

File: 21/12W
Date: 24 March 2021

Country Building Approvals
59 Gawler Crescent
BRACKEN RIDGE QLD 4017

Dear Mohammed

**Decision Notice – Approval (with conditions)
Material Change of Use
Lot 154 on SP106872, 20 Riverview Terrace, Goondiwindi**

We wish to advise that on 23 March 2021, a decision was made to approve the material change of use development application for “*Accommodation activities*” – “*Dwelling House*” (Detached Domestic Shed within the rear boundary setback requirements) at Lot 154 on SP106872, 20 Riverview Terrace, 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 17**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

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

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

Yours faithfully



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 21/12W
Council Contact: Mrs Ronnie McMahon: KG
Council Contact Phone: (07) 4671 7400

24 March 2021

Applicant Details: Country Building Approvals
59 Gawler Crescent
BRACKEN RIDGE QLD 4017

The development application described below was properly made to Goondiwindi Regional Council on 10 March 2021.

Applicant details

Applicant name: Country Building Approvals – Mohammed Saleem
Applicant contact details: 59 Gawler Crescent, Bracken Ridge Qld 4017
mo.saleem@outlook.com
0488 724 057

Application details

Application number: 21/12W
Approval sought: Development Permit
Details of proposed development: "Accommodation activities" – "Dwelling House" (Detached Domestic Shed within the rear boundary setback requirements)

Location details

Street address: 20 Riverview Terrace, Goondiwindi Qld 4390
Real property description: Lot 154 on SP106872

Decision

Date of decision: 24 March 2021
Decision details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

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

The following approvals are given:

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

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

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				
Site Plan	NOF Architects	June 2016	BA01	E
Footing and Framing Details	Titan Garages and Sheds	May 2020	TE 138-03.1	
Member Schedule and general Notes	Titan Garages and Sheds	May 2020	TE 138-03.2	

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 4 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 3 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 'Carl Manton', with a long horizontal flourish extending to the right.

Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

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



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

Attachment 2 – Approved Plans

Attachment 3 – Notice about decision - Statement of reasons

Attachment 4 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



Attachment 1 – Assessment Manager’s Conditions



Assessment Manager's Conditions

Proposed Use:	<p><i>"Accommodation activities"</i></p> <ul style="list-style-type: none"> <i>"Dwelling House"</i> (Detached Domestic Shed within the rear boundary setback requirements)
Development:	Material Change of Use – Development Permit
Applicant:	Country Building Approvals – Mohammed Saleem
Address:	20 Riverview Terrace, Goondiwindi Qld 4390
Real Property Description:	Lot 154 on SP106872
Council File Reference:	21/12W

GENERAL CONDITIONS													
1.	Approval is granted for the purpose of a Material Change of Use for <i>"Accommodation activities"</i> – <i>"Dwelling house"</i> (Detached Domestic Shed within the rear boundary setback requirements) as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> .												
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 constructed 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>BA01</td> <td>Site Plan</td> <td>June 2016</td> </tr> <tr> <td>TE 138-03.1</td> <td>Footing and Framing Details</td> <td>May 2020</td> </tr> <tr> <td>TE 138-03.2</td> <td>Member Schedule and General Notes</td> <td>May 2020</td> </tr> </tbody> </table> <p>Please note these plans are not approved Building Plans.</p>	Drawing Number	Title	Date	BA01	Site Plan	June 2016	TE 138-03.1	Footing and Framing Details	May 2020	TE 138-03.2	Member Schedule and General Notes	May 2020
Drawing Number	Title	Date											
BA01	Site Plan	June 2016											
TE 138-03.1	Footing and Framing Details	May 2020											
TE 138-03.2	Member Schedule and General Notes	May 2020											

4.	<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 the applicant, Council or any relevant agencies during all stages of the development application assessment processes.</p>
5.	<p>The existing landscaping on the existing site, including landscaping along the property boundaries, is to be maintained at all times to the satisfaction of and at no cost to Council.</p>
6.	<p>It is the developer's responsibility to obtain all required statutory approvals prior to commencement of any works on site, including but not limited to a building approval from an accredited Building Surveyor.</p>
STORMWATER	
7.	<p>Prior to the commencement of the use, 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 disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>
8.	<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>

	AVOIDING NUISANCE
9.	The operator shall be responsible for mitigating any complaint arising from on-site operations.
10.	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises. During construction the site must be kept in a clean and tidy state at all times.
	DEVELOPER'S RESPONSIBILITIES
11.	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.
12.	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.
13.	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.
14.	At all times, all requirements of the conditions of the development approval must be maintained.
	COMMENCEMENT OF WORK
15.	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. It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed. The decision to accept bonds and other securities to satisfy a condition will be that of Council, not the applicant.

