a written request from the person who paid the bond once the required bond holding time has been completed.</p> <p>A qualified 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 for a maximum of three years, at which time should work not be carried out and maintained to Council's satisfaction, the bond will be used by Council to have the works performed unless an extension of time is requested by the land owner or applicant and approved by Council.</p> <p>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.</p>
19.	<p>Security fencing, 1.8m high, shall be provided for the full length of all site boundaries for Proposed Lot 1. The fence shall be appropriately integrated with the proposed landscaping on site and present an attractive visual appearance to adjoining properties.</p>
	<p><b>STORMWATER</b></p>
20.	<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 the approved Concept Stormwater Management Plan 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>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>
21.	<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>	
<b>22.</b>	<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>
<b>23..</b>	<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>	
<b>24.</b>	<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>
<b>25.</b>	<p>Prior to commencement of the use, the applicant must prepare and submit a Dust Management Plan for Council endorsement. The plan must be prepared by a suitably qualified person to manage dust emanating from the premises to prevent harm and/or nuisance to road networks or surrounding properties. The plan shall include:</p> <ul style="list-style-type: none"> <li>(i) continual dust monitoring methodology;</li> <li>(ii) dust suppression methods and application rates;</li> <li>(iii) a register for all complaints received and the action taken in response to the complaint.</li> <li>(iv) Details of who will be responsible for dust management on site.</li> </ul>
<b>26.</b>	<p>All external lighting is to be compliant with AS/NZS 4282-2019 “<i>Control of obtrusive effects of outdoor lighting</i>”.</p> <p>All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties, motorists or the operational safety of the surrounding road network.</p>

27.	<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> <p>Roof water drainage from structures/buildings and the yard area is to be discharged to a Council approved drainage system.</p>
28.	<p>At all times while the use continues, provision must be made on site for the collection of general refuse in covered waste containers with a capacity sufficient for the use.</p> <p>Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.</p>
29.	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
30.	<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>
31.	<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>
<b>DEVELOPER'S RESPONSIBILITIES</b>	
32.	<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>
33.	<p>All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances to carry out the works.</p>
34.	<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>
35.	<p>At all times while the use continues, all requirements of the conditions of the development approval must be maintained.</p>
<b>COMMENCEMENT OF USE</b>	
36.	<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</p>

	<p>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>
37.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This Material Change of Use 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>
38.	<p>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.</p>

## **RECONFIGURING A LOT**

<b>GENERAL CONDITIONS</b>													
<b>1.</b>	<p>Approval is granted for the purpose of Reconfiguring a Lot for:</p> <ul style="list-style-type: none"> <li>• One (1) lot into three (3) lots, in stages; and</li> <li>• Easement giving access to a constructed road.</li> </ul>												
<b>2.</b>	<p>The development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans, subject to and modified by the conditions of this approval:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Drawing No</th> <th style="text-align: center;">Title</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A1001, Issue P3</td> <td style="text-align: center;">Proposed Subdivision Lot Plan</td> <td style="text-align: center;">16/11/23</td> </tr> <tr> <td style="text-align: center;">A0002, Issue P2</td> <td style="text-align: center;">Locality Plan</td> <td style="text-align: center;">16/11/2023</td> </tr> <tr> <td style="text-align: center;">BE230337-RP-CSMP-01</td> <td style="text-align: center;">1 Wilson Court, Goondiwindi – Conceptual Stormwater Management Plan</td> <td style="text-align: center;">11/10/23</td> </tr> </tbody> </table> <p>Where there is any conflict between the conditions of this development approval and the details shown on the above plans, the conditions must prevail.</p>	Drawing No	Title	Date	A1001, Issue P3	Proposed Subdivision Lot Plan	16/11/23	A0002, Issue P2	Locality Plan	16/11/2023	BE230337-RP-CSMP-01	1 Wilson Court, Goondiwindi – Conceptual Stormwater Management Plan	11/10/23
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A0002, Issue P2	Locality Plan	16/11/2023											
BE230337-RP-CSMP-01	1 Wilson Court, Goondiwindi – Conceptual Stormwater Management Plan	11/10/23											



	Please note this is not an approved Plan of Survey. The approved plans are included in <b>Attachment 2</b> .
<b>3.</b>	<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>
<b>4.</b>	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.
<b>ESSENTIAL SERVICES</b>	
<b>5.</b>	<p>Prior to the submission to Council of the Plan of Survey, each proposed lot shall be serviced by and connected to Council's reticulated water supply system in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>The developer shall provide all necessary water infrastructure to enable all parcels to be serviced by a standard water connection to the satisfaction of Council and to relevant engineering standards.</p>
<b>6.</b>	<p>Prior to the submission to Council of the Plan of Survey, each proposed lot shall be serviced by and connected to Council's reticulated sewerage system, in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land development Stands 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 all sewerage infrastructure to enable every parcel within the development to be serviced by Council's sewerage reticulation system.</p>
<b>PUBLIC UTILITIES</b>	
<b>7.</b>	Each proposed lot shall be connected to an adequate electricity supply system, with services to be installed underground when required, at no cost to Council.

8.	Each proposed lot shall be connected to an adequate telecommunications supply system, with services to be installed underground when required, at no cost to Council.
<b>VEHICLE ACCESS</b>	
9.	<p>All proposed lots shall be provided with an industrial vehicle crossover from the shared access easement, 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>Vehicular access shall be designed to mitigate against bushfire hazards, and crossovers shall be either constructed or bonded prior to the submission of a Building Application.</p> <p>The applicant shall contact Council's Department of Engineering to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
10.	<p>The proposed access easement shall be constructed:</p> <ul style="list-style-type: none"> <li>(a) Generally in accordance with the approved plans.</li> <li>(b) Between the edge of bitumen in Wilson Court to the property boundary, as an industrial vehicle crossover, in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018 (Version 2).</li> <li>(c) With a thirteen (13) metre pavement width measured from concrete edge barrier to concrete edge barrier, 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>.</li> <li>(d) To the satisfaction of the Director Engineering Services and shall be in accordance with the relevant engineering standards 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>.</li> </ul>
<b>STORMWATER</b>	
11.	The subject site shall be adequately drained and all stormwater shall be disposed of in accordance with the approved Concept Stormwater Management Plan, 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 Goondiwindi Region Planning Scheme 2018 (Version 2).
12.	Any fill placed on the subject land in relation to the development shall not cause any ponding of water on any land.

<b>DEVELOPER'S RESPONSIBILITIES</b>	
<b>13.</b>	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 works and electricity supply and earthworks for the approval of the Director Engineering Services.
<b>14.</b>	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.
<b>15.</b>	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.
<b>16.</b>	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.
<b>17.</b>	The developer shall be responsible for mitigating any complaints arising from on-site operations during construction.
<b>18.</b>	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.
<b>19.</b>	At all times all requirements of the conditions of the development approval must be maintained.
<b>20.</b>	Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements, including water, sewerage and stormwater mains.
<b>BEFORE PLANS WILL BE ENDORSED</b>	
<b>21.</b>	All works necessitated by the conditions of approval for roadworks, stormwater drainage, water supply, sewerage, utilities and earthworks shall be completed prior to the submission to Council of the Plan of Survey required.
<b>22.</b>	Detailed "As Constructed" plans shall be provided for all roadworks, stormwater drainage, water supply, sewerage works and electricity supply and earthworks in an electronic format suitable for uploading to Council's GIS systems.

