

Mail to: PO Box 63 Charleville Q 4470

E: mail@murweh.qld.gov.au

P: (07) 4656 8355 | F: (07) 4656 8399

www.murweh.qld.gov.au

ABN: 98 117 909 303

25 May 2022

Steve Mizen Ref No: PA 7603

Tickell Grazing Pty Ltd C/- Precinct Urban Planning, PO Box 3038 Toowoomba QLD 4350

Dear Sir,

RE: DECISION NOTICE

MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY

69450 WARREGO HIGHWAY SOMMARIVA Q 4470, LOT 1 SP218518, LOT

4 RS45

Murweh Shire Council has the pleasure of enclosing a Decision Notice for a material change of use for an extension to the existing abattoir on the lot described above.

If there is any aspect of the decision notice that you are unclear of, or you wish to discuss anything in relation to this Development Application, please contact Murweh Shire Council or Steve Mizen on 0488 253 393.

Yours faithfully

MR JAMIE GORRY

A/CHIEF EXECUTIVE OFFICER

Decision Notice

APPROVAL

Planning Act 2016 s 63

Our Ref: PA 7603

25 May 2022

Tickell Grazing Pty Ltd C/- Precinct Urban Planning, PO Box 3038 Toowoomba QLD 4350

Dear Sir/Madam,

Decision Notice –approval (with conditions)

(Given under section 63 of the Planning Act 2016)

The development application described below was properly made to the Murweh Shire Council on 8 March 2022.

Applicant Details:

Applicant name: Tickell Grazing Pty Ltd

C/- Precinct Urban Planning,

PO Box 3038

Toowoomba QLD 4350

Applicants contact details: 07 4632 2535

Application Details:

Application number: PA 7603

Approval sought: Material Change of Use

Details of proposed

development: Extractive Industry

Location Details:

Street Address: 69450 Warrego Highway Sommariva Q 4470

Real Property Description: Lot 1 SP218518, Lot 4 RS45

Decision:

Date of decision: 19 May 2022

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 agency imposed them.

Details of the Approval:

Development permit Material Change of Use: Extractive industry for extracting and screening up to 40,000 tonnes/annum and for ancillary workshop and staff accommodation on land situated at 69450 Warrego Highway, Sommariva.

Conditions:

This approval is subject to the Council conditions in Attachment 1.

SARA Response Attachment 2.

Attachment 1 - Murweh Shire Council's Conditions of Approval

- That the extractive industry is carried out in accordance with the ERA conditions imposed by the *Environment Protection Act 1994* and any other relevant legislation, and
- That building and plumbing approvals be obtained for the workshop and accommodation units.

Murweh Shire Council's Statement of Reasons

In accordance with section 63(5) of the *Planning Act 2016*, Council provides the following reasons for this decision:

Assessment Benchmark

The proposed development was assessed against the following benchmark

• The Murweh Shire Council Planning Scheme 2015

Relevant Matters

• Rural Zone

The assessment benchmarks have been complied with or suitable conditions imposed.



SARA reference:

2203-27774 SRA

Council reference:

PA7603

27 April 2022

Chief Executive Officer Murweh Shire Council PO Box 63 CHARLEVILLE Qld 4470 mail@murweh.gld.gov.au

Attention:

Mr Steve Mizen

Dear Steve

SARA response—Warrego Highway, Sommariva

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 10 March 2022.

Response

Outcome: Referral agency response - No requirements

Under section 56(1)(a) of the Planning Act 2016, the department

advises it has no requirements relating to the application.

Date of response: 27 April 2022

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 – Undefined Use

(extractive industry including ancillary workshop and staff accommodation)

SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1

(10.9.4.2.4.1)—Material change of use of premises near a state

transport controlled road (Planning Regulation 2017)

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1

(10.9.4.1.1.1) – Development impacting on state transport

infrastructure (Planning Regulation 2017)

SARA reference: 2203-27774 SRA

Assessment Manager: Murweh Shire Council

Street address: Warrego Highway, Sommariva

Real property description: Lot 1 on SP218518 and Lot 4 on RS45

Applicant name: Tickell Grazing Pty Ltd

Applicant contact details: PO Box 3038

Toowoomba QLD 4350 paul@precinctplan.com.au

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 David Hooper, Principal Planning officer, on 07 3452 7618 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Alison Stevens A/Manager

cc Tickell Grazing Pty Ltd, paul@precinctplan.com.au

enc Attachment 1 - Advice to the applicant

Attachment 2 - Reasons for referral agency response

Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice

Terms and phrases used in this document are defined in the *Planning Act 2016* 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 complies with State Code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services.

The development complies with the relevant provisions of *State code 6: Protection of state transport networks* of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a state transport infrastructure
- does not result in a worsening of the physical condition or operating performance of the state transport network
- does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure
- · does not impact upon existing public passenger transport infrastructure.

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 SARA
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- Human Rights Act 2019

Attachment 3— Representations about a referral agency response provisions

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Further Development Permits:

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

- 1. Building Approval
- 2. Plumbing Approval

Properly Made Submissions:

Properly made submissions were received from the following principal submitters: NIL

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*).

Currency Period for the Approval:

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016.*

For further information please contact Mr Steve Mizen, Planning Officer, on 0488 353 393 or via email ceo@murweh.qld.gov.au who will be pleased to assist.

Yours faithfully

MR JAMIE GORRY

A/CHIEF EXECUTIVE OFFICER

Attachments:

Attachment 1: Murweh Shire Council's Conditions of Approval

Statement of Reasons

Attachment 2: SARA Referral Response

Attachment 3: Approved Plans

Attachment 4: Appeal provisions (extracts from Planning Act 2016)

RIGHTS OF APPEAL

If you are dissatisfied with any condition of this approval you may, within twenty (20) business days, make representation to the assessment manager about the condition/s of this approval or appeal to the Building and Development Tribunal in accordance with the Planning Act 2016.

EXTRACT FROM THE PLANNING ACT 2016

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;
 - (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.

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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an
 eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d);
 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—

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- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started,
- (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.

231 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.

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

MURWEH SHIRE COUNCIL

This approval document forms part of the decision notice For carrying out "DA APPROVAL" in accordance PERMIT NUMBER DATE







SEE DECISION NOTICE FOR CONDITIONS

2.0 SITE AND LOCALITY

2.1 SUBJECT SITE

The development site area is located on the property known locally as "Lesdale", situated at 69450 Warrego Highway, Sommariva, approximately 23 kilometres due east of Charleville; refer to Figure 1 - Locality Plan. The development site area is located on land described as Lot 1 on SP218518 (2,309ha) and relies on the adjoining land described as Lot 4 on RS45 (1,233.38ha) for access purposes. The subject land comprises two (2) contiguous titles with a total site area of 3,542.38 hectares. The subject land has frontage to the Warrego Highway and its access is located directly opposite Arabella Rail Siding; refer Figure 2 - Site Plan. A stock route traverses the subject land that aligns with Bradley's Gully.

