

# Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

This template may be used for giving a written notice asking the responsible entity to make a permissible change to a development approval under section 369 of the *Sustainable Planning Act 2009* (SPA). It should be noted that if the responsible entity for the request has a form for the request, the request must be made using that form.

This template must be lodged with the following entity (the responsible entity) as applicable:

- if the change is to a condition imposed by a Minister under chapter 6, part 11, division 1 of SPA the template must be lodged with the Minister that imposed the condition
- if the approval was given by a Minister under chapter 6, part 11, division 2 of SPA the template must be lodged with the Minister that gave the approval
- if the change is to a condition of the approval imposed by a concurrence agency the template must be lodged with the concurrence agency
- if the approval was given by the Planning and Environment Court the template must be lodged with the Planning and Environment Court
- in all other cases the template must be lodged with the assessment manager for the original development application.

Attach extra pages if there is insufficient space on this template. Terms used in this template having the meaning given in the *Sustainable Planning Act 2009*.

1. Who is making the request?	
Name/s (individual or company name in full)	MGR HL PAYNE, TRADING AS ACACIA SHED & PATIOS
For companies, contact name	MICHAEL PAYNE
Postal address	P.O. BOX 102 HIGHFIELDS, QLD 4352
Contact phone number	07 4615 5426
Mobile number (non-mandatory)	0417 742 837
Fax number (non-mandatory)	
e-mail address (non-mandatory)	ACACIASHEDS @GMAIL.COM

**RECEIVED**  
20.06.2017

**TOOWOOMBA  
REGIONAL COUNCIL**



**2. What are the details of the existing approval sought to be changed?**

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit			
<input type="checkbox"/> Preliminary approval			

**3. Is the approval for a mobile and temporary environmentally relevant activity (ERA)?**

- No  
 Yes—complete table A and then go to question 5

Table A—name of each local government area in which the mobile and temporary ERA is proposed to operate/ is operating

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**4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)**

Table B—street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises

- street address/lot on the plan  
 street address/lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
	4-6	CRESS STREET TOOWOOMBA	4350	1	RP151672	TOOWOOMBA REGIONAL COUNCIL

Table C—premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)

Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other	

5. Details of the proposed change

9m x 7.5m STEEL FRAMED SHED EXTENSION

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)

- No
- Yes—complete either table D or table E as applicable

Table D

Name of owner of the land	
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	
Date	

Table E

Name of owner of the land	
<input type="checkbox"/> The owner's written consent is attached	

7. Does the request involve a state resource prescribed under the *Sustainable Planning Regulation 2009*, schedule 14? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- No       Yes—the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, section 254(1) must be attached.

8. Has a pre-request response notice been given for this request?

- No  
 Yes—a copy of the pre-request response notice must be attached to this request

9. Is a copy of this request required to be given to another entity under section 372 of the *Sustainable Planning Act 2009*? (refer to notes at the end of this form for more information)

- No  
 Yes—complete Table F

Table F

A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)

<input type="checkbox"/> Assessment manager for the original application	
<input type="checkbox"/> Concurrence agencies for the original application	
<input type="checkbox"/> Any other entity prescribed by a regulation	

10. Provide details of any other supporting information attached to this request

SEE ATTACHED PDF'S

Notes for completing this template

- This template is not an approved form under the *Sustainable Planning Act 2009*. The entity responsible for deciding the request may have their own form for the purpose of making a written request to change an existing development approval. A change to an existing development approval may involve:
  - a change to an approval given by the assessment manager
  - a change to a condition imposed by a concurrence agency
  - a change to an approval given by the Minister under a Ministerial call in
  - a change to a condition imposed by the Minister under a Ministerial direction
  - a change to an approval given by the Planning and Environment Court

Question 6:

- Under section 371 of the Sustainable Planning Act 2009, if the person making the request is not the owner of the land to which the approval relates, the request must be accompanied by the owner's consent.
- However, owner's consent is not required if the approval:
  - relates to land that was acquisition land to which section 263(2)(d) of the Sustainable Planning Act 2009 applied when the application for the approval was made
  - is for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, or
  - the consent of the owner would not be required under section 263(1) of the Sustainable Planning Act 2009 if a development application were made for the requested change
- Also, owners' consent is not required if the responsible entity is satisfied that:
  - the number of owners of the land make it impracticable to obtain owners' consent, and the requested change does not materially affect the owners' land, or
  - having regard to the nature of the proposed change, the owner has unreasonably withheld consent and the requested change does not materially affect the owner's land.

Question 7:

- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must be accompanied by the written agreement of the chief executive from whom evidence would be required under section 264(1). (Section 264 of the Sustainable Planning Act 2009 provides that if a development involves a State resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the Sustainable Planning Regulation 2009 prescribes the State resources for which evidence is required to be given, and the evidence required, to support the application.)

Question 9:

- Section 372 of the Sustainable Planning Act 2009 requires that a copy of the request be given to:
  - the assessment manager for the original application, if the request is made to a concurrence agency, the Minister, or the court
  - any concurrence agencies for the original application, if the request is made to the assessment manager for the original application, the Minister or the court
  - any other entity prescribed by a regulation.
- However, a copy of the request is not required to be given to an entity that has given a pre-request response notice for the request.

