

Our Ref: MCU235

25 July 2025

DR & JJ Hemming Unit Trust  
7785 Castlereagh Highway  
DIRRANBANDI QLD 4486

**Attention:** Doug Hemming  
**By Email:** [appletreefeedlot@gmail.com](mailto:appletreefeedlot@gmail.com)

Dear Mr Hemming,

## 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 1 May 2025.

**Note:** This decision notice has been reissued on 25 July 2025 to correct an administrative error in the date of issue printed on the original notice (23 July 2023). The content of the approval remains unchanged.

### Applicant details

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<b>Applicant name:</b>	DR & JJ Hemming Unit Trust
<b>Applicant contact details:</b>	7785 Castlereagh Highway DIRRANBANDI QLD 4486 Phone: 0428 259 727 Email: <a href="mailto:appletreefeedlot@gmail.com">appletreefeedlot@gmail.com</a>

### Location details

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<b>Street address:</b>	Castlereagh Highway, Dirranbandi
<b>Real property description:</b>	Lot 13 on BLM857
<b>Local government area:</b>	Balonne Shire Council

### Application details

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<b>Application number:</b>	MCU235
<b>Approval sought:</b>	Development Permit
<b>Description of the development proposed:</b>	Material Change of Use – “Extractive Industry” (Sand Quarry – up to 5,000 tonnes per annum)
<b>Category of assessment:</b>	Code Assessment
<b>Planning scheme:</b>	<i>Balonne Shire Planning Scheme 2024</i>

## Decision

I wish to advise that, on 17 July 2025, the above development application was **approved in full** subject to conditions by Council. (Refer to the conditions contained in **Attachment 1 and Attachment 2**)

## 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:

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material Change of Use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:

- N/A

## Referral agencies for the application

The referral agencies for this application are:

<b>Reason for Referral:</b>	<p>As a <u>Concurrence Agency</u> for an application involving:</p> <p><b>State transport corridors and future State Transport corridors</b></p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p>(a) <i>are within 25m of a State transport corridor; or</i></p> <p>(b) <i>are a future State transport corridor; or</i></p> <p>(c) <i>are—</i></p> <p style="padding-left: 40px;"><i>(i) adjacent to a road that intersects with a State-controlled road; and</i></p> <p style="padding-left: 40px;"><i>(ii) within 100m of the intersection</i></p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017.</p>
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## Approved plans, specifications and drawings

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

Plan/Document Number:	Plan/Document Name:	Date:
Plan 01	Site Plan (amended by Council)	n.d.

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

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

## Appeal Rights

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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](mailto:council@balonne.qld.gov.au).

Yours sincerely



Danielle Pearn

**Consulting Town Planner**

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- Attachment 1—Assessment Manager Conditions of Approval (Balonne Shire Council)
  - Attachment 2—Concurrence Agency Response
  - Attachment 3—Appeal Provisions
  - Attachment 4—Statement of Reasons
  - Attachment 5—Approved Plans and Specifications

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

### Use

1. The approved development is a Material Change of Use - “Extractive Industry” as defined in the Planning Scheme.
2. The maximum volume of material permitted to be extracted from the premises is 5,000 tonnes per calendar year.
3. The approved development is to be carried out generally in accordance with the following approved plans/documents and subject to approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number:	Plan/Document Name:	Date:
Plan 01	Site Plan (amended by Council)	n.d.

4. All material extraction areas and ‘stand down areas’ must be set back 15 metres from the northern (Castlereagh Highway) boundary and 5 metres from all side and rear boundaries.

### Compliance inspection

5. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted in these conditions.
6. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

### Extraction Activities

7. Quarry operations must only occur between the hours of 6:00am and 6:00pm, Monday to Saturday.
8. Remediation of the site is to occur progressively, whereby no more than 5ha of the site is disturbed at any one time. Rehabilitation of extracted areas must be undertaken in accordance with the approved Environmental Management Plan, required in Condition 9.
9. Prior to commencement of the use, the applicant must prepare and submit a detailed Environmental Management Plan to Council for approval. The Environmental Management Plan is to include detailed management strategies for, but not be limited to:
  - Air quality management;
  - Water quality management;
  - Hydrocarbon and chemicals management;
  - Noise management;
  - Waste management;
  - Rehabilitation management; and
  - Bushfire management.

**Note:** The site based management plan submitted to Council as part of the development application is not sufficient and does not achieve compliance with the condition.

