

File: 20/07W
Date: 27 August 2020

McDonald Family Trust
T/A RRM Pastoral Company
"Victoria Park"
Scudamores Road
GOONDIWINDI QLD 4390

Attention: Ryan McDonald

Dear Mr McDonald

**Decision Notice – approval (with conditions)
Material Change of Use
Lot 53 on MH127, "Anora", 707 Scudamores Road, Goondiwindi**

We wish to advise that on 26 August 2020 a decision was made to approve the material change of use development application for "*Rural activities*" – "*Intensive animal industry*" (Not more than 1,000SCU feedlot) at Lot 53 on MH127, "Anora", 707 Scudamores Road, Goondiwindi. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

Please read the conditions carefully as these include actions which must be undertaken **prior to 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 40**, 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



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 20/07W
Council Contact: Mrs Ronnie McMahon: LMM
Council Contact Phone: (07) 4671 7400

27 August 2020

Applicant Details: McDonald Family Trust
T/A RRM Pastoral Company
"Victoria Park"
Scudamores Road
GOONDIWINDI QLD 4390

Attention: Ryan McDonald

The development application described below was properly made to Goondiwindi Regional Council on 5 May 2020.

Applicant details

Applicant name: McDonald Family Trust T/A RRM Pastoral Company
Applicant contact details: "Victoria Park", Scudamores Road, Goondiwindi
rmcdonaldbuilding@hotmail.com
0429 936 574

Application details

Application number: 20/07W
Approval sought: Development Permit
Details of proposed development: "Rural activities" – "Intensive animal industry" (Not more than 1,000SCU feedlot)

Location details

Street address: "Anora", 707 Scudamores Road, Goondiwindi
Real property description: Lot 53 on MH127

Decision

Date of decision: 26 August 2020
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 taken to be approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	N/A	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out building work (assessable under the <i>Building Act 1975</i>)	Schedule 9, part 1	<input type="checkbox"/>	<input type="checkbox"/>
Development on airport land if the land use plan for the airport land states the development is assessable development - building work - plumbing or drainage work - material change of use (consistent with the land use plan) - reconfiguring a lot - operational work	Schedule 10, part 1, division 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Making a material change of use on airport land that is inconsistent with the land use plan for the airport land	Schedule 10, part 1, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use for a brothel	Schedule 10, part 2, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for the clearing of native vegetation	Schedule 10, part 3, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use on contaminated land	Schedule 10, part 4, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for an environmentally relevant activity	Schedule 10, part 5, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for aquaculture	Schedule 10, part 6, division 1, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is completely or partly in a declared fish habitat area	Schedule 10, part 6, division 2, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Carrying out operational work that is the removal, destruction or damage of a marine plant	Schedule 10, part 6, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is constructing or raising waterway barrier works	Schedule 10, part 6, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use for a hazardous chemical facility	Schedule 10, part 7, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Development on a local heritage place (other than a Queensland heritage place) - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 8, division 1, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Development on or adjoining a Queensland heritage place - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 8, division 2, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Development interfering with koala habitat in koala habitat areas outside koala priority areas	Schedule 10, part 10, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Development interfering with koala habitat in koala habitat areas for extractive industries in key resource areas	Schedule 10, part 10, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for reconfiguring a lot, if the reconfiguration is also assessable development	Schedule 10, part 12, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Development in a priority port's master planned area that the port overlay for the master planned area states is assessable development - building work - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 13, division 4, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development on strategic port land if the land use plan for the strategic port land states the development is assessable development - building work - plumbing or drainage work - material change of use (consistent with the land use plan) - reconfiguring a lot - operational work	Schedule 10, part 13, division 5, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Making a material change of use on strategic port land that is inconsistent with the land use plan	Schedule 10, part 13, division 5, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a lot under the <i>Land Title Act 1994</i>	Schedule 10, part 14, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a tourist activity or sport and recreation activity in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 2, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a residential care facility in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 3, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a community activity, other than a residential care facility, in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 3, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for indoor recreation in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a biotechnology industry in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a service station in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for an urban activity other than a biotechnology industry or service station in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 6, subdivision 2	<input type="checkbox"/>	<input type="checkbox"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a material change of use of premises for two or more of the following: (i) a community activity (ii) indoor recreation (iii) a sport and recreation activity (iv) a tourist activity (v) an urban activity, in the SEQ regional landscape and rural production area or the SEQ rural living area	Schedule 10, part 16, division 7, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out operational work that is tidal works or work carried out completely or partly in a coastal management district	Schedule 10, part 17, division 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that involves taking, or interfering with, water	Schedule 10, part 19, division 1, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Development for removing quarry material from a watercourse or lake - building work assessable under the <i>Building Act 1975</i> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work	Schedule 10, part 19, division 2, subdivision 1	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Carrying out operational work that is the construction of a dam or relates to a dam.	Schedule 10, part 19, division 3, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work for construction of a new category 2 or 3 levee or for modification of an existing category 2 or 3 levee	Schedule 10, part 19, division 4, subdivision 1	<input type="checkbox"/>	<input type="checkbox"/>
Carrying out operational work that is high impact earthworks in a wetland protection area	Schedule 10, part 20, division 2	<input type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for a wind farm	Schedule 10, part 21, division 1	<input type="checkbox"/>	<input type="checkbox"/>

