

MISS JESSICA REISER (MARANOVA REGIONAL COUNCIL)

Our Ref: JS:MW 131915

22 November 2019

Maranoa Meats
C/- Paul and Kathryn Arnall
PO Box 546
St George QLD 4487

Dear Paul and Kathryn

Decision notice—(with conditions)

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

The development application described below was properly made to the Balonne Shire Council on 26 August 2019.

Applicant details

Applicant name: Maranoa Meats
C/- Paul and Kathryn Arnall

Applicant contact details: paulandkate@activ8.net.au
0447770004

Application details

Application number: MCU170

Approval sought: Development Permit

Details of proposed development: Development Application for Material Change of Use – "High Impact Industry" (Small Micro-Abattoir Facility)

Location details

Street address: 12733 Carnarvon Highway, St George QLD 4487

Real property description: Lot 24 on RP905119

Decision

Date of decision: 21 November 2019

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

Details of the approval

Development Permit	Making a Material Change of Use 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:

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

Properly made submissions

There were no properly made submissions for this application.

Referral agencies

The referral agencies for the application are:

Referral agency	Advice/Concurrence
State Assessment and Referral Agency Department of State Development, Manufacturing, Infrastructure and Planning PO Box 825 Toowoomba QLD 4350	Concurrency Agency For an application involving: State Transport Corridors <i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i> <i>(a) are within 25m of a State transport corridor; or</i> <i>(b) are a future State transport corridor;</i> <i>or</i> <i>(c) are—</i> <i>(i) adjacent to a road that intersects with a State controlled road; and</i> <i>(ii) within 100m of the intersection</i>

The Department of State Development, Manufacturing, Infrastructure and Planning has advised by letter dated 20 September 2019 that they have no requirements for the development.

Rights of appeal

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

A copy of the relevant appeal provisions are attached.

Currency period for the approval

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

Approved plans and specifications

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

Plan/Document Number	Plan/Document Name	Date
001	Site Plan	
002		
003		
004		
005		
Project No: P1030Q1	Paul Arnall; Plan	01/05/2019
Project No: P1030Q1	Paul Arnall; Plan	01/05/2019

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

Yours sincerely


Matthew Magin
Chief Executive Officer

Enc: Attachment 1—Assessment manager Conditions of Approval (Balonne Shire Council)
Attachment 2—Appeal provisions
Attachment 3—Statement of Reasons
Attachment 4—Approved plans and specifications

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

DEVELOPMENT PERMIT CONDITIONS

Preamble

- (i) The relevant planning scheme for this development is *Balonne Shire Planning Scheme 2006 (As Amended July 2014)*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- (ii) Under the Planning Scheme a "*High Impact Industry*" - means any activity which is classified by the *Environmental Protection Act 1994* as a level 1 environmentally relevant activity that has not been devolved to local government, or any activity which is not classified as level 1 environmentally relevant activity but which:
 - (a) are likely to result in material environmental harm (as defined in the *Environmental Protection Act 1994*), due to the materials or processes involved or the products or wastes produced;
 - (b) are likely to generate noise greater than Labg.T +5db(A) at any boundary of the site;
or
 - (c) require a licence under the *Building (Flammable and Combustible Liquids) Regulation* and are within 200m of land zoned Urban or Rural Residential.The term includes activities commonly referred to as noxious, hazardous, or offensive industries and salvage yards.
- (iii) The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- (iv) All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- (v) It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- (vi) An operational works application will be required to be submitted to and approved by Council for any cut exceeds 100m³ and/or filling works that exceed 500m³.
- (vii) In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.
- (viii) Refer to <https://www.safefood.qld.gov.au/> the regulatory body for the approved development for a 'Micro-Abattoir'.

Use

1. The approved development is a Material Change of Use - "High Impact Industry" as defined in the Planning Scheme and as shown on the approved plans.
2. The approved development must not exceed a processing capacity of twenty (20) Cattle and One Hundred (100) Sheep per week.
3. A development permit for building works must be obtained prior to commencing construction of the High Impact Industry (Micro-Abattoir Facility).
4. The approved development is to be carried out generally in accordance with the following approved plans/documents and subject to approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
001	Site Plan	
002		
003		
004		
005		
Project No: P1030Q1	Paul Arnall; Plan	01/05/2019
Project No: P1030Q1	Paul Arnall; Plan	01/05/2019

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

Compliance inspection

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

Applicable Standards

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

Development works

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

10. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

Waste Management

11. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
12. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.
13. Animal waste product must be collected and disposed of at a licenced facility.