FIGURE 1 - LOCALITY PLAN

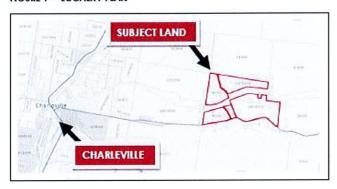
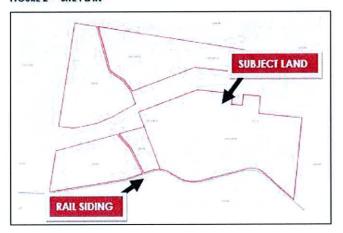
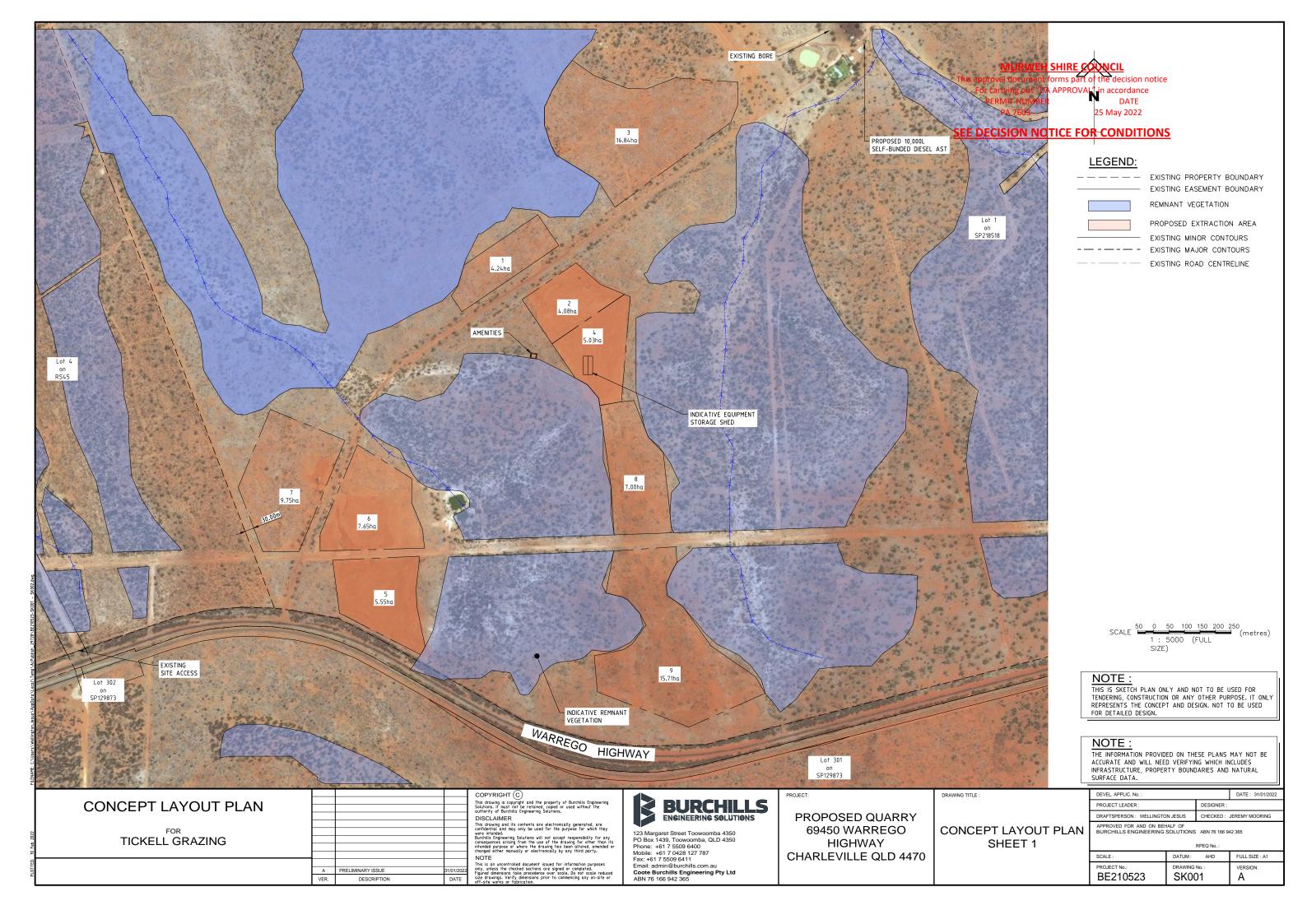
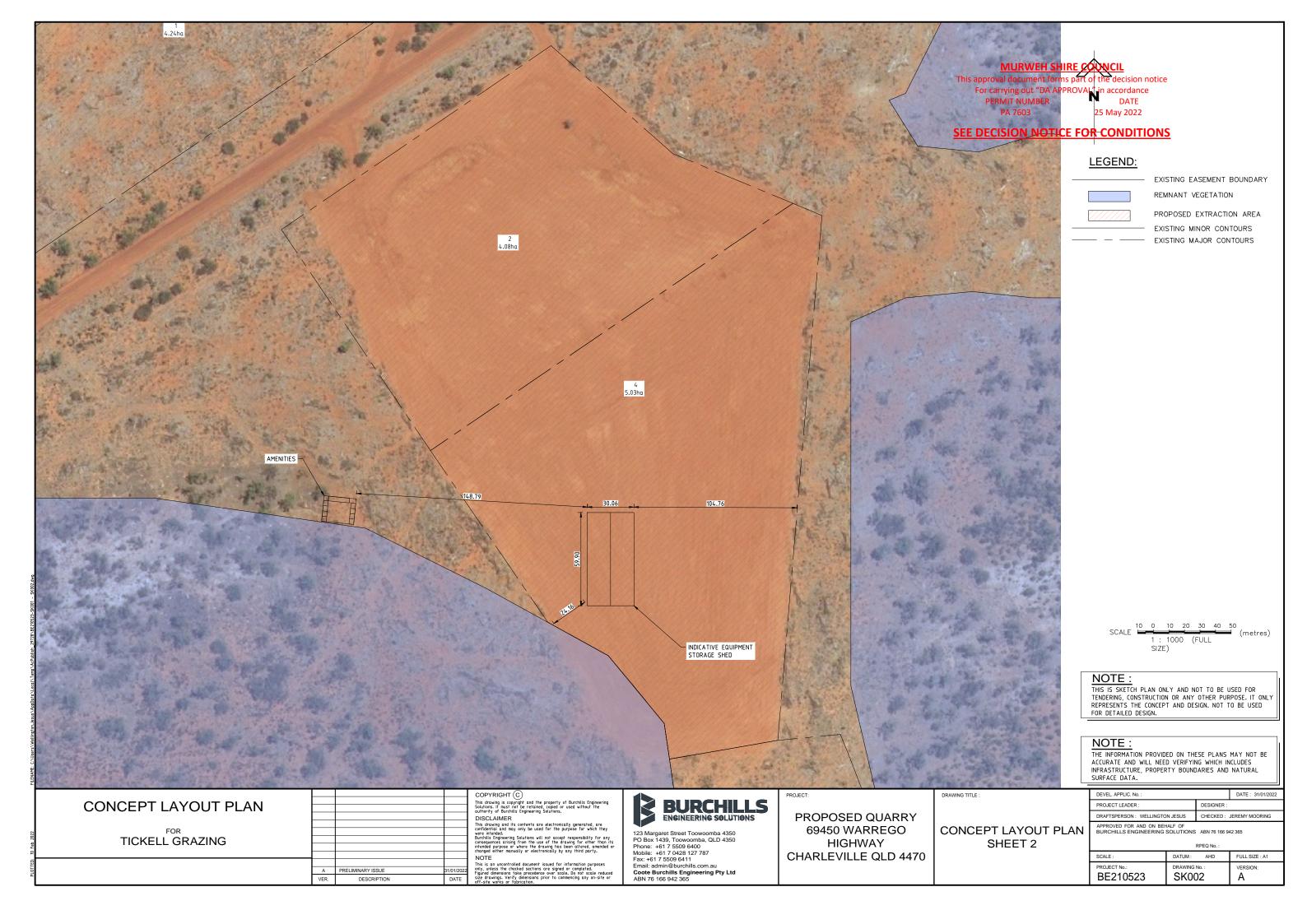
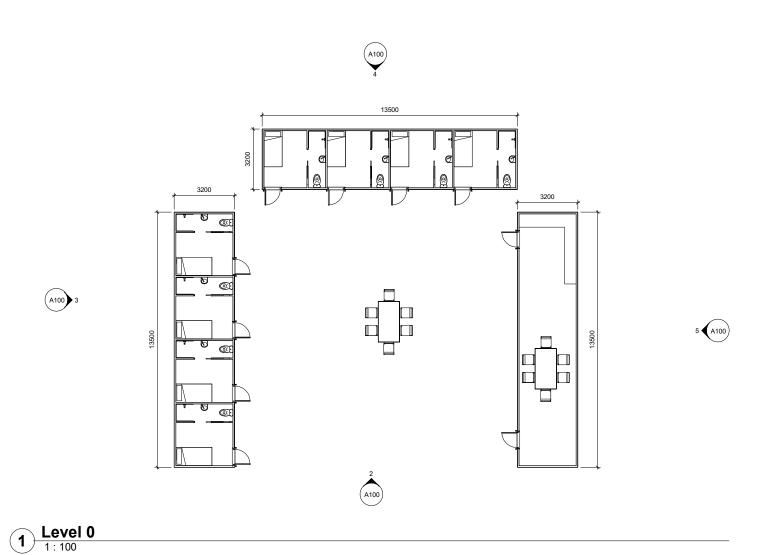