<p><b>23.</b></p>	<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 \$190.00; subject to change).</p>
<p><b>24.</b></p>	<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>
<p><b>25.</b></p>	<p>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.</p> <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>The approval will lapse if a plan for the reconfiguration is not given to the local government within <b>four (4) years</b> as specified in section 85(1)(b)(ii) 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>

NOTES AND ADVICE	
	<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 Material Change of Use 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>The Reconfiguring a Lot approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the <i>Planning Act 2016</i>:</p> <p>(a) If no period stated – 4 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>
	<p>Infrastructure charges as outlined in the Infrastructure Charges Notice included in <b>Attachment 3</b> shall be paid in accordance with the timing specified in the notice.</p>
	<p>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”).</p>
	<p>This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i>.</p>
	<p>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.</p>
	<p>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.</p>
	<p>It is the applicant’s responsibility to obtain all statutory approvals prior to commencement of any works onsite.</p>



SARA reference: 2310-37528 SRA  
 Council reference: 23/41  
 Applicant reference: J001787

11 December 2023

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

Attention: Mrs Ronnie McMahon

Dear Mrs McMahon

## SARA referral agency response—1 Wilson Court, Goondiwindi

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 1 November 2023.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	11 December 2023
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development permits	Material change of use for warehouse and ancillary office Reconfiguring a lot – one lot into three lots and access easement
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning	

Regulation 2017) – Development impacting state transport infrastructure and thresholds

Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state transport corridor

Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) – Material change of use of premises near a state transport corridor or that is a future state transport corridor

SARA reference: 2310-37528 SRA

Assessment manager: Goondiwindi Regional Council

Street address: 1 Wilson Court, Goondiwindi

Real property description: Lot 3 on SP158267

Applicant name: Abralate Pty Ltd

Applicant contact details: Level 1, 618 Brunswick Street, New Farm Qld 4005  
harriet@propertyprojectsaustralia.com.au

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Darrian Borick, Principal Planner, on (07) 3307 6188 or via email [ToowoombaSARA@dsgilp.qld.gov.au](mailto:ToowoombaSARA@dsgilp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Kieran Hanna  
Manager (Planning)

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

cc Abralate Pty Ltd, [harriet@propertyprojectsaustralia.com.au](mailto:harriet@propertyprojectsaustralia.com.au)

## Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
<b>Development permit for reconfiguring a lot – one lot into three lots and access easement</b>		
Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Carry out the stormwater management of the development generally in accordance with section 3 of the Conceptual Stormwater Management Plan prepared by Burchills dated 11 October 2023, reference Document No: BE230337-RP-CSMP-01 (version 1) as amended in red by SARA on 11 December 2023.	Prior to submitting the Plan of Survey to the local government for approval
2.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures, and other works involving ground disturbance must not encroach or de-stabilise the state-controlled road including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times



## Attachment 2—Advice to the applicant

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<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

## Attachment 3—Reasons for referral agency response

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

### The reasons for the SARA's decision are:

With conditions, the development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

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

With conditions, the development complies with State code 6: Protection of state transport networks of the SDAP. Specifically, the development:

- does not create a safety hazard for users of state transport infrastructure or public passenger services by increasing the likelihood or frequency of a fatality or serious injury
- does not result in a worsening of the physical condition or operating performance of the state transport network
- does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*.

## Attachment 4—Representations about a referral agency response provisions

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## **Attachment 5—Documents referenced in conditions**

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# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

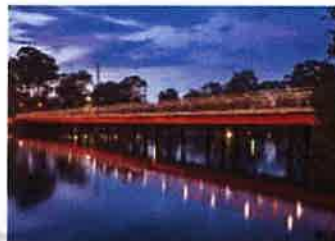
## **Part 7: Miscellaneous**


### **30 Representations about a referral agency response**

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



The experience **you deserve** 



PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE



SARA ref: 2310-37528 SRA

Date: 11 December 2023

Amended in red by SARA on

11 December 2023

1 Wilson Court, Goondiwindi

## Conceptual Stormwater Management Plan


Client: Rhodeland Group


Project No: BE230337

Document No: BE230337-RP-CSMP-01

October 2023

# Document Control Record

Prepared by:	Antonio Bonarrigo
Position:	Civil Engineer / Project Manager
Signed:	
Date:	11/10/2023

Approved by:	Jonathan Cuell
Position:	Director - Urban RPEQ 21773
Signed:	
Date:	11/10/2023

Version No.	Description	Date	Prepared	Approved
00	Draft Issue	05/10/2023	AB	JC
01	Final Issue	11/10/2023	AB	JC

*Recipients are responsible for eliminating all superseded documents in their possession*

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Carry out the stormwater management of the development generally in accordance with section 3 of this report and Condition 1 of the referral agency response

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## Attachment 2 – Approved Plans





01 aerial locality plan  
SCALE 1:750

image source: nearmap

note:  
background aerial image source has been provided to communicate existing surrounding amenities only, nearmaps aerial image is indicative only and not shown to scale

**GOONDIWINDI REGIONAL COUNCIL**  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 23/41  
Dated: 1/31/24  
Signed: *R.M. McMahon*  
Print Name: **Ronnie McMahon**  
(Under Delegation) ASSESSMENT MANAGER



revision notes	date	revision
P2 16/11/23 preliminary DA		
P1 11/02/23 preliminary DA		
name	date	revision

GOONDIWINDI REGIONAL COUNCIL  
 Approved Plan referred to in Council's Decision Notice  
 Council Reference: 23/41  
 Dated: 30/01/2024  
 Signed: *R.M. McMahon*  
 Print Name: Ronnie McMahon  
 (Under Delegation) ASSESSMENT MANAGER



site information

site area (Lot 1+2+3+easement) 19,646m<sup>2</sup>  
 site area - LOT 1 (including easement) 7,834m<sup>2</sup>  
 total hardstand area 3,911m<sup>2</sup>  
 GFA warehouse 1,200m<sup>2</sup>  
 office 200m<sup>2</sup>  
 total: 1,400m<sup>2</sup>  
 site yield: (GFA/site area lot 1) 18%  
 carparks required warehouse 1/100m<sup>2</sup> = 12  
 future expansion 1/100m<sup>2</sup> = 5  
 office 1/30m<sup>2</sup> = 7  
 total: 24 carparks  
 carparks provided: 24 (including 1 PWD)  
 landscape provided approx. 466m<sup>2</sup> (approx. 6%) (landscape/site area lot 1)  
 design vehicles turning circles shown indicatively only and must be checked by traffic engineer

