



Our Ref: MCU 121 & RL 72

21st November 2023

Thallon Grains Pty Ltd
C/-Precinct Urban Planning-
PO BOX 3038
TOOWOOMBA QLD 4350

Attention: Paul Kelly

Dear Paul,

Decision Notice Approval- Minor Change application

(Given under section 83 of the *Planning Act 2016*)

The Change Application described below was properly made to the Balonne Shire Council on the 19th of October 2023.

Changes:

This decision notice replaces the previous decision notice dated 24th of February 2014. Changes made to the original decision are set out in **red** text. Deleted conditions are shown with 'strikethrough' of text and replaced with the amended condition in **blue** text. This amended decision notice does not affect the currency period for the development approval.

Applicant Details

Applicant name:	Thallon Grains Pty Ltd
Applicant contact details:	C/- Precinct Urban Planning PO Box 3038, Toowoomba Qld 4350 paul@precinctplan.com.au 0488772991

Application Details

Application number:	MCU 121 & RL 72
Approval Sought:	Development Permit
Details of proposed development:	Minor Change for a Material Change of Use — “Storage Facility” (Commodity Storage and Handling Facility) & Reconfiguring a Lot (2 lots into 3 Lots)

Location Details

Street address:	Carnarvon Highway, THALLON QLD 4497 Thallon-Daymar Road & Carnarvon Highway, THALLON QLD 4497 (AMENDED)
Real property description:	Lot 18 on BLM 986 & Lot 211 on SP129803 Lots 18 & 20 on SP263493 & Lot 211 on SP129803 (AMENDED)

Decision

Date of decision:	16 th November 2023
Decision details:	<p>At the Ordinary Meeting of Council on 16th November 2023, a decision was made to approve the requested changes to Development Approval MCU 121, including:</p> <ul style="list-style-type: none">• Amendments to the approved plans to recognise the plans submitted as part of the Change Application; and• Amendment of the Real Property Description to reflect the current premises. <p>The development is approved in full with Conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.</p>

Details of the approval

Development permit:	Making a Minor Change to an existing Material Change of Use and Reconfiguration of a Lot approval assessable under the Planning Scheme.
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Conditions

This approval is subject to the conditions in Attachment 1

Further Development Permits

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

- Building Works

Properly made Submissions

There were no properly made submissions for this application.

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of the 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
<i>C0118A-00-01 Rev C</i>	<i>Proposed Grain Facility Site Plan</i>	<i>20/09/2013</i>
<i>J15305-000 Rev A (Sheet 1)</i>	<i>Thallon Grains Rail Loading Facility Site Plan Sheet 1</i>	<i>31/08/2023</i>
<i>J15305-000 Rev A (Sheet 2)</i>	<i>Thallon Grains Rail Loading Facility Site Plan Sheet 2</i>	<i>31/08/2023</i>
<i>C0118A-00-02 Rev B</i>	<i>Proposed Grain Facility Section through Grain Bunkers</i>	<i>27/05/2013</i>
<i>Q04830-01 Rev A</i>	<i>Proposed Train Loading Option 3</i>	<i>22/05/2013</i>
<i>Q04830-000 Rev C</i>	<i>Thallon Grains Rail Loading Facility Plans and Elevations Sheet 2</i>	<i>02/02/2023</i>
<i>D13/12315</i>	<i>Stormwater Management Statement prepared by Stafford Adamson & Associates Pty Ltd</i>	<i>Received by Council 26/09/2013</i>

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are provided in Attachment 4.

For further information please contact James Leader, Planning and Development Officer, on 07 4620 8883 or via email at james.leader@balonne.qld.gov.au

Yours sincerely



James Leader

Planning and Development officer

- cc Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) — State Assessment Referral Agency via email ToowoombaSARA@dasilgp.qld.gov.au as required under section 63 (1) of the *Planning Act 2016*.
- enc Attachment 1—Assessment manager conditions and approved plans and specifications
Attachment 2—Concurrence agency conditions and approved plans and specifications
Attachment 3—Notice of decision about representations to Department of State Development
Infrastructure and planning
Attachment 4—Appeal provisions
Attachment 5—Approved Plans and Specifications

Attachment 1: Assessment Manager Conditions/Endorsed Plans

Development Permit for a Material Change of use – “Storage Facility” (Commodity Storage and Handling Facility) and Reconfiguring a Lot (2 into 3 Lots), located at ~~Carnarvon Highway~~ [Thallon-Daymar Road & Carnarvon Highway](#), THALLON QLD 4497 (described as ~~Lot 18 on BLM 986~~ [Lots 18 & 20 on SP263493](#) & Lot 211 on SP129803).