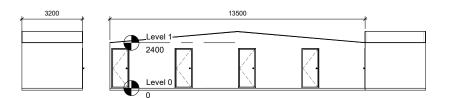
FIGURE 2 - SITE PLAN



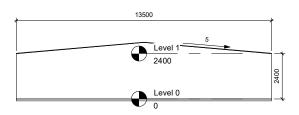








Northern Elevation 1:100



Southern Elevation
1:100

MURWEH SHIRE COUNCIL

This approval document forms part of the decision notice
For carrying out "DA APPROVAL" in accordance
PERMIT NUMBER DATE
PA 7603 25 May 2022

SEE DECISION NOTICE FOR CONDITIONS

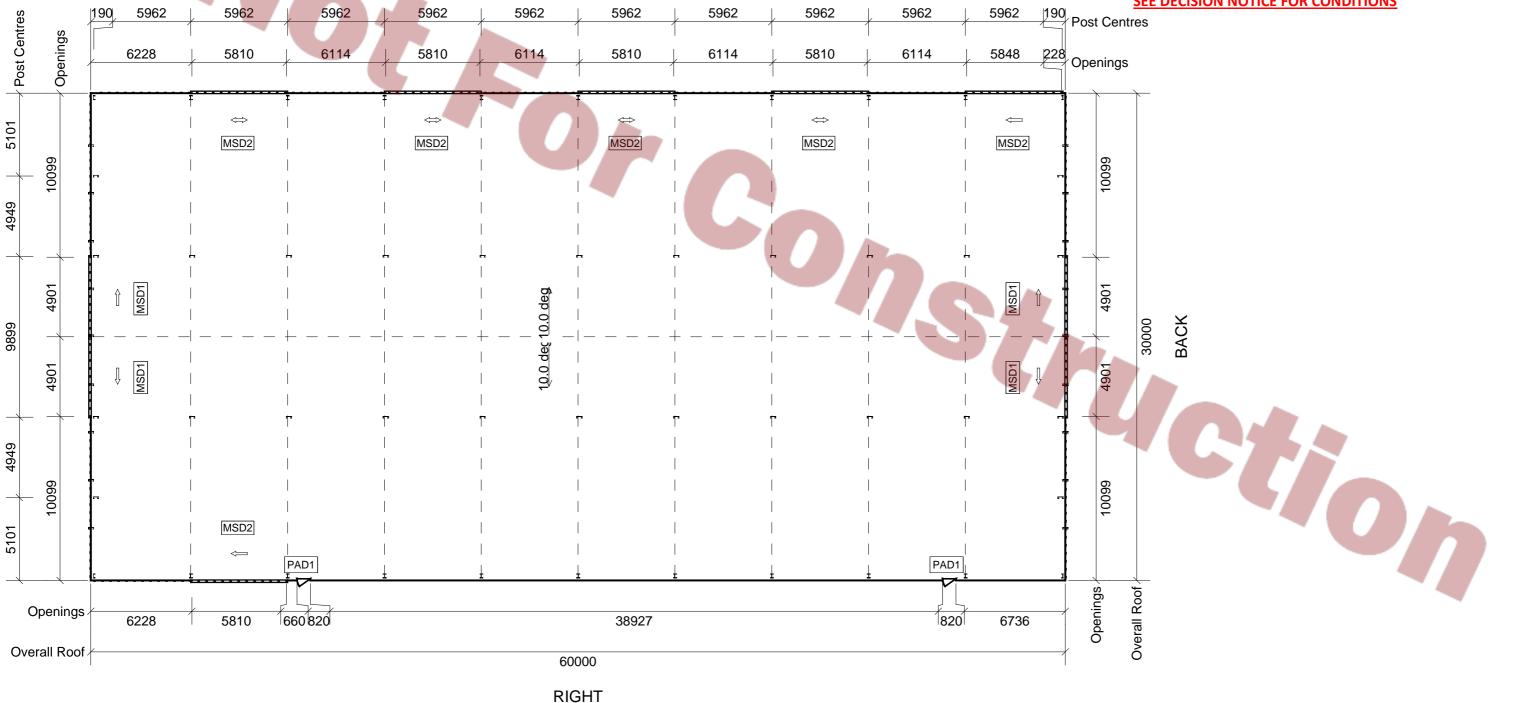
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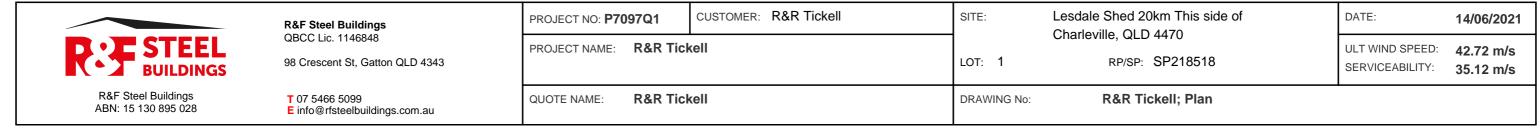
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LEFT

