



Our Ref: MCU 221

29 April 2024

Damien Kings  
PO BOX 163  
ST GEORGE QLD 4487

Attention: Damien Kings

Dear Damien,

## 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 25<sup>th</sup> of March 2024.

### Applicant details

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Applicant name: Damien Kings  
Applicant contact details: Damien Kings  
PO BOX 163 ST GEORGE QLD 4487  
Phone: 0428710698  
Email: [damiengkingsbuilding@outlook.com](mailto:damiengkingsbuilding@outlook.com)

### Location details

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Street address: 22-30 Anderson Lane, ST GEORGE QLD 4487  
Real property description: Lot 15 on STG857

### Application details

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Application number: MCU 221  
Approval sought: Development Permit  
Description of the development proposed: Material Change of Use – “New Dwelling Unit and Oversize Residential Shed”  
Category of Assessment: Code Assessment  
Planning Scheme: Balonne Shire Council Planning Scheme 2024

## Decision

I wish to advise that, on 23 April 2024, the above development application was **approved in full** subject to conditions by Council. (refer to the conditions contained in **Attachment 1**)

## Details of the approval

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approval is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval. - 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
"653331"	"Proposal Plans"	05/03/2024
"653332"	"Lodgement Letter"	05/03/2024

## **Rights of appeal**

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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 Council's Planning and Development Team on 07 4620 8888 or via email at [development@balonne.qld.gov.au](mailto:development@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 – “New Dwelling Unit and Oversize Residential Shed”, located at 22-30 Anderson Lane, ST GEORGE QLD 4487 (described as Lot 15 on STG857).

### **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 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 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. Developers 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 development is not undertaken within 6 years of the approval taking effect.
- vi) The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the establishment of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- vii) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities that are associated with the approved development, including any permits/approvals required by any State Agencies.
- viii) Reticulated sewerage is unavailable to the development site. A development permit for plumbing and drainage works must be obtained from Council for any new onsite sewerage system provided on the proposed lots.
- ix) In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. Council should be contacted for advice in the event of any potential change in circumstances.
- x) All Aboriginal Cultural Heritage in Queensland is protected under the Aboriginal Cultural Heritage Act 2003 and penalty provisions apply for any unauthorised harm. Under Item 12.1 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.

## Development Permit Conditions

### Use

1. The approved development is for a Material Change of Use for a “New Dwelling Unit and Oversize Residential Shed” as shown on the approved plans and documents.
2. A Building Approval must be obtained from a Building Certifier prior to commencing construction of the Proposed works.
3. The approved development is to be carried out in accordance with the following approved plans/documents and subject to the approval conditions.

The approved development must also be undertaken in accordance with the “Lodgement Letter” that was submitted with the application and details the use, dimensions, and purpose of the proposed structures that form part of this approval. This lodgement letter has been signed by the applicant and shall be referenced as “Lodgement Letter” and will use Council’s internal reference number of “653332” as a drawing number.

The hand drawn plans submitted by the applicant on the 5<sup>th</sup> of March 2024 will be referenced as “Proposal Plans” and will use Council’s internal reference number of “653331” as a drawing number. It is noted that whilst the “Proposal Plans” are not drawn to scale, that the site boundary setbacks and dimensions of the proposed works are correct and will be enforced by Council as part of the Approved Plans and Documents.

Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Please see the below list of Approved Plans and Documents:

Drawing/Reference Number:	Title	Date:
‘653331’	“Proposal Plans”	05/03/2024
‘653332’	“Lodgement Letter”	05/03/2024

### Compliance Inspection

4. All conditions relating to the establishment of the approved development must be fulfilled prior to the commencement of the use (as applicable), unless noted in these conditions or otherwise permitted by Council.
5. Prior to the commencement of the use and after the Certificate of Occupancy has been issued by a Building Certifier, the applicant shall contact Council to arrange a development compliance inspection.

### Applicable Standards

6. All works must comply with:

- a. The development approval conditions;
- b. Any relevant provisions in the *Balonne Shire Planning Scheme 2024*;
- c. The '*Institute of Public Works Engineering Australasia*' (IPWEA) Queensland Division Standard Drawings and Designs;
- 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

7. 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.
8. 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

9. 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.
10. Adequate refuse storage areas and facilities must be provided on the site to service the approved development. Refuse storage facilities are to be screened from view at the street frontage and from adjoining properties.
11. 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

12. Stormwater drainage is to be provided 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.
13. Stormwater is managed 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.
14. 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.
15. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed
16. 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**

17. 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.
18. 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**

19. 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.
20. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
21. 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.

### **Provision of Services**

22. The development must be provided with an on-site water supply with sufficient capacity to meet all operational needs including fire-fighting purposes, and a potable water supply sufficient to meet the

needs of the proposed dwelling unit.

23. The development must be connected to an on-site effluent disposal system in accordance with the applicable standards and policies where reticulated sewerage is unavailable.

