

File: 23/28
Date: 16 November 2023

SMK QLD Pty Ltd for Coulton Investments Pty Ltd
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Tom

**Decision Notice –approval (with conditions)
Material Change of Use
Lot 11 on G472, 32 Bowen Street, Goondiwindi**

We wish to advise that on 16 November 2023 a decision was made to approve the material change of use development application for “*Business activities*” – “*Shop*”, “*Office*” and “*Food and Drink Outlet*” and “*Industry Activities*” – “*Warehouse*” at Lot 11 on G472, 32 Bowen Street, Goondiwindi. In accordance with the *Planning Act 2016*, please find attached Council’s Decision Notice for the application.

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

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note **Condition 39**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

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

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

Yours faithfully

Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 23/28
Council Contact: Mrs Ronnie McMahon
Council Contact Phone: (07) 4671 7400

16 November 2023

Applicant Details: SMK QLD Pty Ltd for Coulton Investments Pty Ltd
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

The development application described below was properly made to Goondiwindi Regional Council on 28 July 2023.

Applicant details

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

Application details

Application number: 23/28
Approval sought: Development Permit – Material Change of Use
Details of proposed development: *"Business activities" – "Shop", "Office" and "Food and Drink Outlet" and "Industry Activities" – "Warehouse"*

Location details

Street address: 32 Bowen Street, Goondiwindi
Real property description: Lot 11 on G472

Decision

Date of decision: 16 November 2023
Decision details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

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

The following approvals are given:

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

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

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

1. Development Permit – Building Works
2. Compliance Permit – Plumbing Works
3. Food Business License

Properly made submissions

Properly made submissions were received from the following principal submitters:

Submitter	Address
Peter and Kerry Corish	PO Box 753 Goondiwindi Qld 4390
Janene and Ray Riddell	21 Raymond Terrace Goondiwindi Qld 4390
Merri-lyn Cameron	3/5 McIntyre Street Goondiwindi Qld 4390

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing Number	Title	Date
1187.22045 SD-001, Issue J	Site Plan	05/09/23
1187.22045 SD-101, Issue C	Floor Plan	24/07/23
1187.22045 SD-401, Issue H	Elevations	17/08/23
1187.22045 SD-901, Issue F	Illustrative Views	10/06/23

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*.

Rights of appeal

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

Appeal by an applicant

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

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

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

Appeal by an eligible submitter

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

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

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

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

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

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

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

Yours Sincerely



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

enc Attachment 1—Assessment manager conditions
 Attachment 2—Approved Plans
 Attachment 3—Infrastructure Charges Notice
 Attachment 4—Notice about decision – Statement of reasons
 Attachment 5—*Planning Act 2016* Extracts



ATTACHMENTS

Attachment 1 – Assessment Manager's Conditions

Attachment 2 – Approved Plans

Attachment 3 – Infrastructure Charges Notice

Attachment 4 – Notice about decision - Statement of reasons

Attachment 5 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Description:	<ul style="list-style-type: none"> • "Business activities" – "Shop", "Office" and "Food and Drink Outlet" and • "Industry Activities" – "Warehouse"
Development:	Material Change of Use – Development Permit
Applicant:	SMK QLD Pty Ltd for Coulton Investments Pty Ltd
Address:	32 Bowen Street, Goondiwindi
Lot/Plan:	Lot 11 G472
Council File Reference:	23/28

	GENERAL CONDITIONS															
1.	<p>Approval is granted for the purpose of a Material Change of Use for:</p> <ul style="list-style-type: none">• “Business activities” – “Shop”, “Office” and “Food and Drink Outlet” and• “Industry Activities” – “Warehouse” <p>as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p>															
2.	<p>All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.</p>															
3.	<p>Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans:</p> <table><tr><th>Drawing Number</th><th>Title</th><th>Date</th></tr><tr><td>1187.22045 SD-001, Issue J</td><td>Site Plan</td><td>05/09/23</td></tr><tr><td>1187.22045 SD-101, Issue C</td><td>Floor Plan</td><td>24/07/23</td></tr><tr><td>1187.22045 SD-401, Issue H</td><td>Elevations</td><td>17/08/23</td></tr><tr><td>1187.22045 SD-901, Issue F</td><td>Illustrative Views</td><td>10/06/23</td></tr></table> <p>Please note these plans are not approved Building Plans.</p>	Drawing Number	Title	Date	1187.22045 SD-001, Issue J	Site Plan	05/09/23	1187.22045 SD-101, Issue C	Floor Plan	24/07/23	1187.22045 SD-401, Issue H	Elevations	17/08/23	1187.22045 SD-901, Issue F	Illustrative Views	10/06/23
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1187.22045 SD-901, Issue F	Illustrative Views	10/06/23														

4.	<p>The proposal plans must be amended as follows:</p> <ul style="list-style-type: none"> Western side boundary setback is to be increased to a minimum of 1.5m, with landscaping provided as outlined in Condition 19. <p>OR</p> <ul style="list-style-type: none"> Additional building articulation is to be provided, to the satisfaction of Council, to reduce the appearance of bulk and heat generation from the wall to the adjoining site.
5.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <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>
6.	<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>
7.	<p>It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site and the commencement of the use.</p>
	<p>OPERATION OF THE USE</p>
8.	<p>The approved development shall be operated generally between the hours of 7:00am and 6:00pm.</p>
9.	<p>Loading and unloading activities are limited to between the hours of 8:00am and 5:00pm, Monday to Friday.</p>
10.	<p>The maximum size service vehicle accessing the site is a Small Rigid Vehicle.</p>

