



Our Ref: MCU247

23 April 2026

Silverback Properties Pty Ltd
C/- Project Urban
PO Box 6380
MAROCHYDORE QLD 4558

Attention: John McKennarley
By email: info@projecturban.com.au

Dear John,

Negotiated decision notice

(Given under section 76(3) of the Planning Act 2016)

Balonne Shire Council received your change representations under section 75 of the *Planning Act 2016* on 10 February 2026. This negotiated decision notice replaces the decision notice dated 24 December 2025.

Applicant details

Applicant name: Silverback Properties Pty Ltd
C/- Project Urban

Applicant contact details: PO Box 6380, Marochydore QLD 4558
Email: info@projecturban.com.au
Ph: 0402 492 798

Location details

Street address: 2810 Thomby Road, St George

Real property description: Lot 5 on BLM123

Local government area: Balonne Shire Council

Application details

Application number: MCU247

Approval sought: Development Permit

Description of the development proposed: Material Change of Use – “Nature Based Tourism” and “Environment Facility”

Category of assessment: Code Assessment

Planning scheme: *Balonne Shire Planning Scheme 2024*

Change representations

In relation to the request to make a change representations, Council decided the following:

(**Note:** Changes made to the conditions are shown with the amended condition shown in *blue font*.)

Decision

Date of Decision: 16 April 2026

Decision Details: (i) **Condition 2 remains unchanged.**

(ii) **Condition 13 is amended from:**

13. Car parking areas are to be designed in accordance with:

- (a) AS2890.1 – Parking Facilities
- (b) Austroads AP-34/95 - Design Vehicles and Turning Path Templates
- (c) The Access to Premises Standard' (Vol 1 of the National Construction Code).
- (d) Vehicle access, car parking and manoeuvring areas are to be sealed or compacted gravel surface to prevent dust nuisance.

To:

13. Car parking areas are to be designed in accordance with:

- (a) AS2890.1 – Parking Facilities
- (b) Austroads AP-34/95 - Design Vehicles and Turning Path Templates
- (c) The Access to Premises Standard' (Vol 1 of the National Construction Code).
- (d) Vehicle access, car parking and manoeuvring areas are to be **constructed to an all weather standard** ~~sealed or compacted gravel surface to prevent dust nuisance.~~

(iii) **Condition 28 is deleted.**

(iv) **All other conditions remain unchanged.**

Details of the approval

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*. The following approval is given:

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

Further development permits

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

- Development Permit – Building Works (if required)
- Compliance Permit – Plumbing Works (if required)

Referral agencies for the application

The development application was not referred to any external agencies.

Approved plans, specifications and drawings

Copies of the following approved plans are enclosed.

Drawing Number:	Title	Date:
-	Mourachan Conservation Property – Facility Upgrade Proposal – Stockman's Quarters Updates	January 2024
-	Mourachan Conservation Property – Facility Upgrade Proposal – Shearing Shed Updates	January 2024

Currency period for the approval (s.85 of the Planning Act)

This approval lapses if the first change of use does not happen within 6 years after the approval starts to have effect.

Appeal Rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 2 is an extract from the *Planning Act 2016* detailing appeal rights.

To stay informed about any appeal proceedings which may relate to this decision visit:

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

For further information, please contact the Council office on 07 4620 8888 or via email to council@balonne.qld.gov.au.

Yours sincerely



Kate Swepson

Consulting Town Planner

- enc. Attachment 1—Assessment Manager Conditions of Approval (Balonne Shire Council)
- Attachment 2—Appeal Provisions
- Attachment 3—Statement of Reasons
- Attachment 4—Approved Plans and Specifications

ATTACHMENT 1 – ASSESSMENT MANAGER CONDITIONS OF APPROVAL (BALONNE SHIRE COUNCIL)

CONDITIONS OF APPROVAL

Use

1. The approved development is for a Material Change of Use for “Nature-based Tourism” and “Environment Facility” as defined in the Planning Scheme and as shown on the approved plans and documents.
2. The maximum number of persons accommodated at any one time must not exceed 10 persons.
3. No person is to reside in any building identified for Nature-based Tourism accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager’s residence for the premises.

Approved plans and documents

4. The approved development is to be carried out in accordance with the following approved plans/documents and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Drawing Number:	Title	Date:
-	Mourachan Conservation Property – Facility Upgrade Proposal – Stockman’s Quarters Updates	January 2024
-	Mourachan Conservation Property – Facility Upgrade Proposal – Shearing Shed Updates	January 2024

Compliance inspection

5. All conditions relating to the establishment of the approved development must be fulfilled prior to the commencement of use, unless noted in these conditions or otherwise permitted by Council.

