



Our Ref: MCU 219

14 December 2023

Balonne Shire Council
118 Victoria Street
ST GEORGE QLD 4487

Attention: Sharyn Arnold

Dear Sharyn,

Decision notice approval

(Given under section 63 of the *Planning Act 2016*)

The development application described below was properly made to the Balonne Shire Council on the 16th of November 2023.

Applicant details

Applicant name: Balonne Shire Council
Applicant contact details: Attention: Sharyn Arnold
118 Victoria Street ST GEORGE QLD 4487
Phone: 07 4620 8888
Email: Council@balonne.qld.gov.au

Location details

Street address: Arthur Street, ST GEORGE QLD 4487
Real property description: Lot 20 on RP74069

Application details

Application number: MCU 219
Approval sought: Development Permit
Description of the development proposed: Material Change of Use – “Dual Occupancy”
Category of Assessment: Code Assessment
Planning Scheme: Balonne Shire Council Planning Scheme 2019

Decision

I wish to advise that, on 14 December 2023, 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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval. - Material change of use	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:

- Development Permit – Building Work
- Compliance permit – Plumbing Work

Properly made submissions

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

Referral Agencies for the Application

There were no referral agencies for the application.

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*

Approved plans and specifications

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

Plan/Document Number	Plan/Document Name	Date
Job No: 23066 Issue B	Site Plan	26/10/2023
Job No: 23066 Issue B	Floor Plan	26/10/2023
Job No: 23066 Issue B	Elevations	26/10/2023

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 can be found in Attachment 2.

For further information please contact James Leader, Planning and Development Officer, on 07 4620 8888 or via email at james.leader@balonne.qld.gov.au

Yours sincerely,



James Leader

Planning and Development Officer

enc Attachment 1—Assessment manager conditions and approved plans and specifications
Attachment 2—Appeal Provisions
Attachment 3—Approved Plans and Specifications

Attachment 1: Assessment Manager Conditions/Endorsed Plans

Development Permit for a Material Change of use – “Dual Occupancy”, located at Arthur Street, ST GEORGE QLD 4487 (described as Lot 20 on RP74069).

Preamble

- (i) The relevant planning scheme for this development is *Balonne Shire Planning Scheme 2019 (As Commenced 10 January 2020)*. 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 **“Dual Occupancy”** means premises containing two dwellings, each for a separate household, and consisting of: a single lot, where neither dwelling is a secondary dwelling or; Two lots, sharing common property, where one dwelling is located on each lot. The term includes Duplex. The term does not include Dwelling House, or Multiple Dwelling.
- (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 - “Dual Occupancy” as defined in the Planning Scheme and as shown on the approved plans. It does not authorise the use of the “Dual Occupancy” 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: 23066 Issue B	Site Plan	26/10/2023
Job No: 23066 Issue B	Floor Plan	26/10/2023
Job No: 23066 Issue B	Elevations	26/10/2023

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:
 - a) the development approval conditions;
 - b) any relevant provisions in the Planning Scheme
 - c) any relevant Australian Standard that applies to that type of work; and
 - d) 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).

Fencing and Landscaping

11. A 2m wide landscape strip is to be provided along the Scott Street frontage of the site, exclusive of the proposed vehicular access.
12. A landscaping plan is to be submitted to and approved by Council prior to the commencement of the use. Landscaping on site must be sufficient in providing privacy and amenity for the residents of the Dual Occupancy.
13. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement. Special attention must be paid to the sewer main on site which is not to be affected by any on-site landscaping.
14. Screen fencing, a minimum 1.8m high, shall be provided around all private open space areas on site and along side and rear boundaries of the site.

Waste Management

15. 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*.
16. Waste containers must be provided on site for the exclusive use of the "Dual Occupancy" 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.
17. 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

18. Stormwater shall be collected and discharged in accordance with:
 - a. Queensland urban drainage manual.
 - b. Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987
19. Stormwater is collected and discharged so as to:
 - a. Protect the stability of buildings and the use of adjacent land;
 - b. Prevent water-logging of nearby land;
 - c. Protect and maintain environmental values; and
 - d. Maintain access to reticulated infrastructure for maintenance and replacement purposes.

