

Our Reference: MCUI/2008/5882/F
CS Portal Reference: N/A
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

SEQ HAULIERS – C/O JT Environmental Pty Ltd
PO Box 1057
MUDGEERABA QLD 4213

Email: tyson@jtenvironmental.com.au

9 February 2024

Dear Sir/Madam

Development Approval: Material Change of Use - Impact - Transport Depot
Location: 9/57 Heinemann Road, WELLCAMP QLD 4350
Property Description: Lot 9 SP209468
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

I refer to your application received on 9 May 2023 for a change to the development approval for Material Change of Use – Code, originally approved on approved on 25 March 2009 and the most recent change (MCUI/2008/5882/E) approved on 24 March 2023.

The change application was assessed against the relevant assessment benchmarks as identified in the *Toowoomba Regional Planning Scheme 2012* for the development.

On the 9 February 2024, the change application was approved as per the attached Schedule. The changes are considered to be consistent with the relevant assessment benchmarks.

All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

Yours faithfully



Jayden Forbes-Mitchell
Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

| | |
|------------------------------|--|
| APPLICATION NUMBER: | MCUI/2008/5882/F |
| APPLICANT: | SEQ HAULIERS – C/O JT Environmental Pty Ltd |
| LOCATION: | 9/57 Heinemann Road, WELLCAMP QLD 4350 |
| PROPERTY DESCRIPTION: | Lot 9 SP209468 & Lot 0 on SP209468 |
| APPROVED USE: | Transport Depot |
| ZONING: | Rural Zone / Heinemann Road Transport Precinct |

ASSESSMENT MANAGER CONDITIONS

Approved Plans

1. An amended overall site plan for Lot 2 RP204992 is required to be submitted to Council for approval. This amended site plan is to reflect the changes in the plan for application MCUI/2007/12875 (MCU/07/079) approved by the Planning and Environment on 9 March 2009, to ensure that the subject site plan is consistent with the ruling of the Court. The plan is to be consistent with the information provided in this application and no other changes or amendments are to be made (e.g. amended location or size of buildings etc.).
2. An amended site plan, ground floor plan and elevations are required to be submitted to Council for approval for all occupancies for Lot 2 on RP204992, as the occupancy numbers and buildings do not coincide with the overall Development Plan no. 7029.003 and dated 15 August 2008.
- 2A. Development of Lot 8 SP209468 is to be constructed in two (2) stages as follows:

Stage 1 The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval:

Plan No: 1637-SK01-01-P1
 Description: Proposed Depot Lot 8 Site Plan, prepared by FKG Group and dated 09/08/16.
 Amendments: Nil

Stage 2 The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval:

Plan No: 7029.002 Issue H
 Description: Site Plan, prepared by FK Gardners & Sons Pty Ltd, dated 24/09/12.
 Amendments: Amend the plan / or provide an accompanying plan, to clearly show (to scale) the proposed location of areas for office, sheds/s, covered loading and car parking.