	PUBLIC UTILITIES
11.	The development shall be connected to a suitable electricity and telecommunications supply system, at no cost to Council.
	ESSENTIAL SERVICES
12.	<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, including appropriate backflow prevention device at the water meter, to enable the development to be serviced to relevant engineering standards and to the satisfaction of Council.</p>
13.	<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, including an appropriately sized grease trap, to enable the development to be serviced to relevant engineering standards and to the satisfaction of Council.</p>
	ROADS AND VEHICLES
14.	<p>The proposed accesses from Macintyre Street and Bowen Street shall be upgraded from the edge of the road surface to the property boundary to a commercial standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018 (Version 2), to the satisfaction of and at no cost to Council.</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the development to ensure compliance with this condition.</p>

15.	<p>All areas where customer vehicles park and manoeuvre shall be constructed to a sealed standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region Planning Scheme 2018 (Version 2), to the satisfaction of and at no cost to Council.</p> <p>Car parking and manoeuvring areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
16.	<p>Vehicle manoeuvring areas shall be provided on-site to that all vehicles, including all heavy vehicles, can enter and leave the site in a forward direction.</p>
17.	<p>Seven (7) sealed and delineated car parking spaces shall be supplied on-site in accordance with the approved site plan.</p> <p>Car parking areas shall be either constructed or bonded prior to the issue of a building approval.</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>
18.	<p>In lieu of the provision of on-site car parking spaces, pay a contribution to Council for the 25 car parking spaces not provided on site. The contribution is valued at \$2,625 in Council's 2023/2024 Register of Cost Recovery Fees Commercial Charges and may be subject to change.</p> <p>The applicant should contact Council to confirm the value of the contribution at the time of payment.</p>
	<p>LANDSCAPING & SCREENING</p>
19.	<p>1.5m high picket-style fence shall be provided for the full length of the western site boundary. The fence shall be appropriately integrated with landscaping consisting of a vine or vines on or near the western wall of the building for the full length of the wall to present an attractive visual appearance to the adjoining property owners and passing pedestrians and motorists.</p> <p>OR</p> <p>Alternative as agreed by Council and the adjoining property owner.</p>

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

- a) Street frontage landscaping along the site's Macintyre and Bowen Street frontages, excluding vehicle access points, at a width of 2m, generally in accordance with the approved site plan.

All landscaping and tree plantings are to be planted and maintained to the satisfaction of a Council Officer. A bond for the amount of **\$1,900** is to be submitted prior to the commencement of the use for the maintenance of landscaping.

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

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

After the required bond holding time has passed, a refund of bond monies will only be considered upon written request from the person who paid the bond once the required bond holding time has been completed.

A Council Officer may inspect landscaping plantings to ensure compliance with this condition and acceptance of the works.

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

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

	STORMWATER
21.	<p>Prior to the commencement of the use and at all times while the use continues, the site shall be adequately drained and all stormwater shall be disposed of to a legal point of discharge in accordance with 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 system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>
22.	<p>Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council.</p> <p>No ponding, concentration or redirection of stormwater shall occur on adjoining properties unless specifically agreed to in writing by Council and the owners of any adjoining properties affected by these changes.</p>
	EARTHWORKS AND EROSION CONTROL
23.	<p>Any filling or excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council.</p> <p>Excavation or filling within 1.5 metres of any site boundary is battered or retained by a wall that does not exceed 1 metre in height.</p>
24.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>

	AVOIDING NUISANCE
25.	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.
26.	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.
27.	All external lighting is to be compliant with AS/NZS 4282-2019 "Control of obtrusive effects of outdoor lighting".
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 with an impervious floor, with a screen height at least 600mm above the height of the receptacle. Waste storage areas must be provided with a hose cock.</p> <p>Collection and removal of waste from site should be limited to the operating hours of 8am to 5pm.</p>
29.	The operator shall be responsible for mitigating any complaints arising from on-site operations.
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 on a clean and tidy state at all times during construction.</p>
31.	<p>All plant and air-conditioning equipment and the like must be visually screened from all road frontages.</p> <p>At all times while the use continues, any air conditioning 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>
32.	Amplified bells and similar devices are not to be fitted to telecommunications equipment installed on site.

	DEVELOPER'S RESPONSIBILITIES
33.	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.
34.	All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances in place to carry out the works.
35.	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.
36.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
	COMMENCEMENT OF USE
37.	<p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p> <p>The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.</p>
38.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes effect, in accordance with the provisions contained in section 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>
39.	A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.

	PLEASE READ CAREFULLY - NOTES AND ADVICE
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	Infrastructure charges as outlined in the Infrastructure Charges Notice included in Attachment 3 shall be paid prior to the commencement of the use.
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.
	This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i> . Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i> , a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").
	The applicant is required to make application for a food licence to Council prior to commencement of the use.
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering workplace health and safety.



