



MR JAMES LEADER

Our Ref: RL 120

30 April 2024

Will Devine C/- SMK QLD Pty  
PO Box 422  
GOONDIWINDI QLD 4390

Via email: [tom@smkqld.com.au](mailto: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 the 11<sup>th</sup> July 2023.

### Applicant Details

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Applicant name: **Will Devine C/- SMK QLD Pty Ltd**  
Applicant contact details: **Tom Jobling**  
**PO Box 422**  
**GOONDIWINDI QLD 4390**  
**Phone: 0746712445**  
**Email: [tom@smkqld.com.au](mailto:tom@smkqld.com.au)**

### Location details

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Street address: **220-258 Victoria Street ST GEORGE QLD 4487**  
Real property description: **Lot 28 on BLM546**  
Local government area: **Balonne Shire Council**

### Application details

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Application number: **RL120**  
Approval sought: **Development Permit**  
Description of the development proposed: **Reconfiguring a Lot — One (1) Lot into Twenty One (21) Lots**

Category of assessment: **Code Assessment**  
Planning scheme: **Balonne Shire Planning Scheme 2019**

### 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 approvals are given:

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Reconfiguring a Lot	N/A	<input checked="" type="checkbox"/>	N/A

### Further development permits

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

- Survey Plan approval / Plan Sealing

### Properly made submissions

N/A – No part of the application required public notification.

### Referral agencies for the application

The application was referred to the following agencies:

<b>State Assessment and Referral Agency (SARA)</b>	
<b>Address for hand delivery:</b>	128 Margaret Street, Toowoomba QLD 4350
<b>Address for post:</b>	PO Box 825 TOOWOOMBA QLD 4350
<b>Address for electronic submission:</b>	Applications can be prepared and referred to DILGP online by using MyDAS2. MyDAS2 can be accessed at <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a> Email: ToowoombaSARA <a href="mailto:ToowoombaSARA@dsdmip.qld.gov.au">ToowoombaSARA@dsdmip.qld.gov.au</a>

<b>Reason for Referral:</b>	<p>As a <u>Concurrence Agency</u> for an application involving:</p> <p><i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i></p> <p>a) <i>all or part of the premises are within 25m of a State transport corridor; and</i></p> <p>b) <i>1 or more of the following apply—</i></p> <p style="margin-left: 20px;"><i>(i) The total number of lots is increased;</i></p> <p style="margin-left: 20px;"><i>(ii) The total number of lots adjacent to the State transport corridor is increased;</i></p> <p style="margin-left: 20px;"><i>(iii) There is a new or changed access between the premises and the State transport corridor;</i></p> <p style="margin-left: 20px;"><i>(iv) An easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and</i></p> <p>c) <i>The reconfiguration does not relate to government supported transport infrastructure</i></p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 of the Planning Regulation 2017</p>
	<p>As a <u>Concurrence Agency</u> for an application involving:</p> <p><i>Development application for reconfiguring a lot that is assessable development under section 21, if—</i></p> <p>a) <i>All or part of the premises are—</i></p> <p style="margin-left: 20px;"><i>(i) Adjacent to a road (the <b>relevant road</b>) that intersects with a State-controlled road; and</i></p> <p style="margin-left: 20px;"><i>(ii) Within 100m of the intersection; and</i></p> <p>b) <i>1 or more of the following apply—</i></p> <p style="margin-left: 20px;"><i>(i) The total number of lots is increased;</i></p> <p style="margin-left: 20px;"><i>(ii) The total number of lots adjacent to the relevant roads is increased;</i></p> <p style="margin-left: 20px;"><i>(iii) There is a new or changed access between the premises and the relevant road; and</i></p> <p>c) <i>The reconfiguration does not relate to government supported transport infrastructure</i></p> <p>Schedule 10, part 9, Division 4, Subdivision 2, Table 3, Item 1 of the Planning Regulation 2017</p>

### Approved plans, specifications and drawings

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

Plan/Document Number:	Plan/Document Name:	Date:
23028-4A	Plan of Proposed Subdivision of Lot 28 on BLM546- (Lot Layout)	08/01/2024
23028-4B	Plan of Proposed Subdivision of Lot 28 on BLM546- (Stage Plans)	08/01/2024

### Currency period for the approval (s.85 of the Planning Act)

For Reconfiguration of a lot - This approval lapses if the first change of use does not happen within 4 years after the approval starts to have effect.