Approved Use

3. The approved use on the site is a Transport Depot as defined by the *Jondaryan Shire Council Planning Scheme 2005*, which is “the overnight storing of trucks, buses, taxis or other road transport vehicles, or aircraft. The term includes the servicing and repair of vehicles and the temporary storage of goods awaiting reshipment”. The approval relates to this use and is limited by the conditions of this development permit. No other assessable development is to be undertaken on the site without first obtaining the required approvals.
 - 3A. Stage 1 of the development must be constructed, managed and operated as follows:
 - 3A.1 Must cease use within two (2) years of the date of this Change to Approval (MCUI/2008/5882/D).
 - 3A.2 Is confined to the area shown on the approved drawing ‘*Drawing No. 1637-SK01-01-P1 Proposed Depot, Lot 8 Site Plan, prepared by FKG Group and dated 09/08/16*’.
 - 3A.3 Car parking, and all vehicle standing and manoeuvring areas must be provided with a compacted gravel surface as a minimum standard.
 - 3A.4 Gravel hardstand areas to be treated with dust-control compound material e.g. ‘Petrotac’ (or equivalent) in the blend in accordance with manufacturer's specifications and the holder of this development approval must maintain the site through regular application of this dust-control compound. Records detailing time, amount and location of application must be maintained and provided to Council upon request.
 - 3A.5 The gravel hardstand for vehicle standing and manoeuvring within the use area must be watered on an as-needed basis to ensure dust arising for the site activity is minimised, in addition to the following:
 - 3A.5.1 A sprinkler system be installed around the periphery of the gravel hardstand area used for truck standing and manoeuvring; or
 - 3A.5.2 A water tanker be stored within the use area and be made available for the purposes of watering the gravel hardstand as dust suppression method at all times.
 - 3A.6 A register (record) of all dust complaints received must be maintained and kept on the premises. As a minimum, the register is to provide an accurate record of:
 - 3A.6.1 Time, date, name and contact details of complainant;
 - 3A.6.2 Reason for complaint (issue);
 - 3A.6.3 Investigation undertaken;
 - 3A.6.4 Conclusions formed; and
 - 3A.6.5 Actions taken to resolve complaint and mitigate nuisance.
 - 3A.7 A copy of the register of complaints referred to in Condition 3A.6 must be provided to the Manager, Development Assessment within seven (7) days of the request of the Toowoomba Regional Council.
 - 3A.8 All other conditions of this approval (except Conditions 10 to 15) are applicable to Stage 1.
4. All office areas are to be ancillary to the use of the site as a Transport Depot.

Roadworks - External

5. The applicant shall provide a 7 metre wide bitumen sealed roadway with 1 metre gravel shoulders from the eastern boundary of Lot 1 RP204992 to the eastern boundary of Lot 2 RP204992 in Carrington Road. The design is to suit a future kerb to kerb width of 12 metres.
6. The applicant shall provide new stand-up type kerb and channel and Hot-mix sealed pavement construction for the full frontage of Carrington Road. The design is to suit a future kerb to kerb width of 12 metres with the applicant providing a minimum constructed width of 7.5 metres providing it can be demonstrated that the movement of all vehicles entering and exiting the site will be on a sealed surface.
7. The applicant shall provide new stand-up type kerb and channel and Hot-mix sealed pavement construction for the full frontage of Heinemann Road. The design is to suit a future kerb to kerb width of 12 metres with the applicant providing a minimum constructed width of 7.5 metres providing it can be demonstrated that the movement of all vehicles entering and exiting the site will be on a sealed surface.
8. The applicant shall provide an industrial standard concrete invert and footpath crossing from the kerb and channel to the property boundary at each entry/exit location to the site. The location and design requirements of the accesses shall be in accordance with the Traffic Assessment Study Report prepared by The Harrison Group dated October 2008 and revised December 2008 and received by Council on 3 December 2008.
9. The estimated cost of this work for bonding purposes is \$1,225,300.

Roadworks - Internal

10. The applicant shall provide a sealed pavement to all vehicle driveways, manoeuvring, parking and hard stand areas.
11. The applicant shall provide car parking at the rate of two (2) spaces plus one (1) space for every 100 square metres or part thereof of floor area for each of the occupancies. The design of the car parks shall be in accordance with the requirements of Schedule 5 of the Planning Scheme for the Shire of Jondaryan and line marked in accordance with AS2890.

*Note: The car parking requirements for Lot 2 SP209468 only has been addressed in Condition 11A below which superseded Condition 11. **The car parking requirements for Lot 9 SP209468 only has been addressed in Condition 11B below which superseded Condition 11.** All other car parking requirements on the overall site are to comply with Condition 11 above.*

- 11A. The development of Lot 2 SP209468 must be provided with a total of forty-two (42) on-site car parking spaces (22 car parking spaces allocated to Sheds 1 and 2). Car parking and manoeuvring areas must be:
 - 11A.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 11A.2 Designed and constructed in accordance with the requirements of AS2890;
 - 11A.3 Accessible and available to the general public and staff during approved hours of operation.