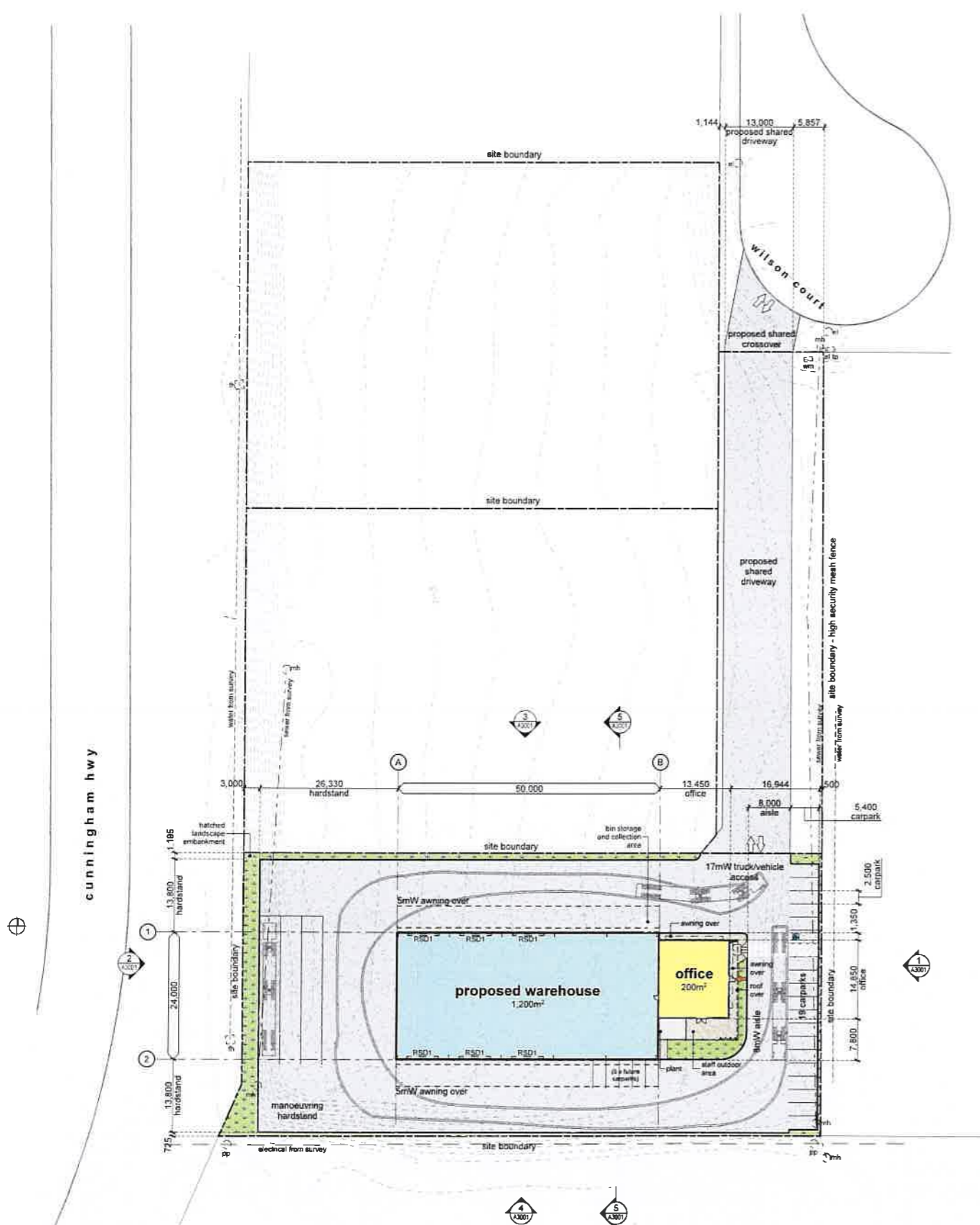


Legend  
 RSD1 6m x 6m roller shutter door

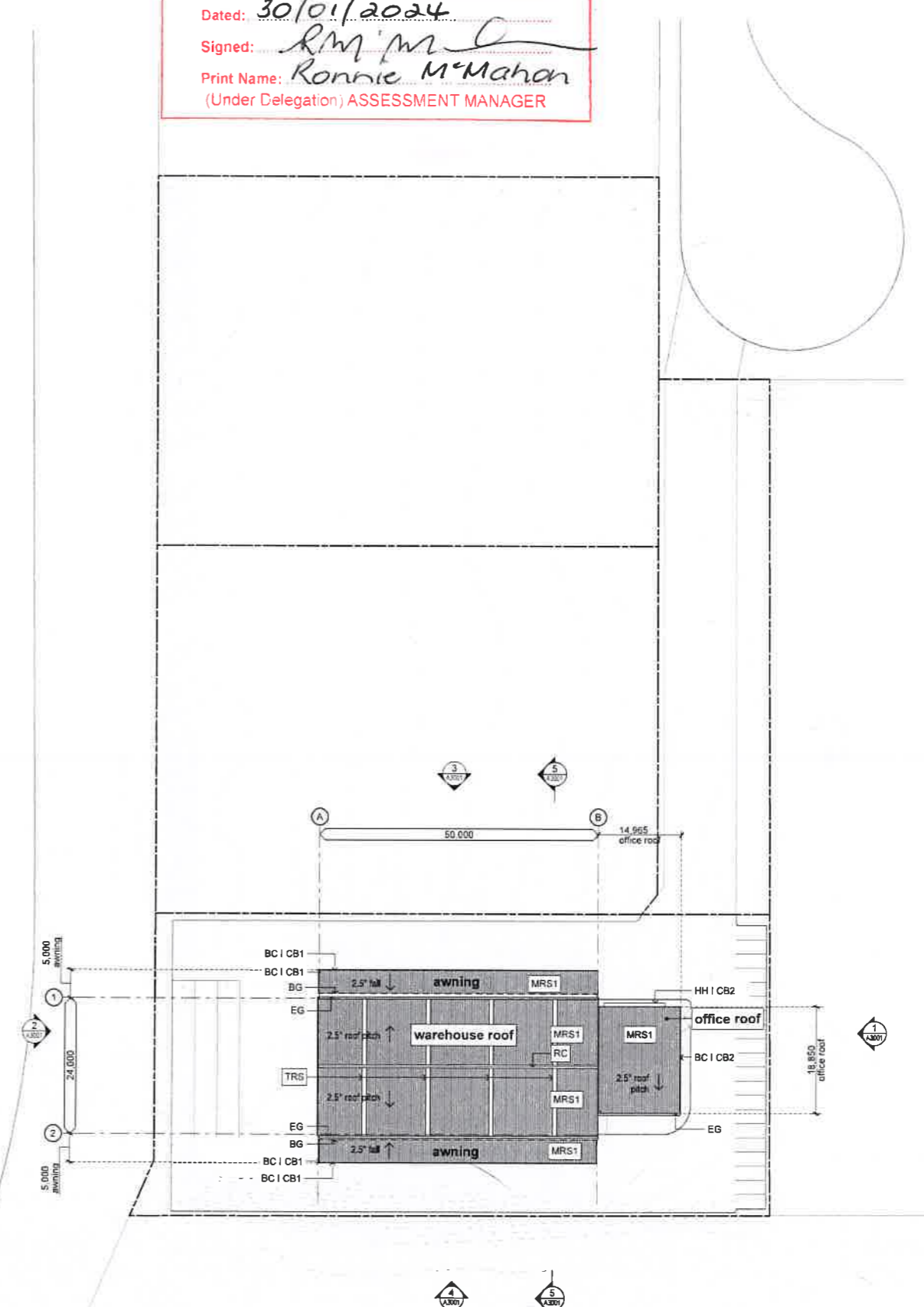
roof legend

- BC barge capping
- BG box gutter
- DP downpipe
- EG eaves gutter
- HH hatched awning
- MRS1 zincalume metal roof sheet
- RC ridge capping
- TRS translucent roof sheet (minimum 10% of total warehouse roof area)
- CB1 colorbond surfmist
- CB2 colorbond monument

note site boundaries, contours and services are taken from survey of 23142-1 SMK QLD



1 site plan  
 SCALE 1:500



2 roof plan  
 SCALE 1:500



Proposed Ind. Development  
 1 Wilson Court, Goondiwindi  
 Rhodeland

proposed site and roof plan

drawing no **A1002** issue **P4** job no **2354**  
 date 16/11/23 revw RR checked NAME 1: EOC@A1  
 scale 1:500 0m 5m 10m 15m 20m 25m

**GOONDIWINDI REGIONAL COUNCIL**  
Approved Plan referred to in Council's Decision Notice

Council Reference: 23/41

Dated: 30/01/2024

Signed: *R.M. McMahon*

Print Name: **Ronnie McMahon**  
(Under Delegation) ASSESSMENT MANAGER

**site cover**

Defined in the Brisbane City Plan Council Planning Scheme sPlan, Schedule 1 Definitions:

site cover, of development, means the portion of the site, expressed as a percentage, that will be covered by a building or structure, measured to its outermost projection, after the development is carried out, other than a building or structure, or part of a building or structure, that is -

- (a) in a landscaped or open space area, including, for example, a gazebo or shade structure; or
- (b) a basement that is completely below ground level and used for a car parking; or
- (c) the eaves of a building; or
- (d) a sun shade.