16.	<p>Council must be notified in writing of the date of the commencement of the use within fourteen (14) days of commencement.</p> <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes effect, in accordance with the provisions contained in section 85 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>
17.	<p>A letter outlining and demonstrating that conditions have been, or how they will be, complied with, shall be submitted to Council once building work is completed prior to commencement of the use. 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 use has not commenced within six (6) years of the date the development approval takes effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	<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 authorize 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



CLIENT

Tom and Anna Woods

PROJECT

Alterations and Additions to
20 Riverview Terrace,
Goondiwindi

SITE INFORMATION

Site: 154/SP106872
Site area: 4502m²

Areas

Existing external 51m²
Existing internal 227m²
Proposed external 104m²
Proposed internal 92m²

GENERAL NOTES - APPLICABLE TO ALL DRAWINGS

1. ALL DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORK.
2. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS.
3. ALL GROUND LEVELS ARE TO BE CONFIRMED PRIOR TO CONSTRUCTION DOCUMENTS. DIMENSIONS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS.
4. REFER ANY DISCREPANCIES TO ARCHITECT FOR WRITTEN INSTRUCTION.
5. BUILDING BEFOUR CONTRACTOR IS TO ENGAGE A LICENSED SURVEYOR TO ENSURE BOUNDARY SETBACKS, HEIGHT AND COMPLIANCE WITH STATUTORY HEIGHT LIMITS AND ACCORDANCE WITH THE B.C.A. AND AS3682.1.
6. TERMINATE TREATMENT: CONTRACTOR IS RESPONSIBLE FOR TREATMENT IN ACCORDANCE WITH THE B.C.A. AND AS3682.1.
7. ALL WORK TO BE IN ACCORDANCE WITH THE B.C.A. AND RELEVANT AUSTRALIAN STANDARDS.
8. BUILDING SETBACK MEASUREMENTS HAVE BEEN TAKEN ON SITE BY MEASURING TAPE AND NOT BY A LICENSED SURVEYOR.

