

Your Reference:

Our Reference: KH: RR: mw: 20-06 (FID86521, MCU010-19/20, 16446-00000-000, ID1534392)

Contact: Rentia Robertson

16 June 2020

Game Meat Processing Pty Ltd
Beverly Muita & Shane Tierney
140 Toongarra Road
WULKURAKA QLD 4305

Dear Sir/Madam

Decision Notice – Approval

(Given under section 63 of the Planning Act 2016)

Application Number: *MCU010-19/20*
Description: *Animal Carcass Store*
Level of Assessment: *Code Assessable*
Site Address: *14732 LEICHHARDT HIGHWAY, LONESOME CREEK*
Lot & Plan Details: *Lot 47 on RP869094*

On 16 June 2020, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approval is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme	s20	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Approved Plans

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Un numbered	Property Map	Received 24-02-2020
Un numbered	Site Plan	Received 24-02-2020
Un numbered	Vehicle Manoeuvring	Received 24-02-2020
Un numbered	Storage Area	Received 1 June 2020

3. 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
- Plumbing & Drainage

4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

5. Submissions

Not applicable (Public Notification not required)

6. Referral Agencies

The referral agency for this application was:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
Chief Executive - Department of State Development, Infrastructure and Planning (DSDIP) - State Assessment Referral Agency (SARA)	Concurrence	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1.	RockhamptonSAR A@dsmip.qld.gov.au Fitzroy & Central Region PO Box 113 ROCKHAMPTON QLD 4701

7. 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*.

8. Statement of Reasons

Description of the development	Material Change of Use for a Low impact Industry for the purposes an Animal Carcass Store.
Assessment Benchmarks	Rural Zone Code Development Standards Code Economic Resources Overlay Code
Reasons for Decision	<p>Rural Zone Code</p> <p>The development complies or has been conditioned to comply with all applicable Acceptable Outcomes. Conditions have been imposed in relation to the following:</p> <ul style="list-style-type: none"> - PO3 in relation to Operating hours, - The Delivery of Goods; and - in relation to Lighting. <p>Development Standards Code</p> <p>PO9 in relation to Water Supply, PO11 in relation to Effluent disposal.</p> <p>Economic Resources Overlay Code</p> <p>The development complies with all applicable Acceptable Outcomes.</p>

9. Appeal rights

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 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).

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 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of MCU010-19/20.

Yours Sincerely



Dr Keith Halford
MANAGER ENVIRONMENT & PLANNING

CC All Referral Agencies (both advice and concurrence)

State Assessment and Referral Agency (SARA)
rockhamptonSARA@dilgp.qld.gov.au

Enc Attachment 1 – Part A Conditions imposed by the Assessment Manager
Attachment 1 – Part B Assessment Manager Notes
Attachment 1 – Part C Conditions imposed by Department of State
Development, Manufacturing, Infrastructure and Planning
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings

MCU010-19/20 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

- 1 The proposed Material Change of Use is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions of this Development Approval –

Plan/Document number	Plan/Document name	Date
Un numbered	Property Map	Received 24-02-2020
Un numbered	Site Plan	Received 24-02-2020
Un numbered	Vehicle Manoeuvring	Received 24-02-2020
Un numbered	Storage Area	Received 1 June 2020

- 2 Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.
- 3 Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4 Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.

Approved Use

- 5 The approved use of the premises is for an animal carcass store, allowing load out capacity of 150 animal carcasses per week.
- 6 The hours of operation shall be confined to 2 hours prior to sunrise and 2 hours after sunrise, and operates on a 7 day week schedule.
- 7 One refrigeration trailer is to be used on site.
- 8 Maximum of 2 road transport trucks to visit the site per week. These vehicles to enter and exit the premise in forward gear.

Building works

9. The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
10. The applicant shall obtain a development permit for all plumbing and drainage work including the removal of redundant pipework.