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

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

1. Approval for building work under the *Building Act 1975*.

Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of submitter	Address
John & Lois Firth	464 Scudamores Road, Goondiwindi, QLD 4390
Peter & Kim Blomley	"Cover Downs" Pollocks Road, Goondiwindi, QLD 4390
Wayne & Leisa Rixon	"Wilgara" 134 Carisbrooke Road, Goondiwindi, QLD 4390
Julia & Tony Spicer	466 Scudamores Road, Goondiwindi, QLD 4390 julia@engageandcreateconsulting.com.au
Merrilyn Williams	"The Mill" Texas, QLD 4385 merrilynbrownie@bigpond.com
TopX Goondiwindi Cody Scott	11 Lilly Drive, Goondiwindi, QLD 4390 scott@topx.com.au
George Giesberts	707 Scudamores Road, Goondiwindi, QLD 4390
David & Val Sharpe	"Plain Lea", Texas, QLD 4385
A.A. Kerwick	"Kooreelah", Texas, QLD 4385
Ann Higgins	"Rosevalley", 558 oaky Creek-Mundoey Road, Texas, QLD 4385
Lesley Campbell	13 White Street, Texas, QLD 4385
Ron Williams	"Youlanda", 1471 Texas-Yelarbon Road, Texas, QLD 4385 Ronaldjohnwilliams@outlook.com
Lachlan & Cara Seccombe	"Donella", 1263 Pollocks Road, Goondiwindi, QLD 4390 lcseccombe@bigpond.com
Kerry Andersen	171 Currie Street, Nambour, QLD 4560
Peter & Belinda Fleming	64 Carisbrooke Road, Goondiwindi, QLD 4390
Robert Deans	171 Deans Road, Goondiwindi, QLD 4390
T & C Hall	"Lightview", Cunningham Highway, Goondiwindi, QLD 4390
Shaun & Suzanne Andersen	598 Scudamores Road, Goondiwindi, QLD 4390
Isabella Andersen	598 Scudamores Road, Goondiwindi, QLD 4390
Hollie Gall	PO Box 381, Goondiwindi, QLD 4390 Hollie.gall@olamnet.com
Rebecca & Trent Raymond	Rebecca.raymond@advantaseeds.com
Doug & Faye Stewart	"Boonderabbi", 19769 Gore Highway, Goondiwindi, QLD 4390
Donna & Glenn Hunt	429 Cemetery Road, Goondiwindi, QLD 4390
Colin & Carolyn Prior	25 Hensler Road, Goondiwindi, QLD 4390
Nigel Spens-Black	"Glenearn", Scudamores Road, Goondiwindi, QLD 4390
Ken & Lyn Rigney	"Bonnie Doon", Goondiwindi, QLD 4390
Gary Scudamore	"Coomurri", 59065 Leichhardt Highway, Goondiwindi, QLD 4390 scudy@bigpond.com
Angus Roberts	"Yarrieyaddle", 451 Kildonan Road, Goondiwindi, QLD 4390
Steven & Stacy Smith	"Waldron", 15 Pollocks Road, Goondiwindi, QLD 4390
Philip Smith	"Wakerley", 105 Pollocks Road, Goondiwindi, QLD 4390

Name of submitter	Address
Ivan & Roslyn Waldock	133 Carisbrooke Road, Goondiwindi, QLD 4390 roswaldock@bigpond.com
Merle Andersen	"Riverdale", Goondiwindi, QLD 4390
Cady & Thomas Biddle	29 Moffatt Street, Goondiwindi, QLD 4390
Adam & Tracy Wilson	91 Carisbrooke Road, Goondiwindi, QLD 4390
Coral Spens-Black	23 Moffatt Street, Goondiwindi, QLD 4390
Tom Andersen	22 Old Cunningham Highway, Goondiwindi, QLD 4390
Melanie Cleal	1/25 Thoras Parade, Goondiwindi, QLD 4390
Shenoa Trahair	1/25 Thoras Parade, Goondiwindi, QLD 4390
Ryan Maker	22 Jacaranda Drive, Goondiwindi, QLD 4390
Loren Hunt	22 Jacaranda Drive, Goondiwindi, QLD 4390
Chloe Maree Hunt	22 Old Cunningham Highway, Goondiwindi, QLD 4390
Ben Stewart	"Boonderabbi", 19769 Gore Highway, Goondiwindi, QLD 4390
Chelsey Purcell	17 Callandoon Street, Goondiwindi, QLD 4390
Samuel Stewart	"Boonderabbi", 19769 Gore Highway, Goondiwindi, QLD 4390
Lynda & Aaron Stewart	"Boonderabbi", 19769 Gore Highway, Goondiwindi, QLD 4390
Andrew & Alicia Stewart	"Mayfield", 660 Scudamores Road, Goondiwindi, QLD 4390
Georgia Stewart	"Mayfield", 660 Scudamores Road, Goondiwindi, QLD 4390
Nick Stewart	"Mayfield", 660 Scudamores Road, Goondiwindi, QLD 4390 Nick_S979@outlook.com
Rod & Lee Gibson	32440 Cunningham Highway, Goondiwindi, QLD 4390
Robert & Wendy Doughty	32420 Cunningham Highway, Goondiwindi, QLD 4390
Natalie Coote	"Shiloh", Scudamores Road, Goondiwindi, QLD 4390
Dakota Gibson	"Duntrune", Scudamores Road, Goondiwindi, QLD 4390
Cagney Gibson	"Shiloh", Scudamores Road, Goondiwindi, QLD 4390
McKanah Gibson	"Shiloh", Scudamores Road, Goondiwindi, QLD 4390

Environmental authority

- An Environmental Authority (permit number: 2020-11) has been issued by the Department of Agriculture and Fisheries, under the *Environmental protection Act 1994*.