20. 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.
21. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed. The developer shall ensure that in all cases, discharge of stormwater runoff from the development drains freely to the legal point/s of discharge for the development.
22. 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.
23. 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

24. 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.
25. All earthworks for the development shall be undertaken in accordance with the Institute of Public Works Engineering Australasia Queensland Division.

Note: A 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.

Avoiding Nuisance

26. 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.
27. 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.
28. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
29. 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.
30. Unless otherwise approved in writing by the Council, the 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

31. The development must be connected to Council's reticulated water supply network in accordance with the applicable standards and policies.
32. The development must be connected to Council's reticulated sewerage network in accordance with the applicable standards and policies.
33. The development must be connected to an electricity reticulation service in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
34. If the premises is 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).
35. Any conflicts associated with existing and proposed services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

Access

36. The landowner shall be responsible for the construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards. 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.
37. A minimum of four (4) carparking spaces are to be provided within the development site area for the use of the approved "Dual Occupancy" generally in accordance with the approved development plans.
38. Car parking areas are to be designed in accordance with
 - a. AS2890.1 – Parking Facilities
 - b. Austroads AP-34/95 – Design Vehicles and Turning Path Templates; and
 - c. The Access to Premises Standard (Vol 1 of the National Construction Code).

No Cost to Council

39. 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

40. 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

41. 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: Appeal Provisions – Extract from the Planning Act 2016 (PA)

Chapter 6 Dispute Resolution Part 1 Appeal Rights

229 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 an appeal relating to the Plumbing and Drainage Act 2018—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the Plumbing and Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the Plumbing and Drainage Act 2018—5 business days after the notice is

- given; or
- (iii) for an appeal against a failure to make a decision about an application or other matter under the Plumbing and Drainage Act 2018—at anytime after the period within which the application or matter was required to be decided ends; or
- (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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.

230 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 schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each

- principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) 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 to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