SEE DECISION NOTICE FOR CONDITIONS



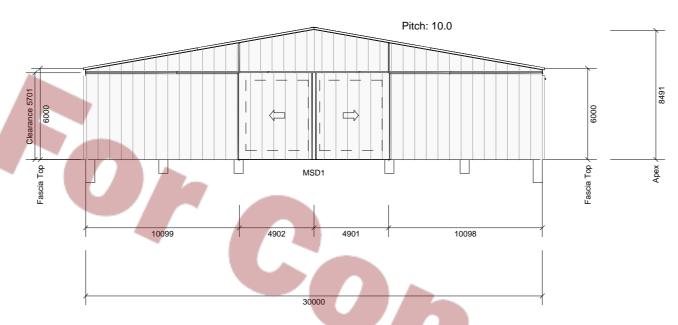
Floor Plan



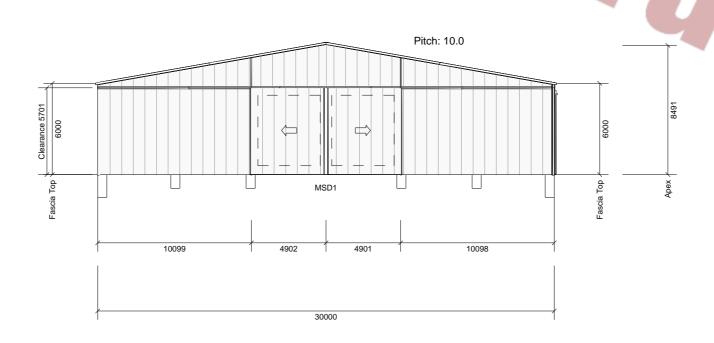
MURWEH SHIRE COUNCIL

This approval document forms part of the decision notice For carrying out "DA APPROVAL" in accordance PERMIT NUMBER DATE PA 7603 25 May 2022

SEE DECISION NOTICE FOR CONDITIONS



FRONT ELEVATION



BACK ELEVATION



ABN: 15 130 895 028

R&F Steel Buildings QBCC Lic. 1146848

T 07 5466 5099

98 Crescent St, Gatton QLD 4343

PROJECT NO: P7097Q1 PROJECT NAME: R&R Tickell

QUOTE NAME:

CUSTOMER: R&R Tickell

SITE:

Lesdale Shed 20km This side of Charleville, QLD 4470

RP/SP: SP218518

ULT WIND SPEED: 42.72 m/s

SERVICEABILITY:

DATE:

35.12 m/s

14/06/2021

E info@rfsteelbuildings.com.au

R&R Tickell

DRAWING No:

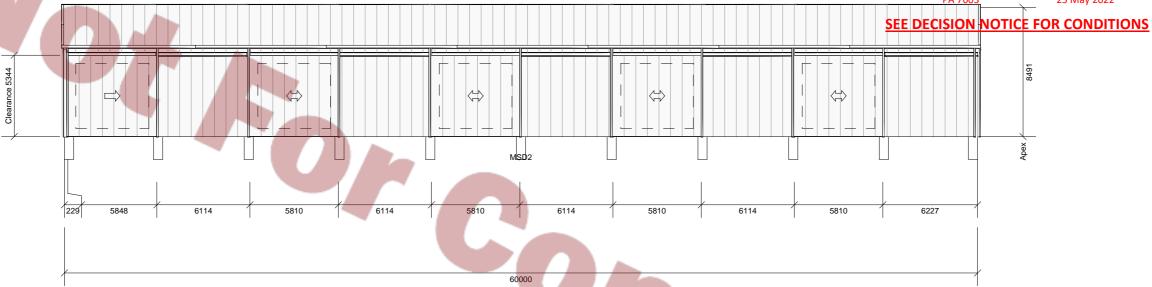
LOT: 1

R&R Tickell; Plan

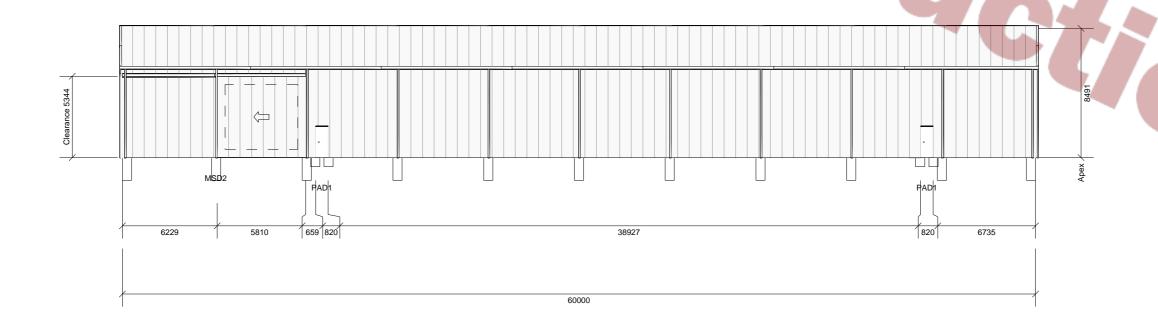
MURWEH SHIRE COUNCIL

This approval document forms part of the decision notice
For carrying out "DA APPROVAL" in accordance
PERMIT NUMBER
DATE