hatch indicates area included in site cover calculation

total site cover: 1,980 m<sup>2</sup>

site area: 7,834 m<sup>2</sup>

site cover percentage: 25%

**impervious area**

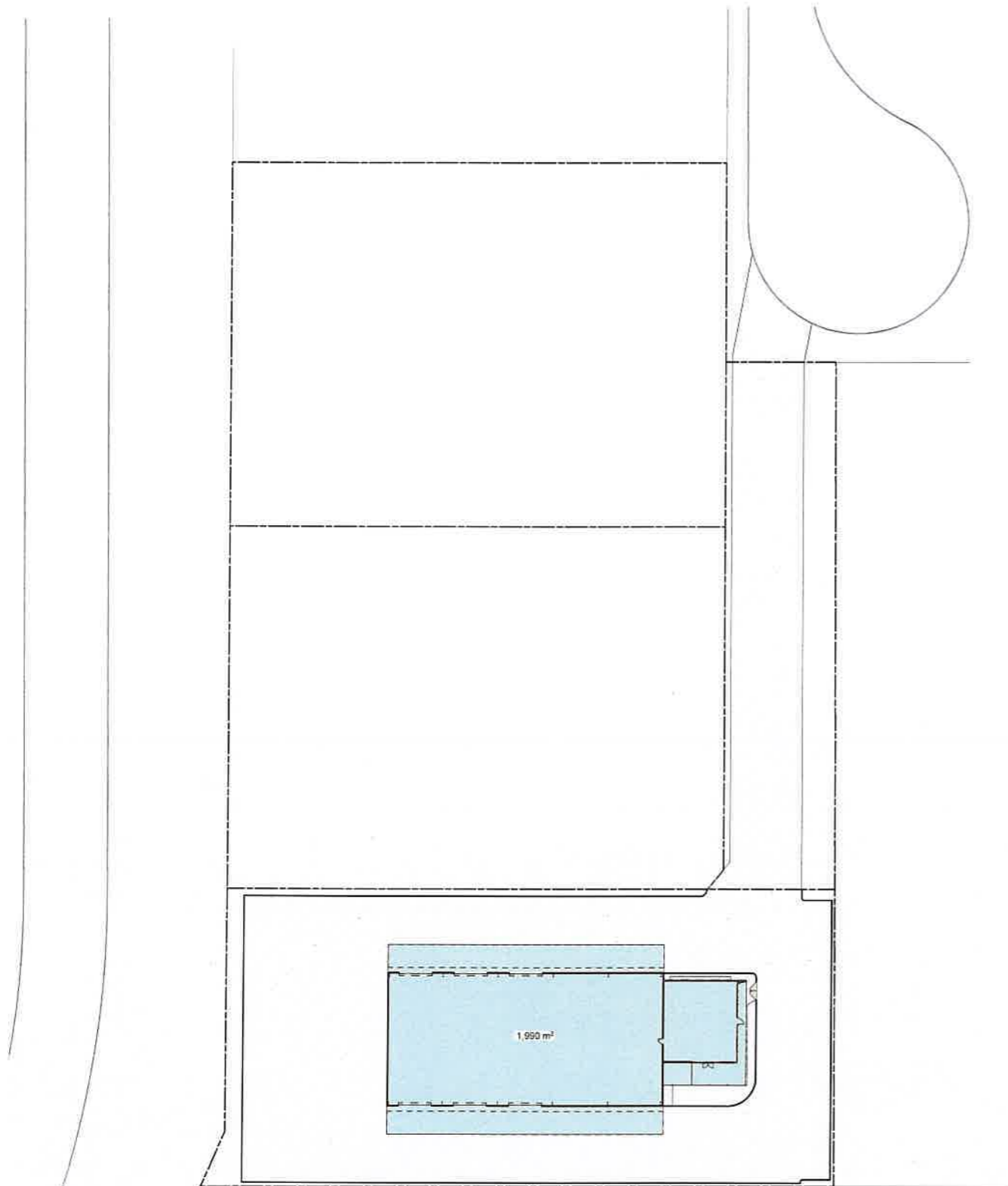
impervious area, means the portion of the site, that will be covered by ground surfaces unable to be penetrated by water measured to its outermost projection.

total impervious area: 6,709 m<sup>2</sup>

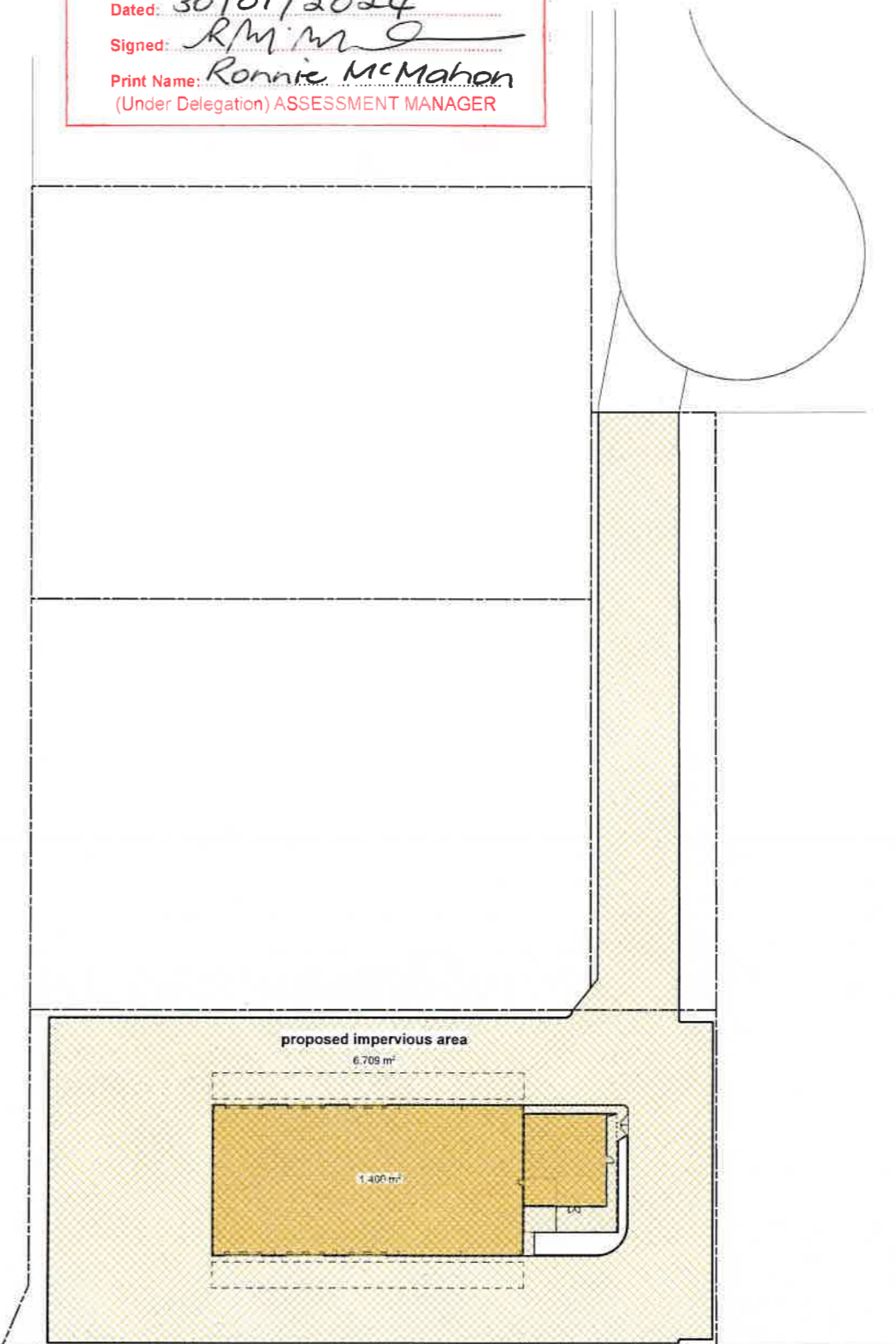
hatch indicates area included in impervious area calculation

total building footprint: 1,400 m<sup>2</sup>

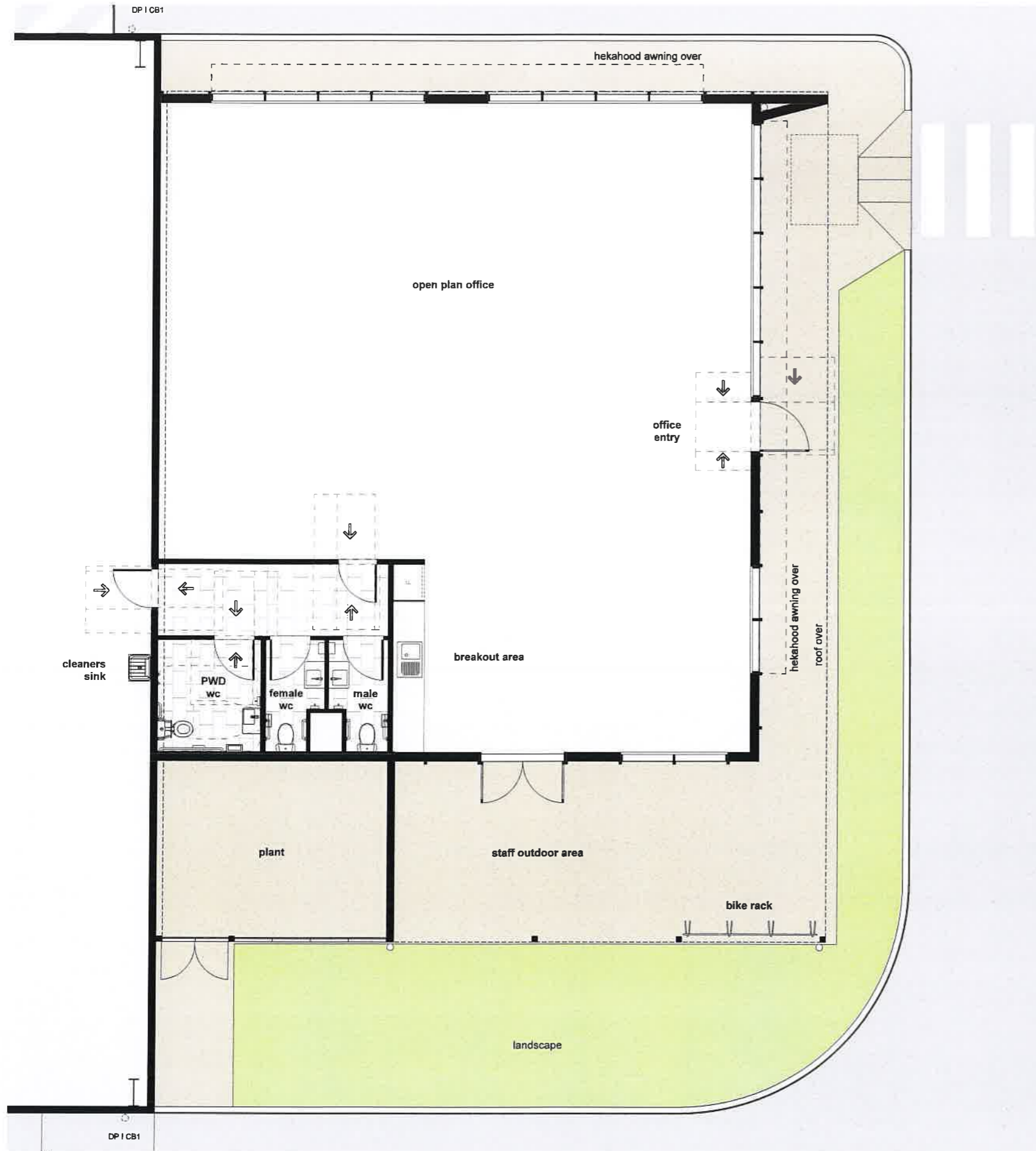
hatch indicates area included in building footprint calculation



