



Our Ref: RL126

30 August 2024

SMK QLD Pty Ltd for Graham and Helen Wippell
PO Box 422
GOONDIWINDI QLD 4390

Attention: Tom Jobling
By email: tom@smkqld.com.au

Dear Tom,

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 28 May 2024.

Applicant details

Applicant name: SMK QLD Pty Ltd for Graham and Helen Wippell
Applicant contact details: PO Box 422, Goondiwindi QLD 4390
07 4671 2445
Email: tom@smkqld.com.au

Location details

Street address: 147-161 Grey Street, St George Qld 4487
Real property description: Lot 2 on SP216196
Local government area: Balonne Shire Council

Application details

Application number: RL126
Approval sought: Development Permit
Description of the development proposed: Reconfiguring a Lot – One (1) Lot into Two (2) Lots and easement giving access to a constructed road
Category of assessment: Code Assessment
Planning scheme: *Balonne Shire Planning Scheme 2024*

Decision

I wish to advise that, on 22 August 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| Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a Lot | N/A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:

- Survey Plan endorsement

Referral agencies for the application

The relevant referral agencies for this application are:

| 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> <i>(a) are within 25m of a State transport corridor; or</i> <i>(b) are a future State transport corridor; or</i> <i>(c) are—</i> <i>(i) adjacent to a road that intersects with a State-controlled road; and</i> <i>(ii) 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> . |

| | |
|--|--|
| | <p>As a <u>Concurrence Agency</u> for an application involving:</p> <p><i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</i></p> <p>(a) <i>the development is for a purpose stated in schedule 20, column 1 for the aspect; and</i></p> <p>(b) <i>the development meets or exceeds the threshold—</i></p> <p style="padding-left: 40px;">(i) <i>for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</i></p> <p style="padding-left: 40px;">(ii) <i>for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</i></p> <p>(c) <i>for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</i></p> <p><i>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</i></p> <p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 of the <i>Planning Regulation 2017</i>.</p> |
|--|--|

Approved plans, specifications and drawings

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

| Plan/Document Number: | Plan/Document Name: | Date: |
|-----------------------|--|------------|
| 24053-1 | Proposal Plan to Accompany ROL Application – 1 into 2 Lots on Lot 2 SP216196, 147 Grey St, St George | 21/05/2024 |

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

This approval lapses if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within 4 years of the approval taking 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

Cc: ToowoombaSARA@dsdilgp.qld.gov.au

enc. 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)

PREAMBLE

- i. 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.
- ii. A development permit for a Material Change of Use will be required for any activity or development on the approved lot(s) that does not comply with the accepted development criteria in the *Balonne Shire Planning Scheme 2019*.
- iii. All persons involved in the development have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- iv. This approval lapses if a plan for the reconfiguration is not given to the Council within four (4) years of the approval taking effect.
- v. The plan for the reconfiguration must be duly signed by the registered proprietor of the land and the surveyor, and submitted to Council for approval in a form acceptable to Council within the relevant period.

Unless otherwise stated all conditions shall be completed prior to the Council endorsing the relevant plan of survey.

- vi. 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 establishment of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- vii. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities that are associated with the approved development, including any permits/approvals required by any State Agencies.
- viii. Reticulated sewerage is unavailable to the development site. A development permit for plumbing and drainage works must be obtained from Council for any new onsite sewerage system provided on the proposed lots.
- ix. 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. Council should be contacted for advice in the event of any potential change in circumstances.
- x. 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 Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.

CONDITIONS

Approved development

1. The approved development is for Reconfiguring a Lot (One (1) lot into two (2) lots) and easement giving access to a constructed road, located at 141-167 Grey Street, St George QLD 4487 (described as Lot 2 on 216196), as defined in the *Planning Act 2016* and as shown on the approved plans.
2. Complete and maintain the approved development as follows:
 - a. in accordance with development approval documents; and
 - b. strictly in accordance with those parts of the approved development that have been specified in detail by the Council unless the Council agrees in writing that those parts will be adequately complied with by amended specifications.

