

MISS KATE SWEPSON

Our Ref: MCU229



20 December 2024

Stick Man Constructions ATF Vickers Family Trust
PO Box 110
ST GEORGE QLD 4487

By email: josh@stickman.net.au

Dear Josh,

Decision notice approval

(Given under section 63(2) of the *Planning Act 2016*)

The development application described below was properly made to the Balonne Shire Council on 3 December 2024.

Applicant details

Applicant name:	Stick Man Constructions ATF Vickers Family Trust
Applicant contact details:	PO Box 110, St George Qld 4487 Phone: 0432 205 616 Email: josh@stickman.net.au

Location details

Street address:	46-56 Buchan Bypass, St George
Real property description:	Lot 31 on SP340426
Local government area:	Balonne Shire Council

Application details

Application number:	MCU229
Approval sought:	Development Permit
Description of the development proposed:	Material Change of Use for a "Medium Impact Industry"
Category of assessment:	Code Assessment
Planning scheme:	<i>Balonne Shire Planning Scheme 2024</i>

Decision

I wish to advise that, on 19 December 2024, the above development application was **approved in full** subject to conditions by Council. (Refer to the conditions contained in **Attachment 1**)

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use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 Work
- Compliance Permit – Plumbing Works

Referral agencies for the application

There were no referral agencies for this application.

Approved plans, specifications and drawings

Copies of the following approved plans, specifications and/or drawings are enclosed.

Drawing Number:	Title	Date:
Plan 01	Proposed Site Plan	n.d.
J3880-Vickers:Elevation	Front Elevation, Back Elevation	05/11/2024
J3880-Vickers:Elevation	Left Elevation, Right Elevation	05/11/2024
J3880-Vickers:Floor Plan	Floor Plan	05/11/2024

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*.

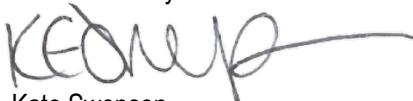
Attachment 2 is an extract from the *Planning Act 2016* detailing appeal rights.

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

<https://planning.dsmpip.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 a “Medium Impact Industry” as defined in the Balonne Shire Planning Scheme 2024.
2. The approved development is over two (2) stages as follows:
 - Stage 1 – 30m x 15m shed, access, landscaping and car parking areas
 - Stage 2 – two 12m x 3m offices, amenities building

Approved plans and documents

3. 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:
Plan 01	Proposed Site Plan	n.d.
J3880-Vickers:Elevation	Front Elevation, Back Elevation	05/11/2024
J3880-Vickers:Elevation	Left Elevation, Right Elevation	05/11/2024
J3880-Vickers:Floor Plan	Floor Plan	05/11/2024

Detailed plans

4. Elevation and floor plans of all Stage 2 buildings, as shown on Approved Site Plan, must be submitted to Council for approval prior to commencement of construction. The approved plans will form part of the approved documents for the development.

Compliance inspection

5. All conditions relating to the establishment of the approved development must be fulfilled prior to the commencement of use of each approved stage (as applicable), unless noted in these conditions or otherwise permitted by Council.
6. Prior to the commencement of use of each approved development stage, the applicant shall contact Council to arrange a development compliance inspection.

Applicable standards

7. All works must comply with:
 - i. the development approval conditions;
 - ii. any relevant provisions in the Planning Scheme;
 - iii. Balonne Shire Council Private Property Entrance Policy 2010;
 - iv. The Institute of Public Works Engineering Australasia Queensland Division (IPWEA);
 - v. any relevant Australian and Austroads Standards and the National Construction Code that applies to that type of work; and
 - vi. 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.

Development works

8. The developer shall ensure that all approved 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 in place at all times.
9. 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).

Fencing and landscaping

10. A 2.0 metre wide landscaped buffer is to be provided along the eastern and western boundaries of the site, generally in accordance with the areas shown on the approved Site Plan. The landscape buffer is to include low, medium and high profile plants so as to provide a visual buffer.
11. A Landscaping Plan is to be submitted to and approved by Council prior to the commencement of the use.
12. Site landscaping is to be irrigated during an establishment period of two years, and ground covers should fully cover vegetated areas within one year of planting.
13. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
14. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.