Complete and Maintain

1. Complete and maintain the approved development as follows : (i) generally in accordance with development approval documents and (ii) strictly in accordance with those parts of the approved development which have been specified in detail by the Council or Referral Agency unless the Council or Referral Agency agrees in writing that those parts will be adequately complied with by amended specifications.
2. Complete and maintain all operational, building and plumbing and drainage work associated with this development approval, including work required by any of the development approval conditions.
3. The development must be carried out generally in accordance with the Balonne Shire Council stamped/approved plan(s) and supporting documentation referenced in the table below which forms part of this approval, unless otherwise specified by another condition of this approval.

Plan/Document Number	Plan/Document Name	Date
C0118A-00-01 Rev C	Proposed Grain Facility Site Plan	20/09/2013
J15305-000 Rev A (Sheet 1)	Thallon Grains Rail Loading Facility Site Plan Sheet 1	31/08/2023
J15305-000 Rev A (Sheet 2)	Thallon Grains Rail Loading Facility Site Plan Sheet 2	31/08/2023
C0118A-00-02 Rev B	Proposed Grain Facility Section through Grain Bunkers	27/05/2013
Q04830-01 Rev A	Proposed Train Loading Option 3	22/05/2013
Q04830-000 Rev C	Thallon Grains Rail Loading Facility Plans and Elevations Sheet 2	02/02/2023
D13/12315	Stormwater Management Statement prepared by Stafford Adamson & Associates Pty Ltd	Received by Council 26/09/2013

Rubbish Collection

4. The applicant must make provision for the collection of general refuse in covered waste containers with a capacity sufficient for the use.
5. At all times while the use continues, waste containers shall be maintained in a clean and tidy state involving being emptied and the waste removed from the site on a regular basis.

Access, Roads, Landscaping and Lighting

6. Vehicle manoeuvring areas are to be provided on-site so that all vehicles can enter and exit the site in a forward gear.

7. The applicant is to construct a crossover to the site from Thallon-Daymar Road in accordance with Schedule 2: "Standards for Roads, Car Parking, Access and Manoeuvring Areas".
8. The entrance to the site located on Thallon-Daymar Road, in accordance with approved plan no. C0118A-00-01 Rev C, 'Proposed Grain Facility Site Plan', dated 20 September 2013, is to be constructed to provide entrance suitable for Type 1 road trains to the satisfaction of the Director Infrastructure Services and located to prevent the queuing of vehicles on Thallon-Daymar Road.
9. That Thallon-Daymar Road from the intersection of the Carnarvon Highway to the entrance to the site be upgraded to an 8m bitumen seal standard within 18 months of this approval.
10. All landscaping, vehicular access, parking and related items must comply with (i) the development approval conditions, (ii) any relevant provision in the planning scheme for the area, (iii) Council's standard designs for such work where such designs exist (iv) any relevant Australian Standard that applies to that type of work and (v) 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.
11. 12 staff car parking areas are to be provided on-site in accordance with approved plan no. C0118A-00-01 Rev C, 'Proposed Grain Facility Site Plan', dated 20 September 2013.

Services Provision

12. The proposed development must provide an on-site sewerage disposal system that is designed and constructed in accordance with Schedule 5: "standards for Sewerage Supply" in the Balonne Shire planning Scheme.
13. The proposed lot 20 must store at least 45,000L of water onsite in either tanks or dams. If rainwater is insufficient to maintain 45,000L of water onsite, water must be transported to site.
14. Proposed Lot 20 must be provided with an electricity connection sufficient for the handling facility operation. An upgrade of the local mains power network is to be provided, alternatively onsite generators are to be utilised

Stormwater and Drainage

15. Stormwater must not be allowed to pond on the property being developed during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by the Council or as a specific development approval condition.
16. Any increase in volume, concentration or velocity of stormwater from the property being developed must be channelled to lawful points of discharge or to other storage or dispersal arrangements which must all be agreed in writing by the Council.
17. 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 development has been completed.

18. 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.
19. A stormwater detention basin is to be established on site in accordance with approved plan no. C0118A-00-01 Rev C, 'Proposed Grain Facility Site Plan', dated 20 September 2013.

Erosion Control

20. If there is a possibility of erosion or silt or other materials being washed off the property being developed during the development process, the developer must document and implement a management plan that prevents this from occurring.

Avoiding Nuisance

21. Any lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
22. No nuisance is to be caused to adjoining properties and occupiers by the way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time, including non-working hours.

Waste

23. Potential contaminants or wastes including but not limited to oil, paint, acids, solvents and other chemicals, tyres, scrap metal, machinery parts and batteries shall be stored in an approved manner and so as to not contaminate the environment.