## Appeal Rights

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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*.

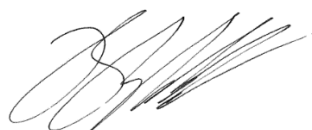
**Attachment 3** is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

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 Council's Planning and Development Department, on 07 4620 8888 or via email [development@balonne.qld.gov.au](mailto:development@balonne.qld.gov.au) who will be pleased to assist.

Yours sincerely



James Leader

**Planning and Development Officer**

- enc. Attachment 1—Assessment Manager Conditions of Approval (Balonne Shire Council)  
Attachment 2—Concurrence Agency Response  
Attachment 3—Appeal Provisions  
Attachment 4—Statement of Reasons  
Attachment 5—Approved Plans and Specifications

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

### DEVELOPMENT PERMIT CONDITIONS

#### *Preamble*

- i. The relevant planning scheme for this development is Balonne Shire Planning Scheme 2019. 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 Survey Plan for Stage 1 of the reconfiguration is not given to the Council for endorsement 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 endorsement and approval in a form acceptable to Council within the relevant period.

Unless otherwise stated all relevant 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 some of the lots on 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.
- 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.

## CONDITIONS:

### Approved development

1. The approved development is for Reconfiguring a Lot (One (1) Lot into Twenty One (21) Lots) separated into two stages, located at 220-258 Victoria Street, St George QLD 4487 (described as Lot 28 on BLM546), 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.
3. The approved development is permitted to occur in two stages as generally shown in the approved plan No: **"23028-4B"** and described as:  
  
**Stage 1:** 9 Lots (proposed Lots 1-9).  
  
**Stage 2:** 11 Lots (proposed Lots 10-21), Internal works including the construction of the proposed 'New Road' shown on the approved plans, and installation of services.
4. Unless otherwise stated, the conditions of approval apply to all stages of the approved development.
5. Each stage of the development will require a separate Survey Plan to be endorsed by Council in order for the respective lots to be registered through Titles Queensland.

### Compliance

6. The developer shall contact Council to arrange a development compliance inspection prior to the endorsement of each stage of the approval and the relevant Survey Plan.
7. Unless otherwise stated, all conditions must be complied with prior to the Council endorsing the relevant Survey Plans for each stage of the development.

### Approved Plans

8. The approved development is to be carried out in accordance with the 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:
23028-4A	Plan of Proposed Subdivision of Lot 28 on BLM546- (Lot Layout)	08/01/2024
23028-4B	Plan of Proposed Subdivision of Lot 28 on BLM546- (Stage Plans)	08/01/2024

### Development Works

9. During construction of the proposed development, the developer shall ensure that all civil 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 that adequate barricades, signage and other warning devices are always in place.
10. Any civil engineering and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ) who are competent in completing the works.
11. All works on or near roadways shall be adequately signed in accordance with the “Manual for Uniform Traffic Control Devices – Part 3, Works on Roads”.

### Applicable Standards

12. All works must comply with:
- The development approval conditions;
  - Any relevant provisions in the Planning Scheme;
  - Any relevant standards, drawings or specifications by the 'Institute of Public Works Engineering Australasia' (IPWEA) Queensland Division;
  - Any relevant Australian Standard that applies to that type of work; and
  - Any alternate 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.

### Existing Buildings and Standards

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

### Services Provision

14. All lots are required to have direct frontage access to Council’s reticulated Water Supply system. All lots are required to be able to be connected to Council’s reticulated water network without needing to use any other lot for access to mains. Prior to the Survey Plan for each stage of the approved development being endorsed by Council, it must be demonstrated that each lot in the stage being endorsed has frontage access to Council’s

reticulated water network.

15. All lots less than 4,000m<sup>2</sup> in area are required to have direct frontage access to Council's reticulated Sewer System. All lots less than 4,000m<sup>2</sup> in area are required to be able to be connected to Council's reticulated sewer network without needing to use any other lot for access to mains. Prior to the Survey Plan for each stage of the approved development being endorsed by Council, it must be demonstrated that each lot under 4,000m<sup>2</sup> in the stage being endorsed has frontage access to Council's reticulated Sewer Network.
16. Prior to the endorsement of each stage, certificate(s) must be obtained from a provider agency and presented to Council stating that electricity supply network connections can be made to proposed allotments and that adequate electricity supplies are available or can be made available.
17. The connection of all proposed lots to an electricity reticulation service must be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
18. If the proposed lots are to be 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).
19. Services and Infrastructure required in connection with the establishment of the approved development must be provided at no cost to Council.
20. All services installation, including connections to water, sewerage, electricity, and telecommunications, 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.
21. 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**

22. Stormwater is to be managed in accordance with:
  - a) Queensland Urban Drainage Manual; and
  - b) Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.
23. Post-development stormwater runoff flows, the characteristics of which include volume, concentration and velocities from the development site, must not exceed pre-development stormwater runoff flows to adjoining properties. 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.



