Our Ref: RL135

28 August 2025

SMK QLD Pty Ltd for Devine Rural
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 3 July 2025.

## Applicant details

| | |
|---|---|
| **Applicant name:** | SMK QLD Pty Ltd for Devine Rural |
| **Applicant contact details:** | PO Box 422, Goondiwindi QLD 4390<br>Phone: (07) 4671 2445<br>Email: tom@smkqld.com.au |

## Location details

| | |
|---|---|
| **Street address:** | 15130 Carnarvon Highway and 580 Wonolga Road, St George |
| **Real property description:** | Lot 3 on BLM260, Lot 7 on BLM101 and Lot 3 on RP200579 |
| **Local government area:** | Balonne Shire Council |

## Application details

| | |
|---|---|
| **Application number:** | RL135 |
| **Approval sought:** | Development Permit |
| **Description of the development proposed:** | Reconfiguring a Lot - Boundary Realignment (Three (3) Lots into Two (2) Lots) |
| **Category of assessment:** | Code Assessment |
| **Planning scheme:** | *Balonne Shire Planning Scheme 2024* |

## Decision

I wish to advise that, on 21 August 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| Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval<br>- Reconfiguring a Lot | N/A | ☒ | 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 are no referral agencies for this application.

## Approved plans, specifications and drawings

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

| Plan/Document Number: | Plan/Document Name: | Date: |
|---|---|---|
| 25089-1 | Proposal plan for ROL Application – 3 Lots into 2 Lots Over Lot 3 on RP200579, Lot 7 on BLM1018, Lot 3 on BLM260. | 25/6/2025 |

## 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*.

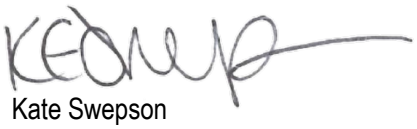
The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

**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**

enc. Attachment 1—Assessment Manager Conditions of Approval (Balonne Shire Council)
Attachment 2—Appeal Provisions
Attachment 3—Statement of Reasons
Attachment 4—Approved Plans and Specifications

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

### *GENERAL ADVICE*

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. New development on any of the approved lots must be provided with an adequate supply of electricity. In the event that an adequate supply of electricity cannot be achieved through efficient design and alternative energy technologies, a connection to the reticulated electricity network must be made available. Prospective purchasers and/or developers of the newly created lots are encouraged to contact the relevant electricity provider to determine the availability and costs associated with connecting to the reticulated network.

v. This approval lapses if a plan for the reconfiguration is not given to the Council within four (4) years of the approval taking effect.

vi. 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.

vii. 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.

viii. 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.

ix. Reticulated sewerage is unavailable to the development site. A development permit for plumbing and drainage works must be obtained from Council for any onsite sewerage system provided on the proposed lots.

x. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application· as true and correct. Any change to the approved plans and documents may require a new or changed development approval. Council should be contacted for advice in the event of any potential change in circumstances.

xi. 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.

xii. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of State Development, Infrastructure and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.

## *CONDITIONS*

### Approved development

1. The approved development is for Reconfiguring a Lot – Boundary Realignment (Three (3) Lots into Two (2) Lots) located at 15130 Carnarvon Highway and 580 Wonolga Road, St George (described as Lot 3 on BLM260, Lot 7 on BLM101 and Lot 3 on RP200579) 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 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: |
|---|---|---|
| 25089-1 | Proposal plan for ROL Application – 3 Lots into 2 Lots Over Lot 3 on RP200579, Lot 7 on BLM1018, Lot 3 on BLM260. | 25/6/2025 |

### Existing buildings and structures

6. Existing buildings, structures, infrastructure and services located on the development site are not to encroach on the proposed allotment boundaries.

### Services provision

7. All 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.

8. 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**

9. 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.

10. 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**

11. 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**

12. 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**

13. 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**

14. 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 – PLANNING ACT EXTRACT APPEAL RIGHTS**

**Chapter 6 Dispute resolution Part 1 Appeal rights**

**228 Appeals to tribunal or P&E Court**

(1) Schedule 1 states—

(a) matters that may be appealed to—

(i) either a tribunal or the P&E Court; or

(ii) only a tribunal; or

(iii) only the P&E Court; and

(b) the person—

(i) who may appeal a matter (the **appellant**); and

(ii) who is a respondent in an appeal of the matter; and

(iii) who is a co-respondent in an appeal of the matter; and

(iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

(a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

(b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or

(e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or

(f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

(a) the adopted charge itself; or

(b) for a decision about an offset or refund—

(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

**229 Notice of appeal**

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

(2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

(a) the respondent for the appeal; and

(b) each co-respondent for the appeal; and

(c) for an appeal about a development application under

(d) schedule 1, table 1, item 1—each principal submitter for

(e) the development application; and

(f) for an appeal about a change application under

(g) schedule 1, table 1, item 2—each principal submitter for

(h) the change application; and

(i) each person who may elect to become a co-respondent

(j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

(k) for an appeal to the P&E Court—the chief executive; and

(l) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

(a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or

(b) otherwise—10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

**230 Other appeals**

(1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

(2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

(3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

**decision** includes—

(a) conduct engaged in for the purpose of making a decision; and

(b) other conduct that relates to the making of a decision; and

(c) the making of a decision or the failure to make a decision; and

(d) a purported decision; and

(e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

(a) is final and conclusive; and

(b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and

(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

**231 Rules of the P&E Court**

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.

(2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

**ATTACHMENT 3 — STATEMENT OF REASONS**

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

| | |
|---|---|
| **Description of development** | Development Application for Reconfiguring a Lot – Boundary Realignment (Three (3) lots into two (2) lots) |
| **Assessment benchmarks** | The assessment manager has assessed the application against the following—<br>• the Darling Downs Regional Plan;<br>• the Maranoa-Balonne Regional Plan;<br>• the State Planning Policy;<br>• the Planning Scheme<br>  ○ 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** | On balance, the proposal presents no significant inconsistencies with assessment benchmarks. Development conditions have been imposed to ensure compliance to the greatest extent possible. |

## ATTACHMENT 4 — APPROVED PLANS AND SPECIFICATIONS

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

RL135

and was issued on

28 August 2025

In accordance with the :-
Planning Act 2016

KATE SWEPSON
Consultant Town Planner

3
SP318372

HIGHWAY

ROAD

RESERVE

CARNARVON

BOUNDARY

OLD

1431.02
1198.76
1199.20
1197.63
600.03
569.16
1913.65
3473.57
299.62
6690.78
1782.89
861.99
1734.83
6593.85
2047.89
821.17
1797.04
1207.01
2261.02
1619.20
8102.95
6400.76
7199.76

1
3232.03ha

2
9029.70ha

EXISTING ACCESS
POINT FOR LOT 1

EXISTING ACCESS
POINT FOR LOT 2

WONOLGA
ROAD

51
SP173138

13
SP233450

12
SP220279

4
BEL53171

0m 1200m 2400m 3600m 4800m 6000m

SCALE 1: 60000

Note:
This plan was prepared for DEVINE RURAL 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.


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


PROPOSAL PLAN FOR ROL APPLICATION - 3 LOTS INTO 2 LOTS OVER LOT 3 ON RP200579, LOT 7 ON BLM101 & LOT 3 ON BLM260

SCALE Horiz 1:60000

25089-1

A3

| Surveyor | TJ | 25/6/2025 10:22AM | C:\Users\Tom\Dropbox\JOBS\2025\25089 DEVINE RURAL SUBDN\Town Planning\Working Documents\25089-1.pro | 25089 |
|---|---|---|---|---|