Advertising Signs

24. Any proposed advertising devices shall be subject to a further development application and planning approval unless the advertising devices are in accordance with the exempt or self assessable requirements of the relevant Council planning scheme.

No Cost to Council

25. 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.
26. Any damage to roads or infrastructure that is attributed to the progress of works on the site or vehicles associated with the development must be repaired at no cost to Council

Use

27. All development approval conditions related to the establishment of the approved development must be fulfilled prior to any approved use commencing.

Development Permit for Reconfiguring a Lot (1 into 2 lots).

Planning

28. Compliance with the facts and circumstances set out in the application and all Council By-Laws being adhered to and generally in accordance with the approved plan (except where varied by conditions of approval).
29. All outstanding rates and charges shall be paid prior to the submission to Council of the Plan of Survey.
30. All conditions of this approval are to be complied with prior to the endorsement of approval of the relevant Plan of Subdivision, unless otherwise stated.
31. Maintain the approved development being Reconfiguring a Lot (3 into 2 lots and access easement) in accordance with the approved plan:

Plan/Document number	Plan/Document Name	Date
213049-1	Plan of Proposed Subdivision of Lot 18 on BLM 986	14/06/2013

Engineering

32. Stormwater collected on the site resulting from development shall be adequately managed on-site and drained to a legal point of discharge.
33. The proposed development must provide an on-site sewerage disposal system that is designed and constructed in accordance with Schedule 5: "standards for Sewerage Supply" in the Balonne Shire Planning Scheme.
34. The proposed Lot 20 must store at least 45,000L of water onsite in either tanks or dams. If rainwater is insufficient to maintain 45,000L of water onsite, water must be transported to site.
35. Proposed Lot 20 must be provided with an electricity connection sufficient for the ginning operation. An upgrade of the local mains power network is to be provided, alternatively onsite generators are to be utilised.
36. Telephone services shall be provided to proposed lot 20. A certificate(s) must be obtained from a provider agency to indicate provision of a telephone supply to proposed Lot 20 is available.
37. Where deemed necessary by Council, the relocation of services within the subject land shall be undertaken by the developer at no cost to Council.
38. The developer must submit a certificate signed by a licensed surveyor, stating that after the completion of all works associated with the subdivision, survey marks, including permanent survey marks, were reinstated where necessary and all survey marks in their correct position, in accordance with the plan of survey.

Environmental

39. Contaminated wheat is not to be stored or disposed of on site. All contaminated wheat must be disposed of at Balonne Shire Council's designated locations and is to occur at no cost to Council.

***Attachment 2: Conditions of Approval imposed by Department of State
Development Infrastructure and Planning as Concurrence Agency***

Refer next page

BALONNE SHIRE COUNCIL
BEECHFRUITA

SDA-0713-003386

1 - NOV 2013

To	From	By
Mayor		
Council		
CEO		
DCS		
DPPE		
BIS		
SIO		
Payd		
SIS		
EDSO		



Queensland
Government

Department of
State Development,
Infrastructure and Planning

Our reference: SDA-0713-003386
Your reference: MCU 121 & RL71

30 October 2013

Chief Executive Officer
Balonne Shire Council
PO Box 201
St George QLD 4487

Attention: Angela Jones – Director Planning & Development

Dear Angela

Concurrence agency response—with conditions – Combined Material Change of Use and Reconfiguring a Lot – Storage Facility (Commodity Storage and Handling) and 1 into 2 Lots subdivision.

Carnarvon Highway, Thallon QLD 4497

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning (DSDIP) under section 272 of the *Sustainable Planning Act 2009* on 25 July 2013.

Applicant details

Applicant name: Thallon Grains Pty Ltd
Applicant contact details: "Cleveland"
Cleveland Road
MUNGINDI QLD 2406

Site details

Street address: Carnarvon Highway
Thallon QLD 4497

Real property description: Lot 18 BLM986; and
Lot 211 SP129803
Site area: 4217.58ha
Local government area: Balonne Shire Council

Application details

Proposed development: Material Change of Use for Storage Facility (Commodity Storage and Handling) and Reconfiguring a Lot (1 into 2 Lots)

Aspects of development and type of approval being sought

Material Change of Use for Storage Facility (Commodity Storage and Handling) and Reconfiguring a Lot (1 into 2 Lots)

Referral triggers

The development application was referred to DSDIP under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger 7.2.2

Reconfiguring a Lot if –

(a) any part of the land –

- (i) is within 25m of a State-controlled road; or
- (ii) is future State-controlled road; or
- (iii) abuts a road that intersects with a State controlled road that is within 100m of the land; and

(b) 1 or more of the following apply –

- (i) the total number of lots is increased;
- (ii) the total number of lots abutting the State-controlled is increased;;
- (iii) there is a new or changed access between the land and the State-controlled road

7.3.1

Making a material change of use of premises if any part of the land –

- (a) is within 25m of a State-controlled road;
- (b) is future State-controlled road; or
- (c) abuts a road that intersects with a State-controlled road within 100m of the land.