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OFFICE USE ONLY

Date received		Reference numbers	
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Our Reference: MCUI/2011/5705  
Contact Officer: Sam Newman  
Contact: Toowoomba Office, 4688 6946

**Development Application Decision Notice  
APPROVAL**

*Sustainable Planning Act 2009 Section 334*

Toowoomba West Lions Club  
C/- Hycert Building Services  
10 Parkers Avenue  
DALBY QLD 4405

3 May 2012

Dear Sir/Madam

**Location:** 17-23 Alexander Street, NORTH TOOWOOMBA QLD 4350  
**Property Description:** BAL 1-2/RP151672:PAR DRAYTON  
**Relevant Planning Scheme:** *Toowoomba Planning Scheme 2003*

The Development Application for Material Change of Use - Impact, Extension to Community Club (Shed – 134m<sup>2</sup> GFA) for the abovementioned property has been assessed and approved with Conditions. The decision was made on 1 May 2012. The following provides all the relevant details:

**Details of Approval**

Development Permit – Material Change of Use - Impact, Extension to Community Club (Shed – 134m<sup>2</sup> GFA)

**Referral Agencies**

Concurrence Agencies Name & Address: Dept of Environment & Resource Management  
Natural Resources  
PO Box 318  
TOOWOOMBA QLD 4350

Advice Agencies Name & Address: N/A

**Conditions and Advices**

Assessment Manager's Conditions: As per attached Schedule 1  
Concurrence Agency Conditions: As per attached Schedule 2  
Adopted Infrastructure Charges Notice: As per attached Schedule 3

**Further Development Permits and/or Compliance Permits Required**

Building Works

**Submissions**

Number of properly made submissions: 0 (see attached list of names and addresses)

**Rights of Appeal**

Attached is an extract from the *Sustainable Planning Act 2009* which details your appeal rights regarding this decision.

Yours faithfully

.....  
Hester Gerber  
Acting Principal Planner, Development Assessment



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

<b>APPLICATION NUMBER:</b>	MCUI/2011/5705
<b>APPLICANT:</b>	Toowoomba West Lions Club
<b>LOCATION:</b>	17-23 Alexander Street, NORTH TOOWOOMBA QLD 4350
<b>PROPERTY DESCRIPTION:</b>	BAL 1-2/RP151672:PAR DRAYTON
<b>APPROVED USE:</b>	Extension to Community Club (Shed – 134m <sup>2</sup> GFA)
<b>ZONING:</b>	Open Space
<b>PRECINCT:</b>	City Parks

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### PARAMETERS OF APPROVAL

1. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this approval.
2. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

##### GENERAL

##### APPROVED AND AMENDED PLANS

3. The development must be carried out generally in accordance with the Approved Plan/s listed below, subject to and modified by the requirements listed below, and by other conditions of this approval:
  - 3.1 **Description:** Locality Plan, received by Council on 17 October 2011  
**Amendments:** Nil
  - 3.2 **Description:** Partial Site Plan, received by Council on 17 October 2011  
**Amendments:** Nil
  - 3.3 **Plan No:** 322882-GA  
**Description:** Floor Plan and Elevations A and B, prepared by Ranbuild and received by Council on 17 October 2011  
**Amendments:** Nil
  - 3.4 **Plan No:** 322882-GA  
**Description:** Elevation 1 and 5, prepared by Ranbuild and received by Council on 17 October 2011  
**Amendments:** Nil

##### PARTICULAR USE

4. This Development Permit is for the particular use(s) stated, Extension to Community Club (shed) of 135m<sup>2</sup> GFA as shown on the Approved Plans (as amended), and does not imply or comprise an approval for any other use(s).

## **FENCING - ADJACENT TO PUBLIC PLACES**

5. Provide fencing adjacent to public places (streets, public walkways, laneways and open space areas) that maintains a minimum transparency of 50% of the surface of the fence above 1.2m in height, and is located so as not to prohibit views of entrances and exits to buildings.
6. Fencing materials must be non-reflective and of materials and colours that are compatible with other fences and buildings in the locality. For the purposes of this condition, the 'locality' includes all properties either side of the street within the block (ie. that section of the street between two intersecting streets) that the subject land is located.
7. Pay the total cost of the new fencing.

## **AMENITY**

### **VISUAL AND GENERAL AMENITY**

8. Any graffiti on the buildings/structures/fences on the subject land must be immediately removed.
9. All buildings/structures and the subject land must be maintained in a clean and tidy manner, at all times.
10. Any plant located on the roof top of buildings/structures must be enclosed by visual screening devices equal to height of the highest part of that plant.
11. Open storage areas, loading areas, refuse storage areas and other unsightly areas, must be screened from view from all street frontages and public places.

### **LANDSCAPING**

12. Submit to the Manager, Development Assessment for approval, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must be submitted to Council prior to the commencement of any works on the subject land.
13. The Landscape Plan must address the performance criteria listed below and must show the information outlined in the relevant section of the Planning Scheme:
  - 13.1 To enhance the appearance of the development internally and externally; and
  - 13.2 To make a positive contribution to the streetscape; and
  - 13.3 To screen unsightly objects from public view; and
  - 13.4 To contribute to a comfortable living environment by providing shade to reduce glare, heat absorption and radiation; and
  - 13.5 To ensure private open space is useable; and
  - 13.6 To provide long term erosion protection; and
  - 13.7 To integrate with existing vegetation and other natural features of the site and adjoining lands; and
  - 13.8 To provide adequate vehicle sightlines and road safety.
14. The Landscape Plan must also detail:
  - 14.1 The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; and

- 14.2 The number and size of plants; and
- 14.3 The typical planting detail including preparation, backfill, staking and mulching.
15. Prepare and landscape the subject land in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Manager, Development Assessment. Any amendments approved in writing by the Manager Development Assessment are taken to be a part of the approved Landscape Plan.
16. A landscape strip having a minimum width of 1 metre must be provided along the boundary of the subject lease area adjacent to public places (streets, public walkways, laneways and open space areas).
17. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times.
18. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.
19. A minimum of 70% of landscaped areas must be retained as a permeable surface.

