

File: 19/35OW  
Date: 16 October 2019

Newlands Civil Construction Pty Ltd  
PO Box 3407  
TOOWOOMBA QLD 4350

Attention: Brendan Curr

Dear Mr Curr

**Decision Notice – approval (with conditions)  
Operational Works  
Lot 279 on SP164149, 43-53 Lamberth Road, Goondiwindi**

We wish to advise that on 15 October 2019 a decision was made to approve the operational works development application for bulk earthworks, roadworks, stormwater, sewer and water infrastructure and landscaping for 66 lots in four (4) stages at Lot 279 on SP164149, 43-53 Lamberth Road, Goondiwindi. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

Please note **Condition 21**, which requires a letter to be submitted to Council at the completion of the works for each stage, outlining and demonstrating compliance with each condition.

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: 19/35OW  
Council Contact: Mrs Ronnie McMahon: LMM  
Council Contact Phone: (07) 4671 7400

16 October 2019

**Applicant Details:** Newlands Civil Construction Pty Ltd  
PO Box 3407  
TOOWOOMBA QLD 4350

Attention: Brendan Curr

The development application described below was properly made to Goondiwindi Regional Council on 27 September 2019.

#### Applicant details

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Applicant name: Newlands Civil Construction Pty Ltd  
Applicant contact details: Mr Brendan Curr  
PO Box 3407, Toowoomba, Qld 4350  
[brendan@brcpropertygroup.com.au](mailto:brendan@brcpropertygroup.com.au)  
0401 263394

#### Application details

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Application number: 19/35OW  
Approval sought: Development Permit  
Details of proposed development: Operational Works for 66 lots in four (4) stages (Bulk earthworks, roadworks, stormwater, sewer and water infrastructure and landscaping)

#### Location details

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Street address: 43-53 Lamberth Road, Goondiwindi  
Real property description: Lot 279 on SP164149

#### Decision

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Date of decision: 15 October 2019  
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

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Development permit                      Operational Works

## Conditions

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This approval is subject to the conditions in Attachment 1.

## Further development permits

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

1. Not applicable

## Properly made submissions

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

## Rights of appeal

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular 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*).

A copy of the relevant appeal provisions are attached.

## Currency period for the approval

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This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*

- [operational work] If the development has not commenced within the following staged timeframes:
  - Stage 1 – two (2) years (by 2021);
  - Stage 2 – five (5) years (by 2024);
  - Stage 3 – eight (8) years (by 2027); and
  - Stage 4 – eleven (11) years (by 2030).

## Approved plans and specifications

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Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: [operational works]</b>				
Staging Plan	Baker Rossow Consulting Engineers	16/08/19	180364-101	Revision A
The Schedule (amended by council in red)	Baker Rossow Consulting Engineers	16 September 2019	6080	

Sewer Layout Plan Sheet 2 of 2	Baker Rossow Consulting Engineers	Oct 2019	180364-302	Revision C
Water Reticulation Layout Plan Sheet 1 of 2	Baker Rossow Consulting Engineers	Oct 2019	180364-501	Revision C
Water Reticulation Layout Plan Sheet 2 of 2	Baker Rossow Consulting Engineers	Oct 2019	180364-502	Revision C
Detailed Layout Plan Sheet 2 of 2	Baker Rossow Consulting Engineers	16 September 2019	180364-202	Revision B

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

**Attachment 4** is an extract from the *Planning Act 2016*, which details the applicant's appeal rights regarding this decision

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

Yours Sincerely



**Ronnie McMahon**  
 Manager of Planning Services  
 Goondiwindi Regional Council

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



## **ATTACHMENTS**

**Attachment 1 – Assessment Manager’s Conditions**

**Attachment 2 – Approved Plans**

**Attachment 3 – Notice about decision - Statement of reasons**

**Attachment 4 – *Planning Act 2016* Extracts**

*Planning Act 2016 appeal provisions*

*Planning Act 2016 lapse dates*



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



## Assessment Manager's Conditions

<b>Proposed Use:</b>	"Operational works" for 66 lots in four (4) stages (Bulk earthworks, roadworks, stormwater, sewer and water infrastructure and landscaping)
<b>Development:</b>	Operational Works – Development Permit
<b>Applicant:</b>	Newlands Civil Construction Pty Ltd
<b>Address:</b>	43-53 Lamberth Road, Goondiwindi
<b>Real Property Description:</b>	Lot 279 on SP164149
<b>Council File Reference:</b>	19/35OW

<b>GENERAL CONDITIONS</b>																						
<b>1.</b>	Approval is granted for the purpose of Operational Works for 66 lots in four (4) stages (Bulk earthworks, roadworks, stormwater, sewer and water infrastructure and landscaping).  This approval in no way authorises any building work to occur on the relevant site.																					
<b>2.</b>	All conditions must be complied with or bonded, unless specified in an individual condition.																					
<b>3.</b>	The development shall be constructed generally in accordance with supporting information supplied by the applicant with the development application including the following: <table border="1" data-bbox="365 1193 1501 1852"> <thead> <tr> <th><b>Drawing Number</b></th> <th><b>Title</b></th> <th><b>Date</b></th> </tr> </thead> <tbody> <tr> <td>180364-101, Revision A</td> <td>Staging Plan</td> <td>16/08/19</td> </tr> <tr> <td>6080 (Amended by Council in red)</td> <td>The Schedule</td> <td>16 September 2019</td> </tr> <tr> <td>180364-302, Revision C</td> <td>Sewer Layout Plan Sheet 2 of 2</td> <td>Oct 2019</td> </tr> <tr> <td>180364-501, Revision C</td> <td>Water Reticulation Layout Plan Sheet 1 of 2</td> <td>Oct 2019</td> </tr> <tr> <td>180364-502, Revision C</td> <td>Water Reticulation Layout Plan Sheet 2 of 2</td> <td>Oct 2019</td> </tr> <tr> <td>180364-202, Revision B</td> <td>Detailed Layout Plan Sheet 2 of 2</td> <td>16 September 2019</td> </tr> </tbody> </table> <p>Please note these documents are not approved Building Plans.</p>	<b>Drawing Number</b>	<b>Title</b>	<b>Date</b>	180364-101, Revision A	Staging Plan	16/08/19	6080 (Amended by Council in red)	The Schedule	16 September 2019	180364-302, Revision C	Sewer Layout Plan Sheet 2 of 2	Oct 2019	180364-501, Revision C	Water Reticulation Layout Plan Sheet 1 of 2	Oct 2019	180364-502, Revision C	Water Reticulation Layout Plan Sheet 2 of 2	Oct 2019	180364-202, Revision B	Detailed Layout Plan Sheet 2 of 2	16 September 2019
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180364-502, Revision C	Water Reticulation Layout Plan Sheet 2 of 2	Oct 2019																				
180364-202, Revision B	Detailed Layout Plan Sheet 2 of 2	16 September 2019																				