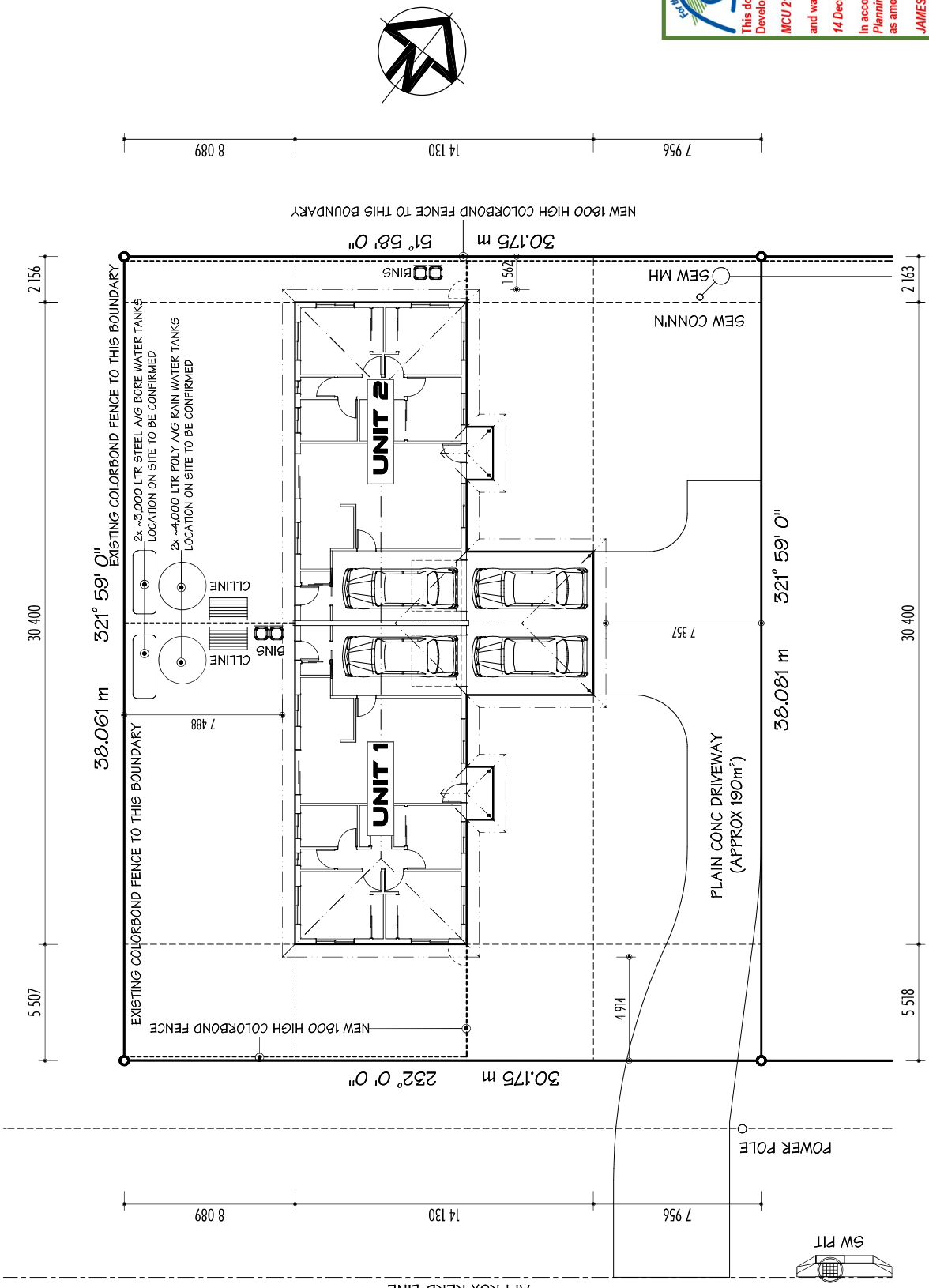
- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Attachment 3: Approved Plans and Specifications