GENERAL NOTES

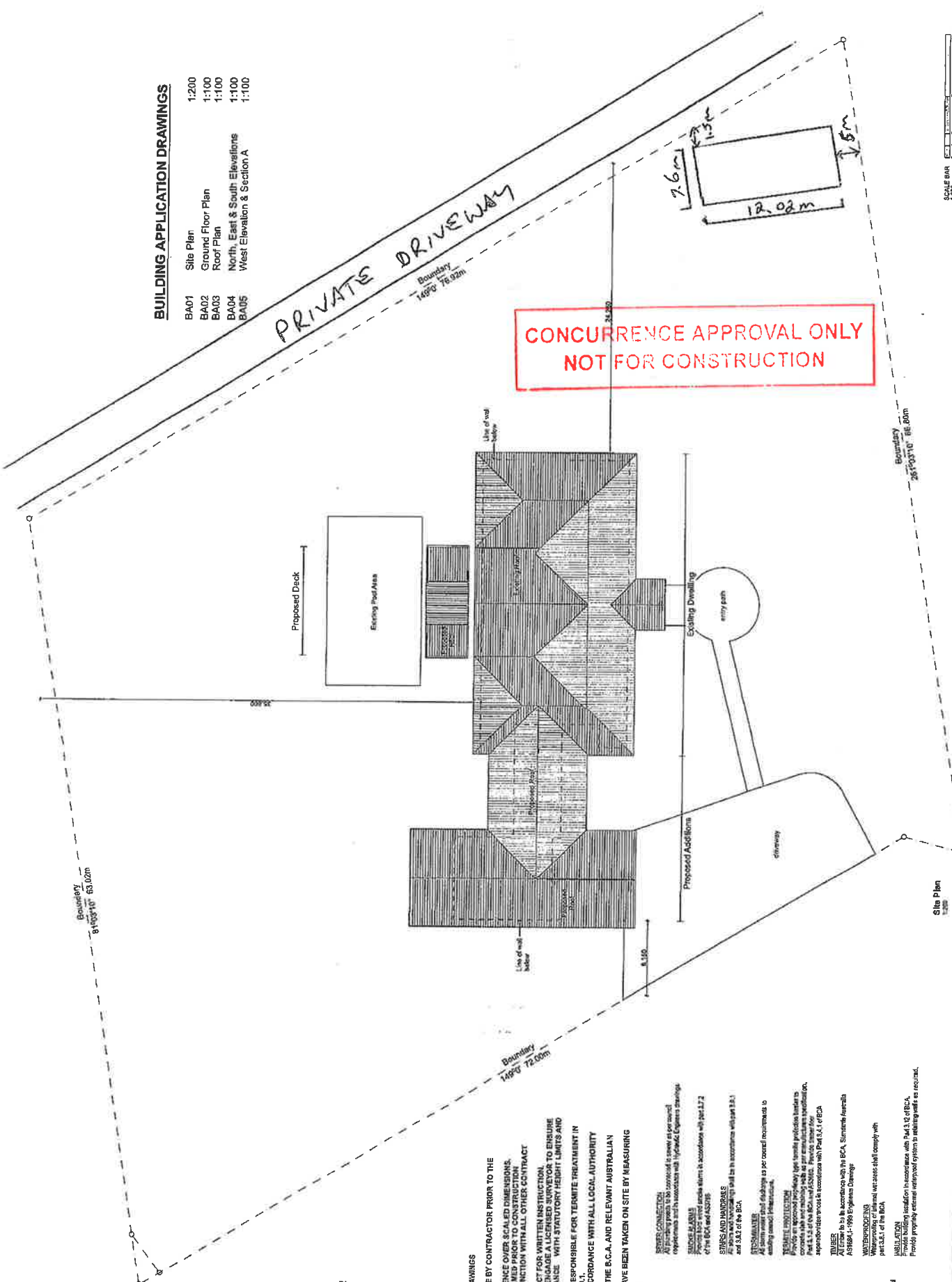
- CONNECTIONS**
All joining points to be approved in accordance with AS/NZS 4576:2001 and AS/NZS 4576:2001.
- ROOFING**
Roofing to be in accordance with AS/NZS 4576:2001 and AS/NZS 4576:2001.
- SET OUT**
Set out to confirm the set out and all levels and dimensions on site prior to the commencement of the building works.
- CONSTRUCTION**
All construction shall comply with the requirements of the Building Code of Australia Volume 2 for Class 1a buildings.
- DRIVEWAY CROSSOVER**
Provide a concrete curb and finished to create a level in accordance with the local authority requirements.
- ENGINEERING**
To be used in conjunction with Engineer's drawings and specifications. All engineering shall be in accordance with the relevant Australian Standards, AS/NZS 4576:2001 and AS/NZS 4576:2001.
- GLASS AND GLAZING**
All glazing shall be in accordance with part 3.8 of the BCA and AS/NZS 4576:2001.
- POOL FENCING**
All fencing to be in accordance with AS/NZS 4576:2001 and AS/NZS 4576:2001.

BUILDING APPLICATION DRAWINGS

BA01	Site Plan	1:200
BA02	Ground Floor Plan	1:100
BA03	Roof Plan	1:100
BA04	North, East & South Elevations	1:100
BA05	West Elevation & Section A	1:100

PRIVATE DRIVEWAY

CONCURRENCE APPROVAL ONLY
NOT FOR CONSTRUCTION



SCALE BAR 1:200

Drawing No. BA01

Site Plan

Revision E

Scale 1:200 @ A2

Date June 2016

Project 20 Riverview Terrace, Goondiwindi

Client Woods

Project No. J16006

Drawings: 230817, 230817, 230817

Amendments: 1st

Copyright: This drawing is copyright and all rights reserved and must not be reproduced, copied or used without the authority of the architect.