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</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.	<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>
6.	<p>Development does not detract from the amenity of the local area through unacceptable impacts relating to:</p> <ul style="list-style-type: none"> <li>(a) Noise;</li> <li>(b) Hours of operation;</li> <li>(c) Traffic;</li> <li>(d) Advertising devices;</li> <li>(e) Lighting;</li> <li>(f) Visual amenity;</li> <li>(g) Privacy;</li> <li>(h) Odour; or</li> <li>(i) Emissions.</li> </ul>
<b>ENGINEERING CONDITIONS</b>	
7.	<p>Prior to the commencement of work on site, a project management plan addressing Quality, Safety, Traffic and Environmental Management shall be submitted to Council for approval by the Director of Engineering Services.</p>
8.	<p>At the completion of each stage of the development, the developer shall provide to the satisfaction of the Director of Engineering Services, 'As Constructed' drawings and construction details.</p>
9.	<p>Each stage of the development shall be subject to a 12-month defects liability period, commencing from the date of confirmation by Council of the developers letter of compliance (required by Condition 21).</p>



10.	The installation and connection of all water and sewerage services are to be undertaken in accordance with the approved hydraulic designs (Plan Number 302 Rev C, Plan Number 501 Rev C and Plan Number 502 Rev C) prepared by Baker Rossow Consulting Engineers.
<b>EXCAVATING AND FILLING WORKS</b>	
11.	Excavating and filling must negatively impact on the character and amenity of neighbourhoods, increase flood or drainage impacts on neighbouring properties and cause pollution or contamination of nearby land or watercourses.
12.	Excavating or filling must not result on works or structures that extract or retain overland water flows.
13.	Excavating and filling works are to be designed using appropriate engineering standards.
14.	Appropriate erosion control and silt collection measures are to be provided to ensure that environmental values are protected during construction activities.
<b>DEVELOPER'S RESPONSIBILITIES</b>	
15.	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.
16.	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.
17.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs.
18.	At all times, all requirements of the conditions of the development approval must be maintained.

<b>COMPLETION OF WORKS</b>	
<b>19.</b>	<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>
<b>20.</b>	<p>This approval will lapse if the development has not commenced within the following stages, of the date the development approval takes effect, in accordance with the provisions contained in section 85 of the <i>Planning Act 2016</i>:</p> <ul style="list-style-type: none"> <li>• Stage 1 – two (2) years (by 2021);</li> <li>• Stage 2 – five (5) years (by 2024);</li> <li>• Stage 3 – eight (8) years (by 2027); and</li> <li>• Stage 4 – eleven (11) years (by 2030).</li> </ul> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
<b>21.</b>	<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 at the completion of the works for each stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.</p>
<b>PLEASE READ CAREFULLY - NOTES AND ADVICE</b>	
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the development has not commenced within the following stages, of the date the development approval takes effect:</p> <ul style="list-style-type: none"> <li>• Stage 1 – two (2) years (by 2021);</li> <li>• Stage 2 – five (5) years (by 2024);</li> <li>• Stage 3 – eight (8) years (by 2027); and</li> <li>• Stage 4 – eleven (11) years (by 2030).</li> </ul> <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>It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.</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>



## Attachment 2 – Approved Plans



Council Reference: 19/35 OW

Dated: 16 October 2019

Signed: *R M M*

Print Name: Mrs Rennie McMahon  
(Under Delegation) ASSESSMENT MANAGER

No 6080

THE SCHEDULE

Document Title	Reference	Revision
<b>ROADWORKS</b>		
STAGING LAYOUT PLAN	180364-101	REV A
ROAD SETOUT PLAN - SHEET 1 OF 2	180364-102	REV A
ROAD SETOUT PLAN - SHEET 2 OF 2	180364-103	REV A
ROAD TYPICAL CROSS SECTIONS AND DETAILS SHEET - 1 OF 2	180364-104	REV A
ROAD TYPICAL CROSS SECTIONS AND DETAILS SHEET - 2 OF 2	180364-105	REV A
DETAILED LAYOUT PLAN - SHEET 1 OF 2	180364-201	REV A
DETAILED LAYOUT PLAN - SHEET 2 OF 2	180364-202	REV B
ROAD LONGITUDINAL SECTION CONTROL LINE 1	180364-203	REV A
ROAD CROSS SECTIONS CONTROL LINE 1 - SHEET 1 OF 3	180364-204	REV A
ROAD CROSS SECTIONS CONTROL LINE 1 - SHEET 2 OF 3	180364-205	REV A
ROAD CROSS SECTIONS CONTROL LINE 1 - SHEET 3 OF 3	180364-206	REV A
ROAD LONGITUDINAL SECTION CONTROL LINE 2	180364-207	REV A
ROAD CROSS SECTIONS CONTROL LINE 2 - SHEET 1 OF 3	180364-208	REV A
ROAD CROSS SECTIONS CONTROL LINE 2 - SHEET 2 OF 3	180364-209	REV A
ROAD CROSS SECTIONS CONTROL LINE 2 - SHEET 3 OF 3	180364-210	REV A
ROAD LONGITUDINAL SECTION CONTROL LINE 3 - SHEET 1 OF 2	180364-211	REV A
ROAD LONGITUDINAL SECTION CONTROL LINE 3 - SHEET 2 OF 2	180364-212	REV A
ROAD CROSS SECTIONS CONTROL LINE 3 - SHEET 1 OF 5	180364-213	REV A
ROAD CROSS SECTIONS CONTROL LINE 3 - SHEET 2 OF 5	180364-214	REV A
ROAD CROSS SECTIONS CONTROL LINE 3 - SHEET 3 OF 5	180364-215	REV A
ROAD CROSS SECTIONS CONTROL LINE 3 - SHEET 4 OF 5	180364-216	REV A
ROAD CROSS SECTIONS CONTROL LINE 3 - SHEET 5 OF 5	180364-217	REV A
ROAD LONGITUDINAL SECTION CONTROL LINE 4 - SHEET 1 OF 2	180364-218	REV A
ROAD LONGITUDINAL SECTION CONTROL LINE 4 - SHEET 2 OF 2	180364-219	REV A
ROAD CROSS SECTIONS CONTROL LINE 4 - SHEET 1 OF 5	180364-220	REV A
ROAD CROSS SECTIONS CONTROL LINE 4 - SHEET 2 OF 5	180364-221	REV A
ROAD CROSS SECTIONS CONTROL LINE 4 - SHEET 3 OF 5	180364-222	REV A
ROAD CROSS SECTIONS CONTROL LINE 4 - SHEET 4 OF 5	180364-223	REV A
ROAD CROSS SECTIONS CONTROL LINE 4 - SHEET 5 OF 5	180364-224	REV A
ROAD INTERSECTION PLAN - SHEET 1 OF 4	180364-225	REV A
ROAD INTERSECTION PLAN - SHEET 2 OF 4	180364-226	REV A
ROAD INTERSECTION PLAN - SHEET 3 OF 4	180364-227	REV A
ROAD INTERSECTION PLAN - SHEET 4 OF 4	180364-228	REV A
EARTHWORKS LAYOUT PLAN - SHEET 1 OF 2	180364-229	REV A
EARTHWORKS LAYOUT PLAN - SHEET 2 OF 2	180364-230	REV A
<b>SEWERAGE</b>		
SEWER RETICULATION LAYOUT PLAN - SHEET 1 OF 2	180364-301	REV A
<del>SEWER RETICULATION LAYOUT PLAN - SHEET 2 OF 2</del>	<del>180364-302</del>	<del>REV A</del>
SEWER RETICULATION LONGITUDINAL SECTION - SHEET 1 OF 6	180364-303	REV A
SEWER RETICULATION LONGITUDINAL SECTION - SHEET 2 OF 6	180364-304	REV A
SEWER RETICULATION LONGITUDINAL SECTION - SHEET 3 OF 6	180364-305	REV A
SEWER RETICULATION LONGITUDINAL SECTION - SHEET 4 OF 6	180364-306	REV A
SEWER RETICULATION LONGITUDINAL SECTION - SHEET 5 OF 6	180364-307	REV A
SEWER RETICULATION LONGITUDINAL SECTION - SHEET 6 OF 6	180364-308	REV A
<b>STORMWATER DRAINAGE</b>		
STORMWATER CATCHMENT PLAN	180364-401	REV A
STORMWATER DRAINAGE LAYOUT PLAN - SHEET 1 OF 2	180364-402	REV A
STORMWATER DRAINAGE LAYOUT PLAN - SHEET 2 OF 2	180364-403	REV A
STORMWATER DRAINAGE LONGITUDINAL SECTIONS - SHEET 1 OF 2	180364-404	REV A
STORMWATER DRAINAGE LONGITUDINAL SECTIONS - SHEET 2 OF 2	180364-405	REV A
STORMWATER DRAINAGE MISCELLANEOUS DETAILS - SHEET 1 OF 2	180364-406	REV A
STORMWATER DRAINAGE MISCELLANEOUS DETAILS - SHEET 2 OF 2	180364-407	REV A
STORMWATER DRAINAGE CALCULATION TABLES	180364-408	REV A
STORMWATER DRAINAGE CULVERT DETAILS	180364-408	REV A