Waste management

15. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
16. Adequate refuse storage areas and facilities must be provided on the site to service the approved development. Refuse storage facilities are to be screened from view at the street frontage and from adjoining properties.
17. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

Stormwater drainage

18. 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.
19. Stormwater is collected and discharged so as to:
 - a. protect the stability of buildings and the use of adjacent land;

- b. prevent water-logging of nearby land;
- c. protect and maintain environmental values; and
- d. maintain access to reticulated infrastructure for maintenance and replacement purposes.

20. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed. The developer shall ensure that in all cases, discharge of stormwater runoff from the development drains freely to the legal point/s of discharge for the development.

21. 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.

22. 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

23. 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.

24. All earthworks for the development shall be undertaken in accordance with the Institute of Public Works Engineering Australasia Queensland Division.

Note: An operational works approval will be required for excavation and/or filling works that would result in a change of 1m or more in the level of any part of the land or where any drainage path is affected.

Avoiding nuisance

25. No 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.

26. 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.

27. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.

28. 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.

Hours of operation

29. Unless otherwise approved in writing by the Council, approved hours of operation are restricted to Monday – Saturday 6.30am to 6.30pm – noise permitted. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.

30. Noise emissions from the development shall not cause environmental harm or nuisance to adjoining properties or “Sensitive Land Uses” in accordance with the *Environmental Protection (Noise) Policy 2019*.

31. Air emissions from the development shall not cause environmental harm or nuisance to adjoining properties or “Sensitive Land Uses” in accordance with the *Environmental Protection (Air) Policy 2019*.

Provision of services

32. The development must be connected to Council's reticulated water supply network in accordance with the applicable standards and policies.
33. The development must be connected to an on-site effluent disposal system in accordance with the applicable standards and policies.

Note: The landowner/operator is responsible for obtaining any permits required to achieve compliance with the environmental laws relevant to the provision of onsite sewerage treatment and/or disposal.

34. 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.
35. If the premises is connected to a telecommunications service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
36. Any conflicts associated with existing and proposed services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

Access and manoeuvring

37. Construct a new crossover from the edge of bitumen seal on Buchan Bypass to the property boundary. The crossover is to be constructed to an all-weather standard 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.
38. 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.
39. Vehicle driveways, access, car parking and manoeuvring areas are to be constructed of a compacted gravel surface to prevent dust nuisance.
40. Vehicle movements within the site are to be clear of proposed parking areas, buildings. Vehicle access, parking and manoeuvring areas are to be clearly delineated from pedestrian access ways within the site through the use of linemarking, signage, bollards or similar.
41. Vehicles entering and exiting the development site must be able to enter and leave in forward direction. Reversing out of the development site is not permitted. Vehicle manoeuvres in this regard are to be totally contained within the development site boundaries.
42. Obtain an approval for the route to be used by relevant vehicles, from the National Heavy Vehicle Regulator prior to allowing access for multi-combination vehicles via the above road section. Please refer to the following link for more information:

<https://www.nhvr.gov.au/road-access/access-management/applications-and-forms>

Car parking

43. A minimum of six (6) car parking spaces are to be provided on the subject site in an area that is distinguished from other use areas and vehicle manoeuvring paths.

Note: Persons with Disabilities (PWD) spaces are to be provided in accordance with the Building Code of Australia.

44. 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.

No Cost to Council

45. 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.

Latest versions

46. 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

47. 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

- i. Refer to <https://www.balonne.qld.gov.au/council/publications/policies-plansstrategies> for Council Policies.
- ii. The relevant planning scheme for this development is Balonne Shire Planning Scheme 2019. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- iii. The Institute of Public Works Engineering Australasia Queensland Division is the applicable engineering design guideline for Balonne Shire Council.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity.
- ix. An Operational works application will be required to be submitted to and approved by Council for:
 - a) Operational works that is excavation and/or filling where there would be a change 1m or more in the level of any part of the land or where any drainage path is affected; or
 - b) Operational works for urban purposes that involve disturbing more than 2,500m² of land.
- x. 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