**Note:** *The landowner/operator is responsible for obtaining any permits required to achieve compliance with the environmental laws relevant to the provision of onsite sewerage treatment and/or disposal.*

24. 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). Alternatively, demonstrate that the site is serviced by an appropriate renewable energy system.
25. 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).
26. 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 and manoeuvring**

27. The developer shall be responsible for 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.

### **No Cost to Council**

28. 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**

29. 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



**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.

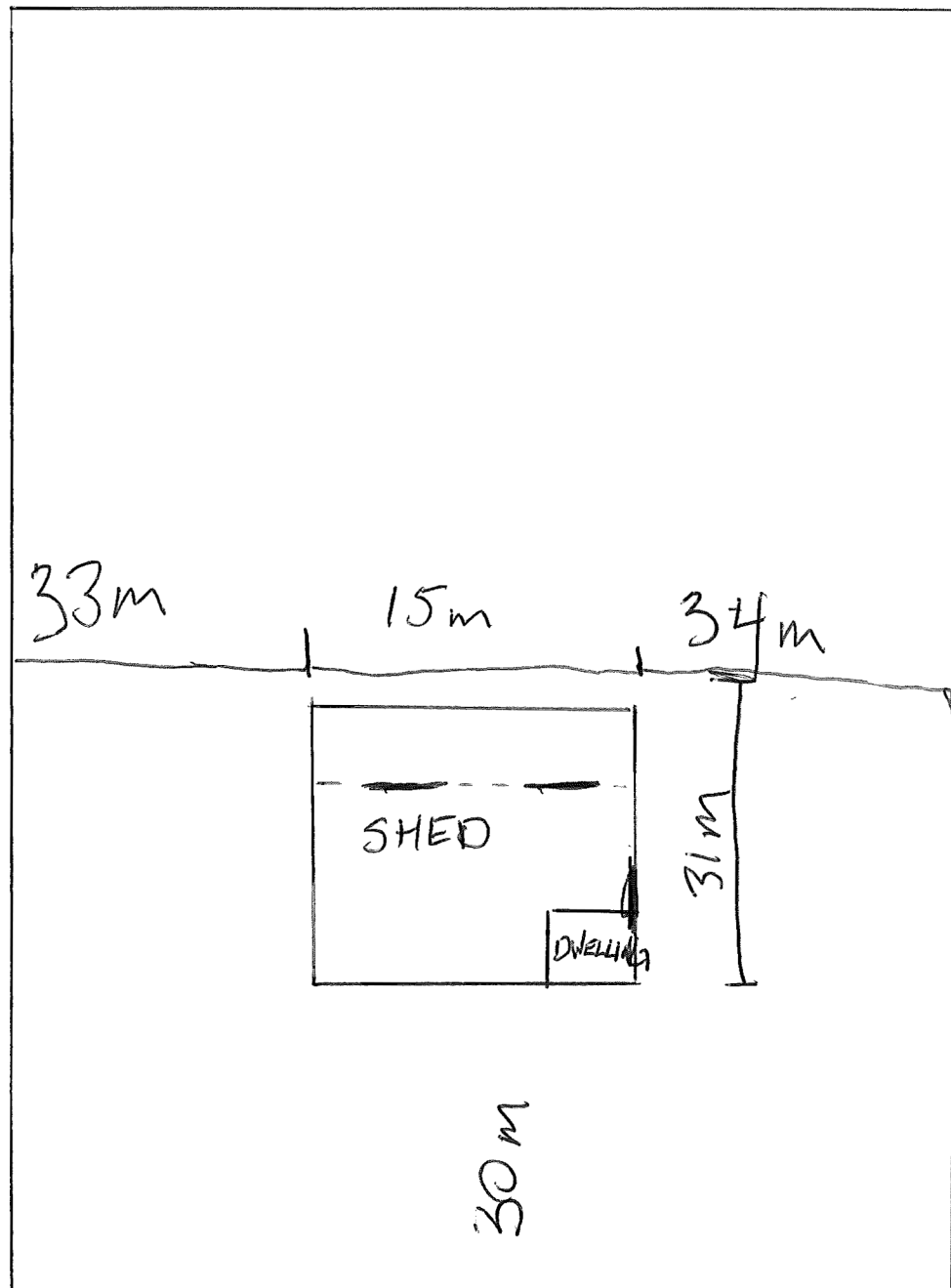
### **232 Rules of the P&E Court**

- (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***

# ANDERSON LANE



Balonne Shire Council

To whom it may concern, I'm writing to Balonne Shire for a shed and dwelling approval. The shed will be 465 m<sup>2</sup> with a small dwelling in one corner on a 1.7910 ha block at 22-30 Anderson Lane. The dwelling will be a maximum of 80m<sup>2</sup> containing a shower, toilet, laundry, kitchen and bedroom as it will be temporary use until the house is built. The shed is 31m long x 15m wide, with the overall height being 6m. The use of the shed will be to keep vehicles out of the weather.

Damien Kings