Compliance

3. The developer shall contact Council to arrange a development compliance inspection prior to the endorsement of the relevant Survey Plan.
4. Unless otherwise stated, all conditions must be complied with prior to the Council endorsing the relevant Survey Plan.

Approved Plans

5. The approved development is to be carried out in accordance with following approved plans and 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.

| Plan/Document Number: | Plan/Document Name: | Date: |
|-----------------------|--|------------|
| 24053-1 | Proposal Plan to Accompany ROL Application – 1 into 2 Lots on Lot 2 SP216196, 147 Grey St, St George | 21/05/2024 |

Applicable Standards

6. 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' (IPWEA) Queensland Division;
 - (d) Any relevant Australian Standard that applies to that type of work; and
 - (e) Any alternate 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.

Services provision

7. All lots are to be connected to Council's reticulated water supply system.
8. Reticulated sewerage is unavailable to the development site. A development permit for plumbing and drainage works must be obtained from Council for any new onsite sewerage system provided on Proposed Lot 1.

9. All drainage (including on-site wastewater disposal system and stormwater drainage) and services (including electricity and telephone) associated with the existing use on Proposed Lot 2 must be relocated, if required, so that they are wholly contained within the Lot. A plan showing all drainage and services associated with the existing use is to be submitted to Council to demonstrate compliance with this requirement.
10. Reticulated electricity supply must be connected to, or made available to connect to, Proposed Lot 1 in accordance with the relevant service provider requirements. Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision.
11. If the lots are to be 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).
12. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval of any proposed changes.

Stormwater and drainage

13. Stormwater is to be managed 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.
14. Post-development stormwater runoff flows, the characteristics of which include volume, concentration and velocities from the development site, must not exceed pre-development stormwater runoff flows to adjoining properties.
15. Stormwater runoff from the site must not adversely impact on flooding or drainage of properties or roads that are upstream, downstream or adjacent to the site.
16. Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding is to be created as a result of the development.

Access and roads

17. The landowner is responsible for the construction and maintenance of the existing crossover from Grey Street/Carnarvon Highway to the property boundary and all internal vehicle access ways, and for obtaining any approvals that may be required and for complying with the applicable designs and standards
18. The existing access to Buchan Bypass, from the edge of the existing bitumen to the property boundary, shall be upgraded to a sealed standard in accordance with drawing "Institute of Public Works Engineering Australasia – RSD-102 – Heavy Duty". The crossover must be designed to cater for the maximum vehicle size accessing the site, ensuring no damage to the roadway. The width of the crossover must allow for suitable flares and tapers at the interface of Buchan Bypass to cater for the anticipated vehicle swept path movements, and to ensure no adverse impacts on the roadway as a result of turning movements.
19. A sealed driveway at least 4.0 metres in width is to be constructed for the full length of the shared access easement. The driveway is to connect from the crossover to Buchan Bypass as required in Condition 18.
20. The proposed access easement is to be provided over Lot 2 in favour of Lot 1. A copy of the easement documentation is to be submitted to Council for approval prior to the submission to Council of the Plan of Survey.

21. Upgraded vehicle crossovers must be located a minimum distance of one metre from any power poles, road signage, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.

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.

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.

Protection of infrastructure

24. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets. Any damage to existing infrastructure (road pavement, existing underground assets, etc.) attributable to the development, shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s) and at no cost to Council.

No cost to Council

25. All costs associated with the approved development are to be met by the developer, including costs of survey, registration, document lodgement, easement documentation preparation and plan sealing unless there is specific agreement by other parties, including the Council, to meeting those costs.

Latest versions

26. 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 time the first operational works or compliance approval is lodged with the assessment manager or approval agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

ATTACHMENT 2 – CONCURRENCE AGENCY RESPONSE

RA9-N



SARA reference: 2406-40819 SRA
Applicant reference: 24053-1
Council reference: RL126

8 July 2024

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

Attention: Ms Kate Swepson

Dear Ms Swepson

SARA referral agency response—147-161 Grey Street, ST GEORGE (Lot 2 on SP216196)

(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 25 June 2024.