Approved plans and specifications

Copies of the following plans are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: material change of use				
Victoria Park Feedlot Carcass disposal site			Queensland Globe print	
Feedlot layout plan				

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*:

- [For material change of use] This approval lapses if the first change of use does not happen within **six (6) years**.

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 6 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

A handwritten signature in black ink, appearing to read 'RM McMahon', with a long horizontal flourish extending to the right.

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

enc Attachment 1—Assessment manager
 Attachment 2—Approved Plans
 Attachment 3—Infrastructure Charges Notice
 Attachment 4—Notice about decision – Statement of reasons
 Attachment 5—Rights of Appeal Waiver
 Attachment 6—*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 – Rights of Appeal Waiver

Attachment 6 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Proposed Use:	"Rural activities" <ul style="list-style-type: none"> "Intensive animal industry" (Not more than 1,000SCU feedlot)
Development:	Material Change of Use – Development Permit
Applicant:	RRM Pastoral Co P/L TTE McDonald Family Trust
Address:	'Anora', 707 Scudamores Road, Goondiwindi
Real Property Description:	Lot 53 on MH127
Council File Reference:	20/07W

GENERAL CONDITIONS										
1.	<p>Approval is granted for the purpose of a Material Change of Use for:</p> <ul style="list-style-type: none"> "Rural activities" – "Intensive animal industry" (Not more than 1,000SCU feedlot) <p>as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p>									
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.									
3.	<p>Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans:</p> <table border="1"> <thead> <tr> <th>Drawing Number</th> <th>Title</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Queensland Globe print</td> <td>Victoria Park Feedlot Carcass disposal site</td> <td></td> </tr> <tr> <td></td> <td>Feedlot layout plan</td> <td></td> </tr> </tbody> </table> <p>Please note the plans are not approved Building Plans.</p>	Drawing Number	Title	Date	Queensland Globe print	Victoria Park Feedlot Carcass disposal site			Feedlot layout plan	
Drawing Number	Title	Date								
Queensland Globe print	Victoria Park Feedlot Carcass disposal site									
	Feedlot layout plan									

<p>4.</p>	<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>
<p>5.</p>	<p>The development shall be setback a minimum of 200m from all road frontages, in accordance with the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p>
<p>6.</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>7.</p>	<p>It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site and/or the commencement of the use.</p>
<p>8.</p>	<p>Any proposed buildings/structures (sheds, silos, shade structures) to be erected on the site will require building approval under the provisions of the <i>Queensland Building Act 1975</i>, <i>Queensland Development Code Part 3.7</i> and the <i>National Construction Code 2019</i>.</p> <p>Approvals are to be obtained prior to commencing any building construction work on site.</p> <p>Note: the office area will require provisions for disability access and amenities.</p>
<p>PUBLIC UTILITIES</p>	
<p>9.</p>	<p>The development shall be provided with an adequate and reliable water supply for the proposed use, intensive animal industries (cattle feedlot) including adequate supply for fire fighting purposes, in accordance with relevant engineering standards.</p> <p>A suitable fire tender vehicle or trailer is to be available on site to address any fires associated with storage structures or bushfires around the infrastructure and pen areas.</p>

10.	The development shall be connected to an electricity supply system and telecommunications service adequate to service the proposed development, at no cost to Council.
ROADS AND VEHICLES	
11.	<p>All site accesses, from the edge of the existing road to the property boundary, shall be constructed to an industrial standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
12.	Prior to commencement of construction, Scudamores Road shall be upgraded to a minimum of 7m wide formation from the intersection with the Cunningham Highway to the end of the existing bitumen sealed section of Scudamores Road at Chainage 7,384m.
13.	Prior to commencement of construction, the unsealed section of Scudamores Road from the end of the existing seal at Chainage 7,384m to the proposed access to the feedlot shall be constructed to a sealed standard with a 7m wide formation and a 4.5m wide two coat bituminous seal.
14.	Prior to commencement of construction, give way signs and associated line marking shall be installed at the Northern approaches to the existing concrete floodways location at Chainage 100m and 6,320m on Scudamores Road. Signage and Line marking shall be installed in accordance with the manual of Uniform Traffic Control Devices (MUTCD).
15.	Vehicle manoeuvring areas shall be provided on-site so that all vehicles, including all heavy vehicles, can enter and leave the site in a forward direction.