7.3.15A

A material change of use of premises if any part of the land is –

- (a) within 25m of a railway or future railway land; or
- (b) future railway land

7.3.2

An aspect of development identified in schedule 9 that –

- (a) is for a purpose mentioned in schedule 9, column 1; and
- (b) meets or exceeds the threshold –
 - (i) for development LGA population 1 – mentioned in schedule 9, column 2 for the purpose; or
 - (ii) for development in LGA population 2 – mentioned in schedule 9, column 3 for the purpose.

However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.

7.2.34

Reconfiguring a lot if any part of the land is –

- (a) within 25m of a railway land and 1 or both of the following apply –
 - (i) the total number of lots is increased;
 - (ii) an easement abutting the railway or future railway is created; or
- (b) future railway land.

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, DSDIP requires that the conditions set out in Attachment 1 attach to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, DSDIP is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Relevant period

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, DSDIP requires that the relevant period for any development approval is to be four (4) years.

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

If you require any further information, please contact Bernadette Plummer, Planning Officer,

SDA-0713-003386

on 4616 1986 who will be pleased to assist.

Yours sincerely



Andrew Foley
Manager (Planning)

cc: Thallon Grains
Attn: David Titterton
"Cleveland"
Cleveland Road
MUNGINDI QLD 2406

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further Advice

***Attachment 3: Notice of decision about representation to Department of State
Development infrastructure and Planning***

Refer next page

Our reference: SDA-0713-003386
 Your reference: MCU 121 & RL71

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use		
Department of Transport and Main Roads (DTMR) (Main Roads)		
1.	<p>(a) The development must be in accordance with the 'Stormwater Management Statement' prepared by Stafford Adamson & Associates Pty Ltd. Stormwater management for the development must ensure no worsening or actionable nuisance to the state-controlled road network caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, and sedimentation and scour effects.</p> <p>AND</p> <p>(b) Any excavation, filling, paving, landscaping, construction or any other works to land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) Interfere with an/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) Surcharge any existing culvert or drain on the state-controlled road; (iv) Reduce the quality of stormwater discharge onto the state-controlled road. <p>AND</p> <p>(c) The applicant must provide 'Registered Professional Engineer Queensland' (RPEQ) certification to DTMR that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) & (b) Prior to commencement of use and to be maintained at all times.</p> <p>(c) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first.</p>
2.	<p>(a) The Daymar Thallon Road and Carnarvon Highway intersection must be upgraded to include a Basic Right Turn Treatment (BAR) and Basic Left Turn Treatment (BAL) and to cater for the swept paths of Type 1 Road Trains. The intersection must be designed and constructed in accordance with the DTMR Road Planning and Design Manual (2nd edition).</p> <p>AND</p> <p>(b) The intersection must be provided by the applicant at no cost to DTMR.</p>	(a) - (c) Prior to commencement of use.

No.	Conditions	Condition timing
	AND (c) All adjustments and/or relocations to existing services within the state-controlled road as a result of the development are at the applicant's expense.	
(DTMR) (Railways)		
3.	The development must be carried out generally in accordance with the following plan, except as modified by these concurrence agency conditions: <ul style="list-style-type: none"> Proposed Grain Facility – Site Plan', Drawing No. CO118A-00-01, Revision C, prepared by Stafford Adamson and dated 20.09.2013 	Prior to the commencement of use and to be maintained at all times.
4.	(a) The design and construction of any excavation works, filling and backfilling works, retaining walls and other works involving ground disturbance abutting rail corridor land must not de-stabilise rail transport infrastructure or the land supporting this infrastructure. In particular, the applicant must provide a RPEQ certified design of any proposed excavation works, filling and backfilling works, retaining works and other works involving ground disturbance abutting rail corridor land, where the level of disturbance exceeds a height or depth of one (1) metre. The RPEQ certification must demonstrate that the works do not de-stabilise rail transport infrastructure and do not undermine the integrity of the land supporting the rail transport infrastructure. (b) The development must not store any fill, spoil or any other material on the rail corridor land at any stage of construction. (c) The applicant must provide RPEQ certification to DTMR that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(a) Prior to commencement of use and to be maintained at all times. Where a RPEQ certified design is required, prior to obtaining development approval for building work or operational work, whichever occurs first. (b) to be maintained at all times during construction (c) Prior to obtaining final inspection certificate.
5.	(a) Stormwater management for the development must be in accordance with the RPEQ certified 'Appendix 1 – Stormwater Management for Commodity Storage and Handling Facility, Thallon – Thallon Grains Pty Ltd', prepared by Stafford Adamson & Associates Pty Ltd (undated). In particular, stormwater management for the development must ensure no worsening or actionable nuisance to the rail corridor land and rail transport infrastructure caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects. (b) Any excavation, filling, paving, landscaping.	(a) and (b) Prior to the commencement of use and to be maintained at all times.