## **LIGHTING**

### **INDOOR AND OUTDOOR LIGHTING FOR SAFETY & SECURITY**

20. Outdoor security lighting must ensure safety of users of the development by:
  - 20.1 Providing outdoor lighting in accordance with *Australian Standard AS 1158.3.1 – Road Lighting – Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements*; and
  - 20.2 The use of vandal resistant lighting in public or publicly accessible areas.
21. All lighting provided for the proposed development must not involve lighting that shines light above the horizontal, or coloured or flashing lights, or sodium lights, or flare plumes and must not involve configurations of lights in straight parallel lines 500m to 1000m long.
22. Lighting must be provided to the entries and exits of the approved buildings;

### **OUTDOOR LIGHTING – IMPACT MITIGATION**

23. The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:
  - 23.1 Providing Outdoor Lighting that is designed, installed and regulated in accordance with the parameters outlined in *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*; and
  - 23.2 Installation of outdoor lighting that:
    - (i) Provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land;
    - (ii) Is directed onto the subject land and away from neighbouring properties; and
    - (iii) Uses shrouding/baffling devices to preclude light overspill onto surrounding properties where necessary.

## **WASTE COLLECTION**

24. The refuse and recycling bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them.
25. The collection of putrescible waste arising from the activities undertaken on this development must be collected and removed at periods not exceeding seven days.
26. The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.
27. Waste removal is to be conducted between the hours of 7.00am and 6.00pm, excluding Sundays and Public Holidays.
28. Refuse and recycling bin collection areas must be maintained to ensure that:
  - 28.1 Waste containers are kept in a clean state and in good repair;
  - 28.2 Waste containers are provided with tight-fitting lid assemblies designed to prevent ingress of pests and water;
  - 28.3 All waste containers supplied are kept within the boundaries of the premises; and
  - 28.4 There is unobstructed access to the containers for the removal of waste.

## **REFUSE**

### **WASTE MANAGEMENT**

29. All waste generated from construction of the development must be effectively controlled on site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
30. All waste generated on site must be managed in accordance with the waste management hierarchy as detailed in the *Environmental Protection (Waste Management) Policy 2000*.

## **COMMUNITY SAFETY**

31. The development must be designed and constructed to enhance community safety by ensuring:
  - 31.1 Vandal proof materials which are hardy and easily removable are used in the construction and finishing of the development;
  - 31.2 Ground level windows use toughened glass, screens or other protective measures to deter unlawful entry to the development; and
32. The development and hard landscaping must not use/comprise highly reflective materials that create slippery or otherwise hazardous conditions.

### **ENGINEER'S CERTIFICATION/SUPERVISION OF WORKS**

33. Plans and specifications for all work associated with car parking and vehicular accesses, stormwater drainage, sewer protection, or any works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Qld. A Registered Professional Engineer Qld must supervise the execution of the works, all work detailed on a Certificate of Supervision, and a copy of the supervision certificate submitted to Council upon completion.
34. Where any condition refers to, or requires, an Engineer to perform any task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000.

## **LOCATION/DAMAGE TO SERVICES AND ASSETS**

35. All services/assets which may be affected by the proposed development, both above and below the ground, must be located for alignment and/or level prior to the commencement of any design work for the development and prior to any building works. Any conflict with an existing service must be referred to the relevant authority for determination.
36. Any costs to repair damage caused to any Council asset as a result of the proposed development must be at the expense of the applicant. Any damage must be repaired immediately should hazards exist for pedestrian or vehicular safety, otherwise, all damage must be repaired as soon as reasonably possible, but no later than completion of works associated with the development.

## **STORMWATER – ON SITE DISCHARGE**

37. Stormwater from new roofed areas (including overflow pipes from proposed rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary, so long as no nuisance results to any adjoining property owner and subject to the provision of appropriate erosion and sedimentation control devices at the outlet/s.
38. The stormwater must be dispersed as sheet flow, and be directed so as to not cause erosion or scouring. Design and construction of all internal stormwater drainage works must comply with the relevant section/s of AS/NZS 3500.3.2:1998 and the Queensland Urban Drainage Manual.

## **PEDESTRIAN FOOTPATHS**

39. Safe pedestrian access along Council's footpath/s must be maintained at all times. Should access to the footpath/s need to be restricted, a separate Hoarding Permit must be obtained from Council's Regional Coordinator Traffic Management, prior to the commencement of the works.

## **PROVISION OF VEHICULAR ACCESS/COUNCIL APPROVALS**

40. Vehicular property access to Alexander Street must be sealed from the kerb to the proposed lease boundary. The access must be designed by a Registered Professional Engineer Qld and must include the provision of adequate access width, suitable tapers, flares, and/or radiused turnouts and any necessary signage, line marking or other devices to suit the proposed entry and exit manoeuvres. The following will also apply:
  - 40.1 The final design and layout of the property access must be subject to a separate approval and permit from Council, in conjunction with any other works external to the site, prior to the commencement of any construction within the road reserve.
  - 40.2 Both sides of the proposed property access must join neatly in line and level to the pedestrian footpath/verge with a maximum of 2.5% cross-fall for pedestrian movement across the access.
  - 40.3 The accesses must be located a minimum of 1 metre clear of existing power poles, streetlights, or any signage.
  - 40.4 The developer is responsible for any necessary relocation of existing services clear of the accesses that will serve the property and is required to contact all relevant authorities and comply with their requirements in relation to these works.
  - 40.5 Separate Council approval is required prior to any modification to the existing property accesses, the construction of any new property access, or the commencement of any other works within the road reserve, (i.e. any work outside boundaries of the site).