24. 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.
25. There must be no increases in any silt loads or contaminates in any overland flow from the property being developed during the development process and after the development has been completed. 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.
26. 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.

### **Earthworks**

27. All earthworks for the development shall be undertaken in accordance with the Institute of Public Works Engineering Australasia Queensland Division standards.
28. All earthworks, including batters, must be wholly contained within the development site and must not impact on properties, land uses or roads adjoining the site.
29. No contaminated material is to be excavated or disturbed and no contaminated material or waste materials are to be used as fill.
30. Fill material is:
  - a) contained wholly within the site;
  - b) located in a single manageable area;
  - c) located a minimum distance of 10 metres from any property boundary;
  - d) limited to the quantity necessary to establish the proposed works;
  - e) ensures no ponding develops on adjacent land at any time;
  - f) restores all surfaces exposed or damaged by the operations to their original standard immediately on conclusion of the works.

### **Erosion Control**

31. All construction works on site are to be undertaken in accordance with:
  - a) Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction sites (IE Aust, Queensland Division, Brisbane – or later versions); and
  - b) The Institute of Public Works Engineering Australasia Queensland Division.
32. Erosion and sedimentation controls shall be implemented and maintained at all times during the course of the works. To the extent practicable, erosion and sediment controls are to be established prior to the commencement of works, and be monitored, maintained and adjusted as necessary to ensure ongoing effectiveness.
33. Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining roads during the course of the construction period and to prevent dust nuisance during construction. It is the developer's responsibility to ensure that all reasonable measures are taken to protect nearby properties and

roads from dust pollution, erosion, siltation or sediment transport.

34. Stockpiles of material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
35. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be undertaken immediately.

### Access and Roads

36. Any future vehicle access to the proposed new lots is to be constructed in accordance with Council standards, subject to Council approval for each individual lot. Please make contact with Council to confirm the relevant driveway standards.

Each of the proposed new lots must ensure that any future driveways or access paths are constructed in accordance with Council's standard designs for residential driveways.

**Note: It is the responsibility of the developer to ensure that all prospective purchasers are made aware at the time of purchase that any works commenced on any of the newly created lots will require a residential driveway, constructed to Council's design standards.**

37. Prior to the Survey Plan for Stage 2 being endorsed by Council, the "**New Road**" shown on the approved plans must be constructed to Council's specifications.

The developer shall contact Council's Infrastructure Services Department to ensure that the design for all civil works (including the required road) are approved in writing by Council prior to the commencement of any works on site.

38. Once constructed, dedicate at no cost to council, land shown on the approved plans as "New Road", as road reserve. Council's Infrastructure Services Department will need to provide written confirmation that the civil works have been completed to the relevant standards prior to the road being handed over to Council ownership.
39. The developer must arrange and meet all costs associating with having the road reserve area transferred to Council's ownership prior to plan sealing.
40. Vehicle crossovers must be located a minimum distance of one metre from any power poles, road signage, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.

### Protection of Infrastructure

41. 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.

### Avoiding Nuisance

42. During the establishment of the approved development, no unreasonable nuisance is to be caused to adjoining properties and occupiers, including by way of smoke, dust, rubbish, contaminant, stormwater discharge or

siltation at any time.

43. Dust emanating as a result of any development works onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks or nearby properties.
44. Parking areas for vehicles associated with the construction works must be provided within the development site.
45. The transportation of materials, equipment and machinery to and from the site during the course of the construction activities, is to be undertaken in a manner that ensures public access ways and roads are kept free of dust and spoil.
46. Construction activities must not prevent or obstruct access to adjoining properties, land uses or roads.
47. Any waste associated with the development works must be contained and disposed of from the site to prevent release to adjoining properties and roads.
48. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses (during construction and post construction). The premises is to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.

