

MISS JESSICA REISER (MARANOVA REGIONAL COUNCIL)

Our Ref: JR:MW

Doc: 83002

16 August 2019

S and S Timmer Constructions
PO Box 567
St George QLD 4487

Attention: Shane Timmer

Dear Shane

Decision notice—(with conditions)
(Given under section 63 of the *Planning Act 2016*)

The development application described below was properly made to the Balonne Shire Council on 17 June 2019.

Applicant details

Applicant name: S and S Timmer Constructions
C/- Shane Timmer

Applicant contact details: Email: shane@sstimmerconstructions.com
Phone: 0411 233 255

Application details

Application number: MCU171

Approval sought: Development Permit

Details of proposed development: Development Application for Material Change of Use – “Dwelling House”
(Second Dwelling)

Location details

Street address: 51 Willowthal Road, St George QLD 4487

Real property description: Lot 60 on SP158281

Decision

Date of decision: 15 August 2019

Decision details:

Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

Development Permit Making a Material Change of Use assessable under the planning scheme.

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development Permit – Building Work
- Development Permit – Plumbing and Drainage works

Properly made submissions

Not applicable—No part of the application required public notification.

Referral agencies

Not Applicable—There are no referral agencies for the application.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular 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*).

A copy of the relevant appeal provisions are attached.

Currency period for the approval

This approval lapses if the first change of use does not happen within six (6) years.

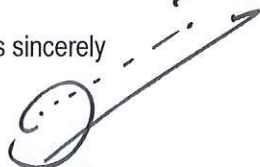
Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site Plan	Marabrook Pty Ltd	03/04/2019	Job No: 19029	Issue A
Floor Plan	Marabrook Pty Ltd	03/04/2019	Job No: 19029	Issue A
Elevations	Marabrook Pty Ltd	03/04/2019	Job No: 19029	Issue A

For further information please contact Jessica Reiser, Planning Officer Maranoa Regional Council, on 1300 007 662 or via email planning@maranoa.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized oval shape with a few dots inside, followed by a long, sweeping line that ends in an arrowhead pointing towards the top right.

Matthew Magin
Chief Executive Officer

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

Preamble

- (i) The relevant planning scheme for this development is *Balonne Shire Planning Scheme 2006 (As Amended July 2014)*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- (ii) Under the Balonne Shire Planning Scheme a **"Dwelling house"** means any separate premises used as a single detached dwelling unit. The term includes removal homes. The term does not include caretaker's residence, caravans or relocatable homes, or a dwelling unit comprising part of a dual occupancy or accommodation units.
- (iii) The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- (iv) All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- (v) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- (vi) An operational works application will be required to be submitted to and approved by Council for any cut exceeds 100m³ and/or filling works that exceed 500m³.
- (vii) In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

Use

1. The approved development is a Material Change of Use - "Dwelling house" (Second Dwelling) as defined in the Planning Scheme and as shown on the approved plans. It does not authorise the use of the "Dwelling house" (Second Dwelling) for any other activity.
2. A development permit for building works and plumbing and drainage works must be obtained prior to commencing construction of the outbuilding.
3. The siting of the approved dwelling must achieve compliance with the minimum separation distances provided by the applicable building standards and legislation.

4. The approved development is to be carried out generally in accordance with the following approved plans/documents and subject to approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
Job No: 19029 Issue A	Site Plan	03/04/2019
Job No: 19029 Issue A	Floor Plan	03/04/2019
Job No: 19029 Issue A	Elevations	03/04/2019

5. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

Compliance inspection

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

Applicable Standards

8. All works must comply with:
- the development approval conditions;
 - any relevant provisions in the Planning Scheme
 - any relevant Australian Standard that applies to that type of work; and
 - any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Development works

9. The developer shall ensure that all approved works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.
10. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

Waste Management

11. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

12. Waste containers must be provided on site for the exclusive use of the "Dwelling house" and must be maintained in a clean and tidy state at all times while the use continues. The waste containers shall be emptied and the waste removed from the site on a regular basis.
13. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