## **Applicable standards**

10. All works must comply with:
  - a) the development approval conditions;
  - b) any relevant provisions in the Planning Scheme;
  - c) The Institute of Public Works Engineering Australasia Queensland Division;
  - d) any relevant Australian and Austroads Standards and the National Construction Code 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.

## **Development works**

11. During the course of constructing the works the developer shall ensure that 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.
12. 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 (, 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).

## **Waste management**

13. Adequate refuse storage areas and facilities must be provided on the site to service the approved development.
14. 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**

15. Stormwater drainage is to be provided in accordance with:
  - a) Queensland urban drainage manual; and
  - b) Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.
16. There must be no increases in any silt loads or contaminants in any overland flow from the property during the development process.



## **Earthworks and construction**

17. 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. Erosion and Sediment Control is to be managed in accordance with The Institute of Public Works Engineering Australasia Queensland Division.
18. All earthworks for the development shall be undertaken in accordance with the Institute of Public Works Engineering Australasia Queensland Division (as applicable).

## **Landscaping and fencing**

19. All existing vegetation along the northern boundary of the site, within the required 15 metre setback, must be retained.
20. Safety fencing is to be provided and maintained to prevent unauthorised access to resource extraction/processing areas, stockpiles and any other high risk areas. Warning signs advising of the nature of the use and any danger or hazard, are to be placed on the perimeter fence on any frontage to a public road and boundary to land used for a sensitive land use.

## **Avoiding nuisance**

21. No nuisance is to be caused to adjoining properties and occupiers by the way of noise, vibration, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.
22. Dust emanating as a result of approved quarrying activities (including extraction areas and internal access road) onsite must be continually visually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.
23. Any lighting associated with the approved use shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
24. 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.
25. Noise emissions, including vibration, from the development shall not cause environmental harm of nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the Environmental Protection (Noise) Policy 2008.
26. Air emissions from the development shall not cause environmental harm of nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the Environmental Protection (Air) Policy 2008.

## **Biosecurity plan**

27. A Biosecurity Plan for the premises must be prepared and implemented in accordance with the Biosecurity Act 2014 prior to commencement of the approved development. A copy of the plan must be made available to Council upon request.

## **Provision of services**

28. The site must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance and firefighting purposes.
29. The site must be provided with a potable water supply sufficient to meet the needs of any staff and visitors to the site, if and when required. On-site water is to be provided in accordance with the applicable standards and policies.
30. The development must be connected to an on-site effluent disposal system in accordance with the applicable standards and policies, if and when required. The removal and disposal of any effluent from the site must be performed by a suitably licensed contractor.
31. An adequate supply of electricity must be provided for the approved development. In the event that an adequate supply of electricity cannot be achieved through efficient design, alternative energy technologies or portable generators, a connection to the reticulated electricity network must be made available.
32. Connection/s to a telecommunications service must be undertaken in accordance with the relevant service provider's requirements and specifications (as relevant).

## **Access, internal access road and manoeuvring**

33. 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 in consultation with the Balonne Shire Council and the Department of Transport and Main Roads. Any repair works are to be undertaken at the landowner's expense.
34. The existing vehicle access from Golf Club Road, from the road edge to the property boundary, shall be upgraded in accordance with drawing "Institute of Public Works Engineering Australasia – RS-056 – Rural Driveway". The design of the vehicle crossover must cater for the maximum vehicle size accessing the site ensuring no damage to the roadway.
35. Vehicle crossovers must be located a minimum distance of one metre from any power poles, signage, or other Council assets, unless otherwise specified in the applicable development standards and specifications.
36. Vehicle movements within the site must be clear of proposed parking areas.
37. All weather internal vehicle access shall be provided for traffic movement within the development site area.
38. Unless otherwise agreed by Council, land in the north west corner of the site must be dedicated to Council as road reserve, such that the current alignment of Golf Club Road is fully contained within a road reserve.

## **Car parking**

39. Access, parking and manoeuvring 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) Access to Premises Standard (Vol 1 of the National Construction Code); and
  - d) Vehicle access, car parking and manoeuvring areas are to be constructed with all weather compacted gravel surface.

## **Signage**

40. Signage is to be provided at the entrance of the site displaying information including details of, and the contact phone numbers for;
- a) The operator of the site; and
  - b) Person/s responsible for the management of the site.

**Note:** Signage is limited to the necessary contact information and must not impact upon the visual amenity of the locality.

## **No Cost to Council**

41. 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**

42. 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**

43. 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'.