Refer next page

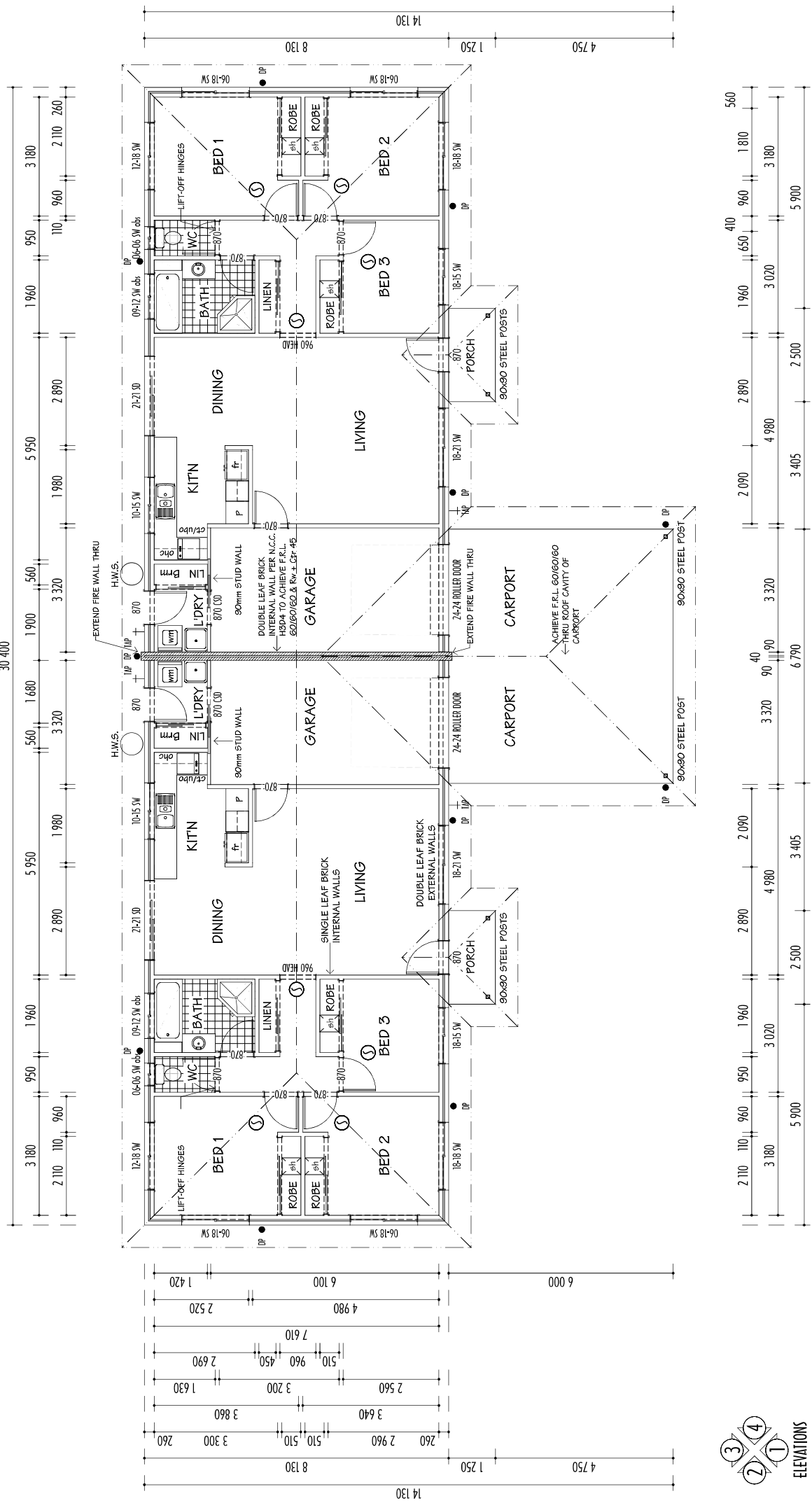
ARTHUR STR

APPROX KERB LINE



This document comprises part of
 Development Permit No:
MCU 219
 and was issued on:
14 December 2023
 In accordance with the:
 Planning Act 2016
 as amended.
JAMES LEADER
 Planning and Development Officer

- PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION ON THIS SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ASCERTAIN DETAILED LOCATIONS OF ALL SERVICES - ENSURE NO PART OF ANY TELECOMS PIT IS CONTAINED WITHIN ANY DRIVEWAY. - SITE & SLAB HEIGHT LEVELS ARE TO BE READ AS THAT STATED +/- 200mm DUE TO VEGETATION STRIPPING, SETTLEMENT, BULKING, etc. CLIENT ACCEPTS SUCH AMENDED LEVELS WITHOUT FURTHER NOTICE - OWNER IS RESPONSIBLE TO IDENTIFY THE SITE IF REQUIRED OMP = OUTERMOST PROJECTION	ROOF AREA, ROOF WATER TO RAINWATER STORAGE TANK AS PER ROOF DRAINAGE PLAN, BALANCE & OVERFLOW OVERLAND VIA BUBBLERS. EFFLUENT TO COUNCIL SEWER. SETOUT TO BE CONFIRMED + PERFORMED BY LICENSED SURVEYOR.	EARTHWORKS IMPORT ~ 150mm FILL LOCAL AUTHORITY BALONNE SHIRE COUNCIL LAND AREA 1149 m ² SITE COVERAGE 25.6 %	AMENDMENTS DATE 19.9.23 26.10.23 A B FOR CONSN REV'NS	OWNER: Proposed New Duplex for BALONNE SHIRE COUNCIL ARTHUR STR St GEORGE 4487 Lot 20 on RP 74069	APPROVED FOR CONSTRUCTION: YES	JOB No: 23066 ISSUE: B DATE: 26/10/2023	PAGE 1 / 9
	SITE PLAN SCALE 1:200 on A3 paper						