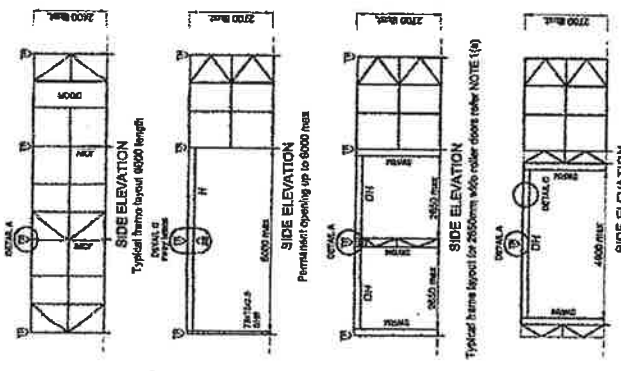
Board: Registered architect - 4523

Mail: 2/2 box 1024 mossmanville q. 4 4668

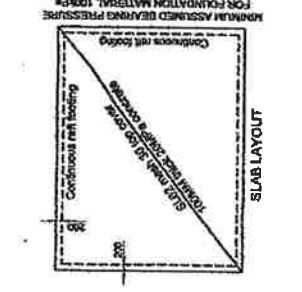
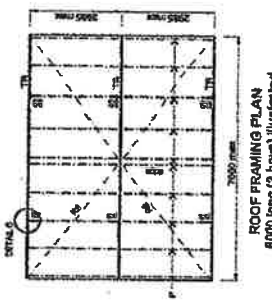
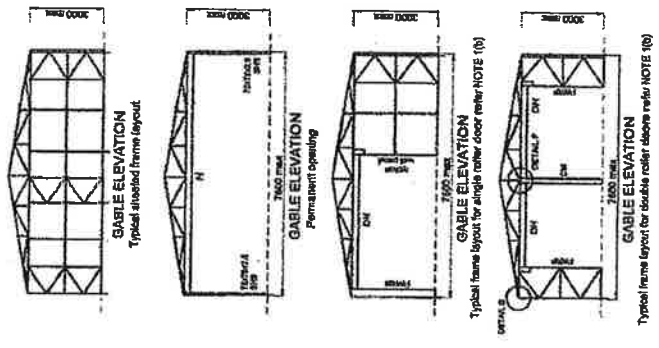
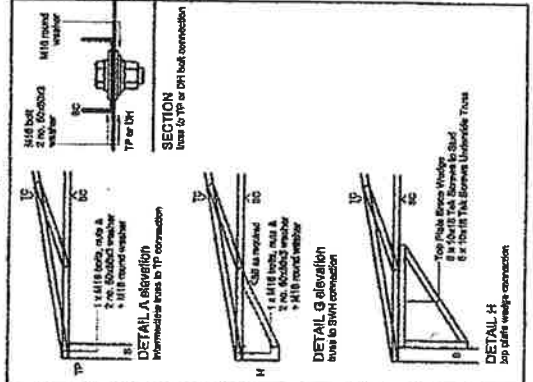
Phone: 0411 623 787

Web: www.nofarchitects.com.au

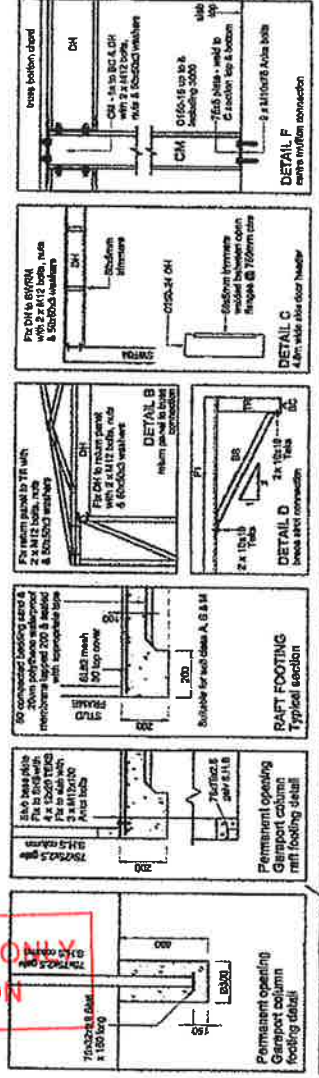
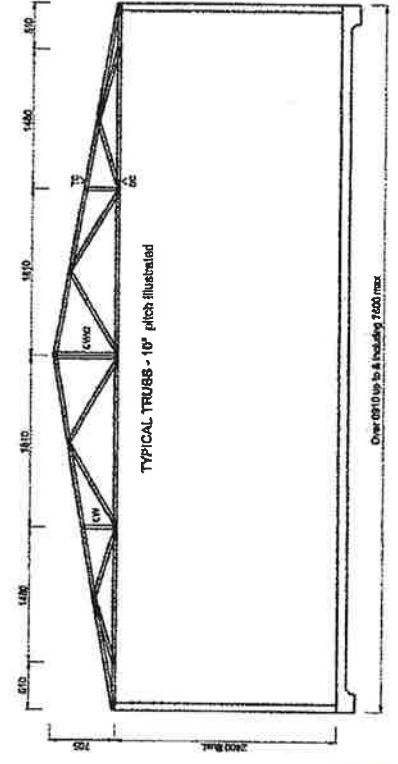
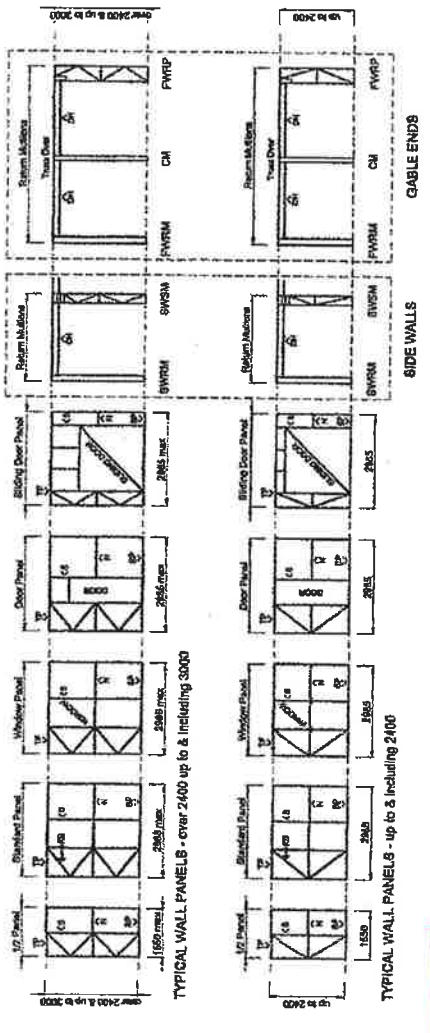
Site: 52 118 955 153



