

Our Ref: RL129

23 July 2025

Balonne Shire Council
112-118 Victoria Street
ST GEORGE QLD 4487

Attention: Olivia Hoolihan

By Email: olivia.hoolihan@balonne.qld.gov.au

Dear Olivia,

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 11 April 2025.

Applicant details

Applicant name: Balonne Shire Council
Applicant contact details: 112-118 Victoria Street, St George
Phone: (07) 4620 8887
Email: olivia.hoolihan@balonne.qld.gov.au

Location details

Street address: 116-134 St Georges Terrace, St George
Real property description: Lot 1 on SP299592
Local government area: Balonne Shire Council

Application details

Application number: RL129
Approval sought: Development Permit
Description of the development proposed: Reconfiguring a Lot - Dividing land into parts by agreement (Leases exceeding 10 years)
Category of assessment: Code Assessment
Planning scheme: *Balonne Shire Planning Scheme 2024*

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**)

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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a Lot	N/A	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 referral agencies for this application are:

Reason for Referral:	<p>As a <u>Concurrence Agency</u> for an application involving:</p> <p><i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i></p> <p class="list-item-l1">(a) <i>all or part of the premises are within 25m of a State transport corridor; and</i></p> <p class="list-item-l1">(b) <i>1 or more of the following apply—</i></p> <p class="list-item-l2">(i) <i>the total number of lots is increased;</i></p> <p class="list-item-l2">(ii) <i>the total number of lots adjacent to the State transport corridor is increased;</i></p> <p class="list-item-l2">(iii) <i>there is a new or changed access between the premises and the State transport corridor;</i></p> <p class="list-item-l2">(iv) <i>an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</i></p> <p class="list-item-l1">(c) <i>the reconfiguration does not relate to government supported transport infrastructure</i></p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 of the <i>Planning Regulation 2017</i>.</p>
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Approved plans, specifications and drawings

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

Plan/Document Number:	Plan/Document Name:	Date:
25036-1	Plan of Proposed Lease E & K	n.d.

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.dsdlip.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



Danielle Pearn

Consulting Town Planner

enc. Attachment 1—Assessment Manager Conditions of Approval (Balonne Shire Council)
Attachment 2—SARA 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 2024*. 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 2024*.
- 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. 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.
- ix. 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 – Dividing land into parts by agreement (Leases exceeding 10 years) located at 116-134 St Georges Terrace, St George (described as Lot 1 on SP299592), as defined in the *Planning Act 2016* and as shown on the approved plans.
2. The term of any lease in this approval is a maximum of 75 years from the date of registration of the lease, unless otherwise approved in writing by Council.
3. 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

4. Unless otherwise stated, all conditions must be complied with prior to the Council endorsing the relevant Survey Plan.

Approved documents

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:
25036-1	Plan of Proposed Lease E & K	n.d.

Services provision

6. Any services installation that is undertaken in conjunction with the approved development, including onsite sewerage and water connections, must comply with:
 - a. the development approval conditions;
 - b. the relevant service provider's requirements and specifications;
 - c. any relevant provisions in the planning scheme for the area;
 - d. Council's standard designs for such work where such designs exist;
 - e. any relevant Australian Standard that applies to that type of work; and
 - f. any alternative specifications that the 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.

Stormwater and drainage

7. 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 as a result of the development.

8. 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

9. The landowner is responsible for the maintenance of crossovers from the road carriageway 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.

Protection of infrastructure

10. 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.

Latest versions

11. 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 – STATE ASSESSMENT AND REFERRAL AGENCY – CONCURRENCE AGENCY RESPONSE

RA9-N



SARA reference: 2505-45954 SRA
Council reference: RL129
Applicant reference: -

17 June 2025

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

Attention: Olivia Hoolihan

Dear Ms Hollihan

SARA referral agency response—116-134 St George's Terrace, 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 13 May 2025.

Response

Outcome:	Referral agency response – No requirements
	Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	17 June 2025
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	Reconfiguring a lot – Dividing land into parts by agreement (leases exceeding 10 years)
SARA role:	Referral agency	
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

Schedule 10, part 9, division 4, subdivision 2, table 3, item 1
(Planning Regulation 2017)

Reconfiguring a lot near a state-controlled road intersection

SARA reference: 2505-45954 SRA
Assessment manager: Balonne Shire Council
Street address: 116-134 St George's Terrace, St George
Real property description: Lot 1 on SP299592
Applicant name: Balonne Shire Council
Applicant contact details: 112-118 Victoria Street
St George QLD 4487
olivia.hoolihan@balonne.qld.gov.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 (section 30 of the 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 Geoff Broadbent, Principal Planning Officer, on (07) 4616 7302 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Sapuppo
Principal Planning Officer

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

cc Balonne Shire Council, olivia.hoolihan@balonne.qld.gov.au

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 3.2). 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 development complies with State Code 1: Development in a state-controlled road environment.