WINDOW LEGEND SW = SLIDING X = SLIDING PANE O = FIXED PANE DH = DOUBLE HUNG FG = FIXED GLASS OBG = OBSCURE GLASS LVR = LOUVRES SD = SLIDING DOOR GB = GLASS BLOCKS HEADS etc TO BE 2250 ABOVE MAIN SLAB FFL 1/2 WALLS MEASURED OFF MAIN SLAB FFL DW, FR, FZ, WW INDICATE POSITIONS ONLY	DP DOWNPIPE (DP) SKYLIGHT VENTILATION TO AS 1668.2 (DN) DENOTES BANK OF 4 EXTRA ROBE (SH) SHELVES APPROX 450 WIDE (S) SMOKE ALARM TO NCC H306 & AS 3786	ENCLOSED AREA 247.2 m ² CARPORT AREA 40.8 m ² PORCH AREA 6.2 m ² TOTAL AREA 294.2 m ²	WALL THICKNESSES (U.N.O.) EXTERNAL BRICK WALLS 260mm INTERNAL BRICK WALLS 110mm INTERNAL DIMENSIONS ARE TO FRAME WIND RATING N3 FIN CEIL HEIGHT 2700(r) SHEET METAL ROOF @ 20° PITCH TYPICAL EAVE OVERHANG 600mm	AMENDMENTS DATE ISSUE 19.9.23 A FOR CONSN 26.10.23 B REVNS	REMARKS FOR CONSN REVNS	APPROVED FOR CONSTRUCTION: YES Proposed New Duplex for BALONNE SHIRE COUNCIL ARTHUR STR St GEORGE 4487 Lot 20 on RP 74069	JOB No: 23066 ISSUE: B DATE: 26/10/2023 PAGE 2 / 9
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ELEVATION 1
NORTH-EASTERN

ELEVATION 2
SOUTH-EASTERN

ELEVATION 3
SOUTH-WESTERN

ELEVATION 4
NORTH-WESTERN

DRAWINGS DESIGN BY
KATE WOODS ARCHITECTS
OBCC Lic No: 1443304 T/as
PLANS BY DESIGN
Pty Ltd
Lic No: 2999045
e: evan@plansbydesign.com.au
www.plansbydesign.com.au
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STEEL LINTELS SUPPORTING MASONRY (PROPRIETARY LINTELS)

MAX OPENING	MIN STEEL	MIN END SUPPORT	MIN END SUPPORT	CODE
900	1/85 x 8 GAL BAP	90mm		G11
2400	1/100 x 100 x 10 GAL ANGLE	100mm		G12
3600	1/150 x 100 x 10 GAL ANGLE	150mm		G13

TYPICALLY OBSCURE WHITE GLASS TO WC, BATHROOM & ENSUITE WINDOWS
GARAGE DOORS MAY HAVE FC INFILL PANEL OVER
IF OWNER ELECTS TO LINE ALFRESCO/PATIO CEILINGS TO UNDERSIDE OF TRUSS BOTTOM CHORD, AN FC INFILL WILL LIKELY BE PROVIDED OVER OPENINGS

AMENDMENTS DATE	ISSUE	REMARKS
19.9.23	A	FOR CONSN
26.10.23	B	REVNS

OWNER:
BUILDER:

APPROVED FOR CONSTRUCTION: YES
Proposed New Duplex for
BALONNE SHIRE COUNCIL
ARTHUR STR
St GEORGE 4487
Lot 20 on RP 74069

JOB No: 23066
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ELEVATIONS
SCALE 1:100 on A3 paper
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