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

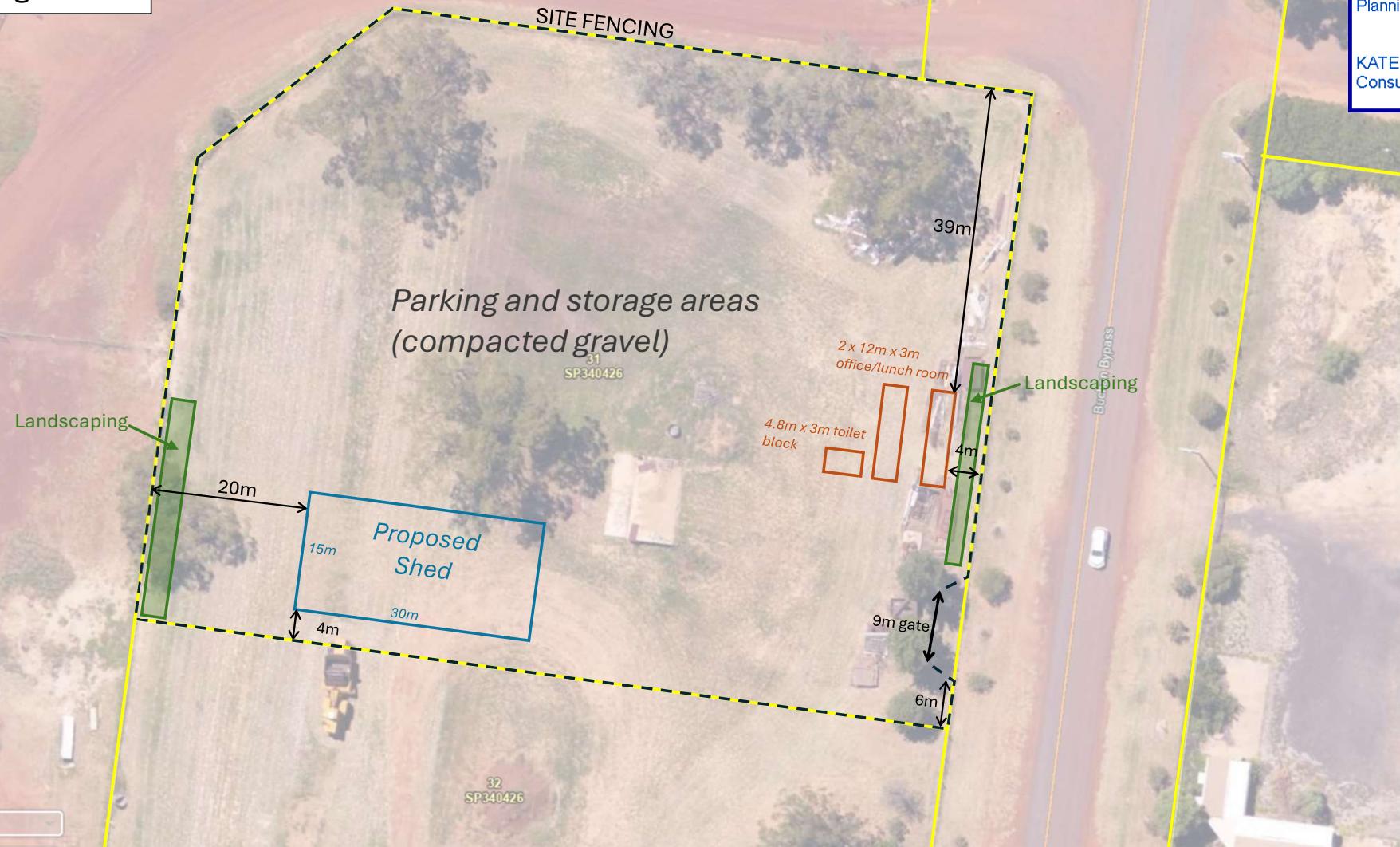
The following information is provided in accordance with section 63 of the *Planning Act 2016*.