- 11A.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land; and
- 11A.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.
- 11B. The development of Lot 9 on SP209468 must be provided with a total of nineteen (19) on-site car parking spaces. Car parking and manoeuvring areas must be:**
 - 11B.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;**
 - 11B.2 Designed and constructed in accordance with the requirements of AS2890;**
 - 11B.3 Accessible and available to the general public and staff during approved hours of operation.**
 - 11B.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;**
 - 11B.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and**
 - 11B.6 Car parking, and all vehicle standing and manoeuvring areas must be provided with a concrete sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities.**
- 12. Motor vehicle parking and access areas are to be used and kept exclusively for that purpose.
- 13. Where a car parking area comprises of more than 7 car parking spaces, one shade tree per 8 car parking spaces is to be provided within the car parking area.
- 14. Car parking spaces for vehicle occupants with disabilities are provided at a rate of 1 space per 100 ordinary parking spaces with a minimum of 1 space for any commercial, industrial or community use.
- 15. Details of all works associated with vehicle driveways, manoeuvring, parking and hard stand areas are to be submitted to Council for approval.

Water Supply - External

- 16. The applicant shall provide a revised water analysis to demonstrate that sufficient pressure and flow exists to service the proposed development. Any upgrade to existing Council infrastructure will be at the applicants' expense.
- 17. The applicant shall extend the existing water main in Carrington Road as required to service the proposed development.
- 18. The estimated cost of this work for bonding purposes shall be by design.

Water Supply - Internal

19. The applicant shall provide water mains and water services as required to service the proposed development.

Sewerage

20. The applicant shall provide, maintain and operate a single waste water treatment plant that has the capacity to treat the quantity of effluent to the standard required for the whole of the development on Lot 1 through 11 on SP209468 (previously described as Lot 2 RP204992 and Lot 2 RP22805).
21. The waste water treatment plant, effluent disposal and surrounding areas are to be fenced and signed to the appropriate standard. Should the amount of effluent exceed 20 equivalent persons for either or both the plants, approval from the Environmental Protection Agency for the treatment plant and effluent disposal area concerned must be obtained.
22. Effluent treatment and disposal modelling and reporting should be undertaken in accordance with AS/NZS1547 (2000) – Onsite Domestic Wastewater Management up to 20 EP (Equivalent Persons) and Queensland Plumbing and Wastewater Code or, if over this volume, approval for an ERA 63 must be sought and modelled using MEDLI software.
23. In particular the effluent treatment assessment should include;
 - (a) Separation distance to groundwater and bores inclusive of modelling to demonstrate viral die-off has been achieved prior to interception of the aquifer;
 - (b) A minimum depth of 600mm between the base of any proposed disposal area and rock within the soil profile;
 - (c) Separation distance to drainage infrastructure including swales, pipes and detention basins inclusive of modelling to demonstrate viral die-off has been achieved prior to interception of the aquifer;
 - (d) Soil permeability testing at each disposal area location to verify critical infiltration parameters
 - (e) Soil improvement specification, if necessary, to enhance the effectiveness of the disposal area performance and ensure compliance with the relevant Australian Standard;
 - (f) Any ongoing monitoring and maintenance requirements to ensure the long-term performance of the system is effective.
24. Effluent treatment and disposal modelling shall be submitted to Toowoomba Regional Council for approval, prior to implementing the works.
25. Approved effluent treatment and disposal measures shall be implemented prior to commencement of the use.

Stormwater

26. The applicant shall provide a detailed Stormwater Management Plan that shall include but not be limited to the following; Hydrologic and Hydraulic analysis of the total catchment area for both the existing and developed conditions; Assessment of the existing drainage system, water quality and environmental values; Mitigation options for flooding, stormwater quality and environmental management; Detailed design and documentation for the proposed works.