Stormwater Drainage

14. Stormwater shall be collected and discharged in accordance with *Schedule 6: "Standards for Stormwater Drainage"* of the *Balonne Shire Planning Scheme*.
15. There must be no increase in any silt loads or contaminants in any overland flow from the property during the development process and after development has been completed.
16. If erosion or silt or other materials may be washed off the property being developed during development, the developer must document and implement a management plan that prevents this from occurring.
17. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

Earthworks and Construction

18. Excavation or filling must be undertaken in accordance with *Schedule 7: "Standards for Construction Activity"* of the *Balonne Shire Planning Scheme*.
19. All fill placed on the site is limited to that necessary to accommodate the approved use (i.e. building foundation).
20. During construction, soil erosion and sediment is managed in accordance with *Schedule 7: "Standards for Construction Activity"* of the *Balonne Shire Planning Scheme*.

Avoiding Nuisance

21. No nuisance is to be caused to adjoining properties and occupiers by the way of noise smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.
22. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
23. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
24. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
25. Unless otherwise approved in writing by the Council, approved hours of construction are restricted to Monday – Saturday 6.30am to 6.30pm – noise permitted. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.

Services

26. Reticulated sewerage is unavailable to the development site. The dwelling must be provided with an on-site sewerage disposal system to the standards described in Schedule 5: "Standards for Sewerage Supply" of the Balonne Shire Planning Scheme.
27. The dwelling must be provided with a minimum domestic water supply of 45,500 litres provided by way of rainwater tank. This water supply is required exclusively to service the second dwelling approved by this development permit and must be provided in addition to the domestic water supply required to service the existing dwelling on the lot.
28. The premise must be provided with a minimum onsite storage of 20,000 litres of water for firefighting purposes supplied from Council's river water main via a storage tank fitted with a two (2) stage float system.
29. The dwelling must be connected to an electricity supply that is adequate for the use.

Access

30. All-weather vehicle access is to be provided to the development site from the public roadway.
31. The landowner shall be responsible for the maintenance of vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

No Cost to Council

32. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

Latest versions

33. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

Application Documentation

34. It is the developer's responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice, Approved Plans and Approved Documents bearing 'Council Approval'.

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	The proposed development is for Material Change of Use – “Dwelling House” (Second Dwelling)
Assessment benchmarks	The proposed development was assessed against the following Assessment benchmarks: <ul style="list-style-type: none">• Balonne Shire Planning Scheme 2006 (As amended July 2014)• Rural Zone Code
Relevant matters	There relevant matters are the Assessment benchmarks.
Matters raised in submissions	The application was not subject to public notification.
Reasons for decision	The development was assessed against all of the Assessment benchmarks listed above and complies with all of these Assessment benchmarks or has otherwise been conditioned to achieve compliance.

ATTACHMENT 4 — APPROVED PLANS AND SPECIFICATIONS

DRAWINGS - DESIGN BY
 HANNAH COOPER PTY LTD
 10/100 WILLOWTHAL RD
 BALONNE SHIRE QLD 4487
 P-11-0115
 TO OBTAIN FURTHER INFORMATION
 CONTACT HANNAH COOPER PTY LTD
 10/100 WILLOWTHAL RD
 BALONNE SHIRE QLD 4487

THESE DRAWINGS ARE OUTLINED ON THE
 CONDITION THAT IN THE EVENT OF ERROR
 LIABILITY IS LIMITED TO RECTIFICATION OF THE
 DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE
 FOR OBTAINING ALL NECESSARY PERMITS AND
 APPROVED OVER SCALED DIMENSIONS.
 PRIOR TO COMMENCING CONSTRUCTION OR
 CONSTRUCTION ON THIS SITE, THE RELEVANT
 AUTHORITY SHOULD BE CONTACTED TO
 ASCERTAIN DETAILED LOCATIONS OF ALL
 SERVICES. ENSURE NOT PART OF ANY TELEPHONE
 FIT IS CONTAINED WITHIN ANY DESIGN.
 RETAINING WALLS, DRIVEWAYS/ROSCOPES AS
 NOTED ON PLAN ARE BY OWNER LAND.
 SITE & SLAB HEIGHT LEVELS ARE TO BE READ
 AS THEY STAYED +/- 200mm DUE TO
 VEGETATION STRIPPING, GROUND LEVELS, ETC.
 THE CLIENT ACCEPTS ALL RISKS AND LEVELS
 WITHOUT FURTHER NOTICE.
 OWNER IS RESPONSIBLE TO IDENTIFY THE SITE IF
 REQUIRED.
 ONE * OUTCROUCH PROTECTION