## **EROSION AND SEDIMENTATION CONTROL**

41. All works necessary to control erosion and sedimentation and/or the loss and movement of soil during the period of construction must be provided. Such works must include, but not be limited to, the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to adjoining properties, roads and/or drainage systems. All disturbed areas must be mulched or turfed/grassed as soon as possible during construction. The following issues will require attention:
  - 41.1 Erosion and sedimentation controls must be implemented as necessary, and must be maintained at all times during the course of the project. Should the proposed controls prove to be ineffective then Council will require the developer to install additional measures.
  - 41.2 Measures must be put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project.
  - 41.3 Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths, with appropriate measures to prevent entry into either the road and/or drainage system.
  - 41.4 Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works must be at the developer's expense. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

## **SITE MANAGEMENT**

42. Measures must be put in place to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and the ensuing 'on-maintenance' period.

## **CONSTRUCTION MANAGEMENT**

43. Stockpiles of topsoil, sand, aggregate, spoil, or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths, with appropriate measures to prevent entry into either the road and/or drainage system.

## **REINSTATEMENT OF ROAD/DRAINAGE SYSTEM**

44. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works must be undertaken at no cost to Council. Such works must be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

## **B. GENERAL ADVICES – MATERIAL CHANGE OF USE**

### **Infrastructure Contributions / Charges**

- 1) 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.

### **Fire Ants**

- 2) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Plant Protection Act 1989* apply. Compliance with statutory provisions must be achieved.

### **Flammable and Combustible Liquids**

- 3) Should flammable or combustible liquids be stored on the premises in quantities exceeding those deemed as a Minor Storage under Section 2 of AS 1940-1993 "The Storage and Handling of Flammable and Combustible Liquids", then the premises must be licensed in accordance with the *Dangerous Goods Safety Management Regulation 2001*.

### **Disposal of Construction & Demolition Material**

- 4) Construction and demolition material must be lawfully disposed of with regard to the *Environmental Protection (Waste Management) Regulation 2000*.

### **On-Site Construction Waste Management**

- 5) On-site construction waste management (including the storage and disposal of nightsoil) must comply with the *Environmental Protection (Waste Management) Regulation 2000*.

### **When Approval Takes Effect**

- 6) This approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

### **When Approval Lapses**

- 7) This approval will lapse in accordance with the provisions contained in Section 341 and 342 of the *Sustainable Planning Act 2009*, unless otherwise stated in the conditions of Development Approval.

### **Buildings**

- 8) The proposed development has only been assessed in accordance with the provisions of the Planning Scheme. No assessment has been made in respect of the provisions of the *Building Code of Australia and/or Queensland Development Code*.

### **Further Development Approvals - Sustainable Planning Act 2009**

- 9) Further Development Permits, as required by the *Sustainable Planning Act 2009* for work associated with this approval including Building Works must be obtained and associated works completed in accordance with those development permits prior to the commencement of the use or as otherwise stated. The further development permits required are also referenced in Section 4 - Further Development Permits Required, of this Decision Notice.

### **Street Trees**

- 10) Separate written approval from Council will be required for:
- 10.1 Any removal or modification of any existing Council street tree;
  - 10.2 Any disturbance of the root system within the drip line of the street tree; and/or
  - 10.3 The construction of an access driveway within the drip line of the street tree.

### **C. ATTACHMENTS:**

Concurrence Agency Conditions Schedule 2  
Adopted Infrastructure Charges Notice Schedule 3  
Approved Development Plans  
Appeal provisions pursuant to the *Sustainable Planning Act 2009*.

**SCHEDULE 2**

**CONCURRENCE AGENCY CONDITIONS**

**DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT**

## Division 8 Appeals to court relating to development applications and approvals

### 461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

### 462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

### 463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

### 464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

### 465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

### 466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

### 467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

## Division 10 Appeals to court about other matters

### 471 Appeal by applicant for approval of a proposed master plan

- (1) A person who has applied for an approval of a proposed master plan may appeal to the court against—
  - (a) the refusal, or the refusal in part, to give the approval; or
  - (b) a matter stated in the notice of decision about the application; or
  - (c) a deemed refusal of the master plan application.
- (2) An appeal under subsection (1)(a) or (b) must be started within 20 business days (the **applicant's appeal period**) after the day the applicant is given notice of the decision.
- (3) An appeal under subsection (1)(c) may be started at any time after the last day a decision on the matter should have been made.