Plan revised

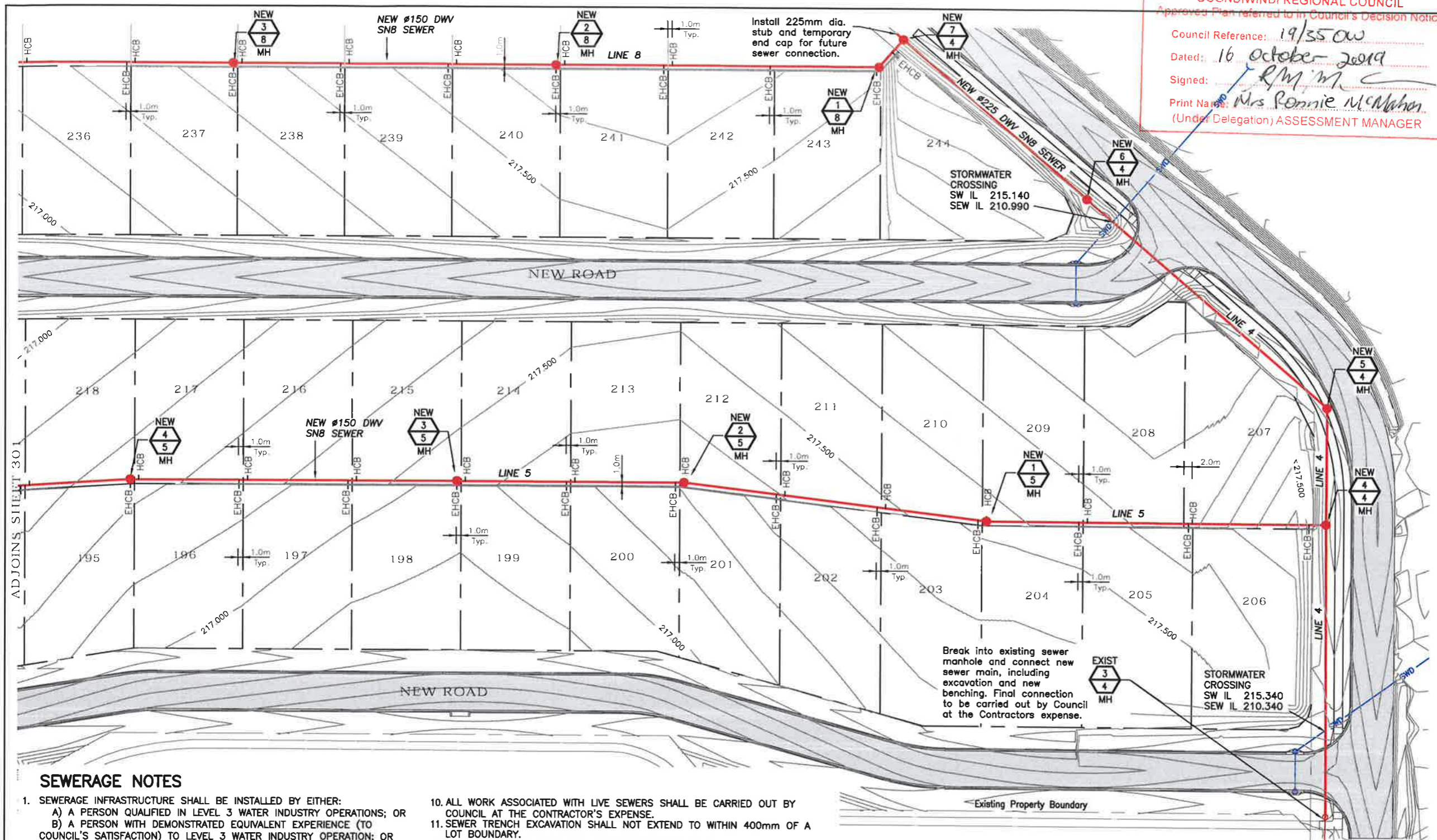
	<b>WATER RETICULATION</b>		
Plan revised	<del>WATER RETICULATION LAYOUT PLAN - SHEET 1 OF 2</del>	<del>180364-501</del>	<del>REV A</del>
Plan revised	<del>WATER RETICULATION LAYOUT PLAN - SHEET 2 OF 2</del>	<del>180364-502</del>	<del>REV A</del>
	WATER RETICULATION DETAILS	180364-503	REV A
	<b>ENVIRONMENTAL</b>		
	EROSION AND SEDIMENT CONTROL LAYOUT PLAN - SHEET 1 OF 2	180364-801	REV A
	EROSION AND SEDIMENT CONTROL LAYOUT PLAN - SHEET 2 OF 2	180364-802	REV A
	EROSION AND SEDIMENT CONTROL DETAILS	180364-803	REV A



GOONDIWINDI REGIONAL COUNCIL  
 Approved Plan referred to in Council's Decision Notice  
 Council Reference: 19/350W  
 Dated: 16 October 2019  
 Signed: *R.M.M.*  
 Print Name: Mrs Ronnie McMahon  
 (Under Delegation) ASSESSMENT MANAGER