Stormwater Drainage

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

Earthworks and Construction

18. Excavation or filling must be undertaken in accordance with *Schedule 7: "Standards for Construction Activity"* of the *Balonne Shire Planning Scheme*.
19. During construction, soil erosion and sediment is managed in accordance with *Schedule 7: "Standards for Construction Activity"* of the *Balonne Shire Planning Scheme*.

Avoiding Nuisance

20. 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.
21. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
22. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.

23. 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.
24. Unless otherwise approved in writing by the Council, approved hours of construction are restricted to Monday – Saturday 6.30am to 6.30pm – noise permitted. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.
25. Dust emanating as result of operation carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks and nearby properties and sensitive land uses.
26. Noise emissions from the development shall not cause environmental harm of nuisance to adjoining properties or “Sensitive Land Uses” in accordance with the *Environmental Protection (Noise) Policy 2008*.
27. Air emissions from the development shall not cause environmental harm of nuisance to adjoining properties or “Sensitive Land Uses” in accordance with the *Environmental Protection (Air) Policy 2008*.

Hours of Operation

28. Unless otherwise approved in writing by Council, the activities associated with the approved use shall only occur between the following hours 7:00am to 6:00pm Monday to Saturday.

Provision of Services

29. The development must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance. All licenses, permits and agreements required to access a sufficient supply of water must be in place prior to the commencement of the approved use.
30. Provide an on-site sewerage disposal system adequate for the approved use in accordance with the standards described in *Schedule 5: “Standards for Sewerage Supply” in the Balonne Shire Planning Scheme*.
31. An adequate grease waste trap shall be installed and maintained for the approved development. Waste solids separated from the waste grease trap must be collected and disposed of at a licenced facility.
32. Adequate amenities are to be provided in proximity to the approved development.
33. The development must be connected to an electricity reticulation service in accordance with the relevant service provider’s requirements and specifications along with relevant building standards, requirements and specifications (as relevant).

Access

34. 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.
35. All-weather vehicle access is to be provided to the development site from Carnarvon Highway.

36. Vehicle access and manoeuvring shall be maintained in accordance with relevant criteria of Schedule 2: "Standards for Roads, Car Parking, Access and Manoeuvring Areas" of the *Balonne Shire Planning Scheme*.

Landscaping

37. Landscaping is to be provided to the extent required to screen the development from neighbouring properties. Landscaping is to be a minimum width of two metres adjacent to the north and southern property boundaries.
38. Landscape plantings shall include a mix of trees, shrubs and ground covers at a density sufficient to provide a visual screen and buffer between the operations onsite and adjoining properties, and to integrate the development with the surrounding landscape. Landscaped areas may include garden beds/earth mounding where necessary to achieve suitable visual screening.
39. Vegetation is to have a mature height of at least 3 metres within 5 years of planting. Ground covers should fully covered vegetation strip within 1 year of planting.
40. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.

No Cost to Council

41. 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

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

Application Documentation

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

ATTACHMENT 2 – PLANNING ACT EXTRACT APPEAL RIGHTS

Chapter 6 Dispute resolution Part 1 Appeal rights

228 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

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

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

(3) The **appeal period** is—

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

Note—

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

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

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

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

- (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

229 Notice of appeal

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

230 Other appeals

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

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

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

231 Rules of the P&E Court

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

ATTACHMENT 3 — STATEMENT OF REASONS

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

Description of Development	The proposed development is for Material Change of Use – “High Impact Industry” (Small Micro-Abattoir Facility)
Assessment benchmarks	The proposed development was assessed against the following Assessment benchmarks: <ul style="list-style-type: none">• <i>Darling Downs Regional Plan</i>;• <i>State Planning Policy</i>; and• <i>Balonne Shire Planning Scheme 2006 (As amended July 2014)</i><ul style="list-style-type: none">• <i>Rural Zone Code</i>
Relevant matters	There relevant matters are the Assessment benchmarks.
Matters raised in submissions	No submissions were received during the public notification period.
Reasons for decision	The development was assessed against all of the Assessment benchmarks listed above and complies with all of these Assessment benchmarks or has otherwise been conditioned to achieve compliance.

