

File: 08/31G
Date: 16 April 2020

SMK Consultants
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

Dear Mr Jobling

**RE: EXTENSION TO PERIOD OF APPROVAL – RECONFIGURING A LOT
1 INTO 23 LOT SUBDIVISION AND 1 BALANCE LOT, AND CREATING NEW ROAD
LOT 1 ON SP281665, CORCORAN DRIVE, GOONDIWINDI**

I wish to advise on 16 April 2020 a decision was made to approve the applicant's request to extend the currency period for the reconfiguring a lot development approval at Lot 1 on SP281665, Corcoran Drive, Goondiwindi.

The currency period has been extended for a further four (4) years and expires on **2 May 2024**. This amendment is documented in the attached Notice of extension to period of approval.

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

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council



Appendix A

Notice of extension to period of approval



Notice of extension to period of approval

Integrated Planning Act 1997 section 3.5.23(11)

Author: Mrs Ronnie McMahon: JMW
Enquiries: (07) 4671 7400
File: 08/31G

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Dear Mr Jobling

1. Details of development approval for which change is requested

Type of approval	Reconfiguring a Lot
Details of approved development	One (1) into twenty-three (23) lot subdivision and one (1) balance lot, and creating new road
Reference number of development approval	08/31G
Street number and address of land to which approval relate	Corcoran Drive, Goondiwindi
Lot and plan details of land to which approval relates	Lot 1 on SP218665
Date the original development application was decided	08 April 2009
Date the most recent change application was decided	03 May 2016
Date approval lapses	02 May 2020

2. Details of request for change

Date request for change was properly made	01 April 2020
Responsible entity for deciding the request	Goondiwindi Regional Council
Description of requested changes	Extension of currency period for four (4) years to 02 May 2024

3. Decision on request for change

I wish to advise that, on 16 April 2020, the request to change the development approval was:

- refused or;
- approved (with no conditions); or
- approved with conditions.

Please note: The development approval will lapse on **02 May 2024** if the plan for the reconfiguration is not given to the local government or an approval for an extension of time has not been granted prior to this date. The original conditions of the Decision Notice dated 03 May 2016 are still applicable.

4. Appeal rights

If the responsible entity for deciding this request is the assessment manager or a concurrence agency, the person who made the request to change the development approval may appeal against the decision in this notice to the Planning and Environment Court by lodging a written notice of appeal with the registrar of the Court. You may also have a right to appeal to the Building and Development Dispute Resolution Committee.

For more information about your appeal rights and how to commence an appeal, see the *Integrated Planning Act 1997*, sections 4.1.27 and 4.1.39.

If the responsible entity for deciding this request is the assessment manager, an entity that gave the responsible entity a notice under the *Integrated Planning Act 1997*, section 3.5.23(5) or a pre-request response may appeal against the decision in this notice to the Planning and Environment Court by lodging a written notice of appeal with the registrar of the Court. You may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more information about your appeal rights and how to commence an appeal, see the *Integrated Planning Act 1997*, sections 4.1.27 and 4.1.39.

Attached is an extract from the IPA which details the applicant's appeal rights regarding this decision.

If you have any queries relating to this matter, 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

**EXTRACT FROM INTEGRATED PLANNING ACT 1997
RELATING TO APPEAL RIGHTS**

Division 8 Appeals to court relating to development applications

4.1.27 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

(a) the refusal, or the refusal in part, of a development application;

(b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;

(c) the decision to give a preliminary approval when a development permit was applied for;

(d) the length of a period mentioned in section 3.5.21;

(e) a deemed refusal.

(2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **applicant's appeal period**) after the day the decision notice or negotiated decision notice is given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Division 10 Making an appeal to court

4.1.39 How appeals to the court are started

(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**EXTRACT FROM INTEGRATED PLANNING ACT 1997
RELATING TO LAPSE DATES**

3.5.21 When approval lapses if development not started

(1) To the extent a development approval is for a material change of use of premises, the approval lapses if the first change of use under the approval does not happen within the following period (the **relevant period**)—

- (a) 4 years starting the day the approval takes effect; or
- (b) if the approval states a different period from when the approval takes effect— the stated period.

(2) To the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the local government under section 3.7.2(2) within the following period (also the **relevant period**)—

- (a) for reconfiguration not requiring operational works—2 years starting the day the approval takes effect;
- (b) for reconfiguration requiring operational works—4 years starting the day the approval takes effect;
- (c) if the approval states a different period from when the approval takes effect—the stated period.

(3) To the extent a development approval is for development other than a material change of use of premises or reconfiguring a lot, the approval lapses if the development does not substantially start within the following period (also the **relevant period**)—

- (a) 2 years starting the day the approval takes effect;
- (b) if the approval states a different period from when the approval takes effect— the stated period.

(4) Despite subsections (1) and (2), if there is 1 or more related approvals for a development approval mentioned in subsection (1) or (2), the relevant period is taken to have started on the day the latest related approval takes effect.

(5) If a monetary security has been given in relation to any development approval, the security must be released if the approval lapses under this section.

(6) The lapsing of a development approval for a material change of use of premises or reconfiguring a lot does not cause an approval mentioned in subsection (3) to lapse.

(7) In this section—

related approval, for a development approval for a material change of use of premises (the **earlier approval**), means—

(a) the first development approval for a development application made to a local government or private certifier within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—a development permit for the material change of use of premises; or

(ii) to the extent the earlier approval is a development permit or a preliminary approval for development mentioned in section 3.1.6(3)(a)(ii) or (iii)—a development permit for building work or operational work necessary for the material change of use of premises to take place; and

(b) each further development permit, for a development application made to a local government or private certifier within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place.

related approval, for a development approval for reconfiguring a lot (also the **earlier approval**), means—

(a) the first development permit for a development application made to a local government within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—for the reconfiguration; or

(ii) to the extent the earlier approval is a development permit for reconfiguring a lot—for operational work related to the reconfiguration; and

(b) each further development permit, for a development application made to a local government within 2 years of the day the last related approval takes effect, that is for operational work related to the reconfiguration.