PA 7603 25 May 2022



LEFT ELEVATION



RIGHT ELEVATION



ABN: 15 130 895 028

R&F Steel Buildings QBCC Lic. 1146848

98 Crescent St, Gatton QLD 4343

T 07 5466 5099
E info@rfsteelbuildings.com.au

PROJECT NO: P70	97Q1	CUSTOMER:	R&R Tickell
PROJECT NAME:	R&R Ticl	kell	

SITE:	Lesdale Shed 20km This side of	
	Charleville, QLD 4470	

Charleville, QLD 4470

RP/SP: SP218518

ULT WIND SPEED: 42.72 m/s SERVICEABILITY: 35.12 m/s

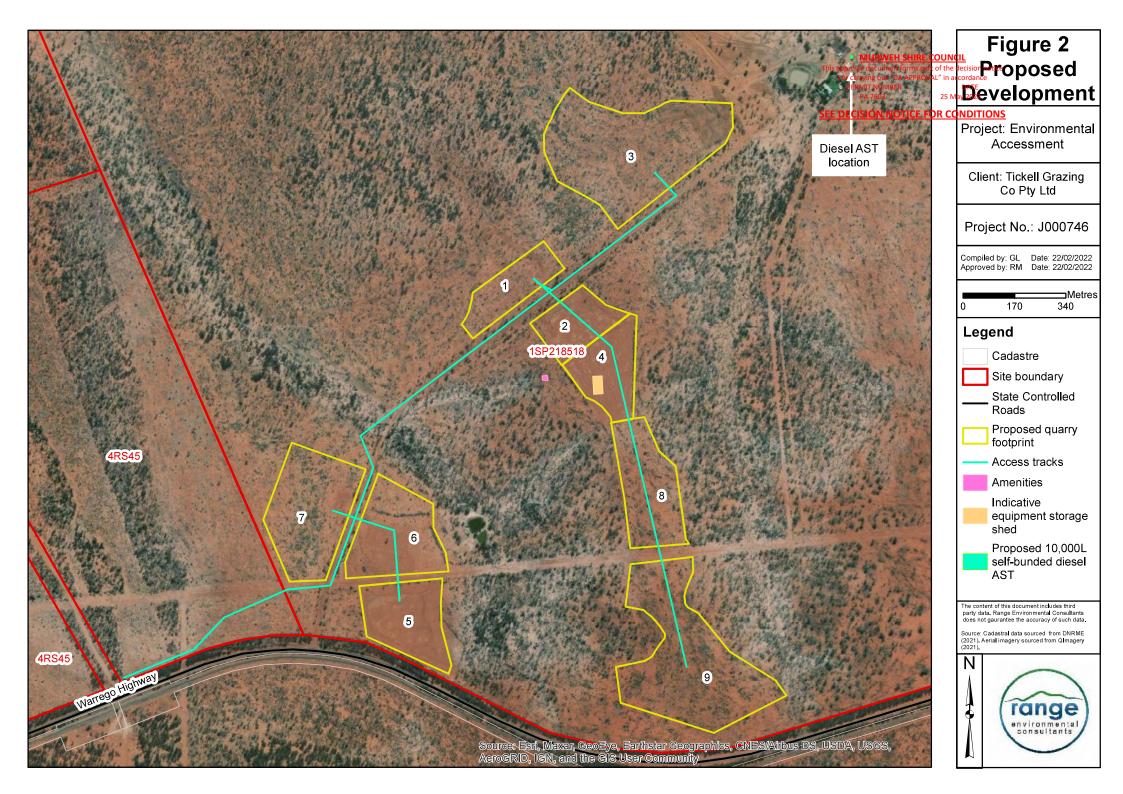
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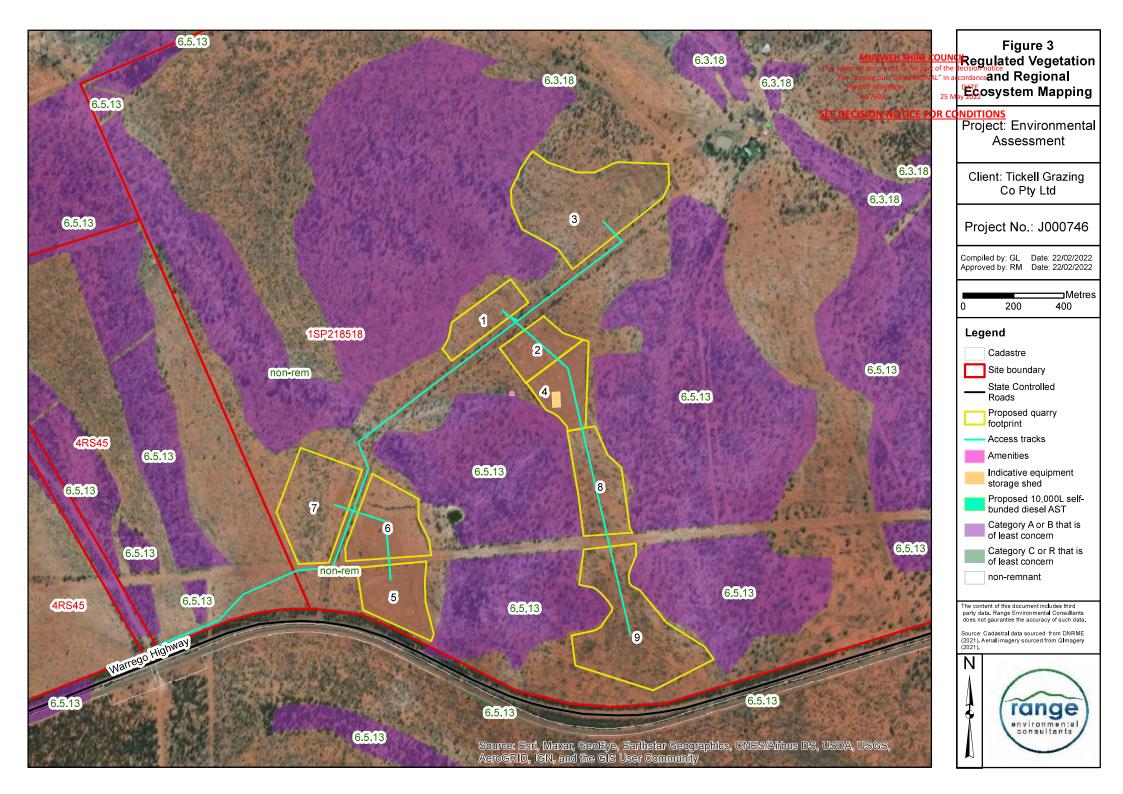
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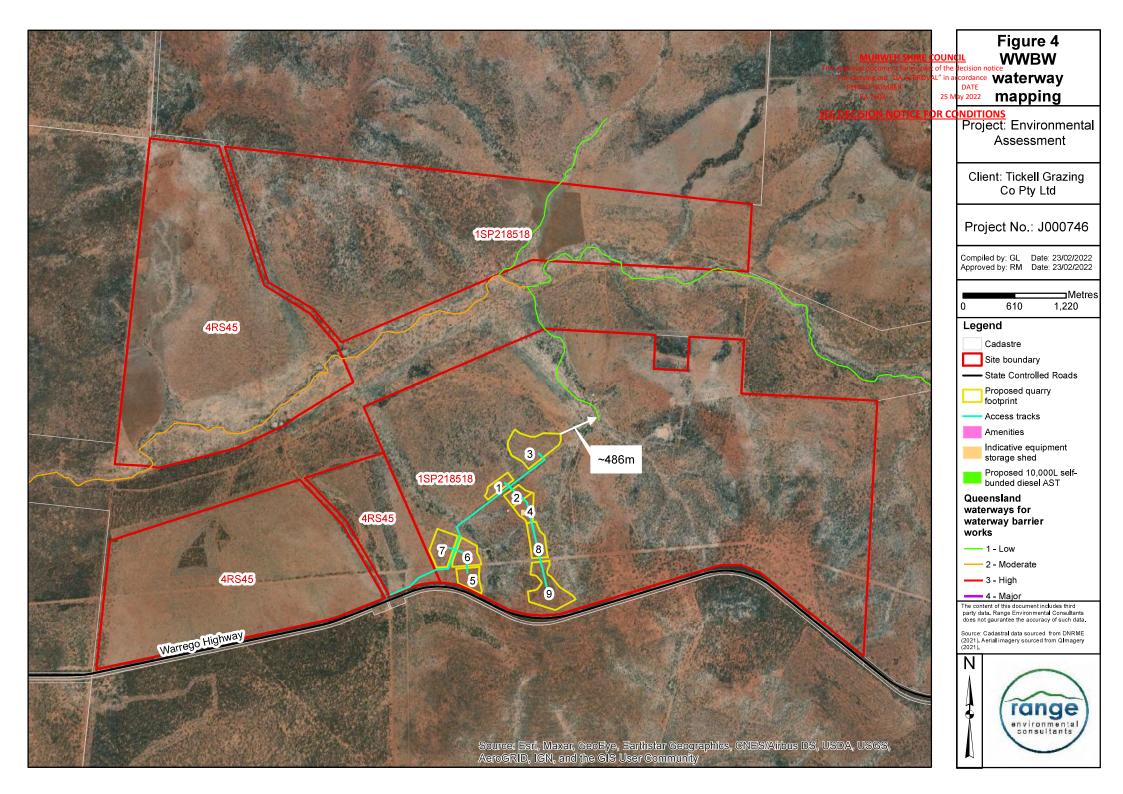
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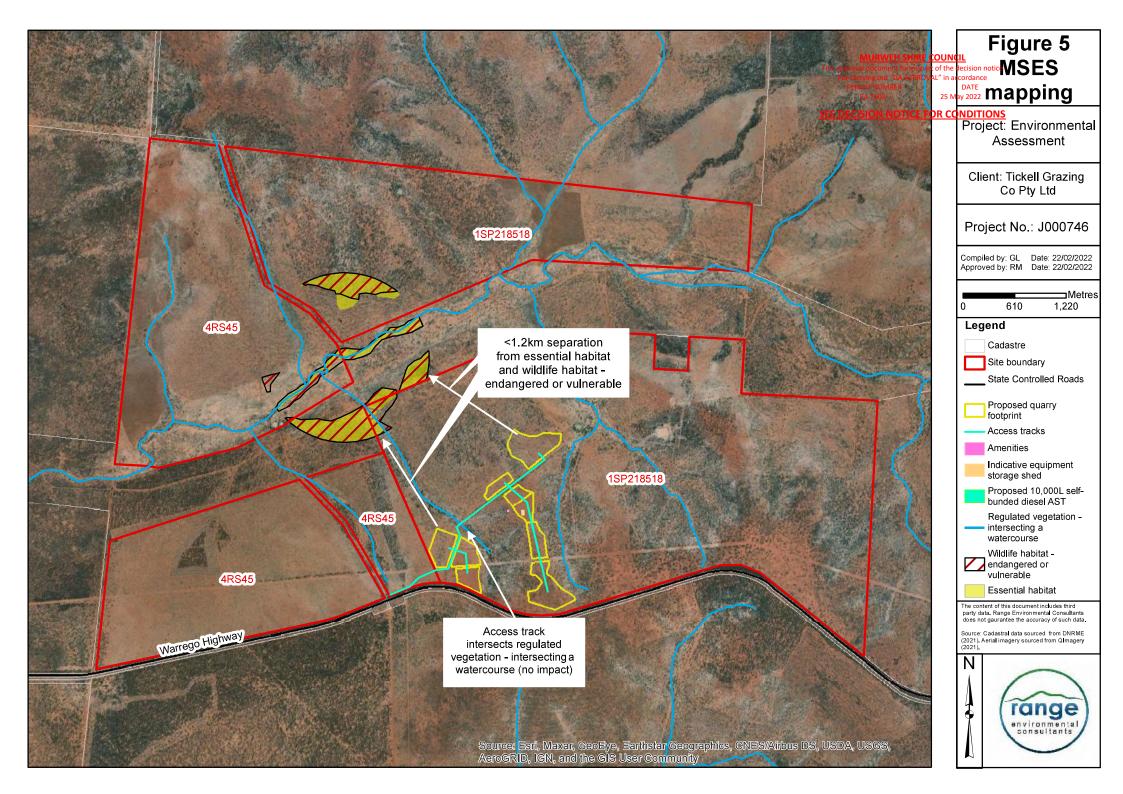
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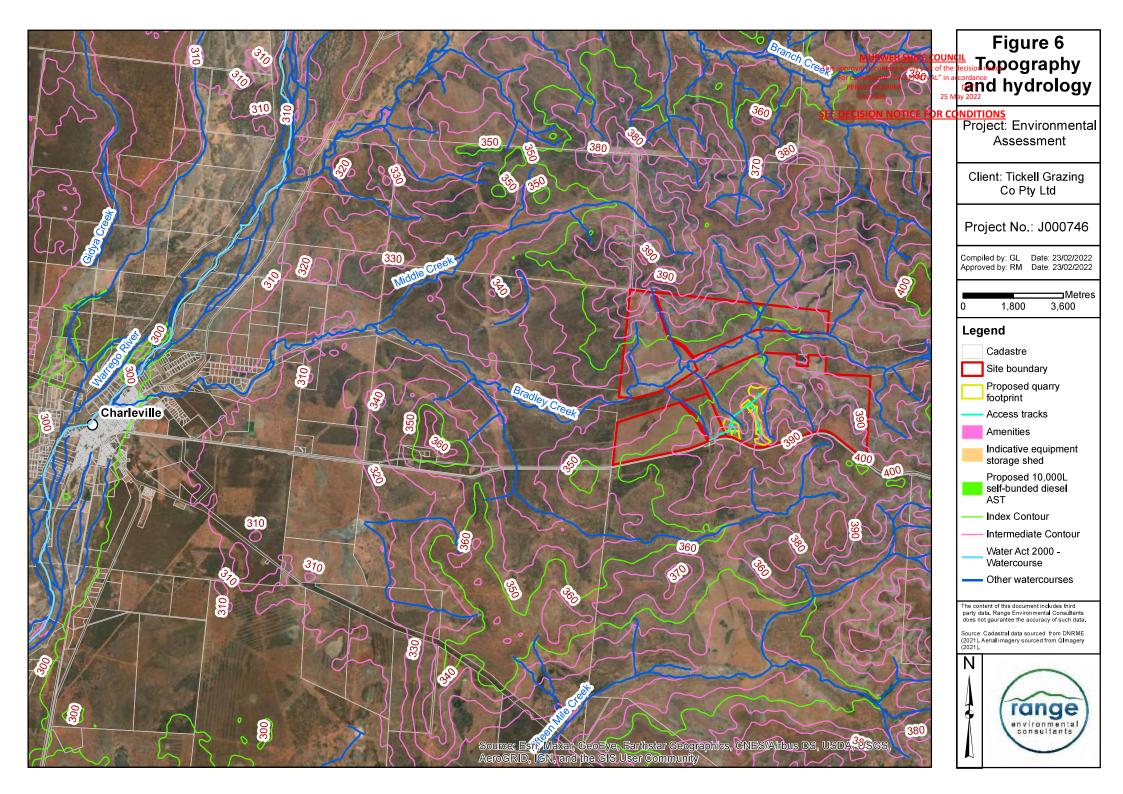