- 472 Appeal about extension of period under s 98**
- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
  - (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.
  - (3) Also, a person who has made a request under section 98(2) may appeal to the court against a deemed refusal of the request.
  - (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.
  - (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.
- 473 Appeals against enforcement notices**
- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
  - (2) The appeal must be started within 20 business days after the day notice is given to the person.
- 474 Stay of operation of enforcement notice**
- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
    - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
    - (b) the appeal is withdrawn; or
    - (c) the appeal is dismissed.
  - (2) However, subsection (1) does not apply if the enforcement notice is about—
    - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
    - (b) stopping the demolition of a work; or
    - (c) clearing vegetation on freehold land; or
    - (d) the removal of quarry material allocated under the *Water Act 2000*; or
    - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
    - (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
    - (g) development the assessing authority reasonably believes is causing an environmental nuisance.
- 475 Appeals against local laws**
- (1) This section applies if—
    - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
    - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
  - (2) The applicant may appeal to the court against the decision or the conditions applied.
  - (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.
- 476 Appeals against decisions on compensation claims**
- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
    - (a) the decision; or
    - (b) a deemed refusal of the claim.
  - (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
  - (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.
- 477 Appeals against decisions on requests to acquire designated land under hardship**
- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
    - (a) the decision; or
    - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
  - (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.
- 478 Appeals about particular charges for infrastructure**
- (1) This section applies to a person who has been given, and is dissatisfied with—
    - (a) an infrastructure charges notice, regulated infrastructure charges notice or regulated State infrastructure charges notice; or
    - (b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice or negotiated regulated State infrastructure charges notice.
  - (2) The person may appeal to the court against the notice.
  - (3) An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
  - (4) An appeal under this section may only be about—
    - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
    - (b) an error in the calculation of the charge.
  - (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.
- 479 Appeals from building and development committees**
- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
    - (a) of an error or mistake in law on the part of the committee; or
    - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
  - (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.
- 480 Court may remit matter to building and development committee**
- If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.
- Division 11 Making an appeal to court**
- 481 How appeals to the court are started**
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
  - (2) The notice of appeal must state the grounds of the appeal.
  - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
  - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).
- 482 Notice of appeal to other parties—development applications and approvals**
- (1) An appellant under division 8 must give written notice of the appeal to—
    - (a) if the appellant is an applicant—
      - (i) the chief executive; and
      - (ii) the assessment manager; and
      - (iii) any concurrence agency; and
      - (iv) any principal submitter whose submission has not been withdrawn; and
      - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
    - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
      - (i) the chief executive; and

- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and [s 482]
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to [s 483] become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

**483 Notice of appeals to other parties—compliance assessment**

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
  - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
    - (i) the compliance assessor who gave the notice, permit or certificate; and
    - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or
  - (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
    - (i) the entity that gave the notice; and
    - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

**484 Notice of appeal to other parties—other matters**

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
  - (a) if the appeal is under section 471—the local government and coordinating agency for the application for approval of the master plan; or
  - (b) if the appeal is under section 472 or 475—the local government; or
  - (c) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
  - (d) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or

- (e) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
- (f) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
- (g) if the appellant is a party to a proceeding decided by a building and development committee—the other party to the proceeding.

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

**485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.[s 486]
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**486 Respondent and co-respondents for appeals under div 9**

- (1) For an appeal under section 468 or 469—
  - (a) the compliance assessor is the respondent; and [s 487]
  - (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.
- (2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.
- (3) For an appeal under section 470—
  - (a) the entity that gave the notice to which the appeal relates is the respondent; and
  - (b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.
- (4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

**487 Respondent and co-respondents for appeals under div 10**

- (1) This section applies if an entity is required under section 484 to be given a notice of an appeal.
- (2) The entity given notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the [s 489] appeal is given to the entity, by following the rules of court for the election.

#### **489 Minister entitled to be party to an appeal involving a State interest**

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

### **Division 12 Alternative dispute resolution**

#### **491 ADR process applies to proceedings started under this part**

- (1) The *District Court of Queensland Act 1967*, part 7 and the *Uniform Civil Procedure Rules 1999*, chapter 9, part 4, other than section 321, (together, the **ADR provisions**), apply to proceedings started under this part.[s 492]
- (2) To the extent there is any inconsistency between the cost provisions of the ADR provisions and the cost provisions of this Act, the cost provisions of the ADR provisions prevail.
- (3) If a dispute in a proceeding under this part is referred to a dispute resolution process under the ADR provisions—
  - (a) the proceeding is not stayed unless the court orders otherwise; and
  - (b) the court must not decide the proceeding until the dispute resolution process under the ADR provisions has been finalised.
- (4) In applying the ADR provisions to a proceeding under this part—
  - (a) a reference to the court or the District Court is taken to be a reference to the Planning and Environment Court; and
  - (b) a reference to a District Court judge is taken to be a reference to a judge constituting the Planning and Environment Court; and
  - (c) definitions and other interpretative provisions of the *District Court of Queensland Act 1967* and the *Uniform Civil Procedure Rules 1999* relevant to the ADR provisions apply.

Enquiries: Monica Heinemann  
Tel: 07 4688 6622  
Our Ref: 7025177

8 August 2016

Mr Marshall Cox  
Toowoomba's Christmas Wonderland Project Chairman  
Lions Club of Toowoomba West  
PO Box 11485  
**CENTENARY HEIGHTS QLD 4350**

Dear Marshall,

**RE: LIONS CLUB OF TOOWOOMBA WEST - 8 CRESS STREET, TOOWOOMBA  
LETTER OF CONSENT – EXTENSION TO SHED**

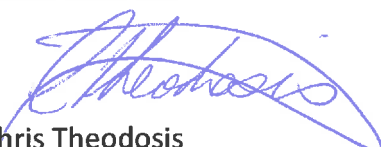
I refer to your email dated 8 August 2016 requesting consent for an extension to the existing shed at the abovementioned lease site.