ATTACHMENT 4 — APPROVED PLANS AND SPECIFICATIONS



BALONNE SHIRE COUNCIL

APPROVED PLANS / AMENDED PLANS

That accompanies a decision notice under the SPA 2009

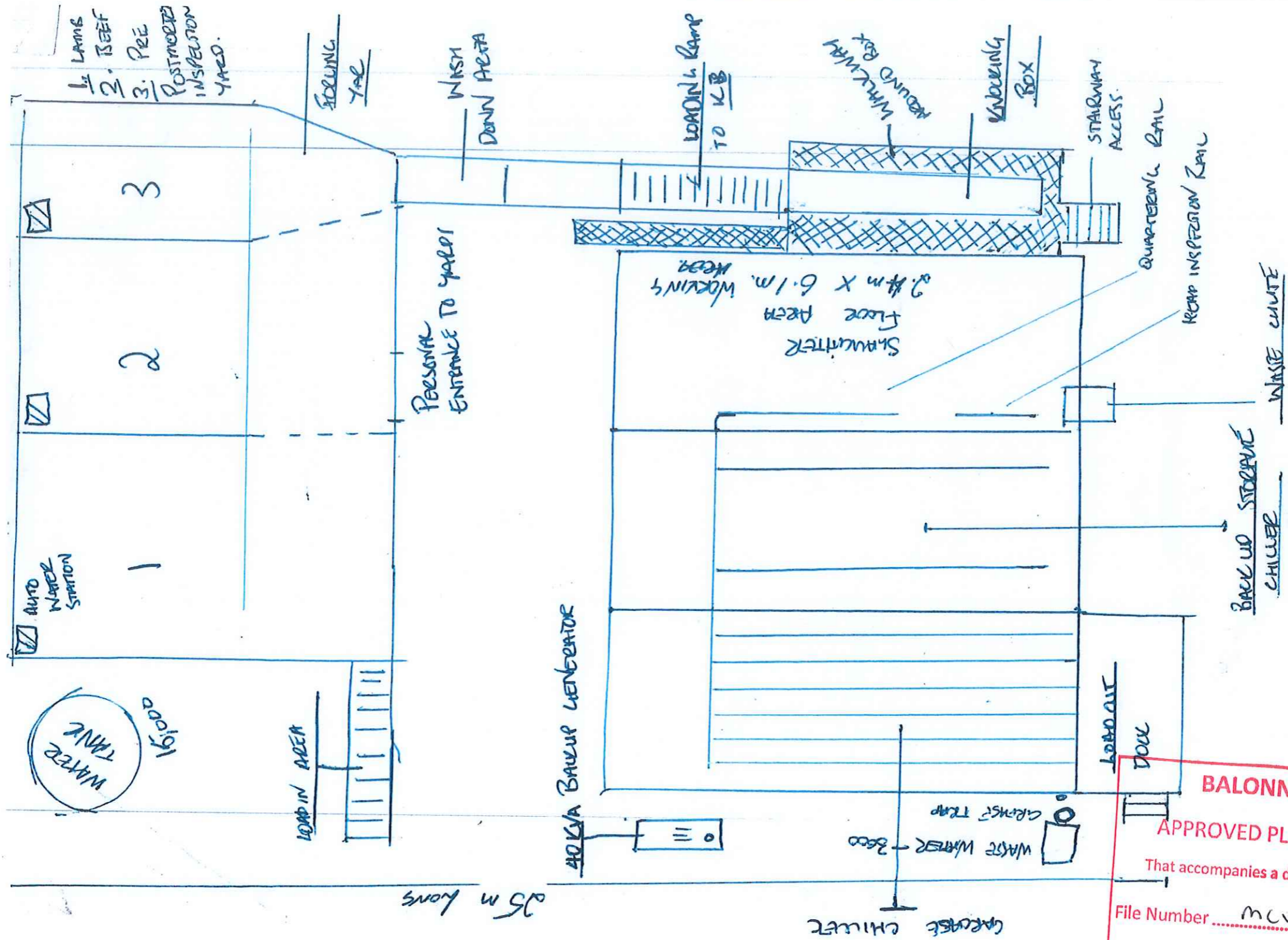
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Date of Approval 21.11.19

Assessment Mgr / CEO [Signature]