#### **No cost to Council**

49. All costs associated with the approved development are to be met by the developer, including costs of survey, registration, civil works, 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**

50. 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 – CONCURRENCE AGENCY RESPONSE

RA6-N



SARA reference: 2307-35664 SRA  
Council reference: RL120

5 April 2024

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

Attention: Kate Swepson

Dear Ms Swepson

### SARA referral agency response—220-258 Victoria Street, St George

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 13 July 2023.

#### Response

Outcome:	Referral agency response – with conditions
Date of response:	5 April 2024
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

#### Development details

Description:	Development permit	Reconfiguring a Lot – one lot into 21 lots (in stages)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 (Planning Regulation 2017) - Reconfiguring a lot near a state transport corridor Schedule 10, part 9, division 4, subdivision 2, table 3, item 1 (Planning Regulation 2017) - Reconfiguring a lot near a state-controlled road	

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Darling Downs South West regional office  
128 Margaret Street, Toowoomba  
PO Box 625, Toowoomba QLD 4350

intersection

SARA reference: 2307-35664 SRA

Assessment manager: Balonne Shire Council

Street address: 220-258 Victoria Street, St George

Real property description: Lot 28 on BLM546

Applicant name: SMK QLD Pty Ltd for Will Devine

Applicant contact details: 9 Pratten Street  
Goondiwindi QLD 4390  
tom@smkqld.com.au

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Right Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Malcolm McDowell, Planning Officer, on (07) 3452 6897 or via email [ToowoombaSARA@dsdilgp.qld.gov.au](mailto:ToowoombaSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Kieran Hanna  
Manager (Planning)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions

cc SMK QLD Pty Ltd for Will Devine, tom@smkqld.com.au



## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
<b>Development permit - Reconfiguring a Lot - one lot into 21 lots (in stages).</b>		
Schedule 10, part 9, division 4, subdivision 2, table 1, item 1 (Planning Regulation 2017) - Reconfiguring a lot near a state transport corridor and Schedule 10, part 9, division 4, subdivision 2, table 3, item 1 (Planning Regulation 2017) - Reconfiguring a lot near a state-controlled road intersection. The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures, batters, levee improvements and other works involving ground disturbance must not encroach or destabilise the state-controlled road including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times
2.	Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not: <ol style="list-style-type: none"> <li>(i). create any new discharge points for stormwater runoff onto the state-controlled road.</li> <li>(ii). concentrate or increase the velocity of flows to the state-controlled road.</li> <li>(iii). interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road.</li> <li>(iv). surcharge any existing culvert or drain on the state-controlled road.</li> <li>(v). reduce the quality of stormwater discharge onto the state-controlled road.</li> <li>(vi). impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road.</li> <li>(vii). reduce the floodplain immunity of the state-controlled road.</li> </ol>	At all times

## Attachment 2—Advice to the applicant

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General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

### Attachment 3—Reasons for referral agency response

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(Given under section 56(7) of the *Planning Act 2016*)

**The reasons for the SARA's decision are:**

The proposed development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development will not:

- increase the likelihood or frequency of accidents, fatalities, or serious injury for users of a state-controlled road
- adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- adversely impact the function efficiency of state-controlled roads or future state-controlled roads
- adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- significantly increase the cost to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*.

### Attachment 4—Representations about a referral agency response provisions

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## ATTACHMENT 3 – PLANNING ACT EXTRACT APPEAL RIGHTS

### Chapter 6 Dispute resolution Part 1 Appeal rights

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

(1) Schedule 1 states—

- (a) matters that may be appealed to—
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) the person—
  - (i) who may appeal a matter (the **appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

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

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

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

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

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—

- (i) the establishment cost of trunk infrastructure identified in a LGIP; or
- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## 229 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under
  - (d) schedule 1, table 1, item 1—each principal submitter for
  - (e) the development application; and
  - (f) for an appeal about a change application under
  - (g) schedule 1, table 1, item 2—each principal submitter for
  - (h) the change application; and
  - (i) each person who may elect to become a co-respondent
  - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (k) for an appeal to the P&E Court—the chief executive; and
  - (l) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