27. The applicant shall construct underground stormwater drainage as required.
28. The discharge of stormwater shall be in accordance with the requirements of the Stormwater Management Plan above and QUDM.
- 28A. Prior to the commencement of any works on the subject land (Lot 2 on SP209468) relating to the proposed site layout changes as identified in this Development Approval, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and external stormwater infrastructure. The design and the construction of the works must be certified by a RPEQ – Civil.
- 28B. Prior to the commencement of any works on the subject land (Lot 9 on SP209468) relating to the proposed site layout changes as identified in this Development Approval, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the internal and external stormwater infrastructure. The design and construction of the works must be certified by a RPEQ – Civil.**
29. The estimated cost of this work for bonding purposes shall be by design.
30. Stormwater Quality modelling shall be undertaken in accordance with Brisbane City Council's "Guidelines for Pollutant Export Modelling". Specifically, modelling shall be completed such that pollution export loads for median values of a flow based sub-sample to achieve compliance with the target concentrations.
31. Stormwater Quality modelling shall be submitted to Toowoomba Regional Council for approval, prior to implementing the works.
32. Stormwater Treatment measures shall be implemented prior to commencement of the use.

Silt Management

33. During the construction phases, the applicant shall be responsible for the installation and maintenance of silt management facilities to ensure that the land form is stabilised and erosion is controlled.
34. The applicant shall submit details of silt management procedures for approval by Council at the same time as engineering drawings.

Water Headworks

35. The applicant shall pay a water headworks fee of \$791,700 (\$3,045 per equivalent demand ratio – 10 EDR/ha). The figures payable are levied at the rate applicable in the financial year of payment and as such, an increase in the above payment may be charged if payment is not received in the 2008/2009 financial year.

Landscape and Visual Amenity

36. The applicant shall provide a Landscape and Vegetation Management Plan for the subject site (in accordance with Schedule 4 of the *Jondaryan Shire Council Planning Scheme 2005*). The Landscape and Vegetation Management Plan shall be lodged at the same time as lodging plans for operational works approval.

37. The applicant shall provide a three (3) metre wide landscaped strip along Carrington Road, Toowoomba Cecil Plains Road and Heinemann Road (This strip is to be planted as part of this development).

Approved Floor Area

38. Lot 1 SP209468 – Existing

| | |
|--------------------|---------------------|
| Office | 412.7m ² |
| Workshop | 550m ² |
| Grain Loading Shed | 350m ² |

Lot 2 SP209468

| | |
|------------------------|--|
| Office | 112.5m ² |
| Office 2 | 200m² |
| Covered Loading Area | 568m ² under roof area |
| Store Shed 1 | 756m ² |
| Store Shed 2 | 756m ² |
| Store Shed 3 | 756m ² |
| Store Shed 4 | 756m ² + 216m ² skillion |
| Store Shed 5 | 756m² 1200m ² |
| Store Shed 6 | 756m² 692m ² |
| Covered Loading Area 2 | 572m ² under roof area |

Lot 3 SP209468 - As per Consent Order dated 9 March 2009;

| | |
|--------------------------------|---------------------|
| Office (Northern Building) | 100m ² |
| Store Shed (Northern Building) | 1,000m ² |
| Office (Southern Building) | 100m ² |
| Workshop (Southern Building) | 1,000m ² |

Lot 4 SP209468

| | |
|----------------------|--------------------|
| Office | 250m ² |
| Transport Depot Shed | 1500m ² |

Lot 5 SP209468 - As per Consent Order dated 9 March 2009;

| | |
|----------------------|---------------------|
| Office | 200m ² |
| Transport Depot Shed | 1,000m ² |

Lot 6 SP209468

| | |
|----------------------|-----------------------------------|
| Office | 200m ² |
| Covered Loading Area | 500m ² under roof area |
| Transport Depot Shed | 1,500m ² |

Lot 7 SP209468

| | |
|----------------------|-----------------------------------|
| Transport Depot Shed | 2,400m ² |
| Ancillary Office | 235m ² |
| Covered Loading | 515m ² under roof area |

Lot 8 SP209468

| | |
|---|-----------------------------------|
| Transport Depot Lunch and Office Building (Stage 1) | 20m ² |
| Transport Depot Shed | 4,385m ² |
| Ancillary Office | 90m ² |
| Covered Loading | 815m ² under roof area |