16.	<p>Vehicle parking spaces shall be supplied on-site in accordance with supporting information supplied by the applicant with the development application.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
17.	<p>A Road Safety Assessment/Traffic Impact Assessment (TIA), conducted by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) for the Scudamores Road/Cunningham highway intersection, addressing the relevant requirements as outlined in the Guide to Traffic Impact Assessment (GTIA) must be provided. The Road Safety Assessment should address, as a minimum, the anticipated in/out directional traffic splits, geometric suitability for the largest design vehicle accessing the site and the safety of the Scudamores Road/Cunningham Highway intersection taking into account the bus stop located at this intersection.</p> <p>The intersection of Scudamores Road and the Cunningham Highway shall be upgraded in accordance with the required TIA. All works must be carried out to the Department of Transport and Main Roads (DTMR) standards.</p> <p>Note: Written approval must be obtained from DTMR prior to the commencement of any works on the state-controlled road (Cunningham Highway).</p>
ENVIRONMENT	
18.	<p>Vegetation buffers shall be provided around the feedlot pens and induction area to provide visual screening and assist with dust and odour movement through the facility.</p>
19.	<p>A Site Based Management Plan shall be prepared for the feedlot facility, and shall address the following operation and maintenance issues:</p> <ul style="list-style-type: none"> (i) Maintenance cleaning of pen areas and drainage lines/sedimentation lagoons frequency; (ii) Indication of application rates for manure and sediment spreading onto pastures and rotation and incorporation times; (iii) Register to be kept for the following events: <ul style="list-style-type: none"> (a) Complaints received about the operation of the feedlot and what actions have been undertaken by whom to investigate and resolve any confirmed issues; (b) Details of any events involving effluent leaving the site and entering natural watercourses, actions taken to resolve the issue. (ii) Details of who will be responsible for various actions mentioned in points (i) – (iii) above. <p>The Site Based Management Plan must also include the installation, management and maintenance of at least one suitable weather station with functions capable of recording climatic wind data including wind direction and speed. The developer shall</p>

	maintain a record of this data and provide it to the relevant authority, if requested to do so.
20.	Provision of suitable shade structures shall be provided over the pen areas to provide protection for stock during the summer weather conditions.
21.	The development shall be designed and constructed to avoid significant adverse impacts on areas of environmental significance.
STORMWATER	
22.	<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 discharge point 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>
23.	<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	
24.	<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 an 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>

<p>25.</p>	<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>
<p>AVOIDING NUISANCE</p>	
<p>26.</p>	<p>At all times while the use continues, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> (the Act) and all relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times while the use continues.</p>
<p>27.</p>	<p>All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties, motorists or the operational safety of the surrounding road network.</p>
<p>28.</p>	<p>General waste generated at the feedlot from staff and veterinary activities is to be disposed of to a licensed disposal site or collected by an authorised waste contractor. Goondiwindi Waste Facility is the closest site for disposal of general domestic waste. The following waste products are excluded from this site:</p> <ul style="list-style-type: none"> • Medical waste (sharps); • Batteries; • Chemicals; and • Tyres <p>An alternate commercial waste service to the property may be arranged with a collection contractor.</p>
<p>29.</p>	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
<p>30.</p>	<p>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>The site must be kept in a clean and tidy state at all times during construction..</p>

DEVELOPER'S RESPONSIBILITIES	
31.	Potential bushfire hazards are appropriately mitigated to reflect the hazard level of the site in regard to vegetation type and proximity, slope and aspect, bushfire history, on-site environmental values, ease of maintenance and any specific implications of the development.
32.	It is the developer's responsibility to ensure the development is resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.
33.	It is the developer's responsibility to ensure that the development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level, and does not increase the potential for flood damage either on-site or on other properties.
34.	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.
35.	It is the developer's responsibility to ensure that any contractors and subcontractors have current, relevant and appropriate qualifications and insurances in place to carry out the works.
36.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs.
37.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
COMMENCEMENT OF USE	
38.	<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>

39.	<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 years of the date the development approval takes effect, in accordance with the provisions contained in sections 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
40.	<p>A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.</p>
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 change of use has not occurred within the following period, in accordance with the provisions contained in section 85(i)(a) of the <i>Planning Act 2016</i>:</p> <p style="padding-left: 40px;">(a) If no period is stated – six (6) years after the approval starts to have effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	<p>The developer also includes any future owners and/or operators of the feedlot on the land subject to this development approval.</p>
	<p>Infrastructure charges as outlined in the Infrastructure Charges Notice included in Attachment 3 shall be paid prior to the commencement of the use.</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



Print Preview

Landscape
Portrait
A4
A3
2D
3D
360

1:15047
 With Legend

Victoria Park Feedlot Carcass disposal site

Amended disposal site position.