No.	Conditions	Condition timing
	<p>construction or any other works to the land must not:</p> <p>(i) create any new discharge points for stormwater runoff onto the rail corridor land; and</p> <p>(iii) interfere with the existing stormwater drainage on the rail corridor land.</p> <p>(c) The applicant must provide RPEQ certification to DTMR that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(c) Prior to establishing a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first.</p>
6.	<p>(a) Fencing must be provided along the boundary with the rail corridor land for the length of the 'Proposed Rail Outload Facility' shown on 'Proposed Grain Facility – Site Plan', Drawing No. C0118A-00-01, Revision C, prepared by Stafford Adamson and dated 20.09.13 and extending for a length of 10m either side (east and west) of the 'Proposed Rail Outload Facility' in accordance with the Guide for Development in a Railway Environment and Queensland Rail Standard Drawing 2544 – Standard Security Fence.</p> <p>(b) The applicant must provide RPEQ certification to DTMR that the development has been designed and constructed in accordance with part (a) of this condition.</p> <p>(c) Fencing must be provided along the boundary of the rail corridor land for the extent of the allotment accommodating the Storage Facility, where not affected by part (a) of this condition, in accordance with the Guide for Development in a Railway Environment and Queensland Rail Standards Drawing;</p> <ul style="list-style-type: none"> • 2550 – Rural Fences – Miscellaneous Site Layout Details; and • 2548 – Rural Fences – Fencing with Timber Posts; or • 5449 – Rural Fences – Fencing with Steel Posts; or • 2614 – Rural Fences – Fencing with Rail Posts. 	<p>(a) Prior to the commencement of use and to be maintained at all times.</p> <p>(b) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first.</p> <p>(c) to be maintained at all times.</p>
Development Permit for Reconfiguring a Lot (1 into 2 Lots)		
(DTMR) (Railways)		
7.	<p>The development must be carried out generally in accordance with the following plan, except as modified by these concurrence agency conditions:</p>	<p>Prior to submitting the Plan of Survey to the local government for approval.</p>

No.	Conditions	Condition timing
	<ul style="list-style-type: none"> • 'Proposed Grain Facility – Site Plan', Drawing No. C0118A-00-01, Revision C, prepared by Stafford and Adamson and dated 20.09.13 	
8.	<p>(a) The applicant must ensure that the management of stormwater (quantity and quality) post development achieves a no worsening impact (on the pre-development condition) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP) (equivalent to 1/100 year Average Recurrence Interval (ARI)). Stormwater management for the development must ensure no worsening or actionable nuisance to the rail corridor land and rail transport infrastructure caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects.</p> <p>(b) The applicant must provide RPEQ certification to DTMR that the development has been designed and constructed in accordance with part (a) of this condition.</p>	(a) and (b) Prior to submitting the Plan of Survey to the local government for approval.
9.	<p>(a) The design and construction of any excavation works, filling and backfilling works, retaining walls and other works involving ground disturbance abutting rail corridor land must not de-stabilise rail transport infrastructure or the land supporting this infrastructure.</p> <p>(b) The development must not store any fill, spoil or any other material on the rail corridor land at any stage of construction.</p> <p>(c) The applicant must provide RPEQ certification to DTMR that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	(a) - (c) Prior to submitting the Plan of Survey to the local government for approval.

Our reference: SDA-0713-003386
 Your reference: MCU 121 & RL71

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

State-Controlled Road (SCR)

- The intersection upgrade is required as a result of the development and its associated traffic impacts to ensure the safety and efficiency of the SCR network.
- The safety and efficiency of SCR can be adversely affected by changes to stormwater runoff as a result of the development.

Rail, Ports and Freight

- Rail Level Crossing Safety – The development is required to ensure the safety and operational integrity of railways and future railways.
- Ground Disturbances – Excavation, retaining and other works involving ground disturbance in proximity to a railway can have a significance adverse impact on the safety and operational integrity of railways and future railways.
- Stormwater – Stormwater runoff from development can have a significant adverse impact on the safety and operational integrity of railways and future railways.
- Fencing – Fencing is required to protect the railway from unauthorised access.