Lighting

11. Any lighting or illuminations including driveway lighting, down lighting from the premises are to be designed in accordance with Australian Standard: AS 4282 Control of the obtrusive effects of outdoor lighting, to ensure that no nuisance is caused to adjoining or adjacent premises and to road users.
12. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

Water Supply

13. Provide a sufficient supply of potable water for all staff and visitors associated with the approved use. The water must satisfy the Australian Drinking Water Guidelines or relevant standard applicable at the time.
14. At the time of lodging a building application, documentation is required to be submitted to Council that demonstrates that a reasonable water supply for potable and emergency purposes (including adequate storage for a minimum 47,000 Litre capacity volume) is available for the development in compliance with the requirements of Council's Town Planning Scheme.

Sewerage

15. Prior to the commencement of use, an effluent disposal/storage system, appropriate for the proposed development, is to be installed. All relevant approvals for this system, in accordance with the requirements of the *Plumbing and Drainage Act*, are to be obtained before installation.
16. All liquid waste as a result of the use is to be captured and drained by sealed pipe into the effluent disposal/storage system. The effluent disposal/storage system is to be maintained and liquid waste collected, transported and disposed of through a licenced liquid waste collection service (serviced regularly on a minimum of 3 months rotation).

Stormwater Quality

17. Contaminated water must not be directly or indirectly released from the premises.

Amenity

18 The premises must be maintained in a safe and tidy manner at all times.

Waste Management

- 19** Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of:
- a) animal carcasses or parts thereof. Such wastes cannot be disposed of through Council's domestic waste systems, and
 - b) no commercial waste is to be deposited at other Banana Shire landfills or transfer stations

A and B above can only occur at other Banana Shire landfills or transfer stations with prior written approval from Council.

20 Waste must not be burned at the premises.

MCU010-19/20 Attachment 1

Part B – Assessment Manager Notes

- A** The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- B** Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the *Planning Act 2016*.
- C** The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.
- D** Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Taroom Planning Scheme.
- E** In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- F** The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- G** Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- H** Any works on roads shall be conducted in accordance with the Queensland Department of Transport and Main Roads, "Manual of Uniform Traffic Control Devices – Part 3".
- I** All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards - Capricorn Municipal Development Guidelines (www.cmdg.com.au) at the Applicant's expense.

- J** Please note the conditions dated 14 May 2020 imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency and attached to this Decision Notice.

General

- A** The *Environmental Protection Act 1994* places a general environmental duty on everyone. Activity that causes or is likely to cause environmental harm must not be carried out unless all reasonable and practicable measures are taken to prevent or minimise the harm. Anyone becoming aware of serious or material environmental harm being caused or threatened by an activity they are involved in, has a duty to report that harm.
- B** It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.

Noise

- A** Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and Environmental Protection (Noise) Policy 2019.

Air and Light

- A** Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development.

Water and Stormwater

- A** It is an offence under section 440ZG of the *Environmental Protection Act 1994* to:
- a) deposit a prescribed water contaminant in waters; or a roadside gutter or stormwater drain; or another place and in a way so that the contaminant could reasonably be expected to wash, blow, fall or otherwise move into waters, a roadside gutter or stormwater drainage; or
 - b) release stormwater run-off into waters, a roadside gutter or stormwater drainage that results in the build-up of earth in waters, a roadside gutter or stormwater drainage.

Prescribed water contaminants include but are not limited to: animal matter, including dead animals, animal remains and animal excreta, and water used to clean animals, animal enclosures or vehicles used for transporting animals.

Waste Management

- A** It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- B** All waste to be removed from site should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- C** Council is keen to encourage recycling and recovery of as much material as possible from the waste stream. As such –
 - a) additional disposal fees will apply to unsorted waste disposed of at Trap Gully Landfill; and
 - b) recycling materials are free to dispose at Council waste facilities when placed in the correct locations, with the exception of tyres and commercial loads of clean concrete. Further information in relation to recycling options is available on Council's website www.banana.qld.gov.au/waste
- D** It is an offence under the Environmental Protection Regulation 2019 to fail to comply with signage or directions at a waste facility.
- E** Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.
- F** This property is not currently within Councils garbage collection area. Councils may be able to provide a wheelie bin collection service on request, however this will be dependent on the safety of collection from the property kerbside.

Cultural Heritage

- A** This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".

Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Biosecurity

- A** A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the *Biosecurity Act 2014*. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.
- B** Section 23 of the *Biosecurity Act 2014* outlines the General Biosecurity Obligation. All landowners have a General Biosecurity Obligation (GBO) for managing biosecurity risks that are under their control and that they know about or should reasonably be expected to know about. All individuals and organisations whose activities pose or is likely to pose a biosecurity risk must:
- a) take all reasonable and practical measures to prevent or minimise the biosecurity risk
 - b) minimise the likelihood of causing a biosecurity event and limit the consequences if such an event occurs
 - c) prevent or minimise the harmful effects a biosecurity risk could have
 - d) not do anything that might make any harmful effects of a biosecurity risk worse

A biosecurity risk exists when you deal with any pest, disease, weed or contaminant. This includes moving an animal, plant, turf, soil, machinery and/or equipment that could carry a pest, disease, weed or contaminant.

Signage

- A** All proposed signage shall be the subject a separate approval for a development permit pursuant to the Banana Shire Planning Scheme.

MCU010-19/20 Attachment 1

*Part C - Conditions imposed by the Department of State Development,
Manufacturing, Infrastructure and Planning*



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

SARA reference: 2004-16333 SRA
 Council reference: MCU010-19/20
 Applicant reference: Lonesome Creek Site

14 May 2020

The Chief Executive Officer
 Banana Shire Council
 PO Box 412
 Biloela Qld 4715
 enquiries@banana.qld.gov.au

Dear Sir/Madam

SARA response—14732 Leichhardt Highway, Lonesome Creek

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 15 April 2020.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	14 May 2020
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use for Cold storage facility (animal carcass storage)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a state-controlled road	
SARA reference:	2004-16333 SRA	

Fitzroy/Central regional office
 Level 2, 209 Bolsover Street,
 Rockhampton
 PO Box 113, Rockhampton QLD 4700

Assessment Manager: Banana Shire Council
Street address: 14732 Leichhardt Highway, Lonesome Creek
Real property description: Lot 47 on RP869094
Applicant name: Game Meat Processing Pty Ltd
Applicant contact details: 140 Toongarra Rd
Wulkuraka QLD 4305
beverly.muita@gmail.com

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 (s. 30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dsmip.qld.gov.au, who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Game Meat Processing Pty Ltd, beverly.muita@gmail.com
enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

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) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for the department's decision are:

- the development is for an animal carcass storage facility, involving a refrigeration trailer and associated loading/unloading platform
- the development is set back approximately one kilometre from the Leichhardt Highway (state-controlled road) with minimal impervious surfaces, and any stormwater runoff is not expected to have any adverse impacts on the state-controlled road
- there is a very low amount of traffic associated with the development and traffic associated with the development will use an existing access to the Leichhardt Highway. Given the low volume of traffic and the standard of the existing access, no adverse impacts on the safety and functionality of the state-controlled road are expected
- the development complies with relevant provisions of State code 1 of the State Development Assessment Provisions, version 2.6.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 2