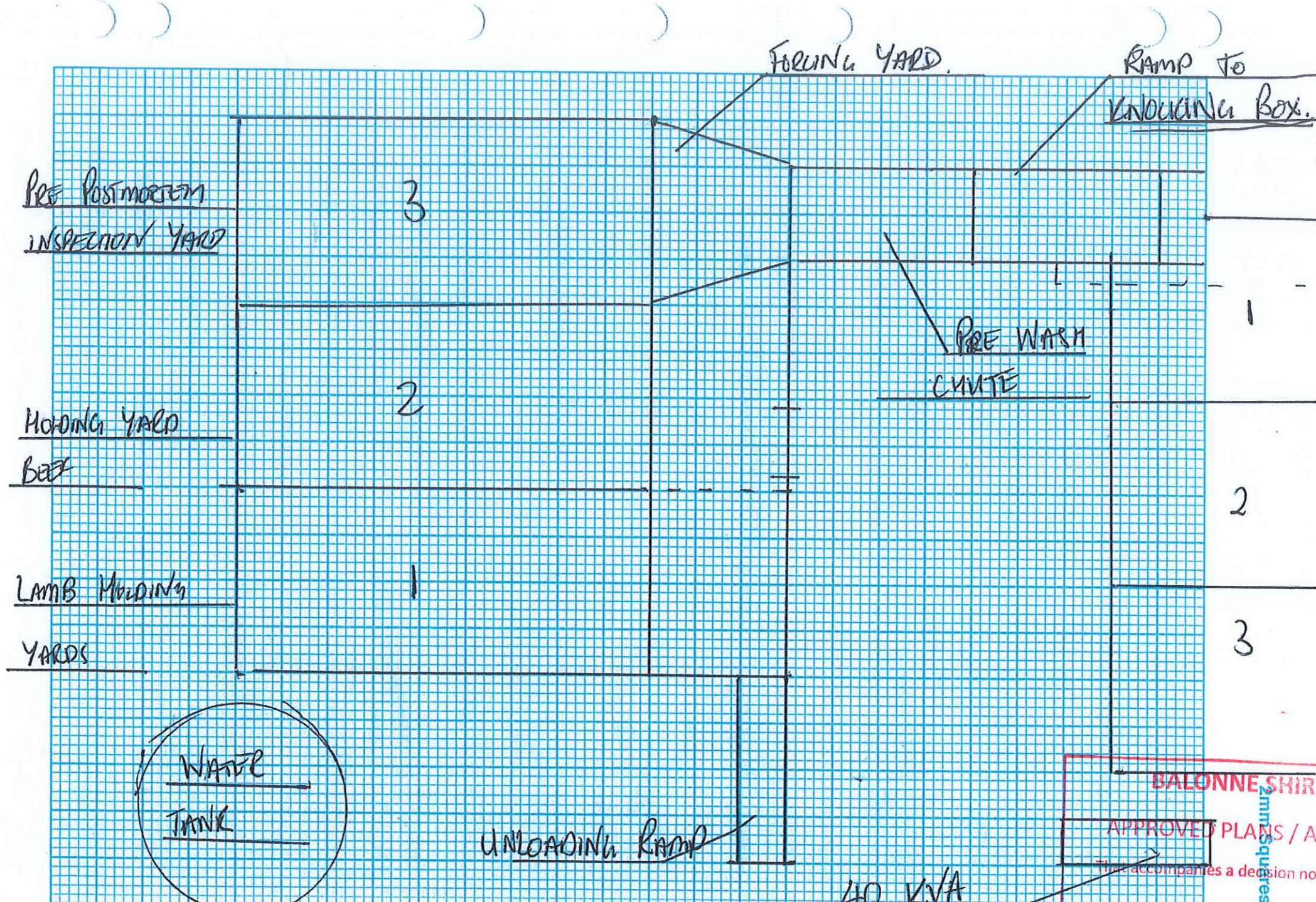
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RP10057

Drawing No: 001 - Site Plan



Drawing No: 002

BALONNE SHIRE COUNCIL
APPROVED PLANS / AMENDED PLANS
 That accompanies a decision notice under the SPA 2009
 File Number MCU 170
 Date of Approval 21.11.19
 Assessment Mgr / CEO [Signature]