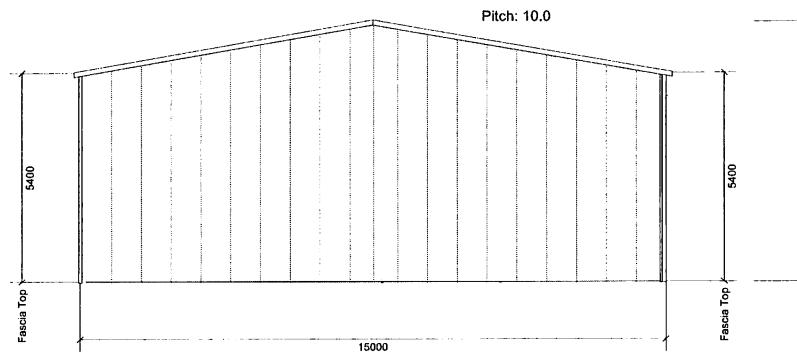
Description of development	Material Change of Use for a “Medium Impact Industry”
Assessment benchmarks	The assessment manager has assessed the application against the following— <ul style="list-style-type: none">• Balonne Shire Planning Scheme 2019<ul style="list-style-type: none">○ Part 6.2.3 Industry Zone Code○ Part 7.3.1 General Development Code
Relevant matters	N/A – there are no relevant matters for a Code Assessable application.
Matters raised in submissions	N/A – the application was subject to Code Assessment.
Reasons for the decision	At the Ordinary Meeting on 19 December 2024, Council resolved to approve the development subject to conditions and for reasons including: <ul style="list-style-type: none">• The proposed use is a Medium Impact Industry and development of the site will support the ongoing operations of an existing local business;• The proposed buildings are in keeping with the character and amenity of the surrounding industrial locality.• The use of the site will not compromise the safety of the local or state transport networks;• The site will be connected to an adequate level of servicing infrastructure.