LOCAL AUTHORITY
 BALONNE S.C.
 LAND AREA 16.91 HA
 EARTHWORKS
 - SITE SCRAPE

100% ROOF AREA ROOF WATER
 TO RAINWATER STORAGE TANKS
 AS PER ROOF DRAINAGE PLAN
 BALANCE & OVERFLOW
 OVERLAND VIA BUBBLERS
 EFFLUENT TO HSTP per
 DRAINAGE DESIGN BY OTHERS

Proposed New Dwelling for
 Ken BRIGHT + Vicki PRIEST
 51 WILLOWTHAL Rd
 ST GEORGE 4487
 Lot 60 on SP 156281
 APPROVED FOR CONSTRUCTION: YES

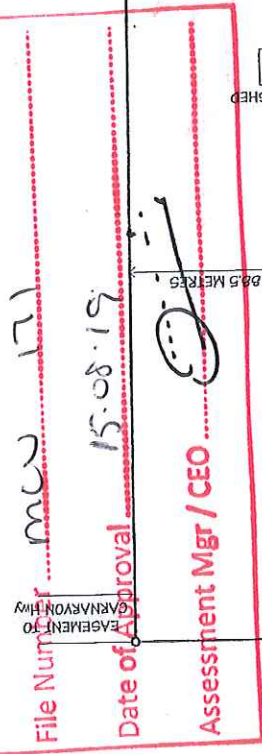
OWNER:
 OWNER:
 BUILDER:
 JOB No: 19029 PAGE 1/10
 ISSUE: A
 DATE: 3/04/2019

SITE PLAN
 SCALE 1:2000 on A3 paper

EXACT LOCATION ON SITE TO BE
 CONFIRMED BY OWNER WITH BUILDER

BALONNE SHIRE COUNCIL
APPROVED PLANS / AMENDED PLANS
 That accompanies a decision notice under the SPA 2003

File Number *MCN 171*
 Date of Approval *15.08.19*
 Assessment Mgr / CEO *[Signature]*



279.65 m 231° 59' 30"

604.80 m 522° 0' 0"

WILLOWTHAL R4

DRAFTING + DESIGN BY
 MACKAY BROOM Pty Ltd
 QBCC Lic No: 1483004 7/14
P-L-A-T-I-N-S
B-Y-D-E-S-I-G-N
 t: 0410 999945
 e: enquiries@plydesign.com.au
 10/11 Old 797 Rd

THESE DRAWINGS ARE SUITABLE ON THE
 CONDITION THAT IN THE EVENT OF DISCREPANCY
 BETWEEN THE DRAWINGS AND THE BUILDING
 CONTRACT, ERRORS TO BE ADVISED BEFORE
 CONSTRUCTION. WRITTEN DIMENSIONS TAKE
 PRECEDENCE OVER SCALED DIMENSIONS.