1 site cover plan  
SCALE 1:500



2 site impervious area  
SCALE 1:500



**GOONDIWINDI REGIONAL COUNCIL**  
 Approved Plan referred to in Council's Decision Notice

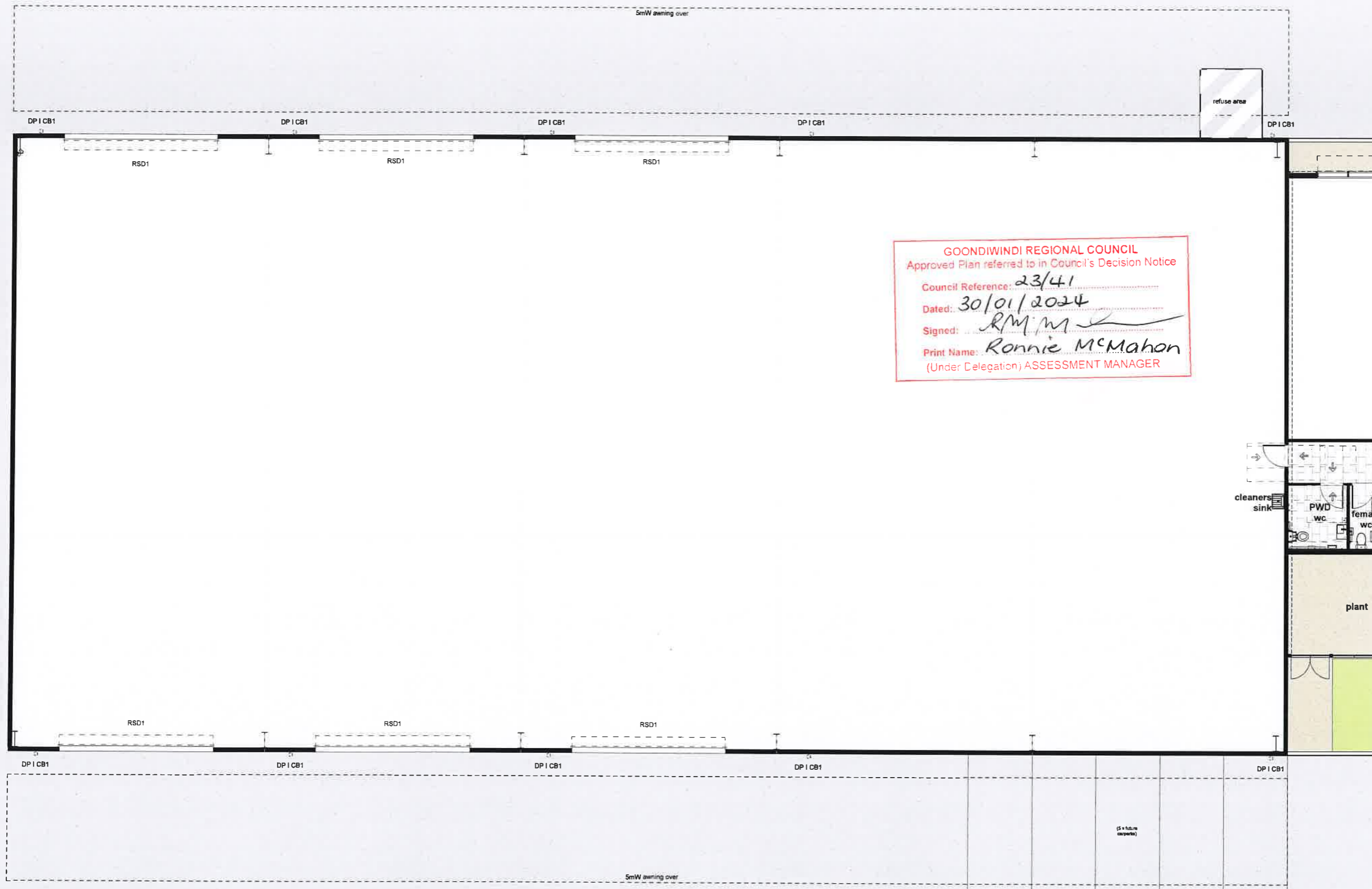
Council Reference: 23/41  
 Dated: 30/01/2024  
 Signed: R.M.M.  
 Print Name: Ronnie McMahon  
 (Under Delegation) ASSESSMENT MANAGER

1 office floor plan  
 SCALE 1:50

REV	DATE	BY	CHKD	DESCRIPTION

legend

- DP downpipe
- RSD1 5m x 6m roller shutter door
- CB1 colorbond surfmist



**GOONDIWINDI REGIONAL COUNCIL**  
 Approved Plan referred to in Council's Decision Notice  
 Council Reference: 23/41  
 Dated: 30/01/2024  
 Signed: [Signature]  
 Print Name: Ronnie McMahon  
 (Under Delegation) ASSESSMENT MANAGER