Findings on material questions of fact

Rail Level Crossing Safety

- The Australian Level Crossing Assessment Model (ALCAM) safety assessment conducted by Queensland Rail for the proposed development in relation to the Carnarvon Highway/South West Line railway crossing indicates that road works are required to reduce the risk of short-stacking across the railway and maintain an acceptable level of risk at the rail crossing.
- The road widening shown on "Proposed Grain Facility Thallon Rail Intersection Road Widening", (Drawing No. CO118A-20-02, Revision B, prepared by Stafford Adamson and dated 23.09.13) is required to be conditioned in order for the proposed development to comply with PO1 of Module 19.3 – Transport Infrastructure and Network Design State Code of the State Development Assessment Provisions (SDAP).

Ground Disturbances

- The plan titled 'Proposed Grain Facility – Site Plan', Drawing No. CO118A-00-01, Revision C, prepared by Stafford Adamson and dated 20.09.13 indicates ground disturbances are proposed within proximity of a railway.
- The development must manage excavation, retaining and other works involving ground disturbance in accordance with PO 11 of Module 18.2 – Filling and

Excavation State Code of the SDAP.

Stormwater

- The proposed development is increasing the impervious area on the subject site and altering drainage patterns in proximity to a railway.
- To achieve compliance with PO1 – PO3 of Module 18.3 – Stormwater and Drainage Impacts on State Transport Infrastructure State code of the SDAP, stormwater must be managed in accordance with the Stormwater Management Statement prepared by Stafford Adamson & Associates Pty Ltd.

Fencing

- The proposed development is intensifying the use of the subject site and the rail corridor is required to be protected from unauthorised access to prevent disruption of railway services, damage to rail transport infrastructure and potential harm to person.
- Fencing abutting rail corridor land is required to be in accordance with Queensland Rail Technical Standards.
- The development must therefore be conditioned in order to achieve compliance with the relevant performance outcomes in Module 19.2 – Development Adjacent to Railway, Busway and Light Rail State Code of the SDAP.

Evidence or other material on which the findings were based

- Development Application
- SDAP published by DSDIP
- Guide for Development in a Railway Environment
- Queensland Rail Fencing Standards
- *Transport Infrastructure Act 2009*
- *Sustainable Planning Act 2009*
- *Sustainable Planning Regulation 2009*

Our reference: SDA-0713-003386
 Your reference: MCU 121 & RL71

Attachment 3—Further advice

General advice	
Vibration Impacts	
1.	Ground disturbances in close proximity to the railway may cause vibration which has the potential to impact on the safety and operational integrity of railways. Due care should be undertaken when conducting ground works in proximity to a railway.
Further development permits, compliance permits or compliance certificates	
2.	<p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations. This may be applicable to the following matters associated with the proposed development:</p> <ul style="list-style-type: none"> • Construction of the proposed development's site access road (occupational crossing of the South West Line); • Construction of the Train Loading Facility; and • Road widening of the Daymar-Thallon Road/Carmarvon Highway intersection where involving works over the South West Line.

Attachment 4: 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.