I wish to advise the proposed works as per the plan submitted is approved by Council as "landlord" subject to the approval of Council's Planning and Development and Building sections. All works must be as per Australian Safety Standards.

The grant of Council's consent as landlord or owner to the making of the Development Application is not in any way to be taken as an endorsement of or support for the development proposed by the Development Application, which will be required to be assessed on its merits by Council as Local Authority.

If you require any further information, please do not hesitate to contact Monica Heinemann, Council's Property Officer on 07 4688 6902 or via [property@tr.qld.gov.au](mailto:property@tr.qld.gov.au).

Yours faithfully



Chris Theodosis  
**Strategic Property Officer**

Our Reference: 4858768  
Contact Officer: Mr Steve Chapman  
Telephone: 07 4688 6902

26 October 2011

The Chief Executive Officer  
Toowoomba Regional Council  
PO Box 3021  
Toowoomba Village Fair Qld 4350

Dear Sir

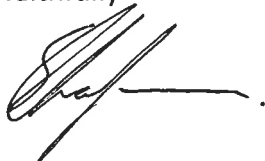
**Re: Land Owner's Consent  
Proposed Lease to Lions Club of West Toowoomba of Land  
Cress St, North Toowoomba QLD 4350  
Part of Lot 1 on RP151672**

In accordance with Section 263 of the Sustainable Planning Act 2009 a development application must be supported with the written consent of the land owner/s.

Toowoomba Regional Council, the registered owner of the property described as Lot 1 on RP151672, and located at Cress Street, North Toowoomba QLD 4350, consent to the making of the development application for a Material Change of Use for a Community Club, being for a storage facility to house the Lions Club Christmas Wonderland lights when not in use.

The grant of Council's consent to the making of the Development Application is not in any way to be taken as an endorsement of or support for the development proposed by the Development Application, which will be required to be assessed on its merits by Council as Local Authority.

Yours faithfully



Steve Chapman  
Senior Property Officer

# Form 15 - Compliance Certificate for building Design or Specification

<p><b>NOTE</b></p>	<p>This is to be used for the purposes of section 10 of the Building Act 1975 and/ or section 46 of the Building Regulation 2006.</p> <p><b>RESTRICTION:</b> A building certifier (class B) can only give a compliance certificate about whether building work complies with the BCA or a provision of the QDC. A building certifier (Class B) can not give a certificate regarding QDC boundary clearance and site cover provisions.</p>
<p><b>1. Property description</b></p> <p>This section need only be completed if details of street address and property description are applicable.</p> <p>EG. In the case of (standard/generic) pool design/shell manufacture and/or patio and carport systems this section may not be applicable.</p> <p>The description must identify all land the subject of the application. The lot &amp; plan details (eg. SP / RP) are shown on the title documents or a rates notice. If the plan is not registered by title, provide previous lot and plan details.</p>	<p>Street address (include no.,street, suburb / locality &amp; postcode)</p> <p style="text-align: center;">4-6 Cress Street *</p> <p style="text-align: center;">North Toowoomba                      Postcode : 4350</p> <p><b>Lot &amp; plan details (attach list if necessary)</b></p> <p>Lot No: 1                                      SP/RP : RP 151672</p> <p><b>In which local government area is the land situated ?</b></p> <p style="text-align: center;">Toowoomba Regional Council</p>
<p><b>2. Description of component/s certified</b></p> <p>Clearly describe the extent of work covered by this certificate. e.g all structural aspects of the steel roof beams.</p>	<p>Steel Portal Frame Structure 9 m Span x 7.5 m O/A length x 2.7 m eaves height building, consisting of 2 bays at 3.8 m x 0 m Left Leanto span x 0 m Right leanto span</p> <p>Also Including Foundations / Footings</p>
<p><b>3. Basis of certification</b></p> <p>Detail the basis for giving the certificate and the extent to which tests, specifications, rules, standards, codes of practice and other publications, were relied upon.</p>	<p>Australian Standards (list) AS/NZS 4600-2005, AS/NZS 1170.0,1,2,3-2011, AS2870-2011, AS3600-2009</p> <p>2016 National Construction Code of Australia</p> <p>Region AS1170.2 = Reg A</p> <p>NCC Importance Level = 2                      NCC Equivalent Wind class = N2</p> <p>Annual Probability Exceedance wind = 1:500</p> <p>Factor for Region = NA</p> <p>Regional 3 s Gust Wind Speed for annual probability of exceedance <math>V_R = 45</math> m/s</p> <p>Wind directional multipliers for the 8 cardinal directions <math>M_d = 1.00</math></p> <p>Terrain/Height multiplier (<math>M_z, Cat</math>) = 0.87                      Shielding Multiplier <math>M_s = 1</math></p> <p>Topographic multiplier <math>M_t = 1</math>                      Site Wind Speed <math>V_{sit,B} = 39</math> m/s</p> <p>External Pressure Coefficient <math>c_{pe} =</math> Roof = -0.90, 0.20; Walls = -0.65, 0.70</p> <p>Internal Pressure Coefficient <math>c_{pi} = -0.3, 0.2</math></p> <p>Design Roof Live Load = 0.25 kPa</p>

## LOCAL GOVERNMENT USE ONLY

Date received

Reference Number/s

The Building Act 1975 is administered by the  
Department of Housing and Public Works



**Queensland  
Government**

**4. Reference documentation**

Clearly identify any relevant documentation, e.g. numbered structural engineering plans.