28°24'44"S 150°21'17"E

LAT LONG
MGA/GDA94

28°24'4



Map Preview

Additional Data

PRINT TO

GOONDIWINDI REGIONAL COUNCIL

Approved Plan referred to in Council's Decision Notice

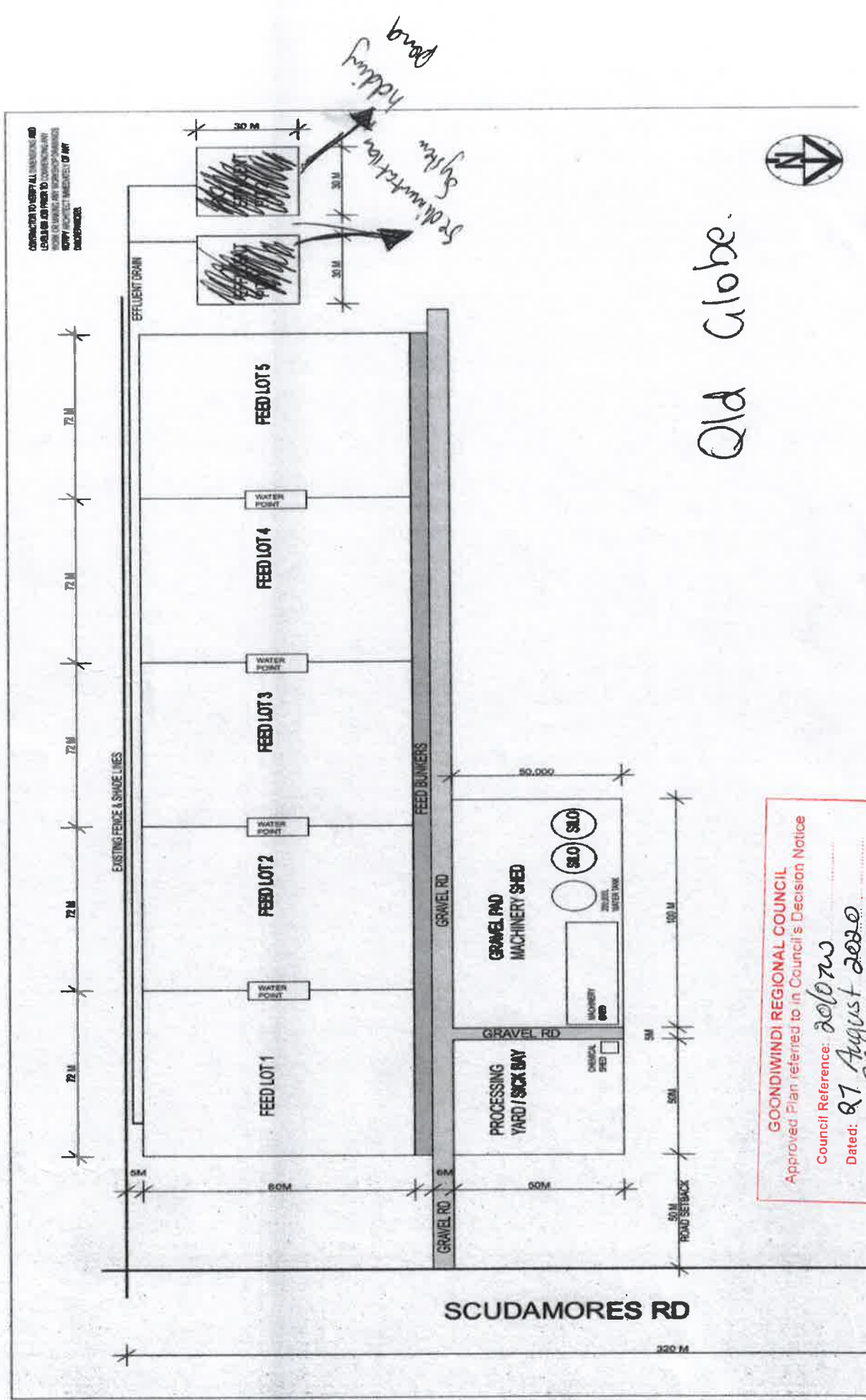
Council Reference: *20107W*

Dated: *27 August 2020*

Signed: *RMM*

Print Name: *Mrs Rennie McMillan*
(Under Delegation) ASSESSMENT MANAGER

CONSTRUCTION TO EXISTENTIAL STANDARDS AND
 LEASING AND RENT TO COMMERCIAL AND
 RESIDENTIAL PURPOSES. ALL IMPROVEMENTS TO BE
 INSTALLED IN ACCORDANCE WITH THE
 LOCAL GOVERNMENT ACT 2009.



*Sealwater System
 Pump*

Old Globe.

GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 20/0720
 Dated: 27 August 2020
 Signed: *R.M. McMahon*
 Print Name: Mrs Romie McMahon
 (Under Delegation) ASSESSMENT MANAGER



Attachment 3 – Infrastructure Charges Notice





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

Locked Mail Bag 7
Inglewood QLD 4387

Telephone: 07 4671 7400
Fax: 07 4671 7433

Email: mail@grc.qld.gov.au


Infrastructure Charges Notice

Address	"Anora" 707 Scudamores Road, Goondiwindi
Owner	RRM Pastoral Co P/L TTE McDonald Family Trust
Applicant	RRM Pastoral Co P/L TTE McDonald Family Trust
Application No.	20/07W
Lot and Survey Plan	Lot 53 on MH127
Date	27 August 2020
Approval	Development Permit – Material Change of Use

Development Application Details
"Rural activities" - "Intensive animal industry" (Not more than 1,000SCU feedlot)

Type of Charge	Charge Area (A, B, C, D or E)	Type of Charge	Charge Amount (\$)	Unit	Total Charge (\$)
Intensive animal industry	E	Transport	4.00 per m ² of GFA	968.4m ²	3,873.60
		Stormwater	0.00 per m ² for all impervious area	968.4m ²	0.00

Due Date	When the change of use happens	Total Charge (\$)	3,873.60
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	27 August 2026		

Authorised by: 

An offset has been applied to this notice for existing areas, at the rate of \$4.00 per m² of GFA and \$0 per m² for all impervious areas.