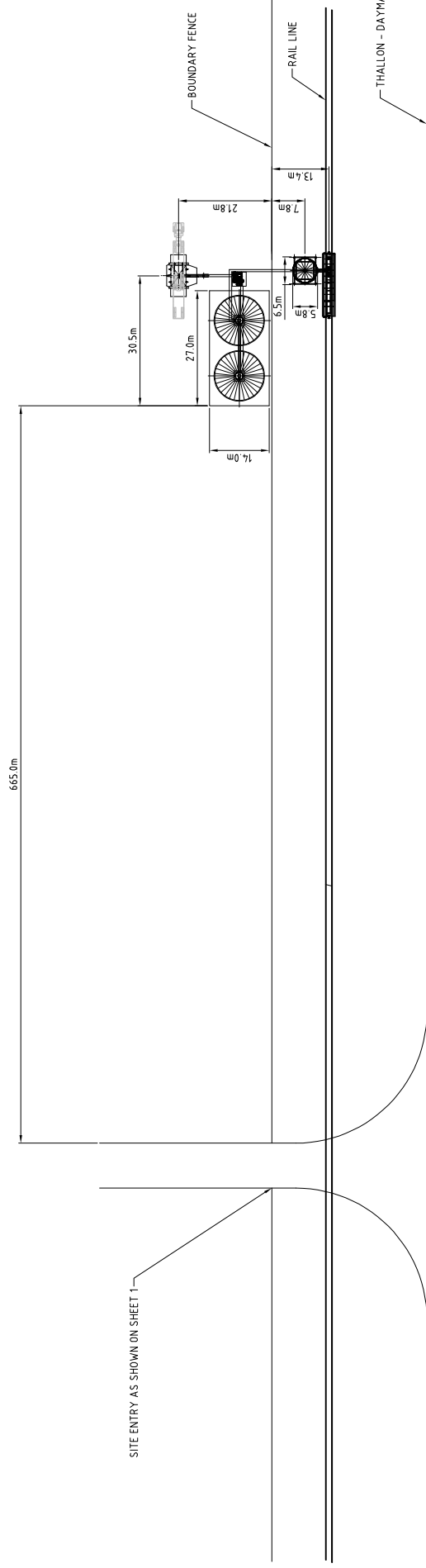
232 Rules of the P&E Court

- (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 5: Approved Plans and Specifications

Refer next page

LV V 000-50ESJ1



FILE NO.
PROJECT NO.
DATE

REFERENCE DRAWINGS	EDITION	DATE	CHK	APP'D
	A	31/8/23	ENR	
			KOB	

EDITION	DATE	CHK	APP'D
A	31/8/23	ENR	
		KOB	

EDITION DESCRIPTION	EDITION	DATE	CHK	APP'D

APPROVED	PROJECT MANAGER	ENG. CHECK	DRG. CHECK	INTS. NO.	SIGNATURE	DATE

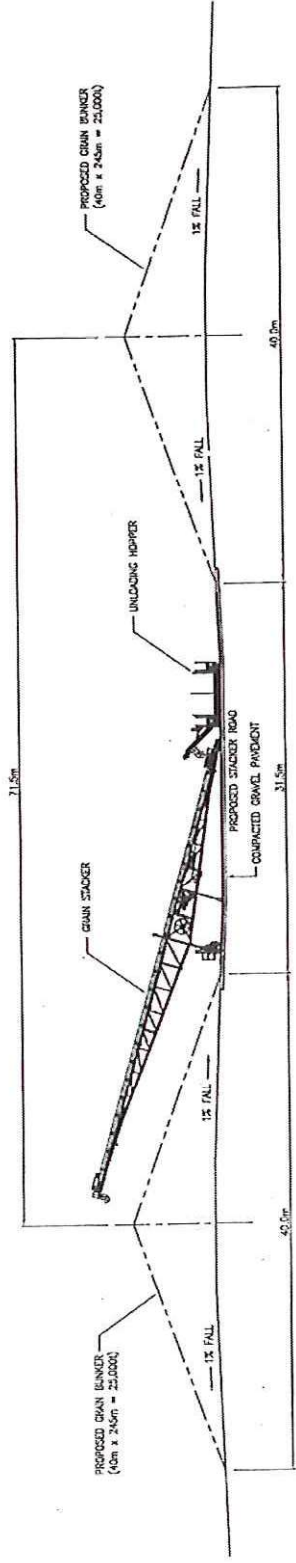
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DO NOT AMEND MANUALLY.

SCALE	NTS

NOTZUR Co. Pty Ltd.
A.B.N. 16 079 184 802
56-60 Commercial St.
Maida Vale, N.S.W. 2659
AUSTRALIA
Tel: 02 628 2809
email: info@notzur.com