Attachment 2 – Approved Plans



CAR PARKING	
SHOP	1/20 = 8
FOOD AND DRINK:	1/15 = 9
OFFICE:	1/10 = 8.5
WAREHOUSE	1/100 = 6.5

TOTAL REQUIRED	32 CAR PARKS
TOTAL PROVIDED (ONSITE)	7 CARPARKS

NOTE: BALANCE OF REQUIRED CARPARKS NOT PROVIDED ON-SITE TO BE SOURCED FROM ON-STREET CARPARKING SUPPLY UNDER ARRANGEMENT WITH GRC.

BUILDING CODE COMPLIANCE	
BUILDING CLASSIFICATION	WAREHOUSE - 7b SHOWROOM - E OFFICE - 5
CONSTRUCTION TYPE	TYPIC
FLOOR AREA (TOTAL)	REFER TABLE
VOLUME (TOTAL)	(MAX TYPE C = 12,000m³)
FIRE COMPARTMENTS:	1
MAX COMB. SIZE	(MAX TYPE C = 2000m²)
STOREYS	1
CLIMATE ZONE	1
WIND CATEGORY	REFER ENGINEER REFER ENGINEER

EXTERNAL WALL - < 1500mm FROM BOUNDARY = FRL 92/90/90 REQ
 FIRE WALL - < 3000mm FROM BOUNDARY = FRL 92/90/90 REQ
 FIRE WALL - FRL 90/90/90 REQ

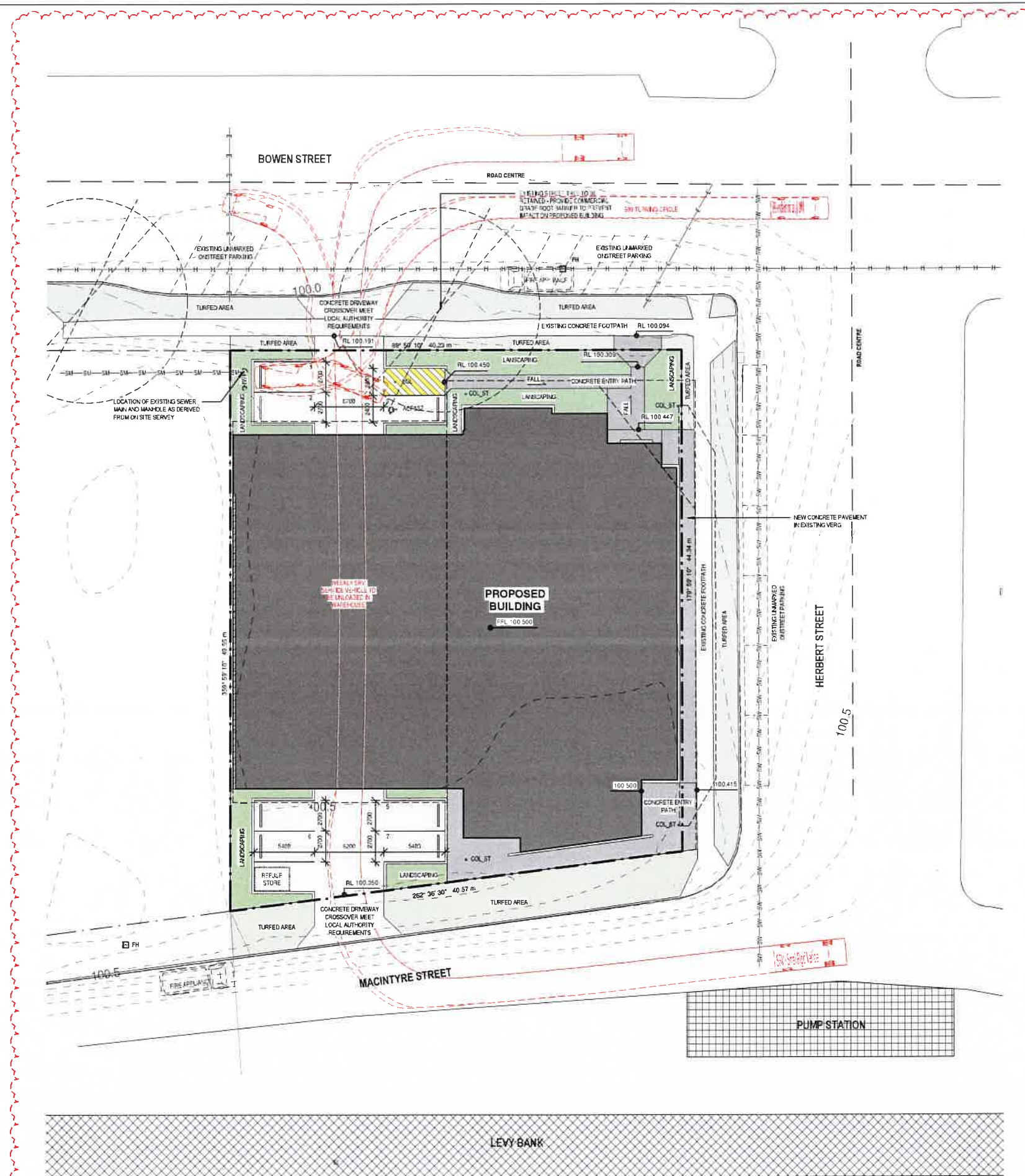
AREA SCHEDULE - BUILDING AREA	
Name	Area
GROUND FLOOR OFFICE / RETAIL / CAFE	135.8 m ²
GROUND FLOOR WAREHOUSE	147.3 m ²
	1320.9 m ²