WINDOWS ETC SHOWN ARE STANDARD
 BLOCKS ONLY - REFER FLOOR PLAN
 FOR DETAIL

TYPICALLY OBTAIN WHITE GLASS TO
 WC, BATHROOM & ENSUITE WINDOWS

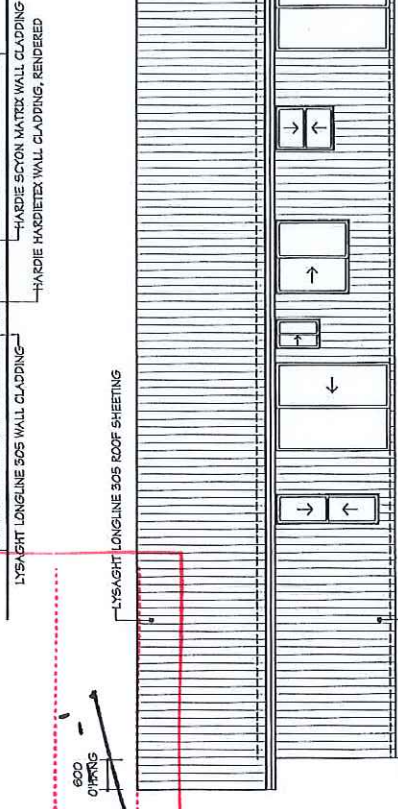
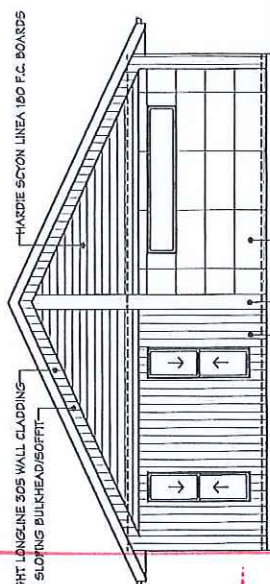
GABLE FINISHES AS PER COLOUR
 SELECTION SCHEDULE

BALONNE SHIRE COUNCIL
APPROVED PLANS / AMENDED PLANS
 ELEVATION 1
 THE NORTH-EASTERN SHIRE COUNCIL has issued a decision notice under the SPA 2009

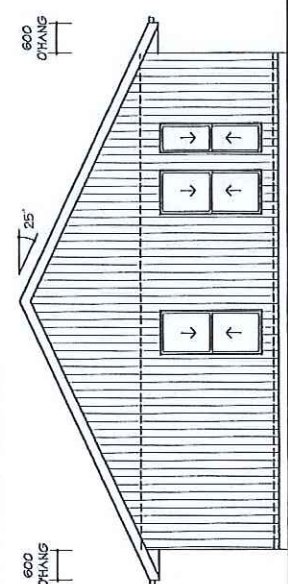
File Number **MCU 171**

Date of Approval **15.08.19**

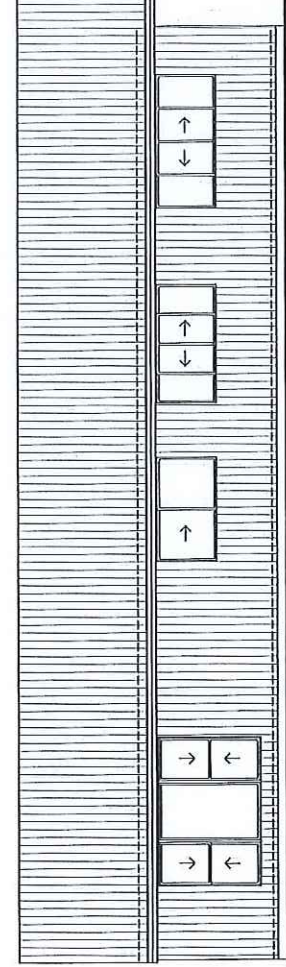
Assessment Mgr / CEO **[Signature]**



ELEVATION 2
 SOUTH-EASTERN



ELEVATION 3
 SOUTH-WESTERN



ELEVATION 4
 NORTH-WESTERN

Proposed New Dwelling for
 Ken BRIGHT + Vicki PRIEST
 51 WILLOWTHAL RD
 ST GEORGE 4487
 Lot 60 on SP 159281
 APPROVED FOR CONSTRUCTION: YES

OWNER:

OWNER:

BUILDER:

JOB No: 19029 PAGE 3 / 10
 ISSUE: A
 DATE: 3/04/2019

ELEVATIONS
 SCALE 1:100 on A3 paper