Drawing Nos. 'Fair Dinkum' STRUCTURAL DESIGN DRAWING

TO BE READ IN CONJUNCTION WITH PAGES 1 TO 6

FOR JOB NO. HFLD10650 DATED : 10/5/2017

Specifications:

Computations:

Test Reports:

Other Documentation:

**5. Building certifier reference number**

Building certifier reference number

**6. Competent person details**

A competent person for building work, means a person who is assessed by the building certifier for the work as competent to practise in an aspect of the building and specification design, of the building work because of the individual's skill, experience and qualifications in the aspect. The competent person must also be registered or licensed under a law applying in the State to practice the aspect.

If no relevant law requires the individual to be licensed or registered to be able to give the help, the certifier must assess the individual as having appropriate experience, qualifications or skills to be able to give the help.

If the chief executive issues any guidelines for the assessing a competent person, the building certifier must use the guidelines when assessing the person.

Name (in full)

Timothy Roy Messer

Company name (if applicable)

Northern Consulting Engineers

Contact person

Timothy Roy Messer

Phone no. business hours

(07) 47 25 55 50

Mobile no.

Fax no.

(07) 47 25 58 50

Email address

design@nceng.com.au

Postal address

50 Punari Street, Currajong, QLD

Postcode 4812

Licence or registration number (if applicable)

RPEQ 9985

**7. Signature of competent person**

This certificate must be signed by the individual assessed by the building certifier as competent.

Signature



Mr Timothy Roy Messer

Date

10/5/2017

# IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.3 effective 5 December 2016)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

## Mandatory requirements

**Applicant details** (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

**MG & HL Payne trading as Acacia Sheds & Patios**

For companies, contact name

**Michael Payne**

Postal address

PO Box 102

Suburb	Highfields		
State	QLD	Postcode	4352
Country	Australia		

Contact phone number

07 4615 5426

Mobile number (non-mandatory requirement)

0417 742 837

Fax number (non-mandatory requirement)

07 4615 5429



Email address (non-mandatory requirement)	Acaciasheds
	@ gmail.com
Applicant's reference number (non-mandatory requirement)	10650

**1. What is the nature of the development proposed and what type of approval is being sought?**

**Table A**—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

a) What is the nature of the development? (Please only tick one box.)

Material change of use     Reconfiguring a lot     Building work     Operational work

b) What is the approval type? (Please only tick one box.)

Preliminary approval under s241 of SPA     Preliminary approval under s241 and s242 of SPA     Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

9m x 7.5m steel framed Shed

d) What is the level of assessment? (Please only tick one box.)

Impact assessment     Code assessment

**Table B**—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

a) What is the nature of development? (Please only tick one box.)

Material change of use     Reconfiguring a lot     Building work     Operational work

b) What is the approval type? (Please only tick one box.)

Preliminary approval under s241 of SPA     Preliminary approval under s241 and s242 of SPA     Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

d) What is the level of assessment?

Impact assessment     Code assessment

**Table C**—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

Refer attached schedule     Not required

**2. Location of the premises** (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

**Table D**—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water.) (Attach a separate schedule if there is insufficient space in this table.)

- Street address **and** lot on plan (All lots must be listed.)
- Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)		4-6	Cress Street, Toowoomba	4350	1	RP 151672	Toowoomba Regional Council
ii)							
iii)							

**Planning scheme details** (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)			
ii)			
iii)			

**Table E**—Premises coordinates (Appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

**3. Total area of land on which the development is proposed** (indicate square metres)

6,500 sqm

**4. Current use/s of the premises** (e.g. vacant land, house, apartment building, cane farm etc.)

House

**5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)**

No  Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

**6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)**

No  
 Yes—complete either Table F, Table G or Table H as applicable

<b>Table F</b>	
Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

<b>Table G</b>	
Name of owner/s of the land	
<input type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

<b>Table H</b>	
Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

**7. Identify if any of the following apply to the premises (Tick applicable box/es.)**

- Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- In a tidal water area—complete Table K
- On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

<b>Table I</b>
Name of water body, watercourse or aquifer

Table J	
Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

**8. Are there any existing easements on the premises?** (e.g. for vehicular access, electricity, overland flow, water etc)

No  Yes—ensure the type, location and dimension of each easement is included in the plans submitted

**9. Does the proposal include new building work or operational work on the premises?** (Including any services)

No  Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

**10. Is the payment of a portable long service leave levy applicable to this application?** (Refer to notes at the end of this form for more information.)

No—go to question 11  Yes

**10a. Has the portable long service leave levy been paid?** (Refer to notes at the end of this form for more information.)

No

Yes—complete Table L and submit, with this application, the local government/private certifier’s copy of the accepted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L, P or S)

**11. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the Sustainable Planning Act 2009?**

No

Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

**12. List below all of the forms and supporting information that accompany this application** (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application)

Description of attachment or title of attachment	Method of lodgement to assessment manager
IDAS Form 1 & 2	E-mail
Site Plan	E-mail
Shed plans	E-mail
Form 15	E-mail
Notice of Engagement	E-mail

**13. Applicant's declaration**

✓ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

**Notes for completing this form**

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

**Applicant details**

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

**Question 1**

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

**Question 6**

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

**Question 7**

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the Sustainable Planning Regulation 2009 identifies where compliance assessment is required.

**Question 10**

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2013.

**Question 10a**

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms can be completed on the QLeave website at [www.qleave.qld.gov.au](http://www.qleave.qld.gov.au). For further information contact QLeave on 1800 803 481.