ATTACHMENT 4 — APPROVED PLANS AND SPECIFICATIONS

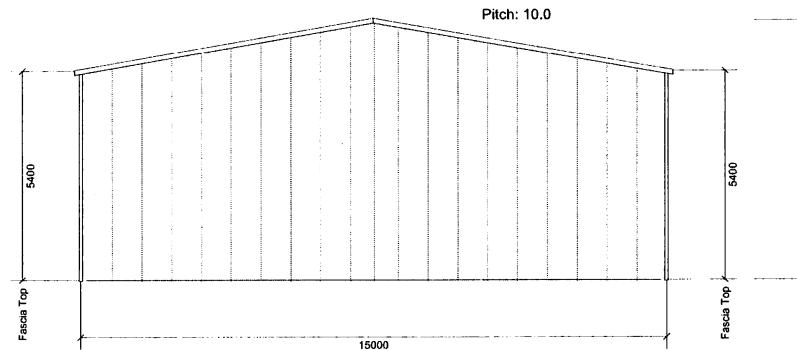
Plan 01 - Proposed Site Plan

- Stage 1
- Stage 2





FRONT ELEVATION



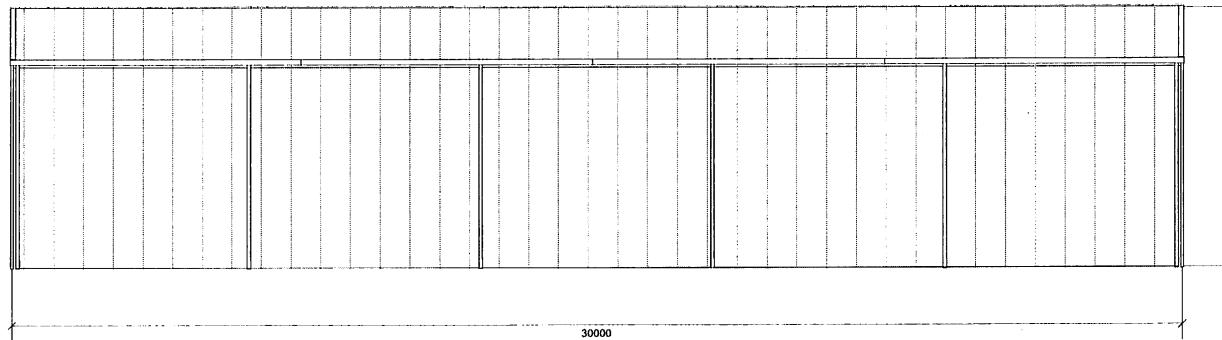
BACK ELEVATION

 <p>R&F Steel Buildings St George QBCC Lic. 1239837 13-15 Anderson Lane St George QLD 4487 T 0432 205 616 E stgeorge@rfsteelbuildings.com.au</p>	PROJECT NO: P15449Q1	CUSTOMER: Josh Vickers	SITE: Buchan Bypass St George, QLD 4487	DATE: 05/11/2024
	PROJECT NAME: Buchan Bypass Block		LOT: 31	ULT WIND SPEED: 40.95 m/s SERVICEABILITY: 33.67 m/s
	JOB NAME: 30x15m		RP/SP: SP340426	
			DRAWING No: J3880-Vickers:Elevation	

BALONNE SHIRE COUNCIL
Planning Act 2016
This document comprises part
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20 December 2024
In accordance with the :-
Planning Act 2016