**BAKER ROSSOW**  
 CONSULTING ENGINEERS  
 136 HERRIES STREET  
 PO BOX 1382  
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**SEWERAGE NOTES**

- SEWERAGE INFRASTRUCTURE SHALL BE INSTALLED BY EITHER:
  - A PERSON QUALIFIED IN LEVEL 3 WATER INDUSTRY OPERATIONS; OR
  - A PERSON WITH DEMONSTRATED EQUIVALENT EXPERIENCE (TO COUNCIL'S SATISFACTION) TO LEVEL 3 WATER INDUSTRY OPERATION; OR
  - A LICENSED PLUMBER
- ALL SEWER MANHOLES TO BE 1050mm DIA. FITTED WITH LIFT OFF LIDS, AND FINISHED THE FOLLOWING DISTANCE ABOVE THE FOLLOWING FINISHED SURFACE LEVELS:
  - FRONT OF ALLOTMENTS AND ROAD RESERVE - 100mm.
  - REAR OF ALLOTMENTS - 300mm.
 MANHOLE LIDS SHALL BE CIRCULAR CAST IRON TYPE AND RENDERED TRAFFICABLE WITHIN STREET CARRIAGEWAY, OR WHERE VEHICULAR LOADING IS LIKELY.
- SEWER MANHOLES AND LIDS SHALL BE LOCATED A MINIMUM OF 200mm CLEAR OF PROPERTY BOUNDARIES.
- MANHOLES TO HAVE NO STEP IRONS.
- MANHOLES SHALL HAVE PRE-FABRICATED BENCHING BY A COUNCIL-APPROVED SUPPLIER OR Poured in-SITU.
- ALL SEWER PIPES SHALL BE 150mm OR 225mm DIA. UPVC CLASS SN8 (SEH), UNLESS NOTED OTHERWISE.
- OFFSETS FROM R.P. BOUNDARIES TO MANHOLES, OFFTAKES & END OF LINES TO BE 1.0m, UNLESS NOTED OTHERWISE.
- ALL PROPERTY CONNECTIONS SHALL BE 100mm DIA. DWV CLASS SN10 RRJ PIPE CUT TO SUIT, AND SHALL:
  - HAVE AN EXPANSION JOINT INSTALLED DIRECTLY ABOVE THE BEND, ON THE VERTICAL PIPE SECTION; AND
  - PROVIDED WITH AN INSPECTION OPENING BROUGHT FLUSH WITH FINISHED SURFACE LEVEL, WITH GLUE ON CAP.
- ALL MANHOLES DROP TYPES TO BE IN ACCORDANCE WITH THE APPLICABLE IPWEAQ STANDARD DRAWING NO. S-0021 "ACCESS CHAMBERS 1050mm NOMINAL DIA - PRECAST COMPONENTS
- ALL WORK ASSOCIATED WITH LIVE SEWERS SHALL BE CARRIED OUT BY COUNCIL AT THE CONTRACTOR'S EXPENSE.
- SEWER TRENCH EXCAVATION SHALL NOT EXTEND TO WITHIN 400mm OF A LOT BOUNDARY.
- SEWER TRENCHES >1.5m IN DEPTH ARE TO BE SHORED. SEWER TRENCHES ARE NOT TO BE BENCHED OR BATTERED.
- MARKER TAPE WITH A METALLIC STRIP SHALL BE LAID 300mm ABOVE THE SEWER MAIN.
- THE OVERLAY MATERIAL IN SEWER TRENCHES WITHIN PRIVATE PROPERTY AND ON FOOTPATHS SHALL BE IN ACCORDANCE WITH THE TYPICAL SEWERAGE TRENCH DETAIL ON DRAWING 301.
- THE OVERLAY MATERIAL IN SEWER TRENCHES WITHIN ROAD CARRIAGEWAY SHALL BE CRUSHER DUST, COMPACTED IN 150mm LAYERS USING A TRENCH ROLLER.
- EXCAVATION AROUND MANHOLES SHALL BE BACKFILLED WITH TRENCH EXCAVATION MATERIAL TO WITHIN 300mm OF FINISHED SURFACE LEVEL, AND FINISHED WITH EITHER TRENCH EXCAVATION MATERIAL OR TOPSOIL.
- THE CONTRACTOR SHALL VERIFY LOCATIONS OF EXISTING SERVICES WITH ALL RELEVANT AUTHORITIES PRIOR TO COMMENCEMENT OF ANY WORKS.
- THE CONTRACTOR OR HIS SURVEYOR SHALL MAINTAIN ACCURATE RECORDS OF LEVELS AND LOCATIONS OF SERVICES TO FULLY COMPLY WITH COUNCIL'S "AS CONSTRUCTED" INFORMATION REQUIREMENTS. ALL DIMENSIONS ARE IN METRES.
- WSA STANDARDS SHALL APPLY.
- THE FOLLOWING STANDARD I.P.W.E.A.Q. DRAWINGS SHALL APPLY S0020, S0021, S0023, S0030, & S0090.
- THE SURFACE LEVELS SHOWN ON THE SEWERAGE PLAN & LONGITUDINAL SECTIONS ARE INDICATIVE ONLY.
- INDICATES RETICULATION MANHOLES/INSPECTION CHAMBER NUMBER.
- INDICATES SEWER LINE NUMBER.
- ALL HOUSE CONNECTION STUBS TO BE 100mm DIA. DWV CLASS "SN10" PIPE RRJ (1 IN 60 MIN GRADE).

**LEGEND**

---	NEW PROPERTY BOUNDARY
---	EXISTING PROPERTY BOUNDARY
---	FUTURE PROPERTY BOUNDARY
---	NEW EASEMENT
---	FINISHED SURFACE CONTOURS (0.1m INTERVALS)
---	NEW STORMWATER MAIN
---	PREVIOUS STORMWATER MAIN (STAGE 2)
---	FUTURE STORMWATER MAIN
---	EXISTING STORMWATER MAIN
---	NEW SEWER MAIN
---	PREVIOUS SEWER MAIN (STAGE 2)
---	FUTURE SEWER MAIN
---	EXISTING SEWER MAIN
EHC	INSTALL NEW EXTENDED HOUSE CONNECTION STUB TO SERVICE ONE ALLOTMENT.
HCB	INSTALL NEW SINGLE HOUSE CONNECTION STUB TO SERVICE ONE ALLOTMENT.