## 230 Other appeals

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



- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

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

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

## ATTACHMENT 4 — STATEMENT OF REASONS

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

<b>Description of development</b>	Development Application for Reconfiguring a Lot (One (1) Lot into Twenty One (21) Lots)
<b>Assessment benchmarks</b>	The assessment manager has assessed the application against the following– <ul style="list-style-type: none"> <li>• the Darling Downs Regional Plan;</li> <li>• the State Planning Policy;</li> <li>• the Planning Scheme <ul style="list-style-type: none"> <li>○ Part 7.4.2 Reconfiguring a Lot Code</li> <li>○ Part 7.4.3 Flood Hazard Overlay Code</li> </ul> </li> </ul>
<b>Relevant matters</b>	N/A – there are no relevant matters for a code assessable application.
<b>Matters raised in submissions</b>	N/A – there are no submissions for a code assessable application.
<b>Reasons for the decision</b>	<ul style="list-style-type: none"> <li>• The proposed reconfiguration will create twenty one lots that are of a size and dimension suitable to achieve the overall outcomes of the General Residential Zone.</li> <li>• The proposed new boundaries will not adversely impact on areas of state ecological significance.</li> <li>• The proposed lots are considered to be functional and consistent with the intent of the current use and General Residential Zone.</li> <li>• The proposal will not conflict with the ongoing safe and efficient use of the adjoining Stock Route network.</li> <li>• The proposal will provide new residential lots of varying sizes close to the town centre and will provide good quality residential land for the town of St George, increasing residential land availability in the shire.</li> </ul> <p>On balance, the proposal presents no significant inconsistencies with assessment benchmarks. Development conditions have been imposed to ensure compliance to the greatest extent possible.</p>

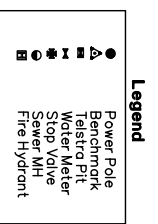
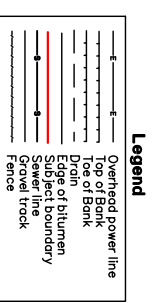
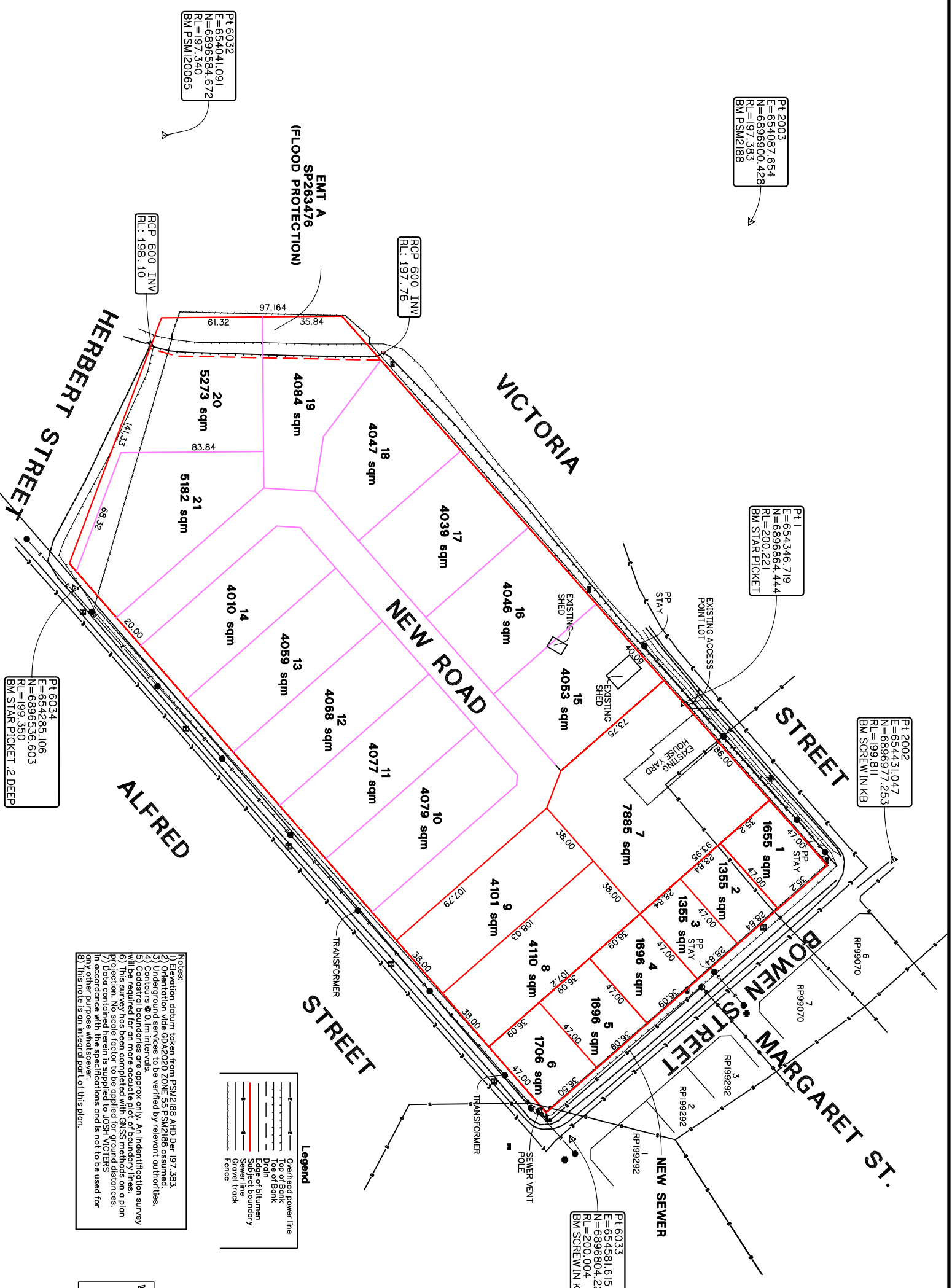
## ATTACHMENT 5 — APPROVED PLANS AND SPECIFICATIONS