Lot 9 SP209468

| | |
|----------------------------|---|
| Transport Depot Shed | 4,050 960 m² |
| Ancillary Office | 200 156m² |
| Covered Loading | 540m² under roof area |

Lot 10 SP209468

| | |
|----------------------|---------------------|
| Transport Depot Shed | 2,000m ² |
| Ancillary Office | 150m ² |

Lot 11 SP209468

| | |
|----------------------|-----------------------------------|
| Transport Depot Shed | 4,440m ² |
| Ancillary Office | 490m ² |
| Covered Loading | 880m ² under roof area |

- 38.1 The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this approval:

Plan No: 7029.002 Issue H
Description: Site Plan, prepared by FK Gardners & Sons Pty Ltd dated 24/09/12.
Amendments:

Amend the plan/or provide an accompanying plan, to clearly show (to scale) the proposed location of areas for office, shed/s, covered loading and car parking.

For Stage 1 of Lot 8 SP209468

Plan No: 1637-SK01-01-P1
Description: Proposed Depot Lot 8 Site Plan, prepared by FKG Group and dated 09/08/16.
Amendments: Nil

For Lot 2 on SP209468

Plan No: Dwg 1436, Rev D
Description: Proposed Site Plan, Sheet S.01 prepared by Duke Building Design, dated 14 March 2023 and received by Council 15 March 2023.
Amendments: Nil

For Lot 9 on SP209468

Plan No: PLU-22-01, CO-03, Rev D

Description: Proposed Site Plan, prepared by Life Box, dated July 2023 and received by Council 31 July 2023.

Amendments: Sealed areas are to be included for articulated vehicle manoeuvring paths of the site in accordance with Condition 10 of this Development Approval.

38.2 Amended Plans required by Condition 38.1 must be submitted to the Manager, Development Assessment for endorsement prior to the earlier of:

- (a) The issuing of a development permit for building works; or
- (b) Council's endorsement of plumbing and drainage works.

Building

39. A completed development application for building works with fees, plans, and specifications illustrating the building works complying with *Building Act 1975*, *Building Regulation 2006* and the Building Code of Australia made hereunder shall be lodged with a Building Certifier.

Easements

40. The applicant shall grant, free of cost or compensation by Council, an easement of a minimum width of 6.0 metres, located centrally over the alignment of any proposed and/or existing service where it is located within private property. The documentation associated with the easement shall be prepared by the applicant, in Council's standard format, to the satisfaction of the Chief Executive Officer.

Infrastructure Contributions/Charges

With the introduction of the *Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011*, an applicant's obligations with respect to infrastructure contributions/charges is now contained in a separate adopted infrastructure charges notice rather than in this development approval.

Note: Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to Section 119 of the Planning Act 2016.

Conditions 41 to 46 are deleted

Parking

47. Each allotment shall contain the required number of car parks as dictated by the Jondaryan Shire Council Planning Scheme. The current rate of parking for "Transport Depot" is 2 spaces plus one per 100m² of floor area.

Note: The car parking requirements for Lot 2 SP209468 only has been addressed in Condition 47A below which superseded Condition 47. All other car parking requirements on the overall site are to comply with Condition 47 above.

47A. The development of Lot 2 SP209468 must be provided with a total of forty-two (42) on-site car parking spaces (22 car parking spaces allocated to Sheds 1 and 2). Car parking and manoeuvring areas must be:

47A.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;

- 47A.2 Designed and constructed in accordance with the requirements of AS2890;
- 47A.3 Accessible and available to the general public and staff during approved hours of operation.
- 47A.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land; and
- 47A.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring.

Note: The car parking requirements for Lot 9 SP209468 only has been addressed in Condition 11B below which superseded Condition 11. All other car parking requirements on the overall site are to comply with Condition 11 above.