## Advice:

- a) 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.
- b) Under the *Balonne Shire Planning Scheme 2024*:  
***Extractive Industry*** means the use of premises for:
  - (a) *extracting or processing extractive resources; and*
  - (b) *any related activities, including, for example, transporting the resources to market.*
- c) The Institute of Public Works Engineering Australasia Queensland Division is the applicable engineering design guideline for development within the Balonne Shire.
- d) The land use rating category for the site may change upon commencement of any approved use on the site. Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s is available on the Council website: [www.balonne.qld.gov.au](http://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) A permit from the National Heavy Vehicle Regulator (NHVR) to access the road network may be required.
- i) All persons involved in the operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the Biosecurity Act 2014.
- j) 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.
- k) All operations are to comply with the Mining and Quarrying Safety and Health Act 1999.

## ATTACHMENT 2 – CONCURRENCE AGENCY RESPONSE

RA6-N



SARA reference: 2505-46169 SRA  
Council reference: MCU235

24 June 2025

Chief Executive Officer  
Balonne Shire Council  
PO Box 201  
ST GEORGE QLD 4487  
council@balonne.qld.gov.au

Attention: Kate Swepson

Dear Miss Swepson

### SARA referral agency response—Castlereagh Highway, Dirranbandi

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 21 May 2025.

#### Response

Outcome:	Referral agency response – with conditions
Date of response:	24 June 2025
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

#### Development details

Description:	Development permit	Material Change of Use – “Extractive Industry” (Sand Quarry – up to 5,000 tonnes per annum)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Development near a State transport corridor (Planning Regulation 2017)	

SARA reference: 2505-46169 SRA  
Assessment manager: Balonne Shire Council  
Street address: Castlereagh Highway, Dirranbandi  
Real property description: Lot 13 on BLM857  
Applicant name: DR & JJ Hemming Unit Trust  
Applicant contact details: 7785 Castlereagh Highway  
Dirranbandi QLD 4486  
appletreefeedlot@gmail.com  
*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Danica Clark, Senior Planner, on 3307 6175 or via email [ToowoombaSARA@dsdilgp.qld.gov.au](mailto:ToowoombaSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Paul Gleeson  
A/Manager

cc DR & JJ Hemming Unit Trust, [appletreefeedlot@gmail.com](mailto:appletreefeedlot@gmail.com)  
enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
<b>Material Change of Use – “Extractive Industry” (Sand Quarry – up to 5,000 tonnes per annum)</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Development near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	Direct access is not permitted between the Castlereagh Highway and the subject site.	At all times.

## Attachment 2—Advice to the applicant

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General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.2). If a word remains undefined it has its ordinary meaning.



## Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for the SARA's decision are:

With conditions, the development complies with State code 1. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.2), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## Attachment 4—Representations about a referral agency response provisions

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## ATTACHMENT 3 – 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 4 — STATEMENT OF REASONS

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

<b>Description of development</b>	Development Application for Material Change of Use – “Extractive Industry” (Sand Quarry – up to 5,000 tonnes per annum)
<b>Assessment benchmarks</b>	<p>The assessment manager has assessed the application against the following—</p> <ul style="list-style-type: none"><li>• the Darling Downs Regional Plan;</li><li>• the Maranoa-Balonne Regional Plan;</li><li>• the State Planning Policy;</li><li>• the Planning Scheme:<ul style="list-style-type: none"><li>○ General Development Code</li><li>○ Rural Zone Code</li></ul></li></ul>
<b>Relevant matters</b>	N/A – there are no relevant matters for a code assessable application.
<b>Matters raised in submissions</b>	N/A – there are no submissions for a code assessable application.
<b>Reasons for the decision</b>	<p>On balance, the proposal presents no significant inconsistencies with assessment benchmarks. Development conditions have been imposed to ensure compliance to the greatest extent possible. Any residual inconsistency with the assessment benchmarks is considered in light of the following matters:</p> <ul style="list-style-type: none"><li>• The productive capacity of agricultural land will not be impacted by the proposed development, as the extraction areas are contained on the small southern portion of the site, divided from the balance of the Rural property by the Castlereagh Highway. The balance of the subject site will continue to be used for grazing activities;</li><li>• The proposed quarry is not expected to impact the safe operation of the stock route network;</li><li>• The proposal has a suitable separation distance to existing nearby sensitive receptors. Further, the development will provide access to a valuable sand resource;</li><li>• The proposed development will not impact on the viability of existing agricultural, residential or tourism uses. The development is a small scale use that is adequately separated from Dirranbandi and nearby sensitive receptors; and</li><li>• The development area is conditioned to be outside areas mapped as being at risk of flood and bushfire hazard.</li></ul>



## ATTACHMENT 5 — APPROVED PLANS AND SPECIFICATIONS

Plan 01 – Site Plan

Plan amended by Council on 6 July 2025

Indicative land area to be dedicated to Council as road reserve.