NOTE: Elevations shown illustrate examples only of roller door openings & locations. Opening size & location may vary with customer requirements, but structural & fixing details remain unchanged.



CONCURRENCE APPROVAL ONLY
NOT FOR CONSTRUCTION



PROJECT: GOLDSTAR SERIES SHEDS		
TITLE: TYPE 7600 - N3 FOOTING & FRAMING DETAILS		
<p>DESIGNED: [] APPROVED: [] REVISIONS: [] DRAWN: [] SCALE: 1:100 DATE: []</p>		
<p>PROJECT: Summermore Pty Ltd CONSULTING ENGINEER 200 St Albans Rd St Albans VIC 3020 PO Box 8711 St Albans VIC 3020 Phone: 07 800 3973 Fax: 07 830 1940 EMAIL: SALES@SUMMERMORE.COM.AU WEBSITE: WWW.SUMMERMORE.COM.AU</p>		

MEMBER & FIXING SCHEDULE - N3

Height (H) up to & including 3000 maximum - spans (S) over 6010 up to & including 7500 maximum

NK	MEMBER	DESCRIPTION
S	STUD	Height up to 2400 - 75 x 35 x 0.9 Q350 channel section, Tripartite stud centre-to-centre = 1000mm max. Height up to 3000 - 75 x 35 x 1.5 Q350 channel section, Tripartite stud centre-to-centre = 1000mm max.
N	NOGGING	75 x 35 x 0.9 Q350 channel section. 1 row up to & including 3000 panel height.
TP	TOP PLATE	75 x 35 x 1.5 Q350 channel section.
BP	BOTTOM PLATE	75 x 35 x 1.5 Q350 channel section.
KB	KNEE BRACE	75 x 35 x 0.9 Q350 channel section.
STUD FRAME FIXING		
B/B	BRACE STRUT	FRAME MEMBERS - Fix all wall panel members through each flange on each side with 1 x 5mm self-drilling rivet with 10mm edge clearance. WALL PANELS up to 3000 high - Fix panel to panel with 6 x 10x10 TEKs. Fixings shall be 50mm from top & bottom and evenly spaced. STAY BOLTS - Fix bottom plate to slab with M10x75 Anks bolts and 50x50x3.0mm washers at 1200mm centres max. or M12 J bolts at 1500mm centres max with 180 embedment. Hold down bolts shall be fixed within 100mm from panel edge.
S/B	SWAY BRACE	75 x 35 x 1.5 Q350 channel section - fit to P1 bridge plates & BC with 2 x 10x10 TEKs each end. Member fixings as per B/B above. Fix to under side of BH at mid span and to BB (side opening) & P (gable end opening). Required for all permanent openings over 3000.
P1	PURLIN	60 x 4.0 balun - fix to lines (T/O) at each end with 2 x 10x10 TEKs each side of beam - 4 total per connection. Max span shall be 3000 tapered 60.
R/B	ROOF BRACE	35 x 1.6 Q300 Strap to enable roof area to maximum sections of 2 bays. Fix with 2 x 10x10 TEKs at each end & make but 12x25 TEK at step intersection.
CH	CENTER MULLION	C150-15 up to & including 3000 high. W610 75 x 8.5v plate to top & bottom. Fix top to truss bottom chord (BC) with 2 x M12 bolts, nuts & 50x50x3.0mm washers. Fix with 2 x M10x75 Anks bolts.
SWRM	SIDE WALL RETURN MULLION	C200-18 - 240mm beaded fixed to bottom of C section with 6 x 5mm self-drilling rivets & fix to slab with 2 x M10x75 Anks bolts. See SWRM for connection to door header.