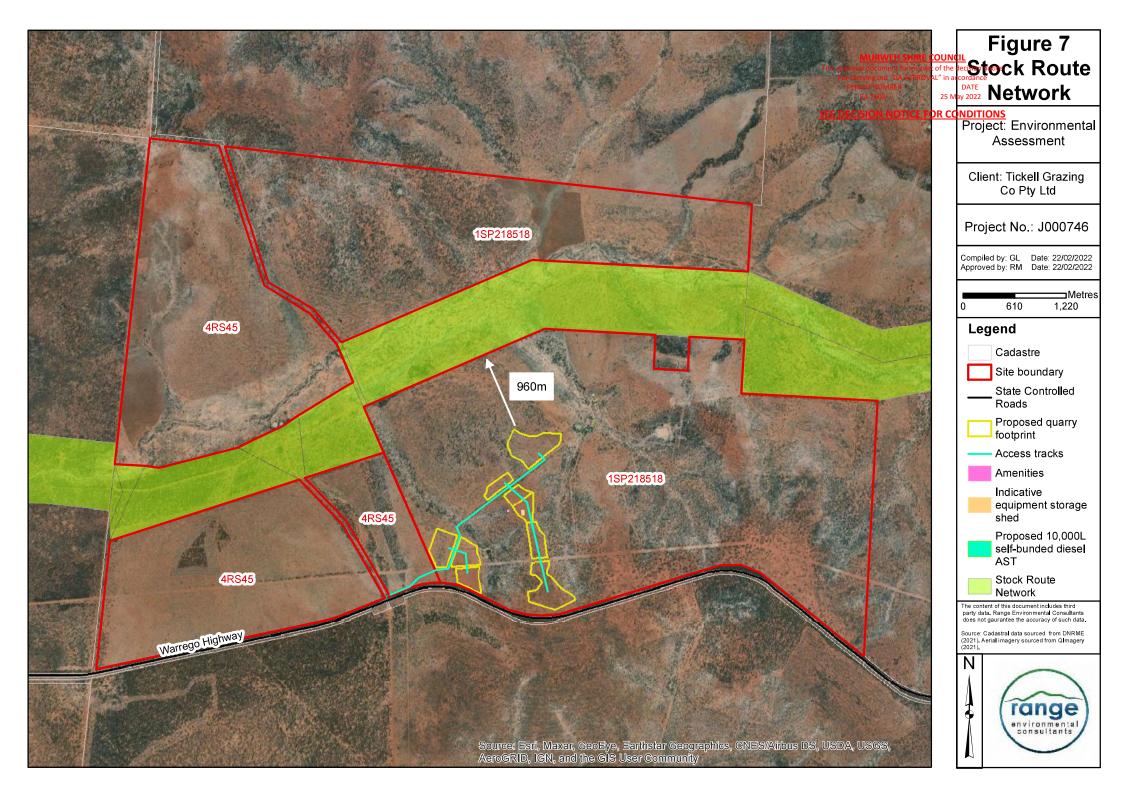
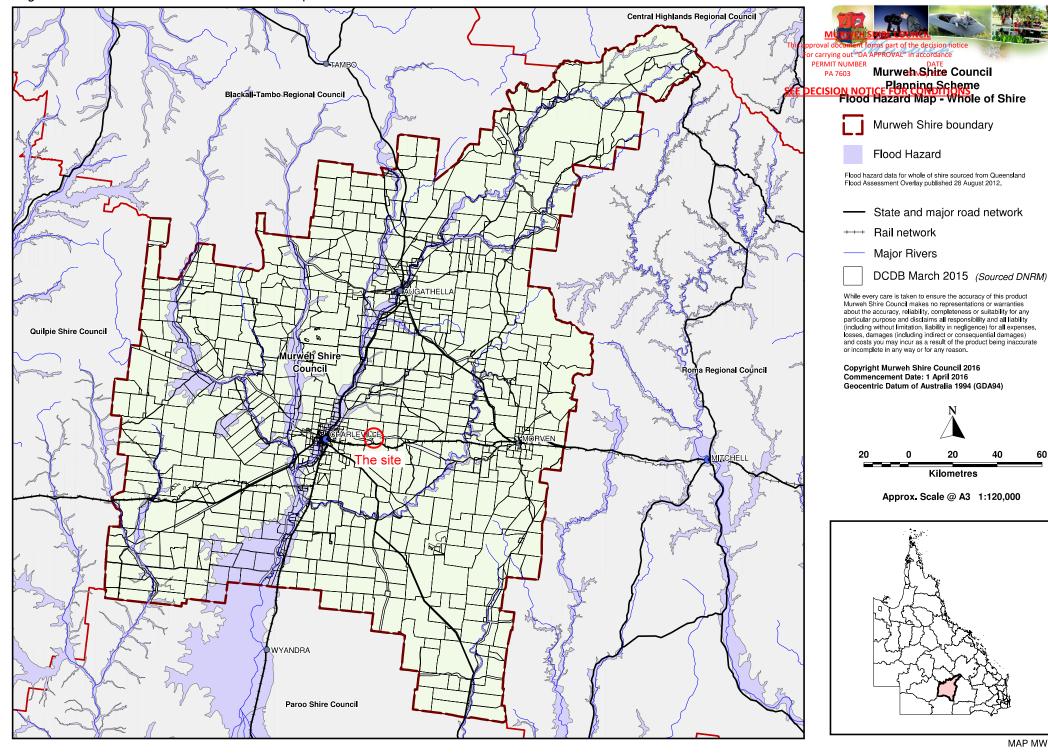