Drawing No: 003

REV 110 / 11/11/19

BALONNE SHIRE COUNCIL

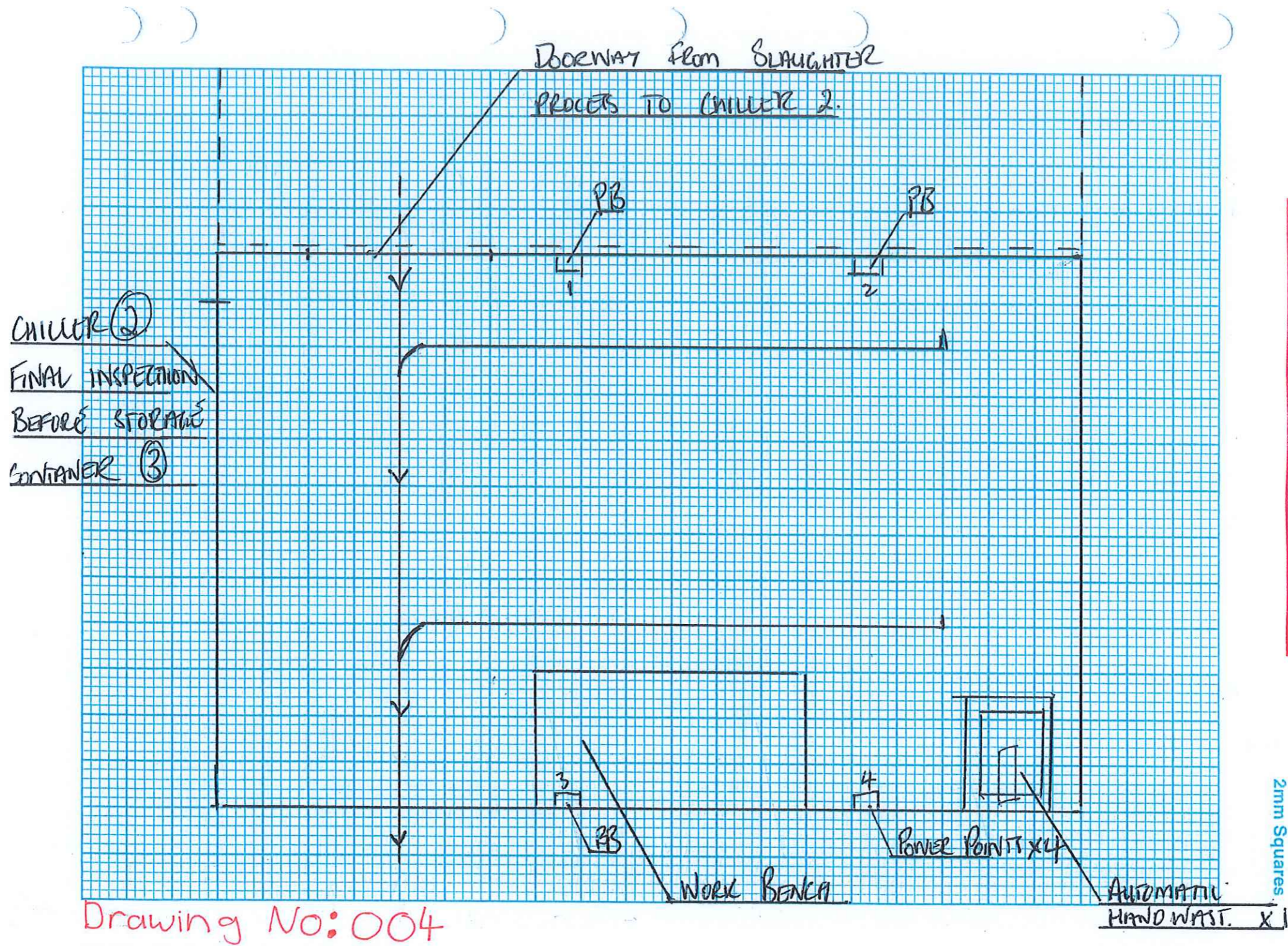
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This accompanies a decision notice under the SPA 2009