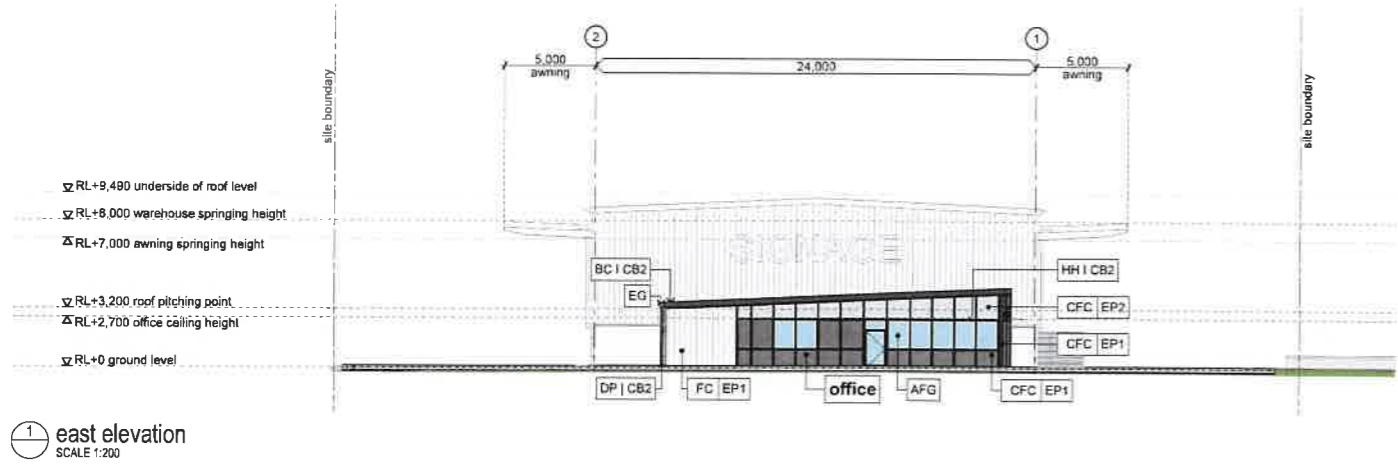
1 warehouse plan  
SCALE 1:75



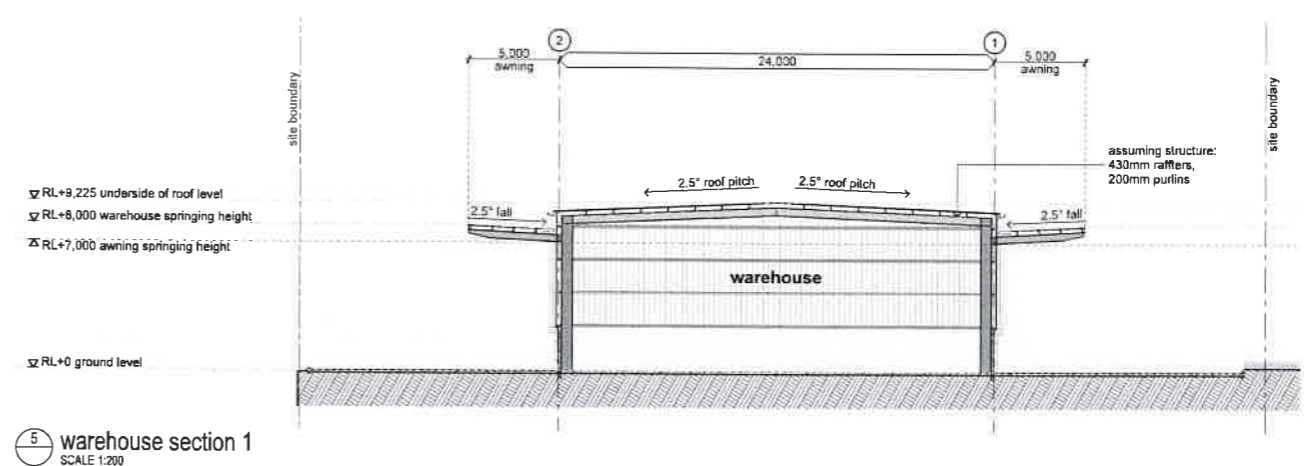
no.	description	date	by	check
01	11/09/23 preliminary EA			
02	08/10/23			
03	08/10/23			
04	08/10/23			
05	08/10/23			
06	08/10/23			
07	08/10/23			
08	08/10/23			
09	08/10/23			
10	08/10/23			
11	08/10/23			
12	08/10/23			
13	08/10/23			
14	08/10/23			
15	08/10/23			
16	08/10/23			
17	08/10/23			
18	08/10/23			
19	08/10/23			
20	08/10/23			

legend

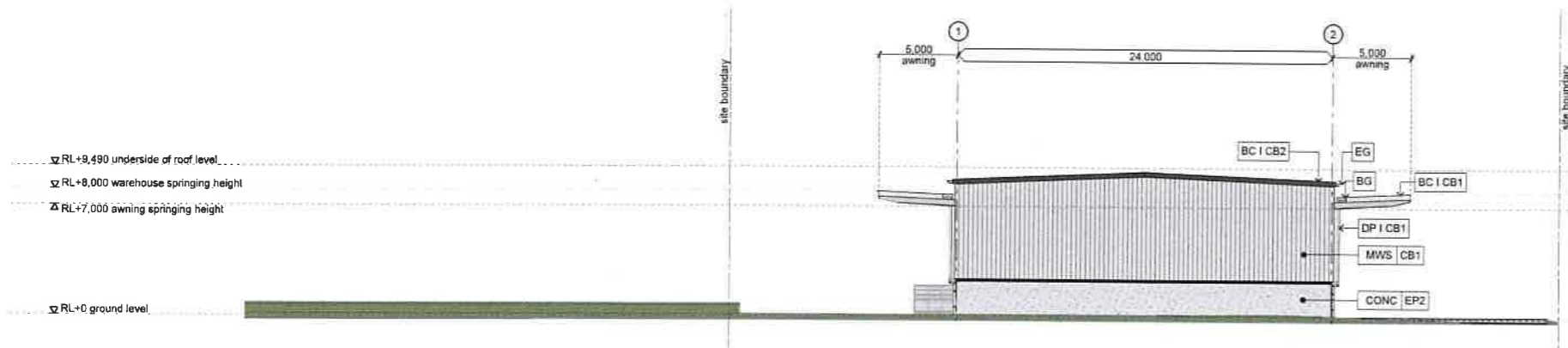
- materials**
- AFG aluminium framed glazing
  - FC fibre cement cladding
  - CFC compressed fibre cement
  - MWS colorbond metal wall sheeting
  - CONC precast concrete panel
- finishes**
- CB1 colorbond surfmat
  - CB2 colorbond monument
  - EP1 paint finish dulux to match CB2
  - EP2 paint finish dulux to match CB1
- fixtures**
- BC barge capping
  - BG box gutter
  - DP downpipe
  - EG eaves gutter
  - HH hekhood awning



1 east elevation  
SCALE 1:200

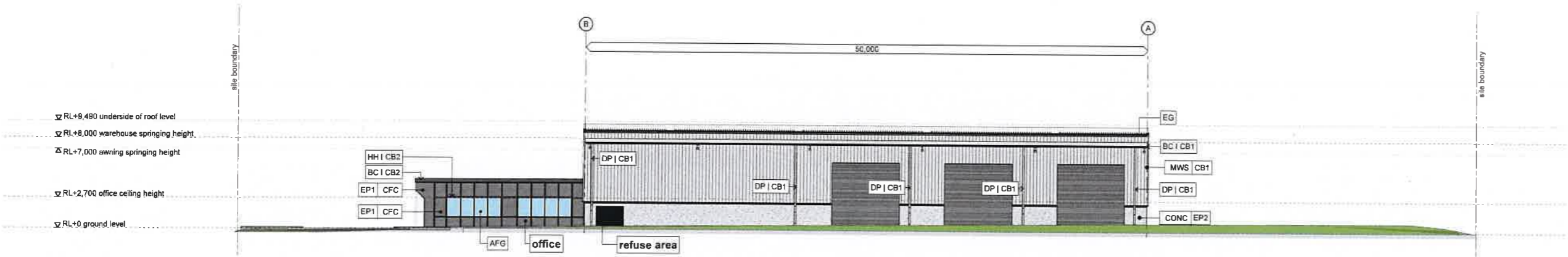


5 warehouse section 1  
SCALE 1:200

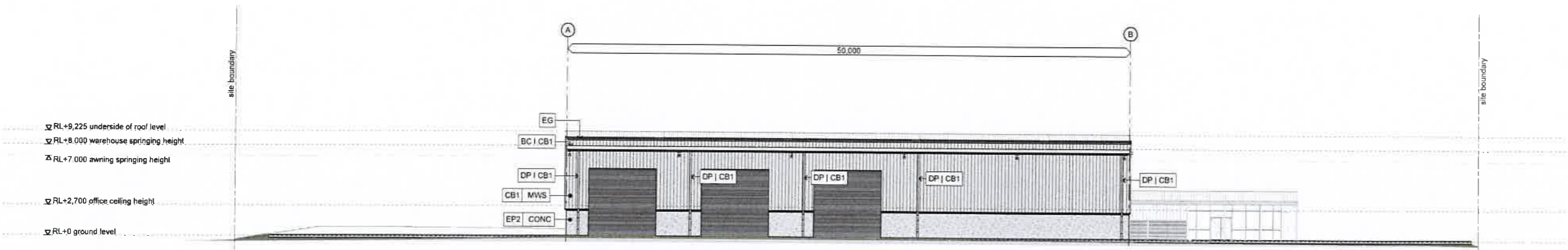


2 west elevation  
SCALE 1:200

**GOONDIWINDI REGIONAL COUNCIL**  
 Approved Plan referred to in Council's Decision Notice  
 Council Reference: 23/41  
 Dated: 30/01/2024  
 Signed: R.M. McMahon  
 Print Name: Ronnie McMahon  
 (Under Delegation) ASSESSMENT MANAGER



3 north elevation  
SCALE 1:200



4 south elevation  
SCALE 1:200

revision	description
R1	11/09/23 preliminary DA
R2	07/09/23 preliminary DA
R3	20/08/23 preliminary DA
R4	09/09/23