SITE LEGEND:

—SW—	STORMWATER MAIN
—H—	HYDRANT MAIN
—E—	OVERHEAD POWERLINE
—SM—	SEWER MAIN



1 SITE PLAN
201 1 : 200



GENERAL NOTES:
1. SEE SPECIFICATIONS FOR DETAILS.
2. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AND SHALL BE SUBJECT TO INSPECTION AND TESTING BY THE ENGINEER.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES AND TRAFFIC CONTROL DURING CONSTRUCTION.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ENVIRONMENTAL FEATURES AND SENSITIVE AREAS.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES AND MATERIALS USED.



No.	Description	Date
D	REV PRELIM CONCEPT	15-02-2017
E	CONCEPT DESIGN ISS	30-05-2017
F	REV CONCEPT DESIGN ISS	10-06-2017
G	REV CONCEPT DESIGN ISS	24-07-2017
H	RFI RESPONSE	17-08-2017
J	RFI RESPONSE	05-09-2017

PROPOSED HEADQUARTERS

32 BOWEN STREET
GOONDIWINDI

GOONDIWINDI COTTON	
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SITE PLAN

Title SEE MEASUREMENT		1187.22045 SD-001		J
Print Date 5/05/2023 10:00:32 AM		Project No.		Issued
Checked CVI	Drawn JRS	Scale	As shown @ 2"	

AREA SCHEDULE - BUILDING AREA	
Name	Area
GROUND FLOOR OFFICE / RETAIL / CAFE	1,800 m ²
GROUND FLOOR WAREHOUSE	1,675 m ²
	3,475 m ²

RETAIL SHOWROOM: 1'5m² = 2)
CAFE SEATING PLAN: 101 M²
WAREHOUSE (STORE): 1 300m² = '8
OPERATIONS (OFFICE): 1'10m² = 2'
NOTE: SHARED STAFF BETWEEN OPS
AND WAREHOUSE

STAFF & PATRONS		
	MALE - 20	FEMALE - 20
CLOSET PANS	2	2
URINALS	2	-
WASH BASINS	1	1

	MALE - 50	FEMALE - 50
CLOSET PAKS	1	2
URINALS	1	1
WASH BASINS	1	1

USING COMMON UNISEX PAD COUNTED ONCE FOR EACH SEX - REQUIRED EQUALS - UNISEX PAD WALLS AND FEM AMBULAN FOR STAFF AND PATRONS




1 FLOOR PLAN
301 1 : 100

Approved by Goondiwindi
Regional Council with
possible variations by the
applicant.

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

Council Reference: 223/28

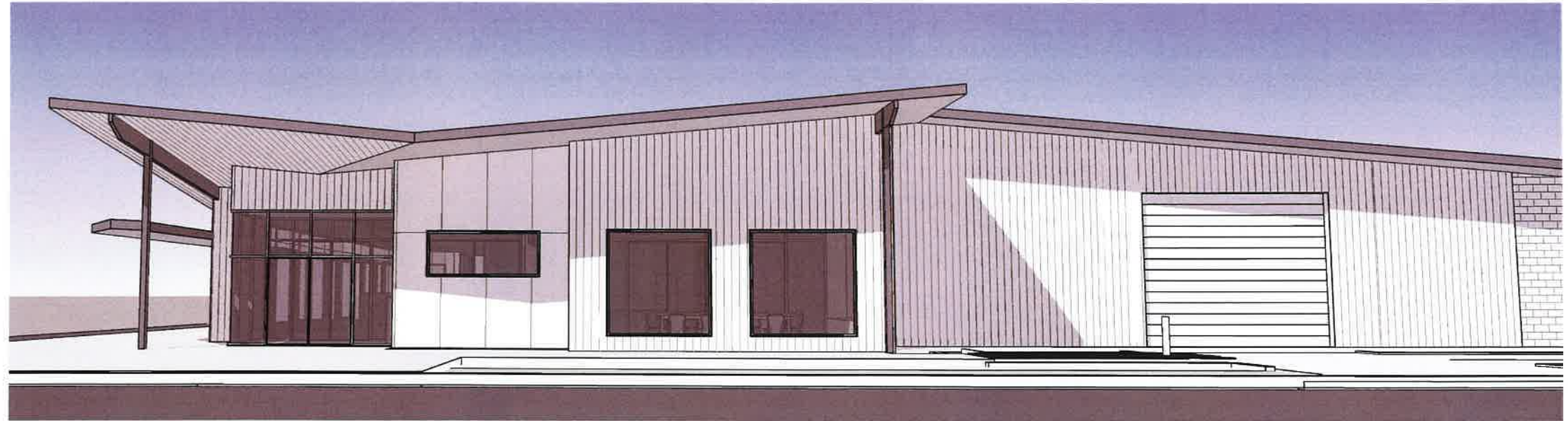
Dated: 16/11/23

Signed: 