**Manhole Setout Table**

Manhole ID	Easting	Northing
3/4 (MH)	10295.963	10197.290
4/4 (MH)	10295.667	10266.339
5/4 (MH)	10295.727	10293.944
6/4 (MH)	10238.884	10342.911
7/4 (MH)	10195.636	10380.594
1/5 (MH)	10215.683	10266.486
2/5 (MH)	10144.478	10275.175
3/5 (MH)	10091.076	10275.273
4/5 (MH)	10013.978	10275.415
1/8 (MH)	10189.920	10374.034
2/8 (MH)	10114.072	10374.173
3/8 (MH)	10038.165	10374.313

Revisions

Revisions	Date
C Sewerage Note Updates	Oct 2019
B GRC Water & Wastewater RFI	Oct 2019
A Original issue	

Client  
**JILBRIDGE PTY LTD**

Project  
**PARKRIDGE ESTATE  
 GOONDIWINDI - STAGE 4**

Title  
**SEWER LAYOUT PLAN  
 SHEET 2 OF 2**

J/M	Design	Drawn	Examined
BDR	AJH	JJM	BDR
FEB 19	FEB 19	FEB 19	11/10/19

Scale  
 1:1000

Certified  
**Michael Ryan**  
 Digitally signed by Michael Ryan  
 Date: 2019.10.11 14:11:10 +10'00'

RPEQ: 2187

JOB No.  
**180364**

Original Size A3  
 Plan No.  
**302**

A	B	C



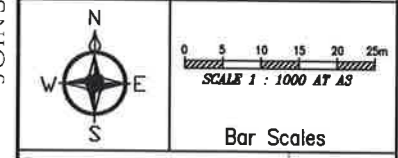
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JOINS SHEET 502



Revisions	Date
C Hydrant Changes	Oct 2019
B GRC Water & Wastewater RFI	Oct 2019
A Original issue	

Client  
**JILBRIDGE PTY LTD**

Project  
**PARKRIDGE ESTATE  
GOONDIWINDI**

Title  
**WATER RETICULATION  
LAYOUT PLAN - SH 1 OF 2**

J/M	Design	Drawn	Examined
BDR	AJH	GLM	BDR
FEB 19	FEB 19	FEB 19	11/10/19

Scale  
1:1000

Certified RPEQ: 2187  
Michael Ryan  
Digitally signed by Michael Ryan  
Date: 2019.10.11 14:11:29 +10:00

JOB No.  
**180364**

Original Size A3  
Plan No.  
**501**

GOONDIWINDI REGIONAL COUNCIL  
Approved Plan referred to in Council's Decision Notice  
Council Reference: 19/35.0W  
Dated: 16 October 2019  
Signed: *RMM*  
Print Name: Mrs Rennie McMahon  
(Under Delegation) ASSESSMENT MANAGER

**TABLE OF FITTINGS:**

FITTING IDENT	DESCRIPTION
150 DIA	
01	150 / 100 DIA. FIRE HYDRANT TEE, 100 DIA. HYDRANT RISER, 100 DIA. SPRING HYDRANT, HYDRANT BOX & RRPM MARKER
02	150 DIA. SLUICE VALVE, VALVE BOX & MARKER PLATE
03	150 DIA. END CAP & TRUST BLOCK
04	150 DIA. 11.25" C.I. BEND
05	150 DIA. 22.5" C.I. BEND
06	150 DIA. 45" C.I. BEND
07	150 x 150 x 150 DIA. C.I. TEE

**LEGEND**

- NEW PROPERTY BOUNDARY
- EXISTING PROPERTY BOUNDARY
- FUTURE PROPERTY BOUNDARY
- NEW EASEMENT
- NEW WATER MAIN (Ø150)
- WS --- NEW WATER SERVICE
- WP --- PREVIOUS WATER MAIN (STAGE 2)
- WX --- EXISTING WATER MAIN
- E --- NEW ELECTRICAL UNDERGROUND
- EP --- PREVIOUS ELECTRICAL UNDERGROUND (STAGE 2)
- EX --- EXISTING ELECTRICAL UNDERGROUND
- EF --- EXISTING ELECTRICAL UNDERGROUND
- PX --- EXISTING ELECTRICAL OVERHEAD
- TX --- EXISTING TELECOMMUNICATION CABLES

WS --- UPVC Class "SH" WATER SERVICE CONDUIT ENVELOPER PIPES TO SERVICE ALLOTMENTS. "W" MARKERS ON KERBS BOTH SIDES, AT EACH CROSSING.

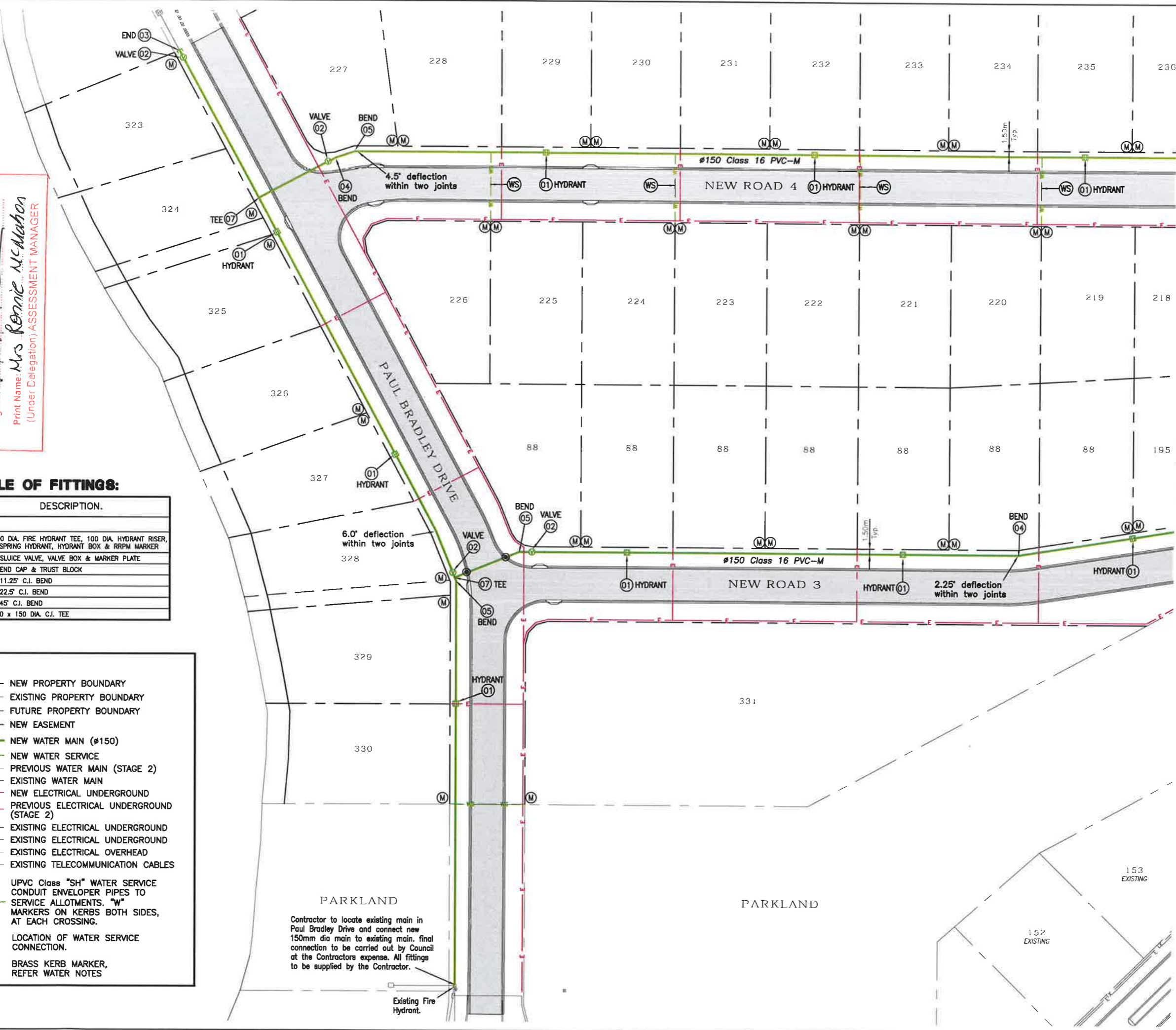
(M) --- LOCATION OF WATER SERVICE CONNECTION.