# Landscape Concept

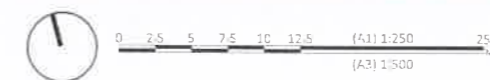


## LEGEND

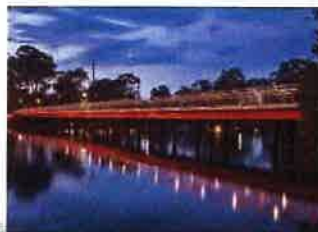
- Site Boundary
- A Proposed canopy shade trees to staff outdoor area
- B Tiered landscape with shade trees, low shrubs, grasses and groundcover planting
- C Shade trees, shrubs, grasses and groundcover planting to perimeter of site
- D Shrubs, grasses and groundcover planting to office building hardstand area

**GOONDIWINDI REGIONAL COUNCIL**  
 Approved Plan referred to in Council's Decision Notice

Council Reference: 23/41  
 Dated: 30/01/2024  
 Signed: R.M.M.C.  
 Print Name: Ronnie McMahon  
 (Under Delegation) ASSESSMENT MANAGER







The experience **you deserve** >



**Proposed Industrial Development - Stage 1**  
**1 Wilson Court, Goondiwindi**



**Traffic Impact Assessment**

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 23/41  
Dated: 30/01/2024  
Signed: *RM McMahon*  
Print Name: **Ronnie McMahon**  
(Under Delegation) ASSESSMENT MANAGER

Client: Rhodeland Group  
Project No: BE230337  
Document No: BE230337-TIA-02

November 2023

# Document Control Record

Prepared by:	Ashutosh Kotnala	Approved by:	Dale Kleimeyer
Position:	Traffic Engineer	Position:	Principal Traffic
Signed:		Signed:	
Date:	17 November 2023	Date:	17 November 2023

Version No.	Description	Date	Prepared	Approved
01	Final Issue	11 October 2023	AK	DK
02	RFI Final Issue	17 November 2023	AK	DK

**Recipients are responsible for eliminating all superseded documents in their possession**

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PO Box 3766, Australia Fair SOUTHPORT QLD 4215  
Telephone: +61 7 5509 6400**

**Level 14, 167 Eagle Street BRISBANE QLD 4000  
PO Box 83, BRISBANE QLD 4000  
Telephone: +61 7 3606 0201**

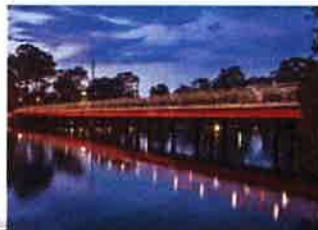
**123 Margaret Street TOOWOOMBA QLD 4350  
PO Box 1439, TOOWOOMBA QLD 4350  
Telephone: +61 7 4580 4970**

**Level 3, 16 East Street IPSWICH QLD 4305  
Telephone: +61 429 056 347**

**Email: [admin@burchills.com.au](mailto:admin@burchills.com.au)  
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The experience you deserve >



1 Wilson Court, Goondiwindi

## Conceptual Stormwater Management Plan

Client: Rhodeland Group

Project No: BE230337

Document No: BE230337-RP-CSMP-01

October 2023

**GOONDIWINDI REGIONAL COUNCIL**  
Approved Plan referred to in Council's Decision Notice


Council Reference: 23/41


Dated: 30/01/2024

Signed: RMM

Print Name: Ronnie McMahon  
(Under Delegation) ASSESSMENT MANAGER

# Document Control Record

Prepared by:	Antonio Bonarrigo
Position:	Civil Engineer / Project Manager
Signed:	
Date:	11/10/2023

Approved by:	Jonathan Cuell
Position:	Director - Urban RPEQ 21773
Signed:	
Date:	11/10/2023

Version No.	Description	Date	Prepared	Approved
00	Draft Issue	05/10/2023	AB	JC
01	Final Issue	11/10/2023	AB	JC

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**Coote Burchills Engineering Pty Ltd ACN: 166 942 365**

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PO Box 3766, Australia Fair SOUTHPORT QLD 4215  
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PO Box 83, BRISBANE QLD 4000  
Telephone: +61 7 3606 0201**

**Unit 4, 462 Ruthven Street TOOWOOMBA QLD 4350  
PO Box 1439, TOOWOOMBA QLD 4350  
Telephone: +61 7 4580 4970**

**Level 3, 16 East Street IPSWICH QLD 4305  
Telephone: +61 429 056 347**

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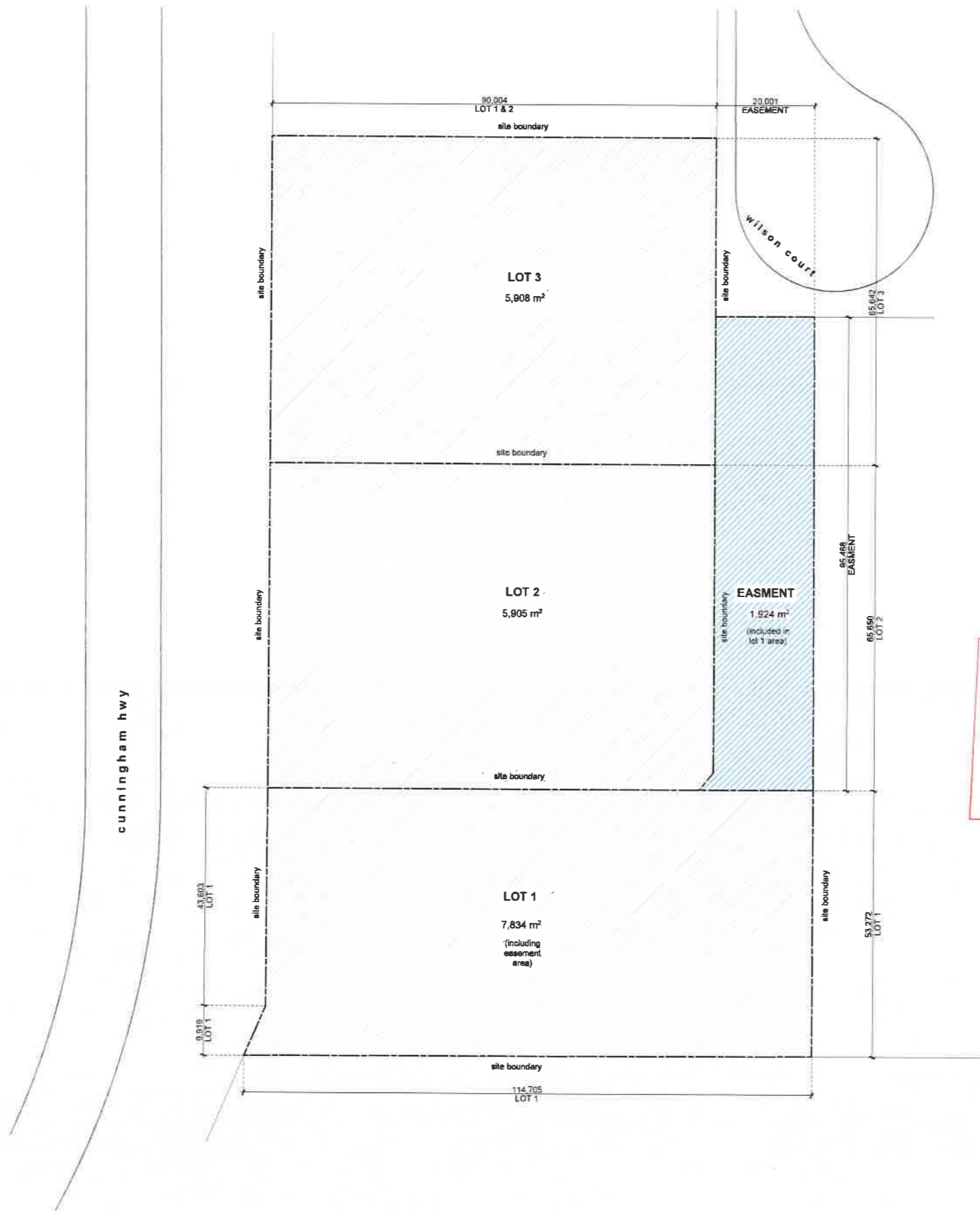
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site information

site area (Lot 1+2+3+easement)	19,546m <sup>2</sup>
easement area	1,924m <sup>2</sup>
site area - LOT 1 (including easement)	7,834m <sup>2</sup>
site area - LOT 2	5,905m <sup>2</sup>
site area - LOT 3	5,908m <sup>2</sup>