Development works

6. During construction of the development, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are always in place.
7. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners’ requirements and specifications and to the satisfaction of the asset owners’ representative(s).

8. All civil and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ-Civil) who are competent in the construction of the works. RPEQ certification is to be provided to Council for all works involving Council infrastructure that are authorised by this development approval and any related approval.

Applicable Standards

9. All works must comply with:
 - a. the development approval conditions;
 - b. any relevant provisions in the Planning Scheme;
 - c. any relevant standards, drawings or specifications by the Institute of Public Works Engineering Australasia Queensland Division;
 - d. any relevant Australian Standard that applies to that type of work; and
 - e. any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Access and manoeuvring

10. Maintain the existing crossover from the existing road edge on Thomby Road to the property boundary. The crossover is to be maintained with an all-weather surface generally in accordance with IPWEA Drawing – RSD-102 and must be designed to cater for the maximum vehicle size exiting the site, ensuring no damage to the roadway or kerb.
11. The developer shall be responsible for construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

Car parking

12. A minimum of ten (10) car parking spaces are to be provided on the subject site. Parking spaces for persons with disabilities (PWD) are to be provided in accordance with the Building Code of Australia.
13. Car parking areas are to be designed in accordance with:
 - (a) AS2890.1 – Parking Facilities
 - (b) Austroads AP-34/95 - Design Vehicles and Turning Path Templates
 - (c) The Access to Premises Standard' (Vol 1 of the National Construction Code).
 - (d) Vehicle access, car parking and manoeuvring areas are to be **constructed to an all weather standard** ~~sealed or compacted gravel surface to prevent dust nuisance.~~

Services

14. Provide a potable water supply for the development. Monitor water quality continuously to ensure compliance with Australian Drinking Water Guidelines - current edition 2011 and enHealth Guidance of Use of Standards for Potable Water.
15. Connect the development to an on-site effluent disposal system, in accordance with Schedule 1, Division 4: Standards for Sewerage Supply, Section 4.2; Standards for On-site Sewerage, AS1547 and the Queensland Plumbing and Waste Water Code.
16. The development must be connected to an electricity reticulation service in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant). Alternatively, demonstrate that the site is serviced by an appropriate renewable energy system.

Waste management

17. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.
18. Adequate refuse storage areas and facilities must be provided on the site to service the approved development.

Stormwater drainage

19. Stormwater drainage is to be provided in accordance with:
 - a. Queensland urban drainage manual.
 - b. Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.
20. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.
21. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

Earthworks and construction

22. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadway/s.
23. All earthworks for the development shall be undertaken in accordance with the Institute of Public Works Engineering Australasia Queensland Division.

Avoiding nuisance

24. No unreasonable nuisance is to be caused to adjoining properties and occupiers by the way of noise smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.
25. Dust emanating as result of activities carried out onsite (both during construction and post construction) must be continually monitored and suppressed in order to prevent any dust drifting onto road networks and nearby properties and sensitive land uses.
26. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
27. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
28. **DELETED**
29. Within three months of this approval taking effect, submit to Council a site based management plan that details property management including but not limited to accommodation occupancy, site activities and research and monitoring activities and how these approved activities will be contained within the boundaries of this approval.

No cost to Council

30. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development, survey, registration, document lodgement, easement documentation preparation and plan sealing.

Latest versions

31. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions, and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

Application documentation

32. It is the developer's responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice, Approved Plans and Approved Documents bearing 'Council Approval'.

GENERAL ADVICE

- a. Refer to <https://www.balonne.qld.gov.au/council/publications/policies-plansstrategies> for Council Policies.
- b. The relevant planning scheme for this development is Balonne Shire Planning Scheme 2024. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- c. The Institute of Public Works Engineering Australasia Queensland Division is the applicable engineering design guideline for Balonne Shire Council.
- d. The land use rating category may change upon commencement of any new approved use on the site. Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s, can be viewed on the Council Website: www.balonne.qld.gov.au.
- e. The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- f. All Aboriginal Cultural Heritage in Queensland is protected under the Aboriginal Cultural Heritage Act 2003 and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- g. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- h. All persons involved in the development, operation or use of the site have an obligation to take all reasonable and practical measures to prevent spread of invasive plants and animals to neighbouring properties, in accordance with the Biosecurity Act 2014. Landholders must develop a biosecurity management plan outlining specific measures to manage biosecurity risks on the property.
- i. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.
- j. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of State Development, Infrastructure and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the Planning Regulation 2017.

ATTACHMENT 2 – PLANNING ACT EXTRACT APPEAL RIGHTS

Chapter 6 Dispute resolution Part 1 Appeal rights

228 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person—
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

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

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

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

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

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or

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

229 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
 - (d) schedule 1, table 1, item 1—each principal submitter for
 - (e) the development application; and
 - (f) for an appeal about a change application under
 - (g) schedule 1, table 1, item 2—each principal submitter for
 - (h) the change application; and
 - (i) each person who may elect to become a co-respondent
 - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (k) for an appeal to the P&E Court—the chief executive; and
 - (l) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

230 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

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

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

231 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.