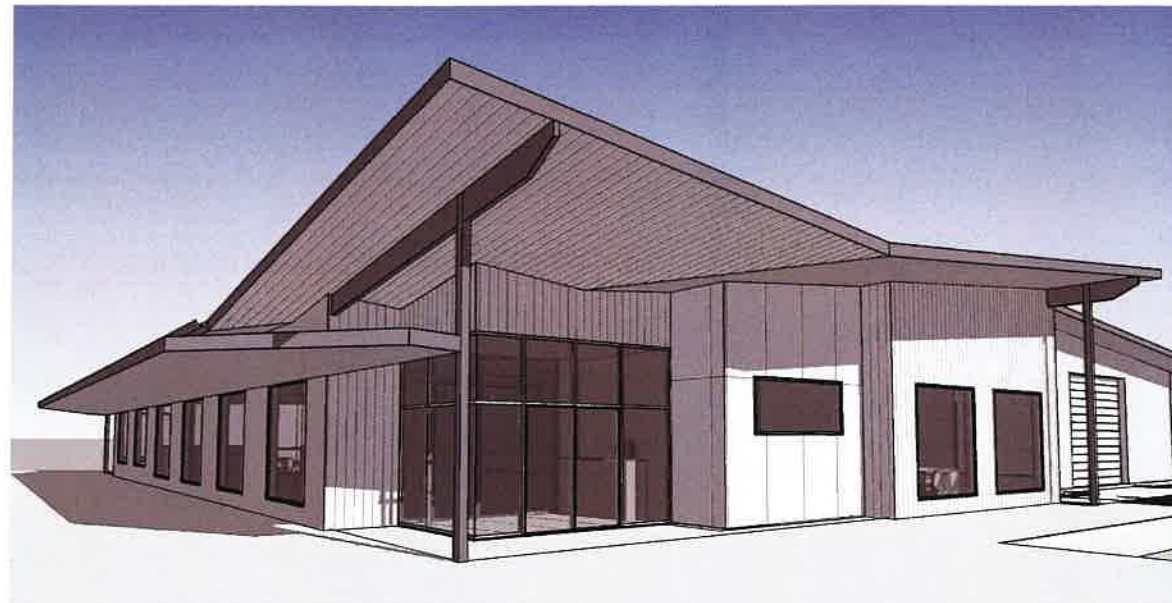
Print Name: Carl Manton
(Under Delegation) ASSESSMENT MANAGER

<p>GENERAL NOTES</p> <p>1. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS.</p>	<p>2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS.</p>	<p>3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS.</p>	<p>4. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS.</p>	<p>5. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS MATERIALS.</p>
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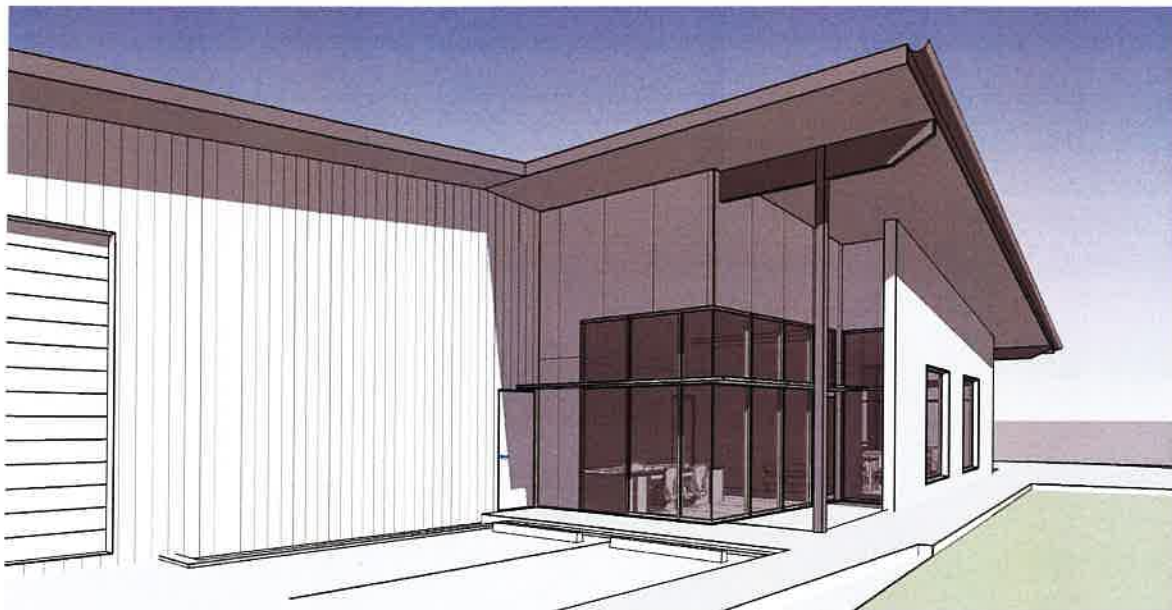
GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 23/28
 Dated: 16/11/23
 Signed: *Carl Manton*
 Print Name: Carl Manton
 (Under Delegation) ASSESSMENT MANAGER