THALLON GRAINS
RAIL LOADING FACILITY
THALLON QLD
SITE PLAN
SHEET 2

JOB No.	DRAWING NO.	REV	SIZE
J15305	J15305-000	A	A1



TYPICAL SECTION THROUGH BUNKER STORAGE
2 x GRAIN BUNKERS + STOKER ROAD

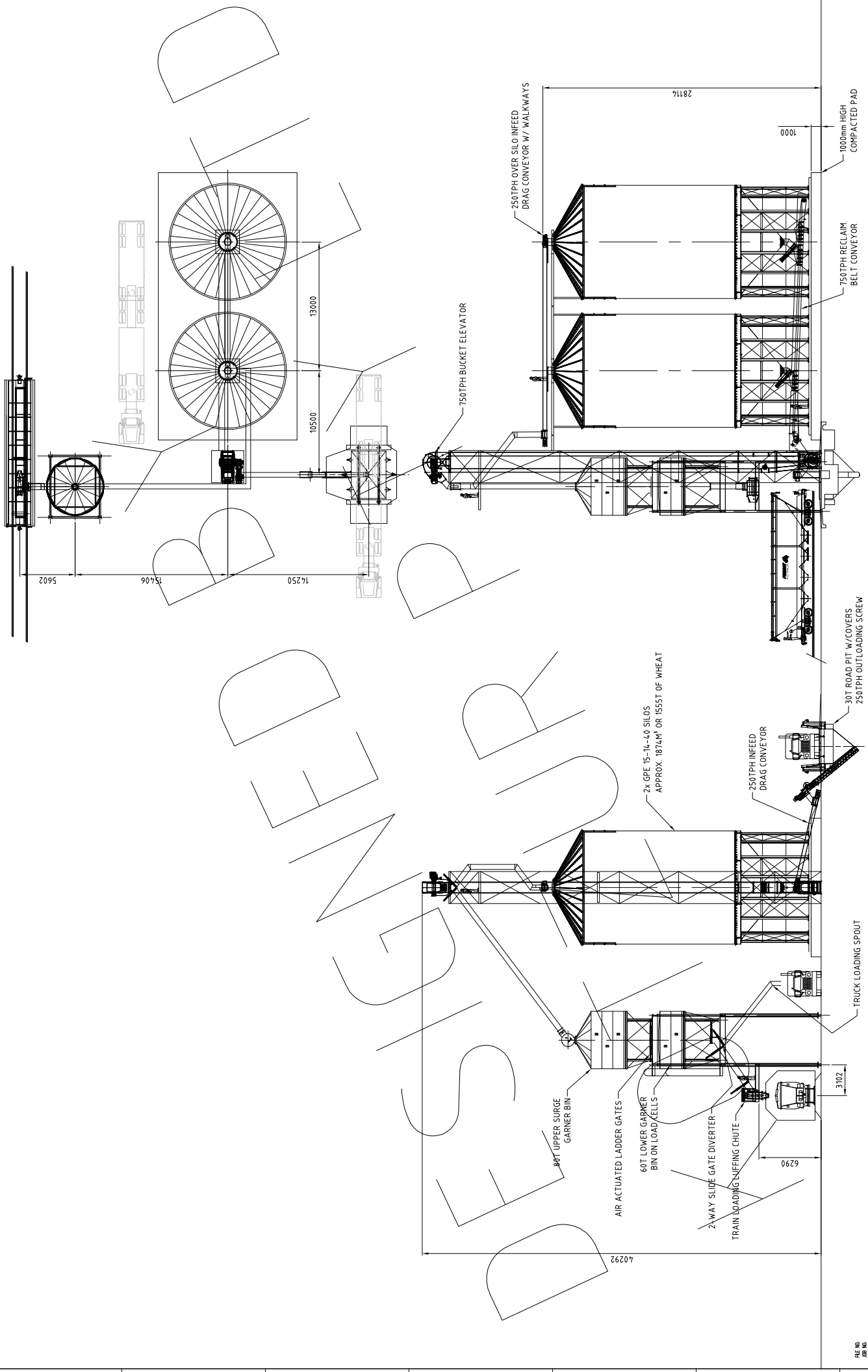
APPROVED PLAN
 BALONNE SHIRE COUNCIL
 REFERENCE: MCU121 RL72
 DATE: 15 Nov 2013

Kdh

SECTION VIEW
 PROPOSED GRAIN FACILITY
 1:200 (A1) 1:400 (A3)



PROJECT: BALONNE GRAIN FACILITY		TITLE: PROPOSED GRAIN FACILITY SECTION THROUGH GRAIN BUNKERS	
ALL TOTALS	AMOUNT PAID	DATE	BY
ALL TOTALS	AMOUNT PAID	DATE	BY
APPROVAL	DATE	APPROVED BY	CHECKED BY
DATE	14-05-13	APPROVED BY	CHECKED BY
DRAWN	RS	SCALE	1:200 (A1) 1:400 (A3)
STAFFORD ADAMSON PROJECT MANAGERS & CONSULTING ENGINEERS		PO BOX 7110 TOOWOOMBA SOUTH Phone: (07) 4639 6600 Fax: (07) 4639 6300 Email: staffad@staffad.com.au	
DRAWING No. CO118A-00-02		VERSION B	



REV	DATE	DESCRIPTION	BY	CHK	APP'D
C	2/2/23	SILOS, WERE GPE 15-14-40	KOB		
B	1/17/23	ISSUED FOR REVIEW & COMMENT	DB		
A	1/17/23	ISSUED FOR REVIEW & COMMENT	DB		

DATE	SIGNATURE	INTS.	DATE
7/9		DP	

DRAWN BY	DRG. CHECK	ENG. CHECK	PROJECT MANAGER	APPROVED

SCALE	JOB NO.	DRAWING NO.	REV	SIZE
	004830	004830-000	C	A1

THALLOM GRAINS
RAIL LOADING FACILITY
THALLOM OLD
PLAN & ELEVATIONS
SHEET 2

KOTZUR Co. Pty. Ltd.
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Ph: 02 6028 2809
email: info@kotzur.com

SCALE

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DO NOT AMEND MANUALLY.

REFERENCE DRAWINGS