**Privacy**—The information collected in this form will be used by the Department of Infrastructure, Local Government and Planning (DILGP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

**OFFICE USE ONLY**

Date received  Reference numbers

**NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER**

To  Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

**QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)**

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure, Local Government and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

# IDAS form 2—Building work requiring assessment against the *Building Act 1975*

(Sustainable Planning Act 2009 version 3.1 effective 3 August 2015)

This form must be used for development applications for building work requiring assessment against the *Building Act 1975*.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

## Mandatory requirements

- 1. Owner's details** (The applicant is responsible for ensuring the owner's details are correct. Where there is more than one owner, please provide additional details on an attachment to this form.)

Name/s (individual or company name in full)	Lions Club Toowoomba West		
For companies, contact name	Marshall Cox		
Postal address	4-6 Cress Street		
	Suburb	Toowoomba	
	State	QLD	Postcode
Country	Australia		
Contact phone number	0401 003 896		
Fax number (non-mandatory requirement)			
Email address (non-mandatory requirement)	marshallcox		
	@optusnet.com.au		

- 2. Builder's details** (If known at the time of the lodgement. Where there is more than one builder, please provide additional details on an attachment to this form.)

Name/s (individual or company name in full)	Michael G Payne
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For companies, contact name				
BSA licence number or owner-builder number	80291			
Postal address	PO Box 102			
	Suburb	Highfields		
	State	QLD	Postcode	4352
	Country	Australia		
Contact phone number	0417 742 837			
Fax number (non-mandatory requirement)	07 4615 5429			
Email address (non-mandatory requirement)	Acaciasheds			
	@gmail.com			

**3. Nature of the proposed building work** (Tick all applicable boxes.)

- new building or structure—complete Table A       demolition—complete Table B  
 repairs, alterations or additions—complete Table A       change of building classification—complete Table C  
 removal—complete Table B

Table A				
Description of new buildings, structures, repairs, alterations or additions	Building classification/s	Maximum no. of storeys	Existing floor area being retained	Proposed new floor area
9m x 7.5m steel framed building	10a	1	6,500sqm	67.5sqm

Table B
Description of buildings or structures to be demolished or removed

Table C	
Current building classification/s	Proposed building classification/s

**4. Are there any current approvals associated with the proposed building work?**
 No  Yes—complete Table D

Table D		
List of approvals (e.g. development permit, preliminary approval etc.)	Date approved	Date approval lapses

**5. What is the dollar value of the proposed building work? (Inc GST, materials and labour.)** **\$11,810.00**
**6. Proposed construction materials (tick applicable boxes)**

<b>External walls</b>	<input type="checkbox"/> Double brick	<input checked="" type="checkbox"/> Steel	<input type="checkbox"/> Curtain glass	<input type="checkbox"/> Stone/concrete	<input type="checkbox"/> Other
	<input type="checkbox"/> Brick veneer	<input type="checkbox"/> Timber	<input type="checkbox"/> Aluminium	<input type="checkbox"/> Fibre cement	
<b>Frame</b>	<input type="checkbox"/> Timber	<input checked="" type="checkbox"/> Steel	<input type="checkbox"/> Aluminium	<input type="checkbox"/> Other	
<b>Floor</b>	<input checked="" type="checkbox"/> Concrete	<input type="checkbox"/> Timber	<input type="checkbox"/> Other		
<b>Roof covering</b>	<input type="checkbox"/> Slate/ concrete	<input type="checkbox"/> Tiles	<input type="checkbox"/> Fibre cement	<input type="checkbox"/> Aluminium	<input checked="" type="checkbox"/> Steel
	<input type="checkbox"/> Other				

**7. Details of proposed new residential building work**

Description of proposed building work (Tick all applicable boxes below.)	No. of existing dwelling units	No. of dwelling units to be demolished	No. of new additional dwelling units
<input type="checkbox"/> Single detached house (new and alterations)			
<input type="checkbox"/> Relocated single detached house			
<input checked="" type="checkbox"/> Kit house	0	0	0
<input type="checkbox"/> Existing transportable/relocatable house	n/a	n/a	n/a
<input type="checkbox"/> New transportable/relocatable house	n/a	n/a	n/a
<input type="checkbox"/> Semi-attached house (e.g. duplex, dual occupancy)			
<input type="checkbox"/> Apartment, unit or flat attached to an existing house			
<input type="checkbox"/> Apartment building			
<input type="checkbox"/> Attached housing (e.g. townhouse, terrace house)			

**8. Does the applicant have reasons why certain development information (e.g. private information about the applicant, plans, drawings and specifications for plans) should not be made available for inspection and purchase?**

No  Yes—complete Table E

Table E	
Development information	Reasons information should not be available

**Non-mandatory requirements**

**9. Does the owner agree to release their name and the premises' address for marketing purposes?**  
(Non-mandatory. If this question is not answered, the default response is no.)

No  Yes

**Mandatory supporting information**

**10. Confirm that the following mandatory supporting information accompanies this application**

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
Plans, drawings and specifications to enable assessment against section 30 (Building assessment provisions) of the <i>Building Act 1975</i> to comply with the information requirements of chapter 3, parts 1 and 2 of the <i>Building Act 1975</i>	<input checked="" type="checkbox"/> Confirmed	E-mail

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**OFFICE USE ONLY**

Date received  Reference numbers

**FOR COMPLETION BY THE BUILDING CERTIFIER**

Building classification/s of approved building work	BSA Insurance receipt number	BSA Certification Licence number

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