(C) --- BRASS KERB MARKER, REFER WATER NOTES

**PARKLAND**

Contractor to locate existing main in Paul Bradley Drive and connect new 150mm dia main to existing main, final connection to be carried out by Council at the Contractors expense. All fittings to be supplied by the Contractor.

Existing Fire Hydrant.

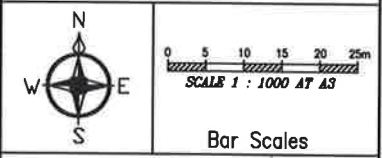


GOONDIWINDI REGIONAL COUNCIL  
 Approved Plan referred to in Council's Decision Notice  
 Council Reference: 19/350w  
 Dated: 16 October 2019  
 Signed: *RM M*  
 Print Name: Mrs Ronnie McMahon  
 (Under Delegation) ASSESSMENT MANAGER



136 HERRIES STREET  
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 QLD 4350  
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Revisions	Date
C Hydrant Changes	Oct 2019
B GRC Water & Wastewater RFI	Oct 2019
A Original issue	

Client  
**JILBRIDGE PTY LTD**

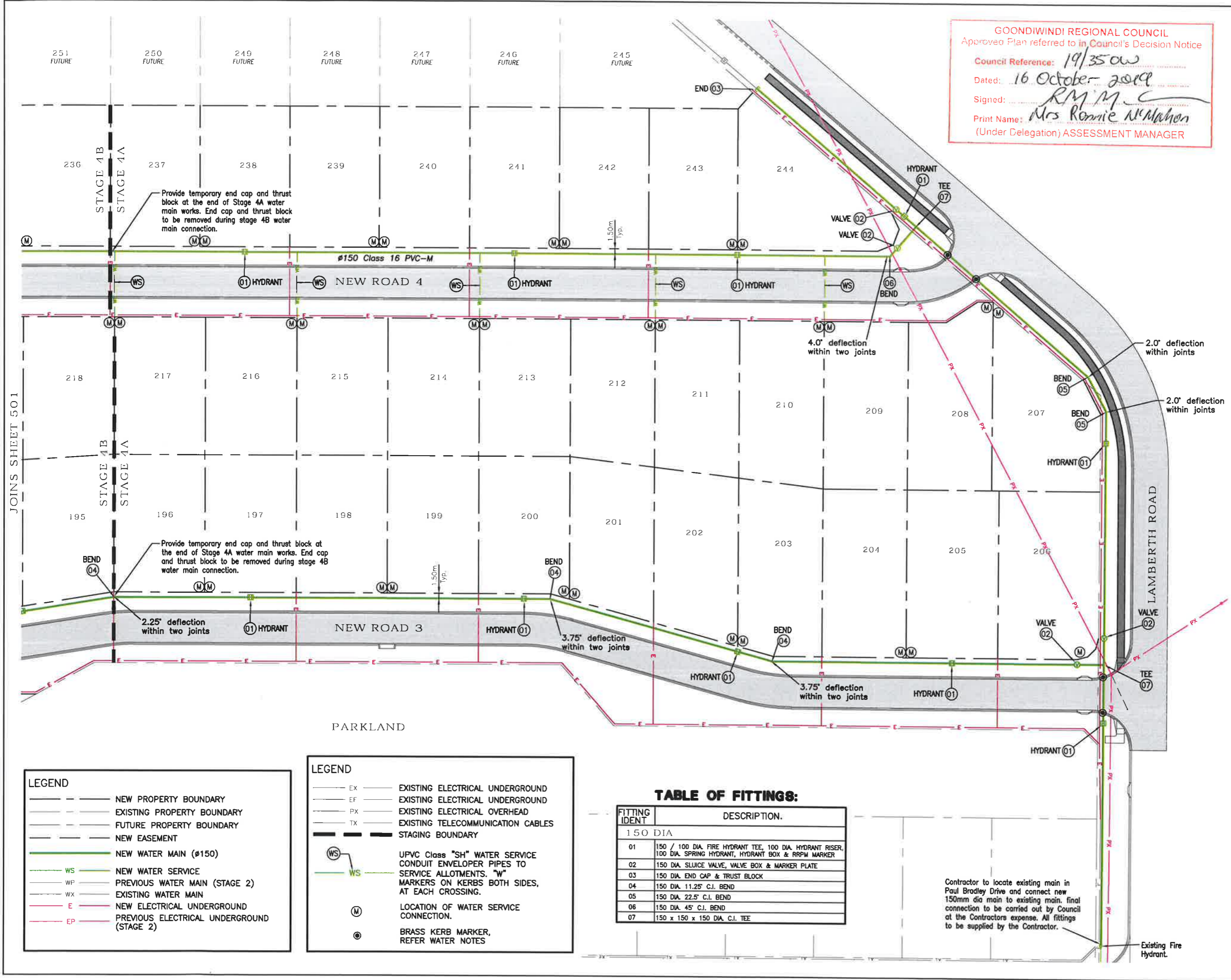
Project  
**PARKRIDGE ESTATE  
 GOONDIWINDI**

Title  
**WATER RETICULATION  
 LAYOUT PLAN - SH 2 OF 2**

J/M	Design	Drawn	Examined
BDR	AJH	GLM	BDR
FEB 19	FEB 19	FEB 19	11/10/19

Scale  
 1:1000  
 Certified  
 Michael Ryan  
 RPEQ: 2187  
 Digitally signed by Michael Ryan  
 Date: 2019.10.11 14:11:48 +1000

JOB No.  
**180364**  
 Plan No.  
**502**



JOINS SHEET 501

**LEGEND**

---	NEW PROPERTY BOUNDARY
---	EXISTING PROPERTY BOUNDARY
---	FUTURE PROPERTY BOUNDARY
---	NEW EASEMENT
---	NEW WATER MAIN (Ø150)
---	NEW WATER SERVICE
---	PREVIOUS WATER MAIN (STAGE 2)
---	EXISTING WATER MAIN
---	NEW ELECTRICAL UNDERGROUND
---	PREVIOUS ELECTRICAL UNDERGROUND (STAGE 2)

**LEGEND**

---	EXISTING ELECTRICAL UNDERGROUND
---	EXISTING ELECTRICAL UNDERGROUND
---	EXISTING ELECTRICAL OVERHEAD
---	EXISTING TELECOMMUNICATION CABLES
---	STAGING BOUNDARY
WS	UPVC Class "SH" WATER SERVICE CONDUIT ENVELOPER PIPES TO SERVICE ALLOTMENTS. "W" MARKERS ON KERBS BOTH SIDES, AT EACH CROSSING.
M	LOCATION OF WATER SERVICE CONNECTION.
⊙	BRASS KERB MARKER, REFER WATER NOTES