ATTACHMENT 3 — STATEMENT OF REASONS

The following information is provided in accordance with section 63 of the *Planning Act 2016*.

Description of development	Material Change of Use – “Nature Based Tourism” and “Environment Facility”
Assessment benchmarks	<p>The assessment manager has assessed the application against the following—</p> <ul style="list-style-type: none"> • Balonne Shire Planning Scheme 2019 <ul style="list-style-type: none"> ○ Part 6.2.5 Rural Zone Code ○ Part 7.3.1 General Development Code
Relevant matters	There are no relevant matters for a Code Assessable development application.
Matters raised in submissions	The application was not subject to Impact Assessment.
Reasons for the decision	<p>At the Ordinary Meeting on 18 December 2025, Council resolved to approve the development subject to conditions and for reasons including:</p> <ul style="list-style-type: none"> • The proposal is for the establishment of environmental and tourism based uses in the Rural Zone • The site is not mapped as being Class A or B Agricultural Land, nor is it a Priority Agricultural Area, and therefore the use does not affect the viability of agricultural activities in the region. • The proposal will repurpose existing buildings and structures and therefore maintains the character and amenity of the rural environment. • The nature of the scientific and tourism based use relies on the protection of biodiversity values on the property. • The proposal will not impact the safe operation of the stock route network or any regional pipelines; • The use is a small-scale activity contained within a developed area of the site and will not result in any clearing of ecologically significant areas. <p>The representations do not introduce non-compliance with the Planning Scheme.</p>

ATTACHMENT 4 — APPROVED PLANS AND SPECIFICATIONS

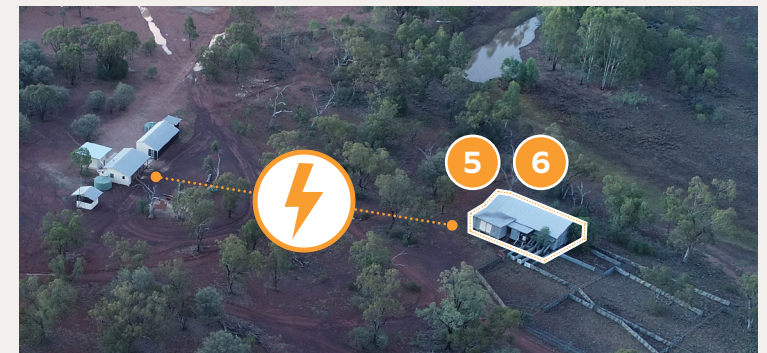
STOCKMAN'S QUARTERS UPDATES

The upgrades to the Mourchan Conservation Property's Stockman's Quarters aims to provide more comfortable living and sleeping facilities for researchers and guests of the property. This includes a number of structural and aesthetic improvements to the main accommodation located in this area and the nearby shearing shed.

- 1** Windows at Stockman's Quarters
- 2** New shower and sink at Stockman's
- 3** Painting of all internals
- 4** New floor for bathroom
- 5** Power to Shearing Shed
- 6** Big Ass Fan at Shearing Shed

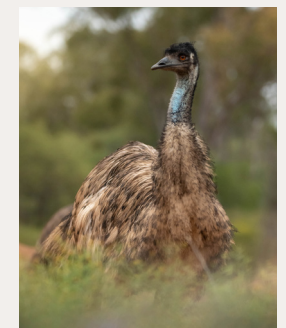


BALONNE SHIRE COUNCIL
 Planning Act 2016
 This document comprises part
 of
 Development Permit No.
 MCU247
 and was issued on
 23 April 2026
 In accordance with the :-
 Planning Act 2016
 KATE SWEPSON
 Consulting Town Planner



MAP OF MOURACHAN

- S** Shearing Shed
- B** Outdoor Barbecue area
- Q** Stockman's Quarters



SHEARING SHED UPDATES

The renovation and updates to the shearing shed at the Mourachan conservation property aim to create a usable common space for guests and researchers. This would involve utilising the existing historical and rustic elements of the shearing shed structure and incorporating updated/modern elements to improve the usability of the internal spaces and enhance the longevity of the building.

- 1 Internal modifications and renovations at Shearing Shed
- 2 Cut out of windows at back of the shed
- 3 Pest proofing at Shearing Shed
- 4 Stairs to the main entry doors of Shearing Shed
- 5 Insulation of shed
- 6 Rebuild perimeter fence around sheep yards



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Consulting Town Planner