File Number mcw 170

Date of Approval 21-11-19

Assessment Mgr / CEO 




BALONNE SHIRE COUNCIL

APPROVED PLANS / AMENDED PLANS

That accompanies a decision notice under the SPA 2009

File Number MVV 170

Date of Approval 21.11.19

Assessment Mgr / CEO 

2mm Squares

Drawing No: 004

AUTOMATIC HAND WASH. x1

BALONNE SHIRE COUNCIL

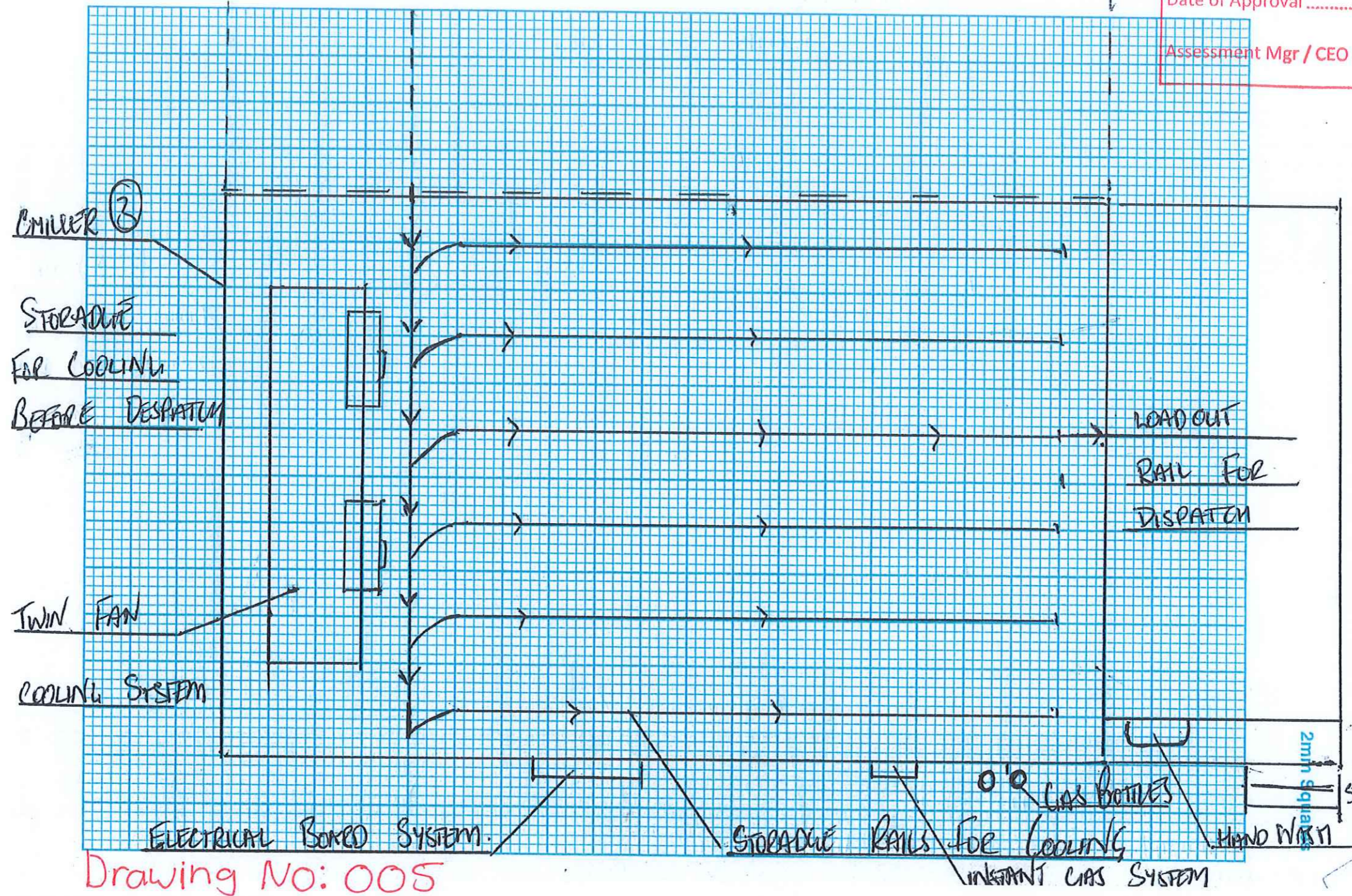
APPROVED PLANS / AMENDED PLANS

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File Number MCW 170

Date of Approval 21.11.19

Assessment Mgr / CEO [Signature]