For the People  
**Salzwedel**  
 Shire Council

This document comprises part of  
 Development Permit No:  
**RL 120**  
 and was issued on:  
**30 April 2024**  
 In accordance with the:  
 Planning Act 2016  
 as amended.

**JAMES LEADER**  
 Planning and Development Officer



- Vicars:**
- 1) Station datum taken from PSM2188 AHD Der 197.383.
  - 2) Orientation vide GDA2020 ZONE 55 PSM2188 assumed.
  - 3) Underground services to be verified by relevant authorities.
  - 4) Contours @ 0.1m intervals.
  - 5) Contoural boundaries are approx only. An identification survey is required to confirm the location of all boundaries.
  - 6) This survey has been completed with GNSS methods on a plan projection. No scale factor to be applied for ground distances.
  - 7) Data contained herein is supplied to JOSM VICIERS in accordance with the specifications and is not to be used for any other purpose.
  - 8) This note is on integral part of this plan.



**WILL DEVINE**

**SMK QLD**

Goondiwindi · Brisbane · Gold Coast · Toowoomba · Gatton  
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 Email: admin@smkqld.com.au

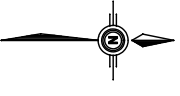
**PLAN OF PROPOSED SUBDIVISION OF  
 LOT 28 ON BLM546  
 ST GEORGE**

Horizontal Datum: GDA 2020 ASSUMED  
 Vertical Datum: PSM2188 AHD DER

23028 **A3** 23028-4A

SCALE Horiz 1:2500

Surveyor J F J 8/1/2024 5:04PM  
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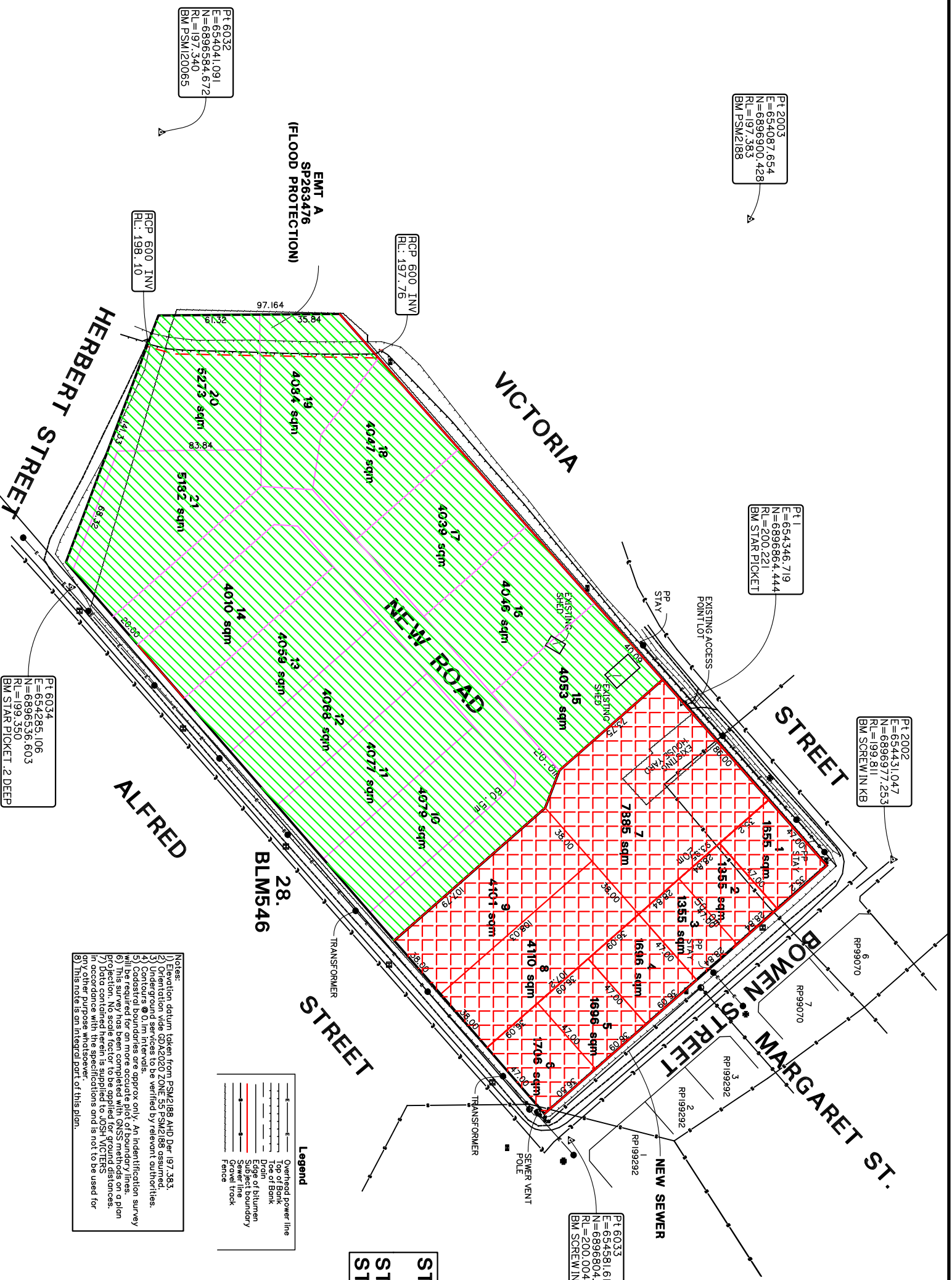
For the People  
**Salvatore**  
 Shire Council