PWRM	FRONT WALL RETURN MULLION	C200-18 - 240mm beaded fixed to top & bottom of C section with 6 x 5mm self-drilling rivets. Fix to stud bottom chord (BC) with 2 x M12 bolts, nuts and 50x50x3.0mm washers. Fix to slab with 2 x M10x75 Anks bolts. See SWRM for connection to door header.
DH	DOOR HEADER ABOVE ELEVATION	ROLLER DOOR OPENINGS UP TO AND INCLUDING 2850mm WIDE: C200-18 with 2.4mm bracket fixed to each end with 4 x 5mm self-drilling rivets. Fix to flange of SWRM / SWRM and wall panel with 4 x 10x10 TEKs. ROLLER DOOR OPENINGS UP TO AND INCLUDING 4800mm WIDE: C250-24 with 50x50mm plate brackets welded between open flanges @ 750mm max. c/c & 75x5mm plate connector welded to each end. Fix to flange of SWRM with 2 x M12 bolts, nuts & 50x50x3.0mm washers.
H	HEADER ABOVE ELEVATION	PERMANENT OPENERS: C200-18 up to 3000 spans & C200-18 up to 5000 spans with 5mm plate welded to end connecting to P1 with 2 x M12 bolts, nuts & 50x50x3.0mm washers. Fix to end of stud frame wall or facade. C-Type-C plates retained to top corner of end wall with 2 x M12 bolts, nuts & 50x50x3.0mm washers. C200-18 with 2.4mm bracket fixed to each end with 6 x 5mm self-drilling rivets. Fix to flange of SWRM / SWRM with 2 x M12 bolts, nuts & 50x50x3.0mm washers.
OH	DOOR HEADER ABOVE ELEVATION	ROLLER DOOR OPENINGS: C200-18 with 2.4mm bracket fixed to each end with 6 x 5mm self-drilling rivets. Fix to flange of SWRM / SWRM with 2 x M12 bolts, nuts & 50x50x3.0mm washers.
H	HEADER ABOVE ELEVATION	PERMANENT OPENERS: C200-18 up to 3000 spans & C200-18 up to 7500 spans. Fix with 2 x M12 bolts, nuts & 50x50x3.0mm washers to 50 x 50 x 3 angle pieces welded to 75 x 75 x 2.5 H.B column.
BHS	HOLLOW SECTION	75 x 75 x 2.5 galvanneal box section with 50x50x2.5mm galvanneal angles welded to top and 180 x 180 x 8mm slab base fixed to bottom with 4 x 10x20 TEKs. Sub base plate fixed to slab with 2 x M12 (top Anks bolts & washers.
FWSM / SWRM / SWRP	FRONT/SIDE WALL / STUD MULLION / RETURN PANEL	MATERIALS & FABRICATION AS PER STUD WALL FRAMING ABOVE
TR	TRUSS	MATERIALS & FABRICATION AS PER STUD WALL FRAMING ABOVE
TC	TOP CHORD	10° ROOF PITCH 75 x 35 x 1.5 Q350 channel section. 75 x 35 x 1.5 Q350 channel section.
BC	BOTTOM CHORD	75 x 35 x 1.5 Q350 channel section.
W	WEB	75 x 35 x 1.5 Q350 channel section. Double vertical web required to middle of truss.
TRUSS FIXING		

CHORD & WEB MEMBERS: Fit in top flange on each side with 2 x 5mm self-drilling rivets with 10mm edge clearance. Fit in top (T/O) or (O/P) with 4x18 bolts, nut, 2 x 50x50x3mm washer & 1 x M16 round washer. Fit end wall base to (T/O) with 10x10 TEKs at each end with stud or 1000mm centre max.
--

GENERAL CONSTRUCTION NOTES:

- Verify all dimensions on site before commencing fabrication. Stability of the building during construction including additional propping, bracing and excavation near neighbouring buildings is the responsibility of the erector. Approval of all proppings must be granted in writing before commencement of work. All design materials, construction and workmanship to be carried out in accordance with the latest editions of the Local Government Ordinances, The Building Code of Australia and the Australian Standards AS and Australian and New Zealand standards AS/NZS as listed below for sheetwork, fixings and connexions.
- STEEL WORK: AS/NZS1013:1998-Steel Structures, AS/NZS4600:2005-Cold Formed Steel Structures, AS1163:2008-Cold Formed Structural Steel Hollow Sections, AS/NZS3682:2011 Structural Steel Hot Rolled Plates, Flats, Pipes and Bars, AS/NZS1710:2002-Structural Design Actions - Permanent, Imposed and Other Actions, AS/NZS1170:1.2011-Structural Design Actions - Wind Actions.
- FIXINGS: Bolts shall be a minimum strength grade 4 - 6 or as specified in accordance with - AS1110-2000 Metric Hexagon Bolts and Nuts - Product grades A and B - Bolt.
- CONCRETE: AS/NZS1013:1998-Structural Steel and Fastenings, AS3600:2005-Concrete Structures, AS/NZS4601:2001-Steel Structures, AS1163:2008-Cold Formed Steel Structures, AS/NZS1170:1.2011-Structural Design Actions - Permanent, Imposed and Other Actions, AS/NZS1170:1.2011-Structural Design Actions - Wind Actions.
- FOUNDATIONS: Sub Grade connected to CBRT10 or 100kPa min. For soil not classification H, E & P refer to Engineer. Footings shown are designed for a soil bearing capacity of 100kPa and a skin wall cohesion of 8kPa.

GENERAL NOTES Refer to the member & fixing schedule for member & fixing details.

- ROLLER DOORS
 - SIDE OPENINGS: Maximum side wall openings for roller doors shall 4800 for a 4920 wide door. Door heights correspond to standard garage heights 2400, 2700, 3000. Door headers (DH) shall be used on all side openings. Side headers (SH) shall be used on all side wall returns (SWRM) may vary in width, depending on the door size up to a maximum of 4820 (4800 for 4920 wide doors). Refer to the member & fixing Schedule for member & fixing details.
 - FRONT OR REAR OPENINGS (Gasline ends): Maximum front door openings shall be 6000 for a 6120 door. Front wall return panels (FWRP) and front wall return (FWR) may vary in width depending on the door opening up to a maximum of 5000 wide. Door headers (DH) shall be used on all front openings.
- SLIDING GLASS DOORS: A separate and frame sliding door panel is provided for glass sliding door. Sliding doors shall be located to the gable end of the building. The top edge shall be 2100 high to 2410. Hole for roller door frame shall be 2100 x 2400 door. Fix aluminium door frame to the stud frame sliding door panel with type 4.9 aluminium blind rivets @ 500 c/c's maximum.
- ROOF AND WALL SHEETS: Roof sheets shall be 0.40 B.M.T.M. thin, 14-gauge profiled steel decking, wall sheets shall be 0.35 B.M.T.M. thin, 14-gauge profiled steel decking. Fix corrugated profile to purlins with 12 x 3.5 TEKs to every second rib to fit and end purlins and every fourth rib to each intermediate purlin. For square ribs or Octak profile roof sheet, fit to each rib with 12 x 4.5 TEKs. Wall sheets shall be fixed in each panel with 10 x 16 TEKs. Self-drill horizontal wall cladding may be used, fixing to be in accordance with manufacturers specifications.
- BUILDING LENGTH - the frame layout shown is suitable for buildings up to 5035 long or 3 bays.

- Buildings may extend to 10203 or 4 bays, providing that 800x800 Top Plate Woodpin are fixed to both ends of the intermediate houses - refer to Detail H.
- Buildings may extend to 15000 or 6 bays, providing that...
 - A 670mm stud panel made from 75x35x1.5 QR material is fitted on both sides under the middle intermediate truss.
 - Panel shall be fixed to the side wall and truss bottom chord as per this typical fixing arrangement. Fix to slab with two M10x75 Anks bolts.
- TERMITE PROTECTION - The GOLDSTAR series building is of full steel construction and requires no termite protection.