- 47B. The development of Lot 9 SP209468 must be provided with a total of nineteen (19) on-site car parking spaces. Car parking and manoeuvring areas must be:**

- 47B.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;**
- 47B.2 Designed and constructed in accordance with the requirements of AS2890;**
- 47B.3 Accessible and available to the general public and staff during approved hours of operation.**
- 47B.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;**
- 47B.5 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and**
- 47B.6 Car parking, and all vehicle standing and manoeuvring areas must be provided with a concrete sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities.**

48. Parking spaces for vehicle occupants with disabilities are provided at a rate of 1 space per 100 ordinary parking spaces with a minimum of 1 space for any commercial, industrial or community use.

49. The parking areas shall be designed, constructed and utilised as follows;

- Motor vehicle parking and access areas are to be used and kept exclusively for that purpose.
- Where a car parking area comprises more than 7 car parking spaces, one shade tree per 8 car parking spaces is to be provided within the car parking area.
- No car parking area is to be located closer than 1 metre to any boundary of a site.
- A car parking area is to be located upon the same allotment upon which the use is being carried out.
- Delivery/service vehicle spaces are to be designed to permit all vehicles to enter and leave the site in a forward gear.
- Car parking areas used at night are illuminated at between 10 and 20 lux.

- Driveways, turning areas, parking and vehicle standing areas are sealed or paved and line marked.

General

50. The Regional Standards Manual, published by EDROC shall be adhered to at all times.
51. The applicant shall provide evidence of written appointment and acceptance of a responsible contractor for the project as defined under the Workplace Health and Safety Act. Additionally, if applicable the applicant shall furnish to Council for sighting the receipted Qleave Notification and Payment Form prior to Council issuing Operational Works approval to ensure payment of the Workplace Health and Safety Fee and Long Service Leave Levy.
52. With reference to the installation of any stormwater drainage works, and water main construction on land under other private ownership, easements in favour of Council are required.
53. Notwithstanding the requirements detailed in this approval any other alterations and/or modifications acceptable to Council will suffice.
54. All works required for this development are to take due regard of any and all existing services and if considered necessary by the relevant Authority or Council such works are to be altered at the cost of the developer.
55. All engineering designs submitted to Council for engineering approval shall be certified by a Registered Professional Engineer of Queensland.
56. All conditions contained herein shall be complied with prior to occupation or use of the buildings for the approved purpose.
57. The development shall be conducted generally in accordance with the stamped approved plans issued with the development permit for Material Change of Use, and as amended by the conditions contained herein.
58. All the works associated with this development shall be completed within four (4) years of the date of this notice. Council reserves the right to vary the bonding figures for this development should the required works not be completed within four (4) years of the date of this approval.

Infrastructure Contributions

59. Pay to Council a monetary contribution towards the public parkland and land for community infrastructure network in accordance with Planning Scheme Policy 6: Infrastructure Contributions for Public Parkland and Land for Community Infrastructure Network (Jondaryan) based on an increase of 4.14 equivalent tenements for Glenvale-Torrington Contribution Area.

The actual amount of the contribution must be in accordance with the Policy at the time of payment.

The contribution must be paid prior to the commencement of the use.

Note: At the time of issue of this Development Approval the subject development incurs a contribution requirement of \$15,116.77.

Infrastructure Contributions

60. Pay to Council a monetary contribution towards the public parkland and land for community infrastructure network in accordance with Planning Scheme Policy 7: Infrastructure Contributions for Transport Network (Jondaryan) based on an increase of 540 equivalent tenements for the Jondaryan PSP Area within TSD Contribution Area.

The actual amount of the contribution must be in accordance with the Policy at the time of payment.

The contribution must be paid prior to the commencement of the use.

Note: At the time of issue of this Development Approval the subject development incurs a contribution requirement of \$82,277.95.

C. ATTACHMENTS:

- Approved Development Plans
- Appeal provisions pursuant to the *Planning Act 2016*.

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 an appeal relating to the Plumbing and Drainage Act 2018—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the Plumbing and Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the Plumbing and Drainage Act 2018—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
 - (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2) 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, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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.