Response

| | |
|-------------------|--|
| Outcome: | Referral agency response under section 56(1)(a) of the <i>Planning Act 2016</i> (no requirements). |
| Date of response: | 8 July 2024 |
| Advice: | Advice to the applicant is in Attachment 1 |
| Reasons: | The reasons for the referral agency response are in Attachment 2 |

Development details

| | | |
|--------------|--------------------|--|
| Description: | Development Permit | Reconfiguring a Lot (RAL) – One (1) lot into Two (2) lots and easement giving access to a constructed road |
| SARA role: | Referral agency | |

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Wide Bay Burnett regional office
Level 1, 7 Takalvan Street, Bundaberg
PO Box 979, Bundaberg QLD 4670

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a State transport corridor

SARA reference: 2406-40819 SRA

Assessment manager: Balonne Shire Council

Street address: 147-161 Grey Street, ST GEORGE

Real property description: Lot 2 on SP216196

Applicant name: Graham and Helen Wippell
C/- SMK QLD Pty Ltd

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

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 3**.

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

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6152 or via email WBBSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Graham and Helen Wippell
C/- SMK QLD Pty Ltd
tom@smkqld.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—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 3.0). If a word remains undefined it has its ordinary meaning. |

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The proposed development complies with State Code 1: Development in a state-controlled road environment as the proposed development is not considered to adversely impact on the State-controlled road network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.0, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

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*.

| | |
|--------------------------------------|---|
| Description of development | Development Application for Reconfiguring a Lot – One (1) lot into two (2) lots and easement giving access to a constructed road |
| Assessment benchmarks | <p>The assessment manager has assessed the application against the following—</p> <ul style="list-style-type: none">the Balonne Shire Planning Scheme<ul style="list-style-type: none">Reconfiguring a lot code |
| Relevant matters | N/A – there are no relevant matters for a code assessable application. |
| Matters raised in submissions | N/A – there are no submissions for a code assessable application. |
| Reasons for the decision | <p>At the Ordinary Meeting on 22 August 2024, Council resolved to approve the development subject to conditions and for reasons including:</p> <ul style="list-style-type: none">The proposed reconfiguration will create two lots that are of a size and dimension suitable to support the existing and future industrial uses.The proposed reconfiguration will allow the proposed new lot to be connected to adequate services and will retain the current access points; andThe proposed lots are considered to be functional and consistent with the intent of the Industry Zone. <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.</p> |

ATTACHMENT 5 — APPROVED PLANS AND SPECIFICATIONS

BALONNE SHIRE COUNCIL
Planning Act 2016
This document comprises part
of
Development Permit No.