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 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	Reconfiguring a Lot - Dividing land into parts by agreement (Leases exceeding 10 years)
Assessment benchmarks	<p>The assessment manager has assessed the application against the following—</p> <ul style="list-style-type: none">• the Darling Downs Regional Plan;• the Maranoa-Balonne Regional Plan;• the State Planning Policy;• the Planning Scheme <p>Balonne Shire Planning Scheme - Reconfiguring a lot code</p>
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	<ul style="list-style-type: none">• The proposed reconfiguration is dividing the land into parts by agreement for leases only and is not a permanent fragmentation of the land.• The proposal will not alter the function of the site and all existing uses can continue to operate from the site.• The leases will not alter access to any of the existing lawful uses on site. <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

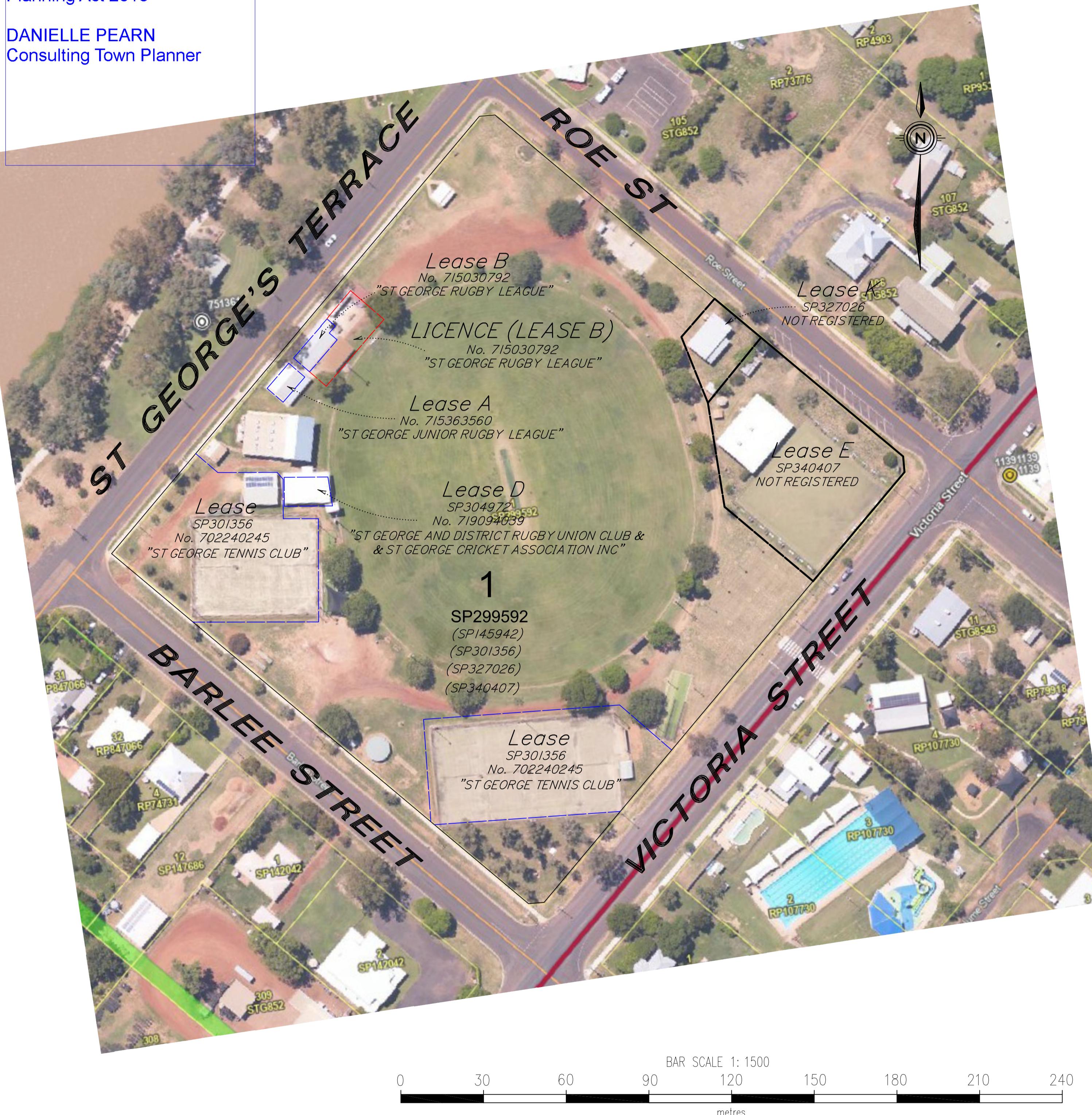
This Document comprises part
of Development
Permit no. RL129

And was Issued on:
23/07/2025

In Accordance with the Planning Act 2016

DANIELLE PEARN

Consulting Town Planner



BAI ONNF SHIRF COUNCIL

SMK QLD PTY. LTD.

Goondiwindi | Brisbane | Gold Coast | Toowoomba | Gatton
Ph (07)4671 2445 Email admin@smkqld.com.au

PLAN OF PROPOSED LEASE E & K

SCALE: 1:1500

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