**GOONDIWINDI REGIONAL COUNCIL**  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 23/41  
Dated: 30/01/2024  
Signed: [Signature]  
Print Name: Ronnie McMahon  
(Under Delegation) ASSESSMENT MANAGER

note  
site boundaries, contours and services are taken from survey ref 23142-1 SMK QLD





## **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  
Fax: 07 4671 7433

Email: [mail@grc.qld.gov.au](mailto:mail@grc.qld.gov.au)

## Amended Infrastructure Charges Notice

<b>Address</b>	1 Wilson Court, Goondiwindi
<b>Owner</b>	Abralate Pty Ltd
<b>Applicant</b>	Abralate Pty Ltd C/- Property Projects Australia
<b>Application No.</b>	23/41
<b>Lot and Survey Plan</b>	Lot 3 on SP158267
<b>Date</b>	1 March 2024
<b>Approval</b>	Development Permit – Material Change of Use

Development Application Details	
"Industry Activities" – "Warehouse" and ancillary office;	

Proposed Use	Charge Area	Type of Charge	Charge Amount (\$)	Unit	Total Charge (\$)
Warehouse	A	Water, sewerage, transport and parks	8.00 per m <sup>2</sup> of GFA	1,400m <sup>2</sup>	11,200
		Stormwater	1.00 per m <sup>2</sup> of IA	6,709m <sup>2</sup>	6,709

<b>Due Date</b>	When the change of use occurs	<b>Total Charge (\$)</b>	<b>17,909</b>
<b>Charge to be paid to</b>	Goondiwindi Regional Council		
<b>Lapse Date</b>	1 March 2030		

Authorised by:

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

*In accordance the Planning Act 2016*

<b>Office Use – Receipt Number</b>
Charges – 1250-1150-0000
1250-1151-0000 Drainage





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  
Fax: 07 4671 7433  
Email: [mail@grc.qld.gov.au](mailto:mail@grc.qld.gov.au)

## Amended Infrastructure Charges Notice

<b>Address</b>	1 Wilson Court, Goondiwindi
<b>Owner</b>	Abralate Pty Ltd
<b>Applicant</b>	Abralate Pty Ltd C/- Property Projects Australia
<b>Application No.</b>	23/41
<b>Lot and Survey Plan</b>	Lot 3 on SP158267
<b>Date</b>	30 January 2024
<b>Approval</b>	Development Permit – Reconfiguring a Lot

Development Application Details
One (1) lot into three (3) lots and Easement giving access to a constructed road

Type of Charge	Charge Area (A, B, C, D or E)	Charge Amount per lot (\$)	Number of additional lots	Charge (\$)
Reconfiguring a Lot – Stage 1	A	5,000	1	5,000
Reconfiguring a Lot – Stage 2	A	5,000	1	5,000

Due Date	When Goondiwindi Regional Council approves the plan of subdivision	Total Charge (\$)	10,000
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	1 March 2028		

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







**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 Material Change of Use - "Industry Activities" – "Warehouse" and ancillary office and Reconfiguring a Lot (One (1) lot into three (3) lots, Easement giving access to a constructed road)

23/41

1 Wilson Court, Goondiwindi

Lot 3 on SP158267

On 23 January 2024, the above development application was:

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

### 1. Reasons for the decision

The reasons for this decision are:

- Having regard to the relevant criteria in the Goondiwindi Region Planning Scheme 2018, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

### 2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Centre Zone Code	PO1-PO10
Reconfiguring a Lot Code	PO1-PO12
Transport & Infrastructure Code	PO1-PO15
Natural Resources Overlay Code	PO5-PO8
Flood Hazard Overlay Code	PO1-PO4

### 3. Compliance with benchmarks

The proposed development complies with all relevant assessment benchmarks.

### ~~4. Relevant matters for impact assessable development~~

### ~~5. Matters raised in submissions for impact assessable development~~

### 6. Matters prescribed by Regulation



**Attachment 5 – *Planning Act 2016* Extracts**



**EXTRACT FROM *PLANNING ACT 2016*  
RELATING TO APPEAL RIGHTS**

**Chapter 6 Dispute Resolution, Part 1 Appeal Rights**

**229 Appeals to tribunal or P&E Court**

(1) Schedule 1 states—

(a) matters that may be appealed to—

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

(b) the person—

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

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

(3) The **appeal period** is—

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

deemed approval notice to the assessment manager; or

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

Note—

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

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

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

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

(a) the adopted charge itself; or

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

- (i) the establishment cost of trunk infrastructure identified in a LGIP; or
- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

**230 Notice of appeal**

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

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

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

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

(a) the respondent for the appeal; and

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

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

*principal submitter for the development application; and*

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

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

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

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

(4) **The service period is—**

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

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

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

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

### **231 Other appeals**

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

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

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

(4) **In this section—**

**decision** *includes—*

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

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

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

(d) *a purported decision; and*

(e) *a deemed refusal.*

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

(a) *is final and conclusive; and*

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

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

### **232 Rules of the P&E Court**

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

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

## **Part 2 Development tribunal**

### **Division 1 General**

#### **233 Appointment of referees**

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

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

(b) *has demonstrated an ability—*

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

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

(iii) to analyse complex technical issues; and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

**appointment notice** means—

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

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

#### **234 Referee with conflict of interest**

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

#### **235 Establishing development tribunal**

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

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

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

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

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

### **236 Remuneration**

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

### **237 Tribunal proceedings**

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

### **238 Registrar and other officers**

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

## **Division 2 Applications for declarations**

### **239 Starting proceedings for declarations**

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

### **240 Application for declaration about making of development application**

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

### **respondent means—**

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

### **241 Application for declaration about change to development approval**

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

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

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

(4) In this section—

**respondent** means—

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

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

### **Division 3 Tribunal proceedings for appeals and declarations**

#### **242 Action when proceedings start**

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

(a) establish a tribunal for the proceedings; and

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

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

#### **243 Chief executive excusing noncompliance**

(1) This section applies if—

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

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

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

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

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

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

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

#### **244 Ending tribunal proceedings or establishing new tribunal**

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

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

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

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

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

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

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

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

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

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



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

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

#### **245 Refunding fees**

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

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

#### **246 Further material for tribunal proceedings**

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

Examples of information that the registrar may require—

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

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

#### **247 Representation of Minister if State interest involved**

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

#### **248 Representation of parties at hearing**

A party to tribunal proceedings may appear—

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

#### **249 Conduct of tribunal proceedings**

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

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

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

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

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

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

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

- (6) When hearing proceedings, the tribunal—

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

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

#### **250 Tribunal directions or orders**

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

Examples of directions—

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

#### **251 Matters tribunal may consider**

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

#### **252 Deciding no jurisdiction for tribunal proceedings**

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

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

#### **253 Conduct of appeals**

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

#### **254 Deciding appeals to tribunal**

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

- (3) However, the tribunal must not make a change, other than a minor change, to a development application.
- (4) The tribunal's decision takes the place of the decision appealed against.
- (5) The tribunal's decision starts to have effect—
- (a) if a party does not appeal the decision—at the end of the appeal period for the decision; or
  - (b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

#### **255 Notice of tribunal's decision**

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

#### **256 No costs orders**

A tribunal must not make any order as to costs.

#### **257 Recipient's notice of compliance with direction or order**

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

#### **258 Tribunal may extend period to take action**

- (1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.
- (2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

#### **259 Publication of tribunal decisions**

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

## **Schedule 1 Appeals**

section 229

### **Appeal rights and parties to appeals**

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

- (a) the P&E court; or
- (b) a tribunal.

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

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

- (i) a material change of use for a classified building; or
- (ii) operational work associated with building work, a retaining wall, or a tennis court; or

(b) a provision of a development approval for—

- (i) a material change of use for a classified building; or
- (ii) operational work associated with building work, a retaining wall, or a tennis court; or

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

- (i) a material change of use for a classified building; or
- (ii) operational work associated with building work, a retaining wall, or a tennis court; or

(d) a development condition if—

- (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
- (iii) the proposed development is for not more than 60 sole-occupancy units; or

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

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

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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

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

**Table 1**

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

*1. Development applications*

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

*Minister, an appeal may be made against—*

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

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

*(c) a provision of the development approval; or*

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

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

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

***85 Lapsing of approval at end of current period***

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

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

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

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

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

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

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

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

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

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

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