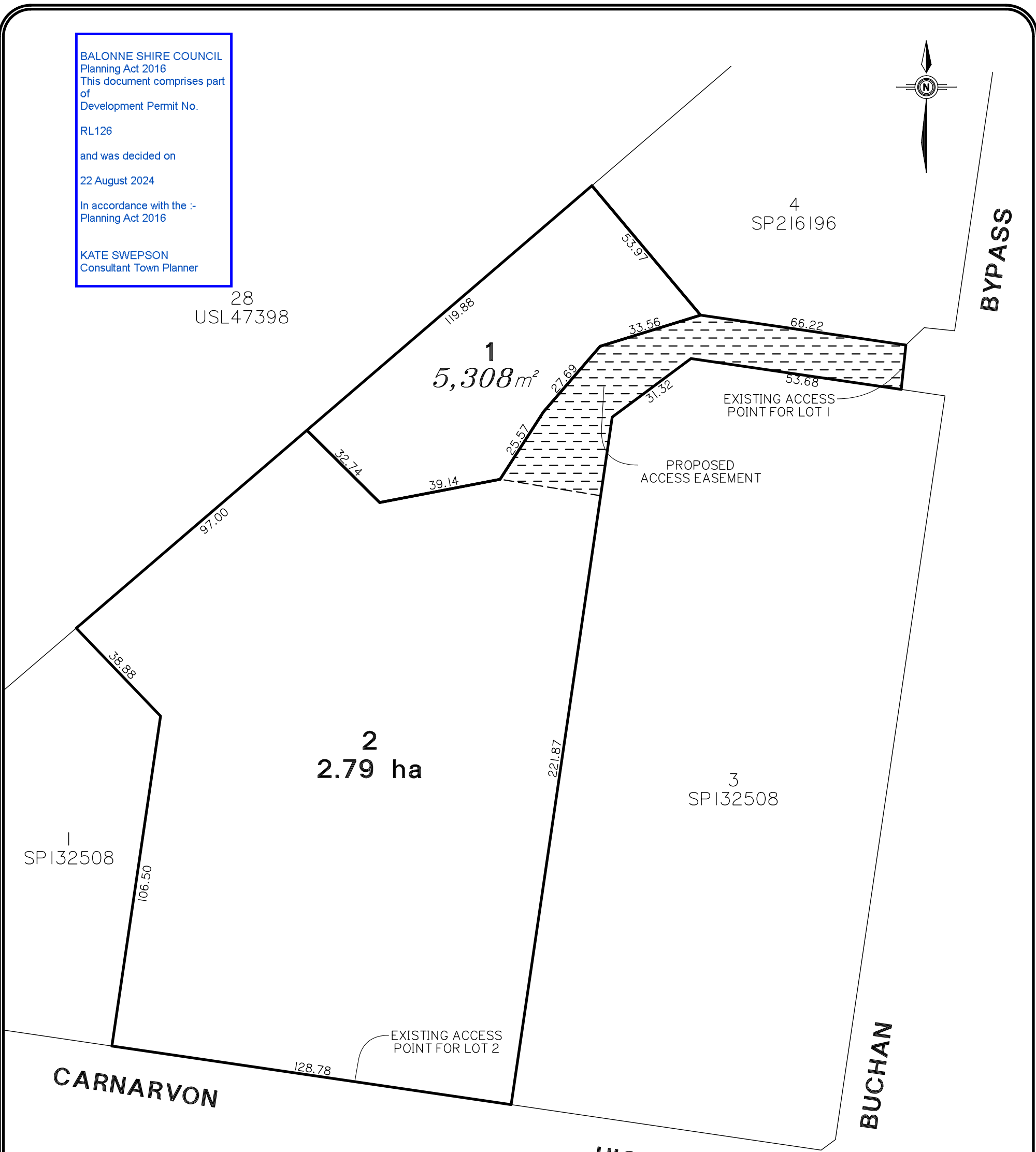
RL126

and was decided on

22 August 2024

In accordance with the :-
Planning Act 2016

KATE SWEPSON
Consultant Town Planner



Note:
This plan was prepared for Graham Wippell as a proposed
subdivision to accompany a subdivision application to the
Balonne Shire Council and should not be used for any
other purpose. The dimensions, areas and total number
of lots shown hereon are subject to field survey and also
to the requirements of Council and any other relevant
legislation. In particular, no reliance should be placed
on this plan for any financial dealings involving the land.
This note is an integral part of this plan



SCALE 1: 1250

G & H WIPPELL

SMK QLD

Goondiwindi · Brisbane · Gold Coast · Toowoomba · Gatton
Phone: (07) 4671 2445 Email: admin@smkqld.com.au

PROPOSAL PLAN TO
ACCOMPANY ROL
APPLICATION - 1 INTO
2 LOTS ON LOT 2 SP216196
147 GREY ST, ST. GEORGE

SCALE Horiz 1:1250

24053-1

A3

Surveyor

TJ

21/5/2024
10:55AM

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24053