Planning Act 2016 Extract on Appeal Rights

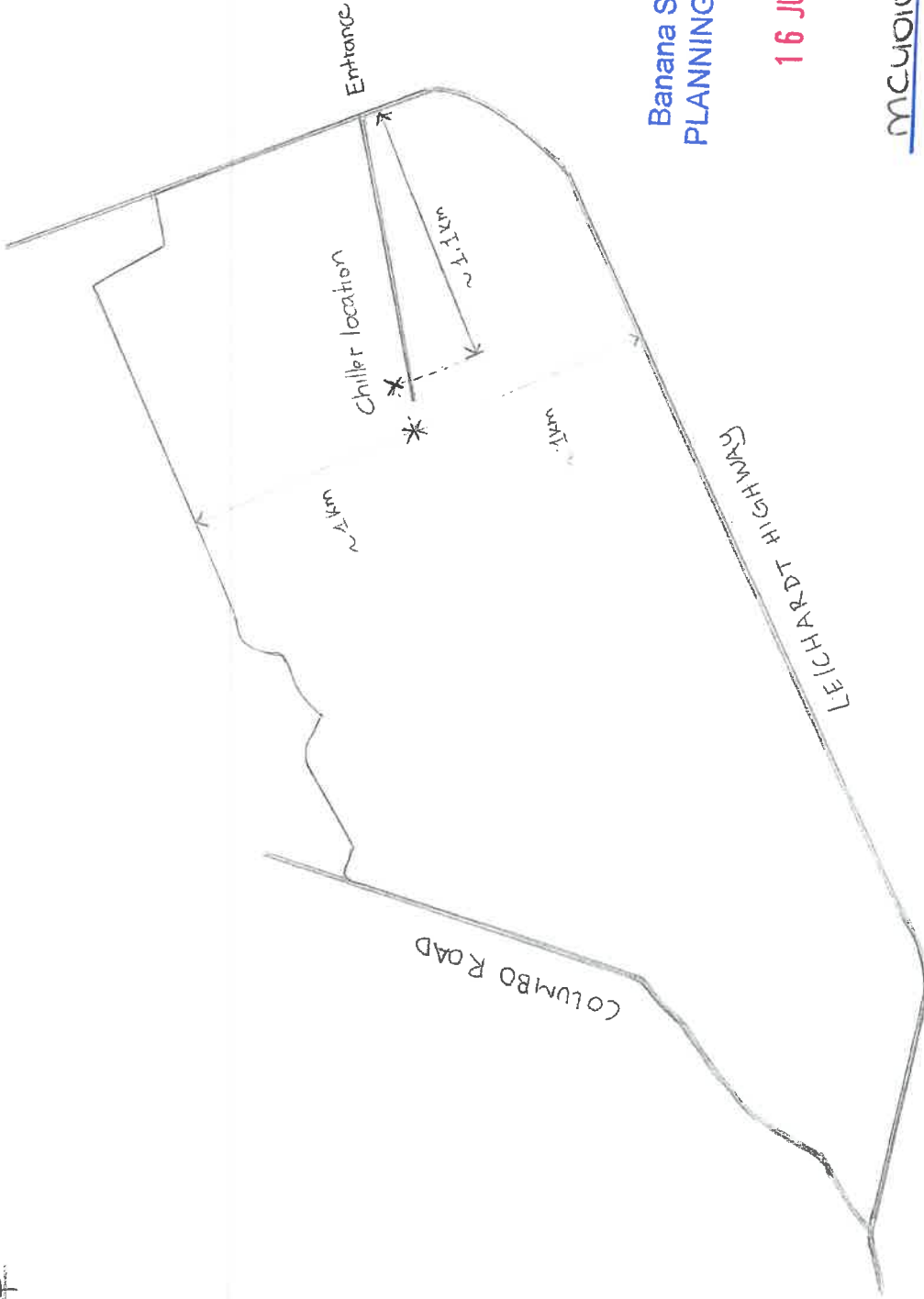
Part 1 Appeal rights

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 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.