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

In accordance with the Planning Act 2016

Office Use – Receipt Number

Charges – 1250-1150-0000
Drainage – 1250-1151-0000





Attachment 4 – Notice about decision - Statement of reasons



Notice about decision - Statement of reasons

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

The development application for "Rural activities" – "Intensive animal industry" (Not more than 1,000SCU feedlot)

20/07W

'Anora', 707 Scudamores Road, Goondiwindi

Lot 53 on MH127

On 26 August 2020, 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 requirements of the Goondiwindi Region Planning Scheme 2018 (Version 2) and the relevant facts and circumstances, the proposed development was approved subject to appropriate, relevant and reasonable conditions at the Ordinary Meeting of Council held on 26 August 2020. Conditions have been included that address concerns raised by the submitters in the properly made submissions received by Council.*

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>Rural Zone Code</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): AO1, AO2.1, PO4, AO5.2</i>
<i>Rural Zone Code Purpose</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): Outcome 1, Outcome 2</i>
<i>Transport and Infrastructure Code</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): AO1, AO2, AO3.2, PO4, AO5.1, AO5.2, AO6, AO7, AO8, AO9, AO10, AO12.1, AO12.2, AO13, PO15</i>
<i>Transport and Infrastructure Code Purpose</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): Outcome 1, Outcome 2</i>

Benchmarks applying for the development	Benchmark reference
<i>Rural Activities Code</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): AO7, AO8</i>
<i>Rural Activities Code Purpose</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): Outcome 1, Outcome 2</i>
<i>Flood Hazard Overlay Code</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): AO1.1, AO2.2, AO4</i>
<i>Natural Resources Overlay Code</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): PO5, PO6, PO7, PO8</i>
<i>Biodiversity Areas Overlay Code</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): AO1.1, AO1.2, AO2, AO3.1, AO3.2, AO3.3</i>
<i>Strategic Framework</i>	<i>Goondiwindi Region Planning Scheme 2018 (Version 2): Element 1, Element 2, Element 3, Element 4, Element 5, Element 6, Element 7</i>