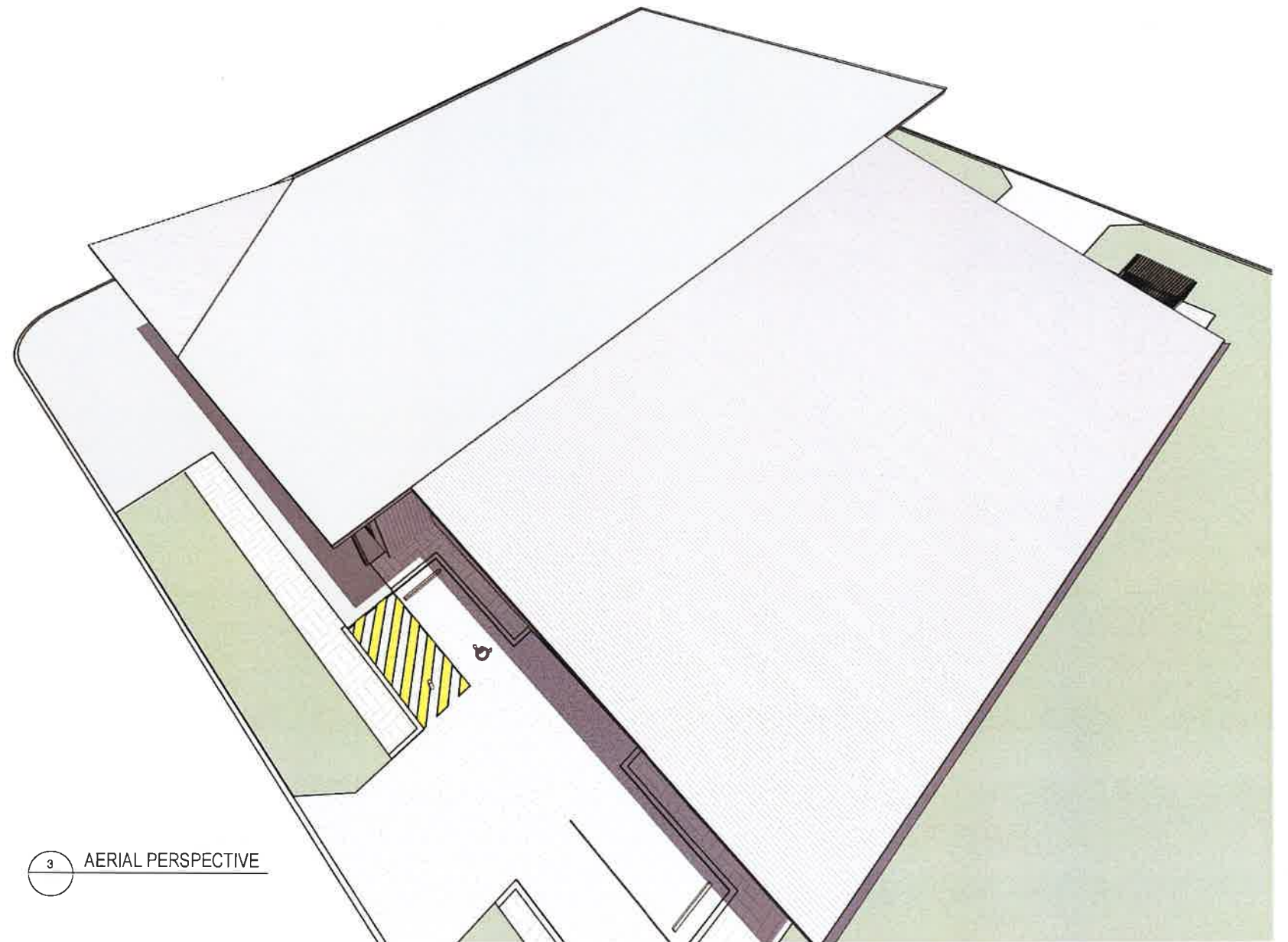
1 NORTH PERSPECTIVE



2 ENTRY PERSPECTIVE



4 SOUTHERN PERSPECTIVE



3 AERIAL PERSPECTIVE

GENERAL NOTES
 1. THE DESIGN OF THIS BUILDING IS BASED ON THE ASSUMPTION THAT THE BUILDING WILL BE USED AS A HEADQUARTERS FOR THE GOONDIWINDI REGIONAL COUNCIL.
 2. THE BUILDING IS DESIGNED TO ACCOMMODATE THE FOLLOWING FUNCTIONS:
 - OFFICE SPACE
 - MEETING ROOMS
 - STORAGE
 - PARKING
 3. THE BUILDING IS DESIGNED TO BE A LOW-RISE, SINGLE-STORY BUILDING.
 4. THE BUILDING IS DESIGNED TO BE A MODULAR BUILDING.
 5. THE BUILDING IS DESIGNED TO BE A SUSTAINABLE BUILDING.
 6. THE BUILDING IS DESIGNED TO BE A COST-EFFECTIVE BUILDING.
 7. THE BUILDING IS DESIGNED TO BE A FLEXIBLE BUILDING.
 8. THE BUILDING IS DESIGNED TO BE A DURABLE BUILDING.
 9. THE BUILDING IS DESIGNED TO BE A SAFE BUILDING.
 10. THE BUILDING IS DESIGNED TO BE A COMFORTABLE BUILDING.