CONCURRENCE APPROVAL ONLY
NOT FOR CONSTRUCTION

PROJECT: GOLDSTAR SERIES SHEDS

TITAN
GARAGES & SHEDS

Summermore Pty Ltd
Consulting Engineers
JOB # 24/2023
APPROVED: [Signature] DATE: MAY 2023
DESIGNED: RAB DATE: MAY 2023
CHECKED: DH DATE: MAY 2023
DRAWN: AS DATE: MAY 2023
SCALE: AS DATE: MAY 2023
PROJECT: 07 340 9073
PHONE: 07 340 9073
FAX: 07 340 9050

MEMBER & FIXING SCHEDULE & GENERAL NOTES

TE 138-03-2



Attachment 3 – Notice about decision - Statement of reasons



Notice about decision - Statement of reasons

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

The development application for "*Accommodation activities*" – "*Dwelling House*" (Detached Domestic Shed within the rear boundary setback requirements)

21/12W

20 Riverview Terrace, Goondiwindi Qld 4390

Lot 154 on SP106872

On 24 March 2021, the above development application was:

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

1. Reasons for the decision

The reasons for this decision are:

- Having regard to the relevant criteria in the Rural Residential Zone Code of the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, the proposed development satisfied all relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Rural Residential Zone Code	<i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> : PO2

3. Compliance with benchmarks

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

4. Relevant matters for impact assessable development

Not applicable, as the proposed development was code assessable.

5. Matters raised in submissions for impact assessable development

Not applicable, as the proposed development was code assessable.

6. Matters prescribed by Regulation

Not applicable to this proposed development.

Goondiwindi
REGIONAL
COUNCIL



Attachment 4 – *Planning Act 2016* Extracts



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

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

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

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

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

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

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

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

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

(3) The **appeal period** is—

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

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

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

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

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

deemed approval notice to the assessment manager; or

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

Note—

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

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

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

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

(a) the adopted charge itself; or

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

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

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

230 Notice of appeal

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

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

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

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

(a) the respondent for the appeal; and

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

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

principal submitter for the development application; and

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

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

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

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

(4) **The service period is—**

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

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

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

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

231 Other appeals

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

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

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

(4) **In this section—**

decision *includes—*

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

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

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

(d) *a purported decision; and*

(e) *a deemed refusal.*

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

(a) *is final and conclusive; and*

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

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

232 Rules of the P&E Court

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

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

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

(b) *has demonstrated an ability—*

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

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

(iii) to analyse complex technical issues;
and

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

(2) The appointer may—

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

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

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

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

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

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

(7) In this section—

appointment notice means—

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

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

234 Referee with conflict of interest

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

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

(i) the referee owns; or

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

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

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

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

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

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

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

235 Establishing development tribunal

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

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

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

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

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

236 Remuneration

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

237 Tribunal proceedings

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

238 Registrar and other officers

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

Division 2 Applications for declarations

239 Starting proceedings for declarations

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

240 Application for declaration about making of development application

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

respondent means—

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

241 Application for declaration about change to development approval

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

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

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

(4) In this section—

respondent means—

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

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

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

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

(a) establish a tribunal for the proceedings; and

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

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

243 Chief executive excusing noncompliance

(1) This section applies if—

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

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

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

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

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

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

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

244 Ending tribunal proceedings or establishing new tribunal

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

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

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

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

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

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

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

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

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

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

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

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

245 Refunding fees

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

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

246 Further material for tribunal proceedings

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

Examples of information that the registrar may require—

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

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

247 Representation of Minister if State interest involved

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

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

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

249 Conduct of tribunal proceedings

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

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

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

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

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

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

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

- (6) When hearing proceedings, the tribunal—

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

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

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

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

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

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

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

250 Tribunal directions or orders

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

Examples of directions—

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

251 Matters tribunal may consider

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

252 Deciding no jurisdiction for tribunal proceedings

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

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

253 Conduct of appeals

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

254 Deciding appeals to tribunal

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

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

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

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

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

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

255 Notice of tribunal's decision

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

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

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

258 Tribunal may extend period to take action

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

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

259 Publication of tribunal decisions

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

Schedule 1 Appeals

section 229

Appeal rights and parties to appeals

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

(a) the P&E court; or

(b) a tribunal.

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

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

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

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

(b) a provision of a development approval for—

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

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

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

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

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

(d) a development condition if—

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

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

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

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

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

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

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

(h) a decision to give an enforcement notice—

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

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

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

(l) a matter prescribed by regulation.

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

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

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

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

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

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

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

(6) In each table—

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

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

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

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

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

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

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

1. Development applications

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

Minister, an appeal may be made against—

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

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

(c) a provision of the development approval; or

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

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

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

85 Lapsing of approval at end of current period

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

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

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

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

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

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

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

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

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

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

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