3. Compliance with benchmarks

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

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)	Benchmark reference	Assessment carried out against or assessment had regard to
Rural Zone Code Purpose of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>	<i>Section 6.2.9.2 – Outcomes 1 and 2</i>	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to
Rural Activities Code Purpose of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>	<i>Section 9.3.4.2 – Outcomes 1 and 2</i>	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to
Transport and Infrastructure Code Purpose of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>	<i>Section 9.4.4.2 – Outcomes 1 and 2</i>	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to
Strategic Framework of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>	<i>Part 3 – Elements 1 - 7</i>	<input checked="" type="checkbox"/> assessed against <input 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>Nuisances:</p> <ul style="list-style-type: none"> • Dust produced by the feedlot • Feedlot dust containing contaminated dust particles (animal faecal matter and other airborne diseases) impacting on people's health, and contaminating rainwater tanks • Dust from increased traffic on gravel road in front of the feedlot • Odour produced from the feedlot impacting on the environment • Increase in noise from traffic and animals, which will reduce the quiet nature of the area • Noise from feedlot operations – 24 hours a day, 7 days a week, 52 weeks a year • Flies will increase in numbers significantly bringing whole range of health issues to the community • Feedlot operation will attract pests and vermin to the area, which cause an increase in the spread of diseases through the feedlot, wildlife and stock in surrounding properties • Feedlot will be in close proximity to many houses in the Scudamores Road, Carisbrooke Road, Pollocks Road and Cunningham Highway area. The area is a rural residential area. <p>Standard of the road:</p> <ul style="list-style-type: none"> • Scudamores Road is not constructed to a standard suitable to carry heavy vehicles • Road way is narrow and doesn't allow for 2 vehicles to pass and remain on the bitumen • Gravel section in front of the feedlot site not suitable for heavy vehicles • Feedlot will cause increased traffic from contractors, trucks and workers • The 2 creek crossings on Scudamores Road (Wondalli Creek and the Murri Murri Creek) are not suitable for heavy vehicles • Increased traffic from the use will impact the local and state road network 	<p>The Environmental Authority issued by the Department of Agriculture and Fisheries (DAF) includes a number of conditions that address odour, noise, and dust. The management of these issues, and dealing with any complaints relating to these issues will be handled by DAF.</p> <p>Third party advice was sought from DAF in relation to these matters, and DAF has advised that appropriate management will mitigate any odour, noise and dust issues. DAF has also advised that the priority is pen floor management, and that maintaining a minimum of manure on the pen floors and around water and feed structures is a priority.</p> <p>An approval could be conditioned to require the preparation of a Site Based Management Plan to address operation and maintenance issues including the management and control of potential nuisances.</p>
	<p>Scudamores Road is a Council controlled road, and the application and submissions have been reviewed by Council's Engineering Department. Conditions can be included as part of an approval for upgrades and sealing of Scudamores Road, installation of signage and line marking at the concrete flood ways, vehicle access and onsite manoeuvring and parking areas.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision.
<p>Water supply:</p> <ul style="list-style-type: none"> • Using bore water to supply water to the feedlot, and what impact this will have on surrounding bores • Water supply required for the feedlot would lower the water table • Bore licences on the subject site are not suitable for intensive feedlot use. 	<p>Third party advice has been sought from the Department of Natural Resources, Mines and Energy (DNRME) on the issues raised regarding the use of the existing bores to supply water to the feedlot. DNRME have advised that the applicant does not hold a water entitlement that authorises the take of water for stock intensive purposes, and that works that take overland flow water require development approval.</p> <p>These matters are separate from the material change of use development application lodged with Council, and will be dealt with by DNRME.</p> <p>A condition can be included as part of Council's approval, requiring a suitable water supply to be provided for the proposed feedlot.</p>
<p>Flooding:</p> <ul style="list-style-type: none"> • Access to the feedlot site is cut during a flood – 2 creek crossings that become inaccessible. This could cause issues with the feeding and welfare of the stock • Carcass disposal pit is located in a flood area, and the possible contamination of the waterway during a flood event • Feedlot is in a flood area, and while not immediately adjacent to the creek, the impacts of the flooding on the use and the safety of the animals would indicate that this is not a suitable use in the location 	<p>Third party advice was sought from DAF, and in relation to flooding DAF advised that flood mapping is limited, however the site is considered low risk. The location of the feedlot has also satisfied the environmental authority requirements for being located about the Q100 flood level</p> <p>The carcass disposal pit has been relocated, and is now positioned to the north-west of the proposed feedlot site on the western property boundary. It is considered that the issue of contamination of the waterway from the carcass pit during a flood event, has been addressed.</p>
<p>Property values decrease:</p> <ul style="list-style-type: none"> • Feedlot will cause the valuation of properties to decrease 	<p>Property valuations are not town planning grounds for objections against development applications.</p>
<p>Highway intersection & bus stop:</p> <ul style="list-style-type: none"> • Increased traffic will make the Scudamores Road/Cunningham HWY intersection more dangerous: <ul style="list-style-type: none"> ○ Turning lane into Scudamores Road from the west isn't long enough, especially for trucks and road trains, and there is no turning lane from the east; ○ Limited visibility for turning traffic in both directions; ○ Impact the safety of children catching the school bus, as there is a bus stop at this intersection 	<p>Third party advice was requested from the Dept. of Transport and Main Roads (DTMR) regarding the highway intersection. DTMR suggested that a road safety assessment/traffic impact assessment be conducted by an appropriately qualified RPEQ, addressing the relevant requirements in accordance with the Guide to Traffic Impact Assessment (GTIA, 2018).</p> <p>Based on the advice from DTMR, a Traffic Impact Assessment (TIA) conducted by an appropriately qualified RPEQ can be conditioned as part of an approval with a further condition requiring upgrades in accordance with the recommendations of the TIA.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>Contamination of the waterways from wastewater run-off, and contamination of groundwater:</p> <ul style="list-style-type: none"> • Effluent runoff into the Murri Murri Creek, especially during a flood event, will have significant environmental effects to downstream users of the water for stock and domestic purposes • Carcass disposal pit next to creek 	<p>DAF have advised that while the flooding mapping is limited, the site is considered to be a low risk.</p> <p>Stormwater can be conditioned as part of an approval, including the operational management of surface water from the feedlot area, and the design of the drainage system.</p> <p>The carcass disposal pit has been relocated further from the creek and out in the flood area.</p>
<p>Previous subdivision approval by Council:</p> <ul style="list-style-type: none"> • Council has profited from the subdivision of this area and encouraged families to purchase lifestyle blocks in this area • Council has allowed smaller subdivisions in this area – irresponsible town planning to allow an intensive animal industry to be so close to other neighbouring properties • It is a rural residential area 	<p>The Scudamores Road area is not considered a rural residential area. It is zoned Rural under the planning scheme, and therefore for town planning purposes is Rural.</p> <p>It is believed that the previous subdivision approval referred to in the submissions, was approved and subdivided in 1988/1989, and has no town planning relevance to the current feedlot application.</p>
<p>Visible from road:</p> <ul style="list-style-type: none"> • The existing shade lines/tree lines do not make a suitable barrier to stop noise, pollution, dust etc • Visual amenity – feedlot will be visible from Scudamores road 	<p>The subject site is located in the rural zone and in a rural area, with a total area of 456.5ha. While the feedlot is proposed to be set back approximately 50m from Scudamores Road, it is not considered that the development will adversely affect the visual amenity of the rural area.</p>
<p>Setting a precedence for other intensive animal industries to be close to town:</p> <ul style="list-style-type: none"> • For Council to approve an intensive animal industry too close to the township of Goondiwindi will lead to other applications of the same nature too close to houses. • By approving one feedlot in this rural residential area, Council sets a precedent for others to follow, and this obvious incompatible land use pattern will not be accepted. 	<p>The area of Scudamores Road is not a rural residential area. It is zoned Rural under the planning scheme, and is therefore rural land for town planning purposes. Every development application that is lodged with Council is assessed on its own individual merits and circumstances. It is considered the most appropriate zoning for this type of land use. The proposed development will be setback beyond the requirements of the GRC Planning Scheme and the Eligibility Criteria for an Environmental Authority.</p>
<p>Biosecurity risks:</p> <ul style="list-style-type: none"> • There are biosecurity risks posed by the large number of cattle coming in from all parts and the inevitable wandering of animals from the feedlot causing the spread of disease. • Spread of invasive weeds 	<p>Biosecurity, and the management of biosecurity risks, is the sole responsibility of the feedlot operator, and therefore is not being considered as part of the assessment of this development application.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>Lifestyle pursuits:</p> <ul style="list-style-type: none"> • People use Scudamores Road for lifestyle pursuits such as walking and cycling, and the increased heavy traffic will make this dangerous <p>Levee banks required to flood-proof the feedlot and infrastructure:</p> <ul style="list-style-type: none"> • If levees are required this will impact other residents and put them at risk of being flooded • The permanent alteration to the hydrology and flood water movements of the locality as a consequence of the construction of permanent structures obstructing the movement of water in the flood plain is a significant concern to nearby properties. 	<p>Upgrades to widen Scudamores Road to the appropriate engineering standards can be conditioned as part of an approval as a safety measure.</p> <p>Category 2 and 3 levee banks are assessable development under the <i>Planning Regulation 2017</i>. Hydraulic impacts are considered during the assessment of levee bank applications.</p> <p>No levee banks works are proposed at this stage.</p>
<p>Feedlot drainage issues:</p> <ul style="list-style-type: none"> • Site chosen is clay based soil type with poor drainage qualities • Drainage system inadequate – drains to the Murri Murri Creek 	<p>Stormwater can be conditioned as part of an approval, including the operational management of surface water from the feedlot area, and the design of the drainage system.</p> <p>An Environmental Authority has been issued by DAF for the feedlot operations. As part of this authority, the management of contaminated stormwater has been conditioned.</p>
<p>Smaller subdivisions:</p> <ul style="list-style-type: none"> • Council should allow the land owners the right to subdivide these lifestyle blocks to a minimum area determined by Council. 	<p>The land along Scudamores Road is located in the Rural Zone under the planning scheme and not considered lifestyle blocks.</p> <p>This issue is not relevant to the proposed development.</p>
<p>Flora and fauna:</p> <ul style="list-style-type: none"> • Murri Murri Creek is a wildlife corridor that will be effected by the feedlot 	<p>It is stated in the application that the feedlot is 800m from the Murri Murri Creek, and the location of the feedlot satisfies the environmental authority requirements of being more than 100m from a watercourse.</p>
<p>Shade for the feedlot:</p> <ul style="list-style-type: none"> • Application indicates that the existing shade lines will remain to provide shade for stock, as well as considering a solar panel system over the pens. The existing shade line is inadequate and solar panels would be a hazard to stock in a hailstorm or severe rain event. 	<p>Suitable shade structures over the pen areas can be conditioned as part of an approval.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>Economic benefits:</p> <ul style="list-style-type: none"> • Employment in trade and agricultural sector • New development in the rural sector and livestock industry in the region is an advantage • Feedlot facilities and infrastructure is integral at this point in time after previous years of extensive drought • Gives producers the option to sell stock to smaller scale feedlots that may be closer to save on carting costs <p>Feedlot is an advantage for the area:</p> <ul style="list-style-type: none"> • Construction of the feedlot will have little impact on residents, and the positives and advantages for the area outweigh any concerns. • Innovative and clear initiatives will be put in place to meet any environmental and sustainability requirements <p>Agricultural benefits:</p> <ul style="list-style-type: none"> • Feedlot provides the ability of local producers to finish their animals when pasture feed is deficient in quality or quantity • Enables farmers to have a reduction of stocking pressure on-farm during dry conditions <p>Rural zone:</p> <ul style="list-style-type: none"> • Land is zoned Rural, and the location of the feedlot will in no way impact residents nearby, especially considering the small scale of the development <p>Environmental benefits:</p> <ul style="list-style-type: none"> • Feedlots require less land and cattle which results in less stress placed on the environment and less greenhouse gas emissions • Livestock in feedlots receive a higher grade of nutrition, therefore methane emissions can also be reduced • Recycle manure for many purposes, fertiliser can be used on crops and gardens 	<p>Comments are noted</p> <p>Comments are noted</p> <p>Comments are noted</p> <p>Comments are noted</p> <p>Comments are noted</p>