Attachment 3
Approved Drawings

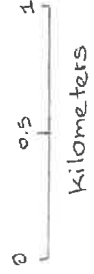
Property map



Banana Shire Council
PLANNING APPROVAL

16 JUN 2020

MC4010-19/20

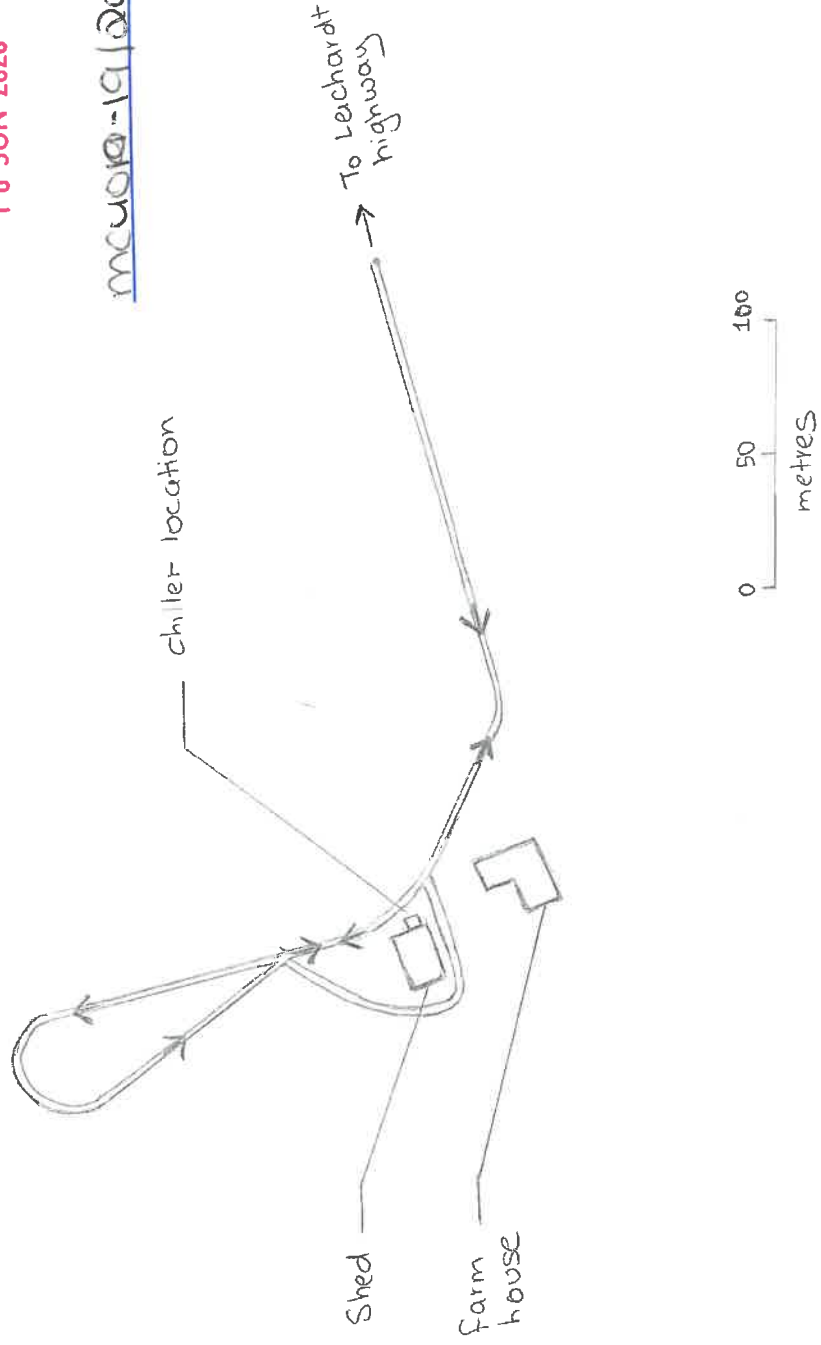


Vehicle manoeuvring

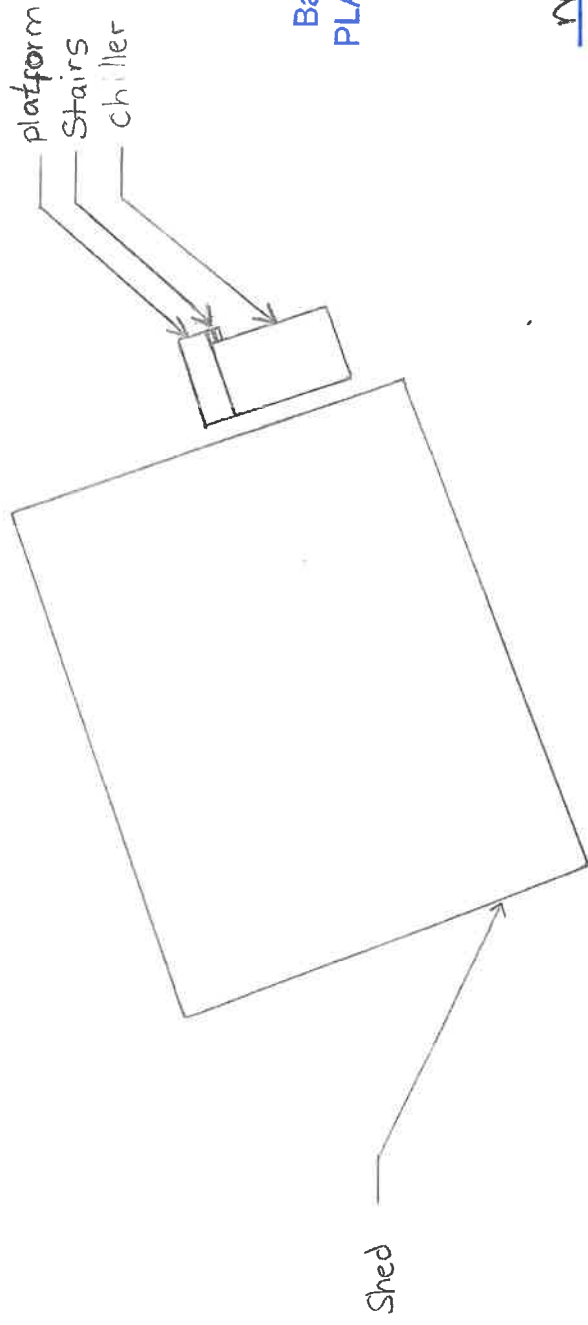
Banana Shire Council
PLANNING APPROVAL

16 JUN 2020