**TABLE OF FITTINGS:**

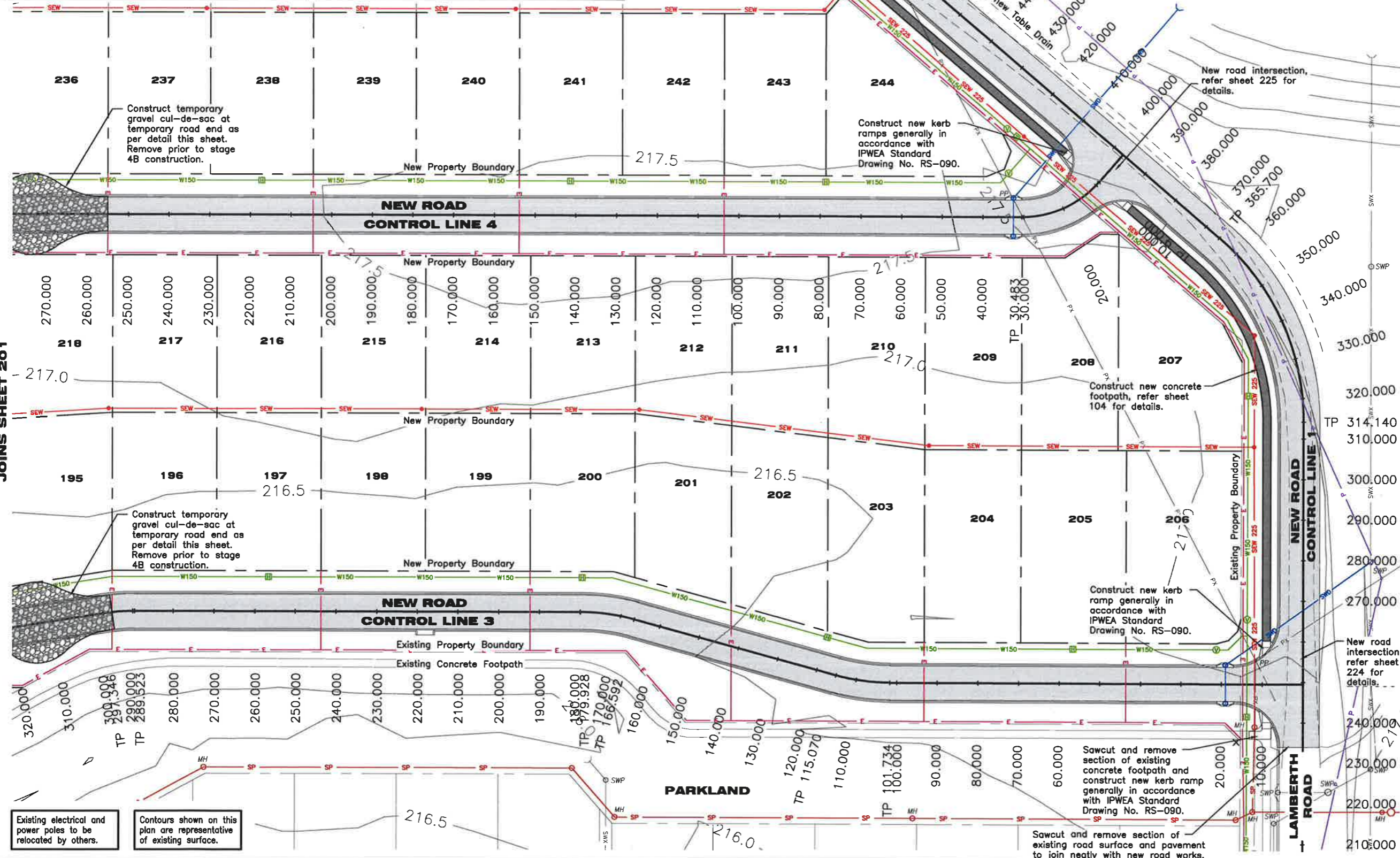
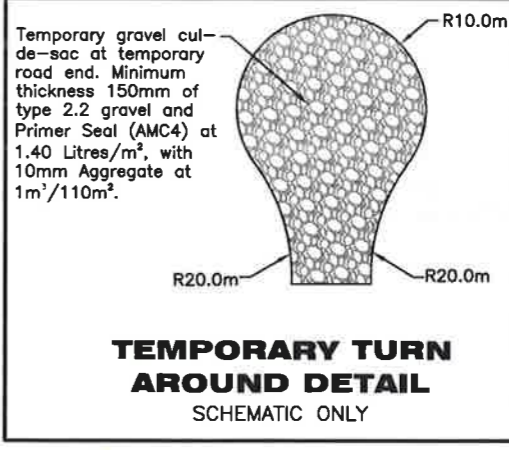
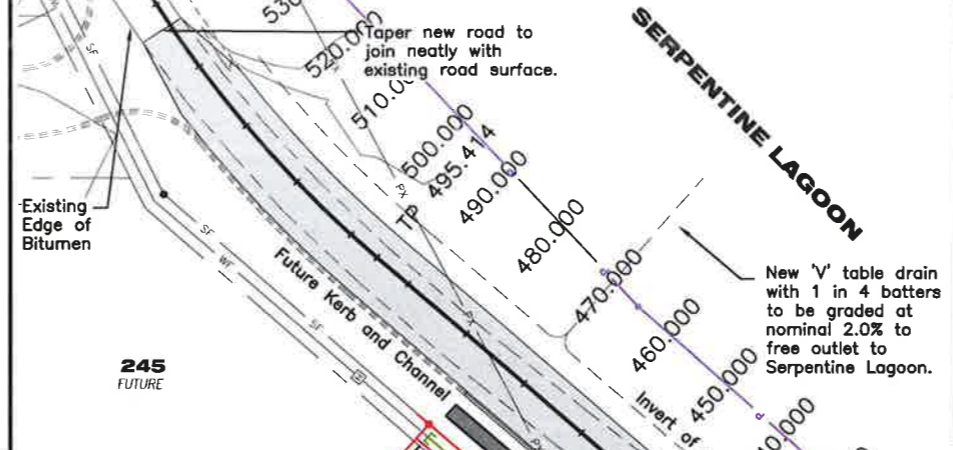
FITTING IDENT	DESCRIPTION.
150 DIA	
01	150 / 100 DIA. FIRE HYDRANT TEE, 100 DIA. HYDRANT RISER, 100 DIA. SPRING HYDRANT, HYDRANT BOX & RRPW MARKER
02	150 DIA. SLUICE VALVE, VALVE BOX & MARKER PLATE
03	150 DIA. END CAP & TRUST BLOCK
04	150 DIA. 11.25" C.I. BEND
05	150 DIA. 22.5" C.I. BEND
06	150 DIA. 45" C.I. BEND
07	150 x 150 x 150 DIA. C.I. TEE

Contractor to locate existing main in Paul Bradley Drive and connect new 150mm dia main to existing main. final connection to be carried out by Council at the Contractors expense. All fittings to be supplied by the Contractor.