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 V&D Studio
 10/10/2023
 10/10/2023



No.	Description	Date
A	PRELIM CONCEPT DESIGN	02/05/22
B	REV PRELIM CONCEPT	07/10/22
C	REV PRELIM CONCEPT	07/11/22
D	REV PRELIM CONCEPT	13/02/23
E	CONCEPT DESIGN ISS	20/05/23
F	REV CONCEPT DESIGN ISS	10/06/23

PROPOSED HEADQUARTERS
 32 BOWEN STREET
 GOONDIWINDI
 GOONDIWINDI
 COTTON

ILLUSTRATIVE VIEWS	
View: 32 BOWEN STREET	1187.22045 SD-901 F
Print Date: 10/06/2023 10:19 PM	Project No: 1187.22045 SD-901
Client: C71	Drawn: C71 Scale: 1:100



Attachment 3 – Infrastructure Charges Notice





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

Locked Mail Bag 7
Inglewood QLD 4387

Telephone: 07 4671 7400

Email: mail@grc.qld.gov.au

Infrastructure Charges Notice

Address	32 Bowen Street, Goondiwindi
Owner	Coulton Investments Pty Ltd
Applicant	SMK QLD Pty Ltd for Coulton Investments Pty Ltd
Application No.	23/28
Lot and Survey Plan	Lot 11 on G472
Date	16 November 2023
Approval	Development Permit – Material Change of Use

Development Application Details
"Business activities" – "Shop", "Office" and "Food and Drink Outlet" and "Industry Activities" – "Warehouse"

Proposed Use	Charge Area	Type of Charge	Charge Amount (\$)	Demand	Total Charge (\$)
Food and Drink Outlet, Office, Shop and Warehouse	A	Water, sewerage, transport and parks	\$8.00 per m ² of GFA	1,352.5m ²	\$10,820
		Stormwater	\$1.00 per m ² of impervious area	1,725m ²	\$1,725

Due Date	When the use commences	Total Charge (\$)	\$12,525
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	16 November 2029		

Authorised by:

Print Name: **Mr Carl Manton**
Chief Executive Officer

In accordance the Planning Act 2016

Office Use – Receipt Number

Charges - 1250-1150-0000
1250-1151-0000 (Drainage)





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 "*Business activities*" – "*Shop*", "*Office*" and "*Food and Drink Outlet*" and "*Industry Activities*" – "*Warehouse*"

23/28

32 Bowen Street, Goondiwindi

Lot 11 on G472

On 16 November 2023, 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
Strategic Framework	Elements 1-7
General Residential Zone Code	Purpose PO1-PO5
Transport & Infrastructure Code	PO1-PO15
Natural Resources Overlay Code	PO5-PO8
Flood Hazard Overlay Code	PO1-PO4

3. Compliance with benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark																				
General Residential Zone Code																					
<p>AO2.1 Site cover does not exceed 50%.</p> <p>Where in Goondiwindi:</p> <p>AO2.2 Domestic outbuildings do not exceed the following dimensions:</p> <table><tr><th>Land size (m²)</th><th>Gross Floor Area (m²)</th><th>Max Ht</th><th>Door Ht</th></tr><tr><td>600 – 800</td><td>91</td><td>4m</td><td>3m</td></tr><tr><td>801 – 1,000</td><td>120</td><td>4m</td><td>3m</td></tr><tr><td>1,001 – 1,200</td><td>150</td><td>4m</td><td>3m</td></tr><tr><td>1,201 – greater</td><td>200</td><td>6m</td><td>4m</td></tr></table>	Land size (m ²)	Gross Floor Area (m ²)	Max Ht	Door Ht	600 – 800	91	4m	3m	801 – 1,000	120	4m	3m	1,001 – 1,200	150	4m	3m	1,201 – greater	200	6m	4m	<p>Alternative Solution The proposal will result in a site cover of 70%. The site cover is consistent with development in the Centre Zone and is considered to be in keeping with the character of nearby development.</p> <p>The scale of the activity does dominate the premises and conditions will be applied for the provision of additional landscaping.</p>
Land size (m ²)	Gross Floor Area (m ²)	Max Ht	Door Ht																		
600 – 800	91	4m	3m																		
801 – 1,000	120	4m	3m																		
1,001 – 1,200	150	4m	3m																		
1,201 – greater	200	6m	4m																		
<p>AO3.1 Buildings and structures, other than <i>garden structures</i>, are <i>setback</i> a minimum of: (a) 6 metres from the <i>primary road frontage</i>; and (b) 4.5 metres from a secondary road frontage.</p> <p>AO3.2 Buildings and structures, other than <i>garden structures</i>, are <i>setback</i> a minimum of 1.5 metres from each side boundary and rear boundary.</p> <p>AO3.3 Extensions to existing buildings and structures already located within the boundary setback: (a) the existing building line is maintained</p> <p>AO3.4 Replacement of an existing building and structure, where the existing building and structure was located within the boundary setback: the new building boundary setback is no closer to any property boundary than the existing building being replaced.</p>	<p>Alternative Solution The proposal is built to the Herbert Street frontage, in keeping with nearby development. The proposed awning provides pedestrian connectivity and maintains a coherent streetscape.</p> <p>Condition to Comply The proposal will be conditioned to be setback 1.5m from the western side boundary unless an alternative building design is proposed that protects the amenity of the adjoining property.</p> <p>Not Applicable</p> <p>Not Applicable</p>																				
Transport & Infrastructure Code																					
<p>AO2 Parking is provided on the site in accordance with the requirements identified in Table 9.4.4.2 - Car parking generation rates and service vehicle requirements.</p> <p>Note—where for a <i>supermarket</i> or <i>shopping centre</i> including a <i>supermarket</i> in the Central business district precinct or Pratten Street precinct of the Centre Zone or the Callandoon Street precinct or Marshall Street precinct of the General residential zone, a Traffic and Car Parking Impact Assessment and Street Improvement Plan is undertaken in support of any development application seeking car parking concessions.</p>	<p>Alternative Solution Table 9.4.4.2 requires 32 car parking spaces to be provided on site, the applicant proposes 7. In lieu of car parking, the applicant will be conditioned to pay a contribution in accordance with the Fees and Charges register.</p>																				