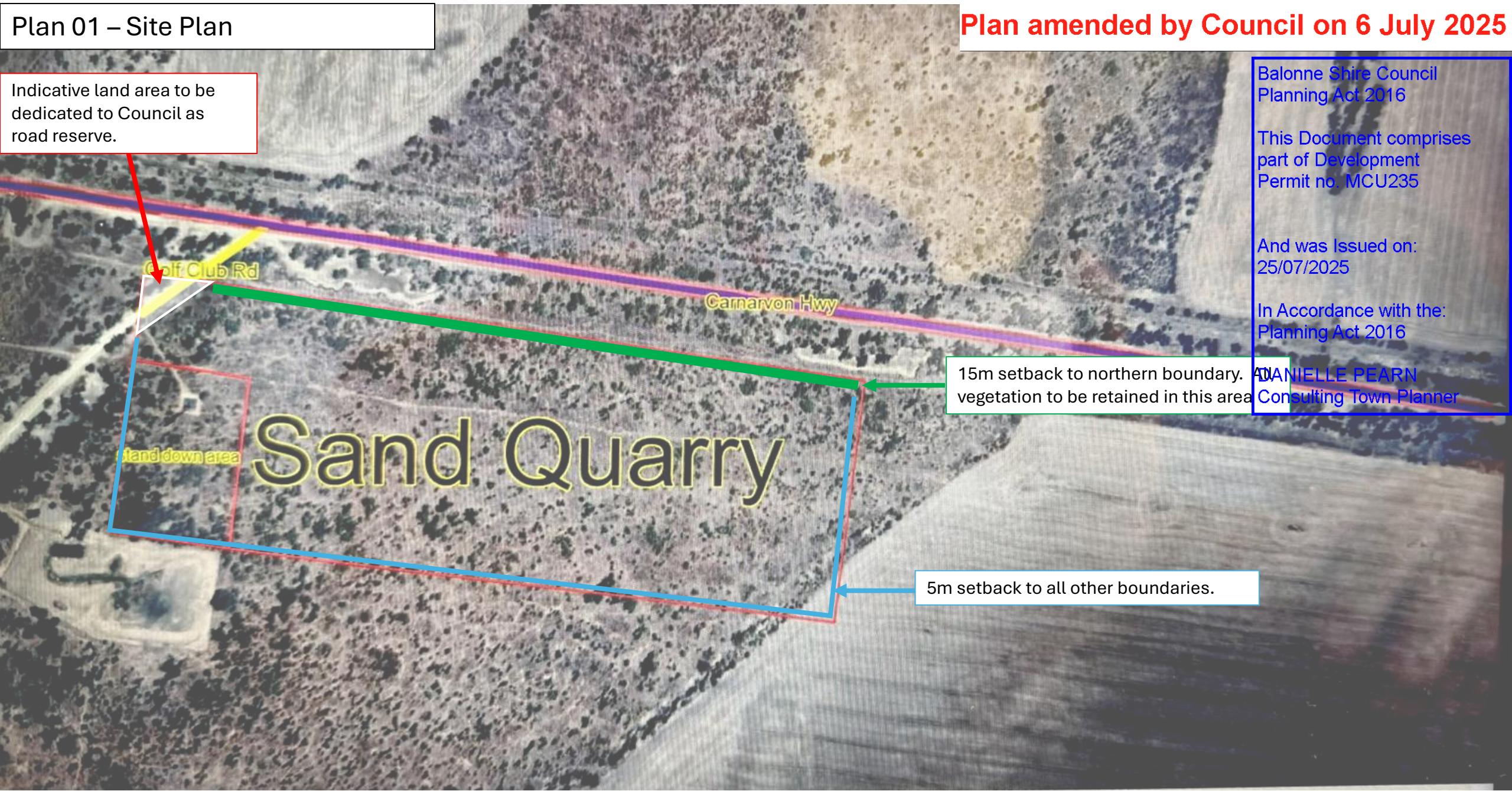
Balonne Shire Council  
Planning Act 2016

This Document comprises  
part of Development  
Permit no. MCU235

And was Issued on:  
25/07/2025

In Accordance with the:  
Planning Act 2016

DANIELLE PEARN  
Consulting Town Planner



15m setback to northern boundary.  
vegetation to be retained in this area

5m setback to all other boundaries.