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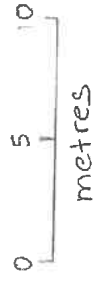
Site Plan



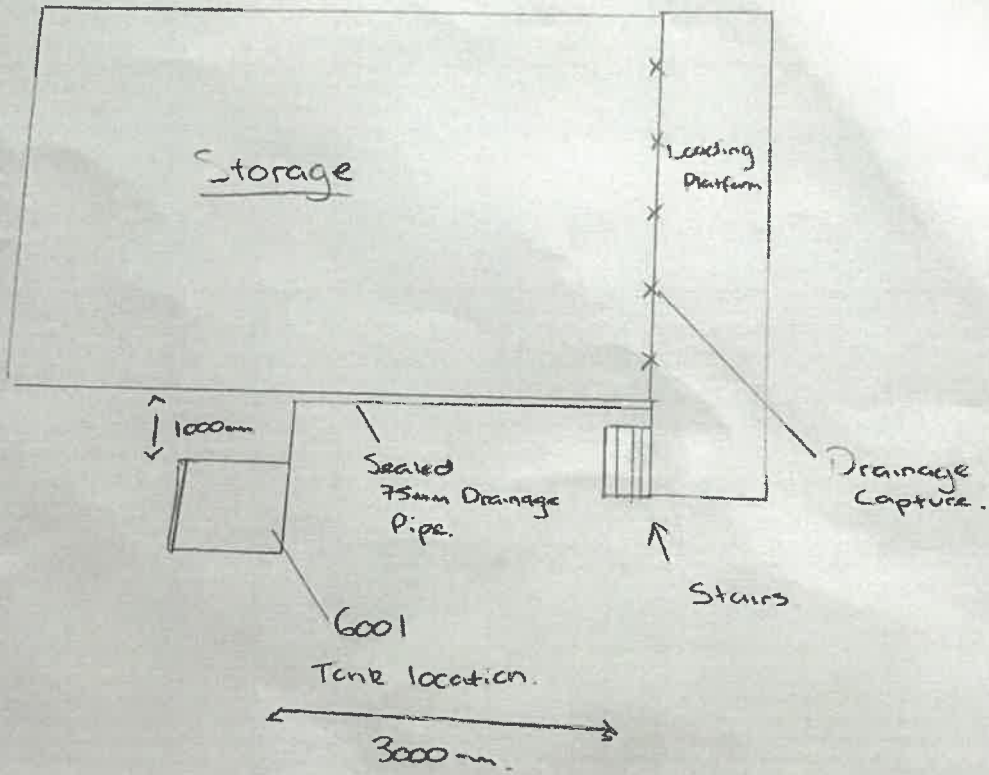
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PLANNING APPROVAL

16 JUN 2020

MC4010-19/20



SHED



Storage Area

Banana Shire Council
PLANNING APPROVAL

16 JUN 2020

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