Drawing No: 005

BALONNE SHIRE COUNCIL

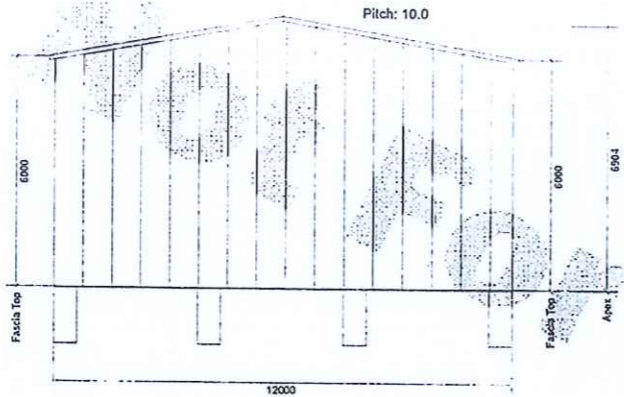
APPROVED PLANS / AMENDED PLANS

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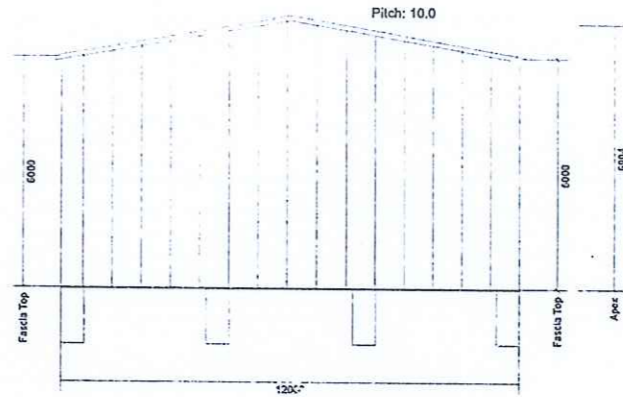
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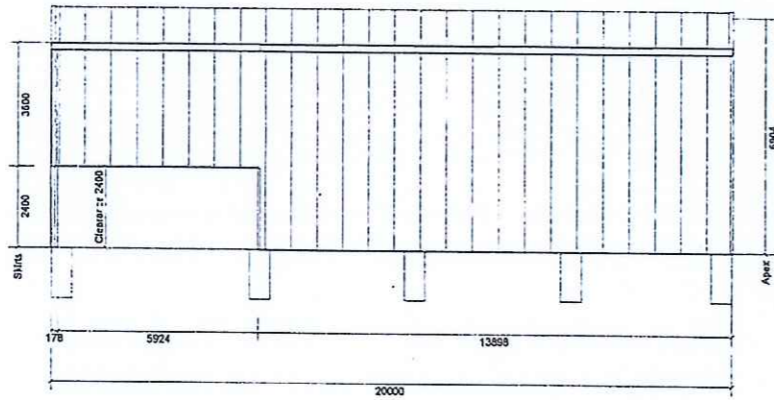
Assessment Mgr / CEO

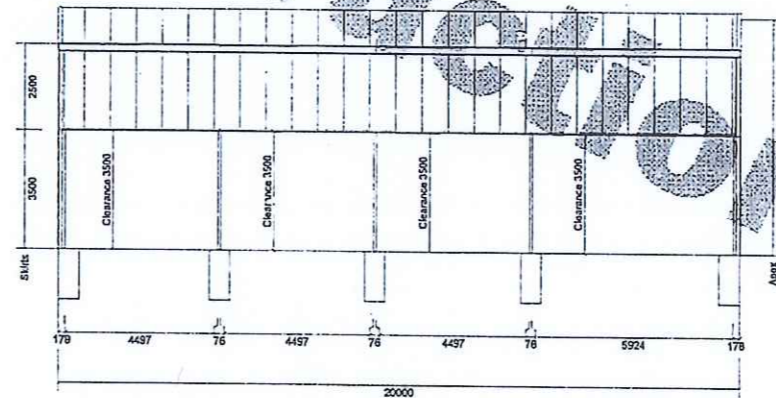
FRONT ELEVATION




BACK ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

 <p>R&F Steel Buildings St George QBCC Lic. 1239837 T 0432 205 616 E stgeorge@rfsteelbuildings.com.au</p> <p>R&F Steel Buildings St George ABN: 35 158 624 232</p>	PROJECT NO: P1030Q1	CUSTOMER: Paul Arnall	SITE: 12729 Carnarvon Highway St George, QLD 4487	DATE: 01/05/2019
	PROJECT NAME: Paul Arnall		LOT: RP/SP:	ULT WIND SPEED: 39.79 m/s SERVICEABILITY: 32.71 m/s
	QUOTE NAME: Paul Arnall		DRAWING No: Paul Arnall; Plan	