Existing Fire Hydrant.

LEGEND	
---	NEW PROPERTY BOUNDARY
---	EXISTING PROPERTY BOUNDARY
---	FUTURE PROPERTY BOUNDARY
---	NEW EASEMENT
---	NATURAL SURFACE CONTOURS (0.5m INTERVALS)
---	215.000
---	NEW STORMWATER MAIN
---	PREVIOUS STORMWATER MAIN (STAGE 2)
---	FUTURE STORMWATER MAIN
---	EXISTING STORMWATER MAIN
---	FUTURE ROOFWATER MAIN
---	NEW SEWER MAIN
---	PREVIOUS SEWER MAIN (STAGE 2)
---	FUTURE SEWER MAIN
---	EXISTING SEWER MAIN
---	NEW WATER MAIN (#150)

LEGEND	
---	NEW WATER SERVICE
---	PREVIOUS WATER MAIN (STAGE 2)
---	EXISTING WATER MAIN
---	NEW ELECTRICAL UNDERGROUND
---	PREVIOUS ELECTRICAL UNDERGROUND (STAGE 2)
---	EXISTING ELECTRICAL UNDERGROUND
---	EXISTING ELECTRICAL UNDERGROUND
---	EXISTING ELECTRICAL OVERHEAD
---	EXISTING TELECOMMUNICATION CABLES
---	EXISTING STORMWATER PIT / MANHOLE
---	EXISTING SEWER MANHOLE
---	EXISTING FIRE HYDRANT
---	EXISTING WATER VALVE
---	EXISTING POWER POLE
---	EXISTING TELECOMMUNICATION PIT



**BAKER ROSSOW**  
CONSULTING ENGINEERS

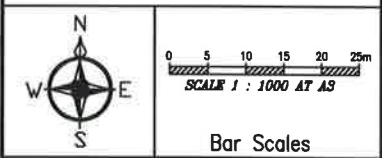
136 HERRIES STREET  
PO BOX 1382  
TOOWOOMBA  
QLD 4350  
PH: 07 4638 5655

bakerrossow.com.au  
mail@bakerrossow.com.au

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Revisions	Date
B Response to RFI	16 SEP 2019
A Original issue	

Client  
**JILBRIDGE PTY LTD**

Project  
**PARKRIDGE ESTATE  
GOONDIWINDI - STAGE 4**

Title  
**DETAILED LAYOUT PLAN  
SHEET 2 OF 2**

J/M	Design	Drawn	Examined
BDR	AJH	JJM	BDR
FEB 19	FEB 19	FEB 19	16/09/19

Scale  
1:1000

Certified  
Michael Ryan

RPEQ: 2187  
Digitally signed by Michael Ryan  
Date: 2019.09.16 16:08:19 +1000'

JOB No.  
**180364**

Original Size  
A3

Plan No.  
**202**

GOONDIWINDI REGIONAL COUNCIL

Approved Plan referred to in Council's Decision Notice

Council Reference: 19/25-00

Dated: 16 October 2019

Signed: 

Print Name: Mrs Ronnie M. Mahon  
(Under Delegation) ASSESSMENT MANAGER



**Attachment 3 – Notice about decision - Statement of reasons**



## Notice about decision - Statement of reasons

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

The development application for Operational works for 66 lots in four (4) stages (Bulk earthworks, roadworks, stormwater, sewer and water infrastructure and landscaping)

19/35OW

43-53 Lamberth Road, Goondiwindi

Lot 279 on SP164149

On 15 October 2019, 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 Operational Works Code, the General Residential Zone Code, the Biodiversity Areas Overlay Code and the Flood Hazard Overlay Code of 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
<i>Operational Works Code</i>	<i>Goondiwindi Region Planning Scheme 2018: AO1.1, AO1.2, AO1.3, AO1.6, AO2.1, AO2.2, AO3.1, AO3.2, AO4.1, AO4.2, AO4.3, AO4.4, AO5</i>
<i>General Residential Zone Code</i>	<i>Goondiwindi Region Planning Scheme 2018: PO4, AO5.1, AO5.2</i>
<i>Biodiversity Areas Overlay Code</i>	<i>Goondiwindi Region Planning Scheme 2018: AO1.1, AO2, AO3.1, AO3.2</i>
<i>Flood Hazard Overlay Code</i>	<i>Goondiwindi Region Planning Scheme 2018: PO1, AO2.1, AO3.1, AO3.2, AO4</i>

**3. Compliance with benchmarks**

Not applicable, as the proposed development complied with all applicable benchmarks.

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

Not applicable as the proposed development was code assessable.

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

Not applicable as the proposed development was code assessable.

**6. Matters prescribed by Regulation**

Not applicable as the proposed development was code assessable.



**Attachment 4 – *Planning Act 2016 Extracts***





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

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

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

(1) Schedule 1 states—

(a) matters that may be appealed to—

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

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

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

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

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

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

(3) The **appeal period** is—

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

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

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

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

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

deemed approval notice to the assessment manager; or

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

Note—

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

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

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

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

(a) the adopted charge itself; or

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

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

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

**230 Notice of appeal**

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

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

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

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

(a) the respondent for the appeal; and

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

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

principal submitter for the development application; and

- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### **231 Other appeals**

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

**decision** includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

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

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## **Part 2 Development tribunal**

### **Division 1 General**

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

- (1) The Minister, or chief executive, (the appointer) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
  - (a) has the qualifications or experience prescribed by regulation; and
  - (b) has demonstrated an ability—
    - (i) to negotiate and mediate outcomes between parties to a proceeding; and

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

(iii) to analyse complex technical issues; and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

**appointment notice** means—

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

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

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

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

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

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

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

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

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

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

### **236 Remuneration**

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

### **237 Tribunal proceedings**

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

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

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

## **Division 2 Applications for declarations**

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

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

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

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

#### **respondent means—**

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

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

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

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

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

(4) In this section—

**respondent means—**

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

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

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

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

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

(a) establish a tribunal for the proceedings; and

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

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

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

(1) This section applies if—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **245 Refunding fees**

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

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

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

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

Examples of information that the registrar may require—

- material about the proceedings (plans, for example)
  - information to help the chief executive decide whether to excuse noncompliance under section 243
  - for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.
- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

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

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

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

A party to tribunal proceedings may appear—

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

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

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

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

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

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

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

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

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

- (6) When hearing proceedings, the tribunal—

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

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

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

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

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

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

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

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

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

Examples of directions—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A tribunal must not make any order as to costs.

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

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

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

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

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

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

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

## **Schedule 1 Appeals**

### *section 229*

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

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

(a) the P&E court; or

(b) a tribunal.

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

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

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

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

(b) a provision of a development approval for—

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

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

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

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

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

(d) a development condition if—

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

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

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

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

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



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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

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

**Table 1**

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

1. Development applications

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

Minister, an appeal may be made against—

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

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

(c) a provision of the development approval; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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