OR Where development is for a material change of use involving no building work or <i>minor building work</i> , the existing number of car parking spaces on the premises is maintained.	
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4. Relevant matters for impact assessable development

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

Other relevant matters to the assessment of the development under section 45(5)(b)	Assessment carried out against or assessment had regard to
Proximity of the site to the Goondiwindi CBD	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to

5. Matters raised in submissions for impact assessable development

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p><i>"the proposed development does not fit within the established character of McIntyre Street"</i></p> <p><i>"The proposed rezoning does not adhere to the recommendations of the Demand Analysis, Commercial and Industrial Land report..."</i></p> <p><i>"The applicant could double their existing warehouse/office by adding a 2nd storey"</i></p>	<p>The proposed development is considered to reflect a continuation of development along Herbert Street to connect to the Macintyre River.</p> <p>The report noted by the submitter was published in 2010 and does not take into consideration any changes in demand.</p> <p>No conditions required.</p>
<p><i>"The application includes a warehouse...this will cause substantial heavy vehicle traffic movements and additional parking congestion..."</i></p>	<p>The applicant submits that service vehicles accessing the site will be a weekly SRV. This is not considered to cause substantial traffic movements.</p> <p>Conditions will be applied limiting access to the site by larger service vehicles.</p>
<p><i>"...proposed single long western wall will be certainly unattractive and very hot in summer afternoons..."</i></p> <p><i>"The planned set back...is not even enough for any substantial landscaping to soften the wall effect."</i></p>	<p>As part of Council's Information Request, further detail on the western wall was requested from the applicant. The applicant's response stated that the rendered concrete wall would include varying paint finishes, in large blocks. This is not considered adequate to reduce impacts to surrounding residential uses.</p> <p>Conditions will be applied for the building to be setback from the boundary. The applicant can submit alternative designs that utilise architectural features to improve the appearance of the site to the western boundary.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p><i>"to remove all 16 existing large established trees would be another travesty..."</i></p> <p><i>"we urge that the existing large trees on the Herbert Street side be retained."</i></p> <p><i>"the proposed rezoning also fails to meet the Goondiwindi Regional Council Landscaping policy objectives..."</i></p> <p><i>"the proposed plans have a large warehouse wall on the boundary of a residential zoned property with no landscaping buffer."</i></p> <p><i>"the southern side of the complex, facing the Riverwalk, has no landscaping with an unsightly warehouse entrance...detracting from the existing tranquil setting."</i></p>	<p>The proposal includes an active frontage and awning to Herbert Street, with landscaping areas along the Bowen and MacIntyre Street frontages. This is considered to be consistent with the form of development in the locality.</p> <p>The removal of established trees is noted. As noted above, conditions will be applied to address screening of the western boundary wall.</p> <p>The proposal plans show landscaping areas along the southern boundary, and conditions have been applied for the construction of these areas.</p>
<p><i>"There is limited off street parking...the precinct already attracts overflow parking from the food works supermarket and a lot of caravans, camper trailers etc"</i></p> <p><i>"even in the present vacant state it is difficult with lots of caravans and trailers to find a park"</i></p>	<p>Council can accept a contribution in lieu of the provision of car parking on site. Based on the location of the site, it is considered that a contribution can be accepted in this instance.</p> <p>Yes, conditions will be applied in relation to the provision of parking on site as per the proposal plans, and payment of a contribution in lieu of the balance of car parking spaces.</p>
<p><i>"With the current housing crisis in Qld & Goondiwindi, it would be nonsense to change this prime site from residential to commercial use. Surely multi-residential housing...should be the priority"</i></p>	<p>Council acknowledges the housing crisis in Queensland. While the proposed development could be refused for commercial development, it does not then guarantee the provision of additional housing stock will occur on this site. The proposal is considered to be in keeping with the character of Herbert Street, subject to conditions.</p> <p>No conditions to be applied.</p>

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.