KATE SWEPPSON
Consulting Town Planner

George Zuev
RPEQ 7551 06-Nov-2024

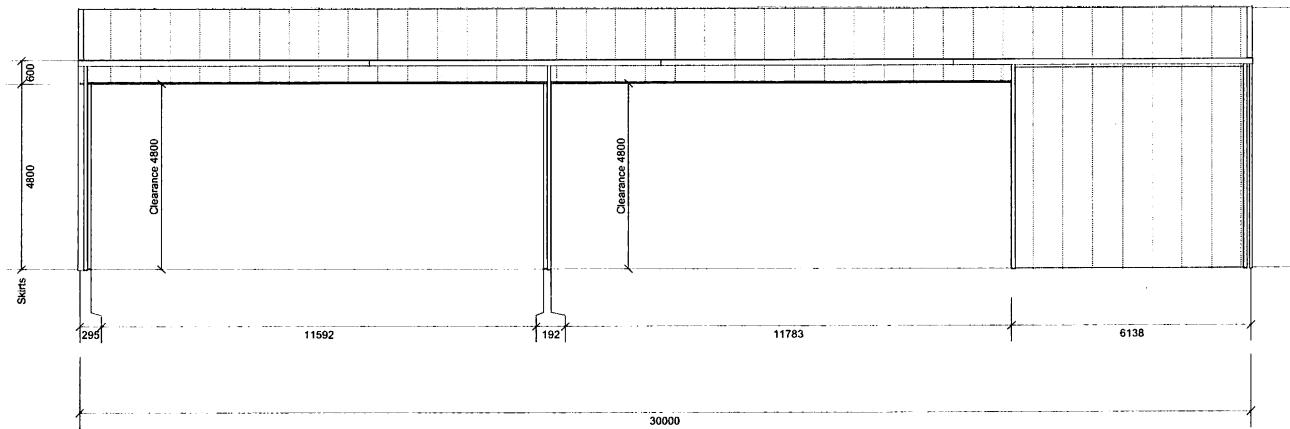


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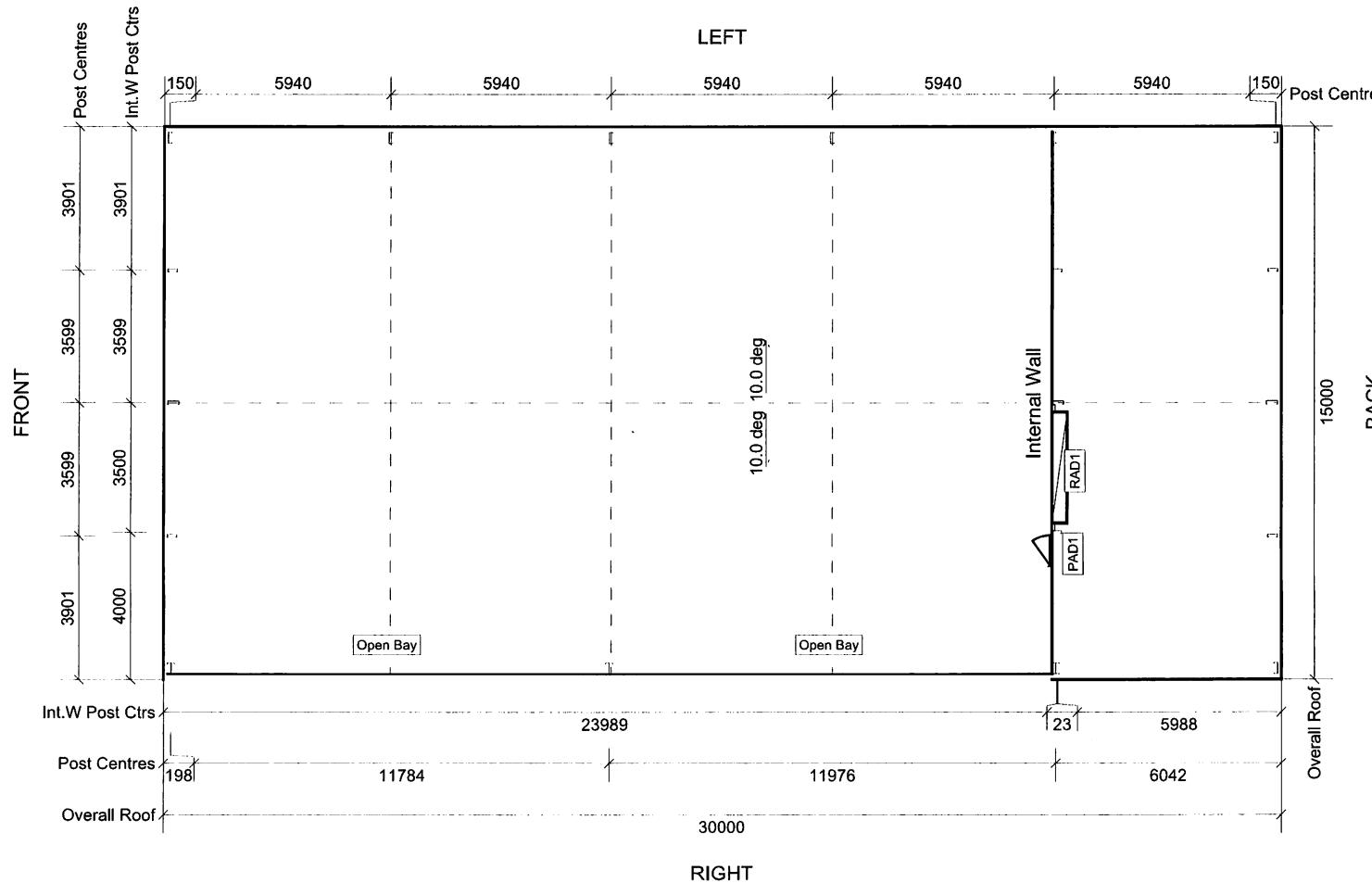
LEFT ELEVATION



RIGHT ELEVATION

 <p>R&F Steel Buildings St George QBCC Lic. 1239837 13-15 Anderson Lane St George QLD 4487 T 0432 205 616 E stgeorge@fsteelbuildings.com.au</p>	PROJECT NO: P15449Q1	CUSTOMER: Josh Vickers	SITE: Buchan Bypass St George, QLD 4487 LOT: 31 RP/SP: SP340426	DATE: 05/11/2024
	PROJECT NAME: Buchan Bypass Block			ULT WIND SPEED: 40.95 m/s SERVICEABILITY: 33.67 m/s
	JOB NAME: 30x15m			DRAWING No: J3880-Vickers:Elevation

Opening Legend



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In accordance with the :-
Planning Act 2016

KATE SWEPS
Consulting Town Planner

George Zuey 06 Nov 2004
RPEQ 7551

Floor Plan



R&F Steel Buildings St George
ABN: 35 158 624 232

R&F Steel Buildings St George
QBCC Lic. 1239837

13-15 Anderson Lane
St George
QLD 4487
T 0432 205 616
E stgeorge@fsteelbuildings.com

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JOB NAME: 30x15m	DRAWING No:	J3880-Vickers:Floor Plan	