BALONNE SHIRE COUNCIL

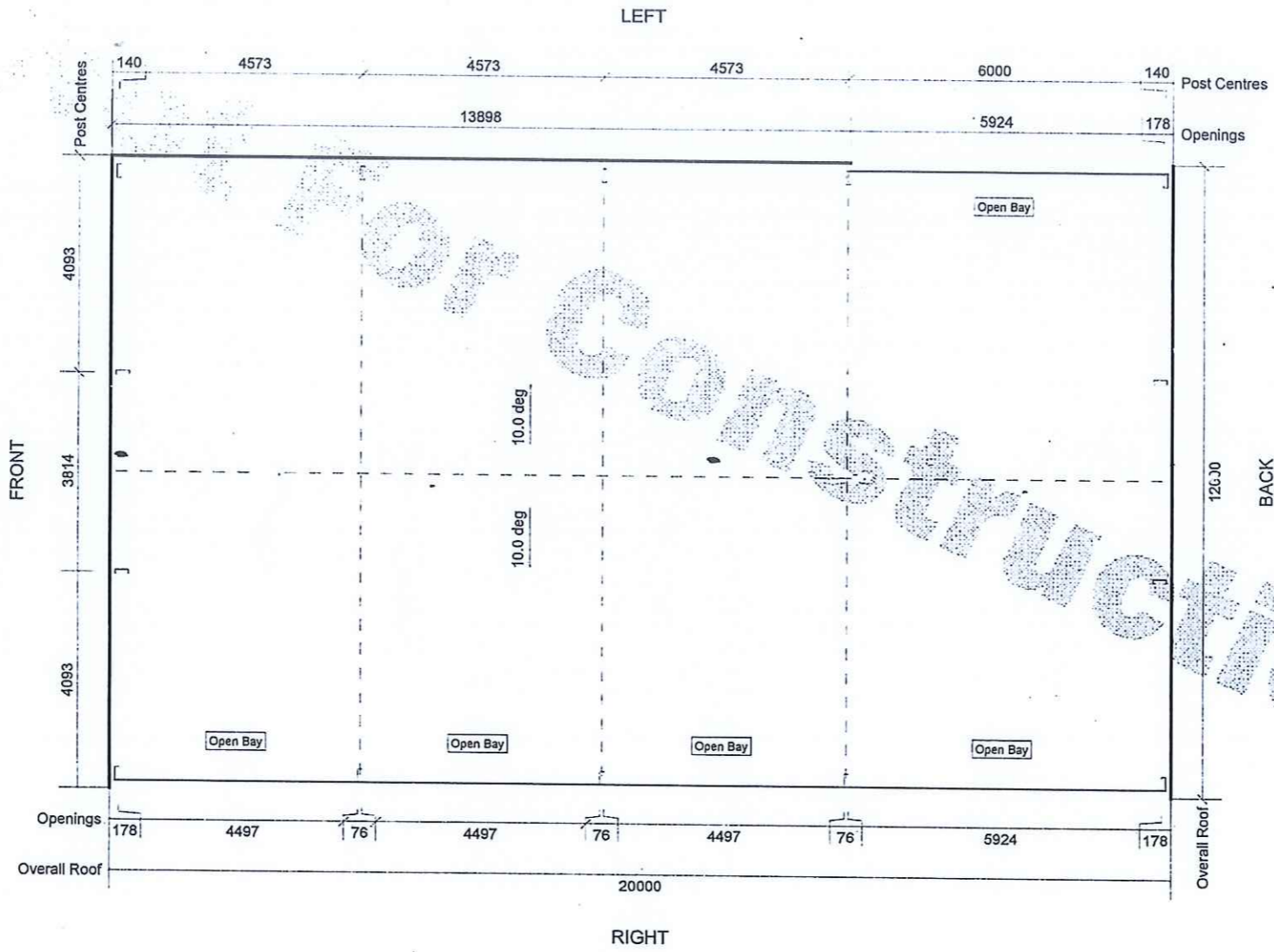
APPROVED PLANS / AMENDED PLANS

That accompanies a decision notice under the SPA 2009


File Number MCU 170

Date of Approval 21.11.19

Assessment Mgr / CEO

Floor Plan

 <p>R&F Steel Buildings St George QBCC Lic. 1239937 T 0432 205 616 E stgeorge@rfsteelbuildings.com.au R&F Steel Buildings St George ABN: 35 159 624 232</p>	PROJECT NO: P1030Q1	CUSTOMER: Paul Arnall	SITE: 12729 Camarvon Highway St George, QLD 4487	DATE: 01/05/2019
	PROJECT NAME: Paul Arnall		LOT: RP/SP:	ULT WIND SPEED: 39.79 m/s SERVICEABILITY: 32.71 m/s
	QUOTE NAME: Paul Arnall		DRAWING No: Paul Arnall; Plan	