

MISS KATE SWEPSON

Our Ref: MCU254

25 June 2026

SMK QLD Pty Ltd for SEB Mechanical
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling

By email: tom@smkqld.com.au

Dear Tom,

Decision notice – Refusal

(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 July 2025.

Applicant details

Applicant name: SMK QLD Pty Ltd for SEB Mechanical
Applicant contact details: PO Box 422, Goondiwindi QLD 4390
Phone: (07) 4671 2445
Email: tom@smkqld.com.au

Location details

Street address: Willowthal Road, St George
Real property description: Lots 1 & 2 on SP281664
Local government area: Balonne Shire Council

Application details

Application number: MCU254
Approval sought: Development Permit
Description of the development proposed: Material Change of Use – “Medium Impact Industry” (Machinery Storage, Workshop and Ancillary Office)
Category of assessment: Impact Assessment
Planning scheme: *Balonne Shire Planning Scheme 2024*

Decision

I wish to advise that, on 18 June 2026, the above development application was **refused** by Council. The reasons for the decision are contained in **Attachment 1**.

The assessment manager was not directed to refuse the application by a referral agency.

Properly made submissions

There were three (3) properly made submissions made in relation to the application. Submissions were received from the following principal submitters:

Name of Principal Submitter	Residential or business address	Electronic address (if provided)
Craig Saunders	12297 Carnarvon Highway St George QLD 4487	saundersfarming@outlook.com
Craig & Lucille Acton	PO Box 87 St George QLD 4487	Lucille.acton@icloud.com Craig.acton@icloud.com
Sasha & Peter Behrend	PO Box 564 St George QLD 4487	sashabehrend@gmail.com

Referral agencies for the application

The development application was referred to the following agencies.

The Concurrence Agency Response is included as Attachment 2.

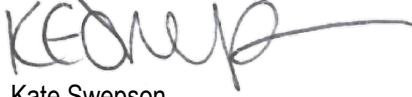
State Assessment and Referral Agency (SARA)	
Address for hand delivery:	128 Margaret Street, Toowoomba QLD 4350
Address for post:	PO Box 825 TOOWOOMBA QLD 4350
Address for electronic submission:	Applications can be prepared and referred to DILGP online by using MyDAS2. MyDAS2 can be accessed at https://prod2.dev-assess.qld.gov.au/suite/ Email: ToowoombaSARA ToowoombaSARA@dsdmip.qld.gov.au
Reason for Referral	As a <u>Concurrence Agency</u> for an application involving: <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> (a) <i>are within 25m of a State transport corridor; or</i> (b) <i>are a future State transport corridor; or</i> (c) <i>are—</i> (i) <i>adjacent to a road that intersects with a State-controlled road; and</i> (ii) <i>within 100m of the intersection</i> Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the <i>Planning Regulation 2017</i>.

Appeal Rights

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the Planning Act 2016 is provided in Attachment 3.

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

Cc: ToowoombaSARA@dsdilgp.qld.gov.au

enc. Attachment 1 – Statement of Reasons
 Attachment 2 – Concurrence Agency Response
 Attachment 3 – Appeal Provisions

ATTACHMENT 1 – STATEMENT OF REASONS

Description of development	Material Change of Use – “Medium Impact Industry” (Machinery Storage, Workshop and Ancillary Office)
Assessment benchmarks	The assessment manager has assessed the application against the following— • State Planning Policy 2017 • Maranoa-Balonne Regional Plan 2009 & Darling Downs Regional Plan 2013 • Balonne Shire Planning Scheme 2024 ○ Part 3 – Strategic Framework ○ Part 6.2.6 Rural Residential Zone Code ○ Part 7.3.1 General Development Code
Relevant matters	The following relevant matters were considered in the assessment of the application: • Existing approvals in effect for the site.
Matters raised in submissions	Three (3) properly made submission was received and considered by Council. The matters raised were: • Hours of Operation • Noise Impacts • Dust and Air Quality • Heavy vehicle traffic on Willowthal Road • Conflict with Rural Residential Zoning and Amenity • Incremental Industrialisation • Property Values
Reasons for the decision	At the Ordinary Meeting on 18 June 2026, Council resolved to refuse the development subject to the following grounds: • these conflicts cannot be appropriately addressed through conditions; • the proposal conflicts with the Purpose and Overall Outcomes (a) and (b) of the Rural Residential Zone Code as it is not a dwelling house or home-based business and is considered to impact the amenity of neighbours; • the proposal conflicts with Performance Outcomes 1 and 2 of the Rural Residential Zone Code as the development does not contribute to the residential amenity of the area and will have an unacceptable impact; • traffic associated with the proposal does not comply with Performance Outcome 3 as it significantly changes the traffic expected in the zone; • the proposed development is not consistent with community expectations for development in the locality. The submitters have raised valid concerns associated with the proposed development that warrant refusal of the application; and • no relevant matters have been presented to overcome the conflicts with the assessment benchmarks. The reasons for Council’s decision are outlined in the Meeting Minutes.

ATTACHMENT 2 – CONCURRENCE AGENCY RESPONSE

SARA reference: 2604-51605 SRA
Council reference: MCU254

18 May 2026

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

Attention: Kate Swepson

Dear Ms Swepson

SARA referral agency response—Willowthal Road, St George

(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 1 April 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	18 May 2026
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use for - Medium impact industry (machinery storage, workshop and ancillary office)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)- Development near a state transport corridor or that is a future state transport corridor	

SARA reference: 2604-51605 SRA

Assessment manager: Balonne Shire Council

Street address: Willowthal Road, St George

Real property description: Lot 1 on SP281664; Lot 2 on SP281664

Applicant name: SMK QLD Pty Ltd for SEB Mechanical

Applicant contact details: 9 Pratten Street
GOONDIWINDI QLD 4390
tom@smkqld.com.au

Human Rights Act 2019 considerations: Consideration was given to the 23 fundamental human rights under section 58 of the *Human Rights Act 2019*. It was determined that this decision does not unjustifiably limit these 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 (section 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 Rodney O'Brien, Principal Planning Officer, on 07 4616 7304 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

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

cc SMK QLD Pty Ltd for SEB Mechanical, tom@smkqld.com.au

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
Material change of use		
Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) - Development near a state transport corridor or that is a future 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(s):		
1.	Stormwater management of the development must not cause worsening to the operating performance of the Carnarvon Highway, such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the Carnarvon Highway; (ii) concentrate or increase the velocity of flows to Carnarvon Highway; (iii) interfere with and/or cause damage to the existing stormwater drainage on the Carnarvon Highway; (iv) surcharge any existing culvert or drain on the Carnarvon Highway (v) reduce the quality of stormwater discharge onto the Carnarvon Highway; (vi) impede or interfere with any overland flow or hydraulic conveyance from the Carnarvon Highway; and (vii) reduce the floodplain immunity of the Carnarvon Highway.	At all times

Attachment 2—Advice to the applicant

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 3.5). 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:

The development complies with the assessment benchmarks of State code 1 of SDAP in that the development does not adversely impact the structural integrity and physical condition or function and efficiency of the state-controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.5), 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.