This document comprises part of  
 Development Permit No:  
**RL 120**  
 and was issued on:  
**30 April 2024**

In accordance with the:  
 Planning Act 2016  
 as amended.

**JAMES LEADER**  
 Planning and Development Officer

**STAGING PLAN**  
 STAGE 1 (RED) LOTS 1-9  
 STAGE 2 (GREEN) LOTS 10-21



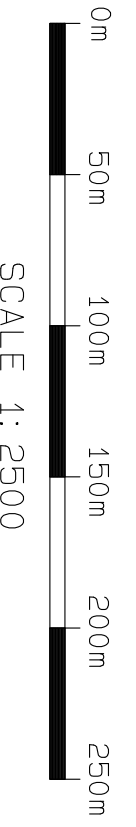
**Legend**

- Overhead power line
- Top of Bank
- Toe of Bank
- Edge of bitumen
- Subject boundary
- Sewer line
- Fence

**Legend**

- Power Pole
- Benchmark
- Water Meter
- Stop Valve
- Sewer MH
- Fire Hydrant

- VicTech:**
- 1) Stationing datum taken from PSM2188 AHD Der 197.383.
  - 2) Orientation vide GDA2020 ZONE 55 PSM2188 assumed.
  - 3) Underground services to be verified by relevant authorities.
  - 4) Contours @ 0.1m intervals.
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  - 6) This survey has been completed with GNSS methods on a plan projection. No scale factor to be applied for ground distances.
  - 7) Data contained herein is supplied to JOSH VICTECHS in accordance with the specifications and is not to be used for any other purpose.
  - 8) This note is an integral part of this plan.



**WILL DEVINE**

**SMK QLD**

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

**PLAN OF PROPOSED SUBDIVISION OF**  
**LOT 28 ON BLM546**  
**ST GEORGE**

Horizontal Datum: GDA 2020 ASSUMED  
 Vertical Datum: PSM2188 AHD DER

Surveyor JFU 8/1/2024 5:13PM

**23028** **A3** **23028-4B**

SCALE Horiz 1:1500

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