6. Matters prescribed by Regulation

Not applicable for this proposed development



Attachment 5 – Rights of Appeal Waiver



Attachment 5: Rights of Appeal Waiver

Planning Act 2016
Rights of Appeal Waiver

Purpose of this form: *This form will be used to process your request to waive your appeal rights to process your approval without unnecessary delay.*

Applicant:	
File Number:	
Property Address:	

This is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waive my/our appeal rights available under the *Planning Act 2016*.

Name		Name	
Signature		Signature	
Date		Date	

Please return this form to:

Fax: (07) 4671 7433

Post: LMB 7, Inglewood QLD 4387

Email: mail@grc.qld.gov.au

In person: Council Chambers, 4 McLean Street, Goondiwindi QLD 4390
Goondiwindi Civic Centre, 100 Marshall Street, Goondiwindi QLD 4390
Inglewood Customer Service Centre, 18 Elizabeth Street, Inglewood QLD 4387
Texas Customer Service Centre, High Street, Texas QLD 4385

Privacy Statement

This information collected on this Form will be used by the Goondiwindi Regional Council in accordance with the processing and assessment of your application. Your personal details will not be disclosed for a purpose outside of Council policy, except where required by legislation (including the *Information Privacy Act 2009*) or as required by the Queensland State Government. This information may be stored in the Council database.



Attachment 6 – *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.