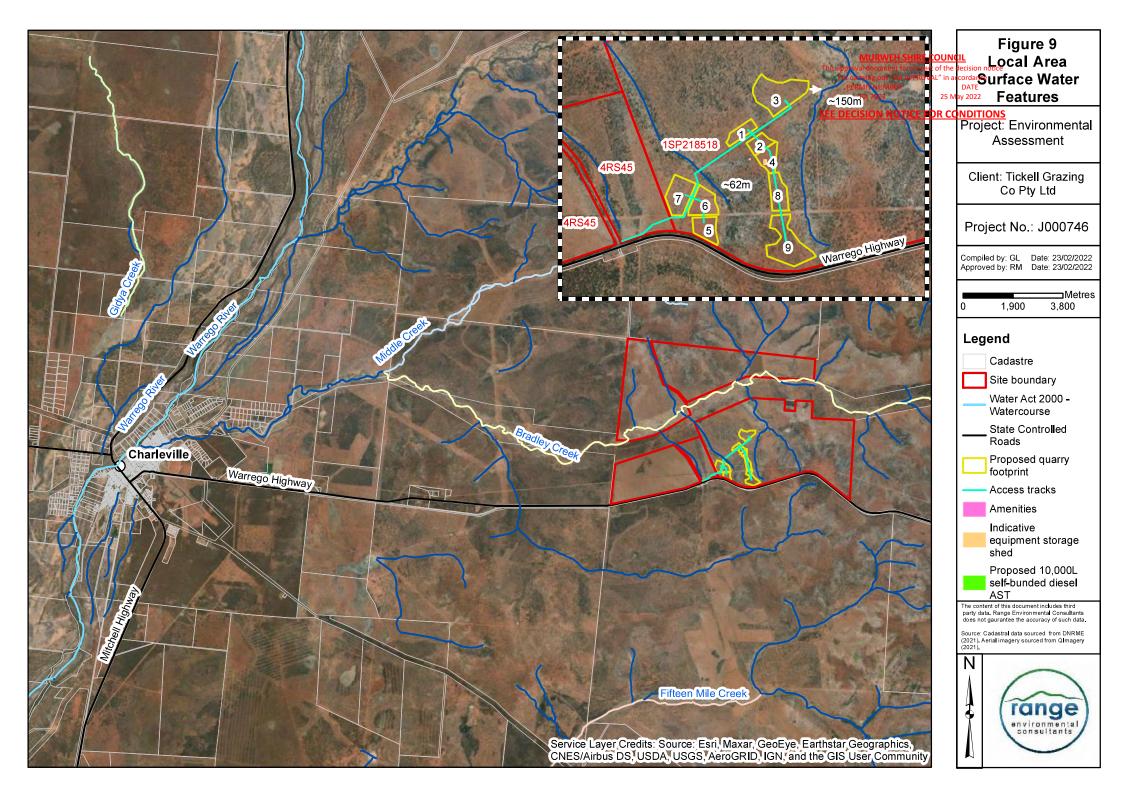
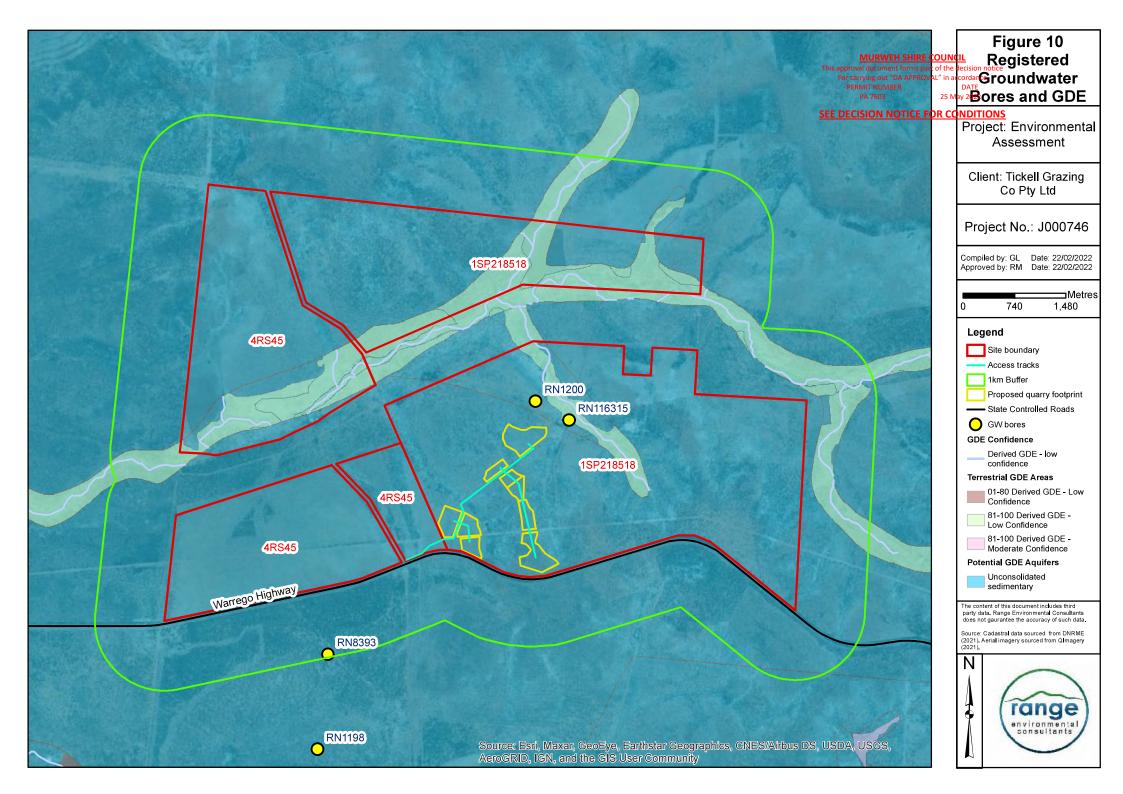
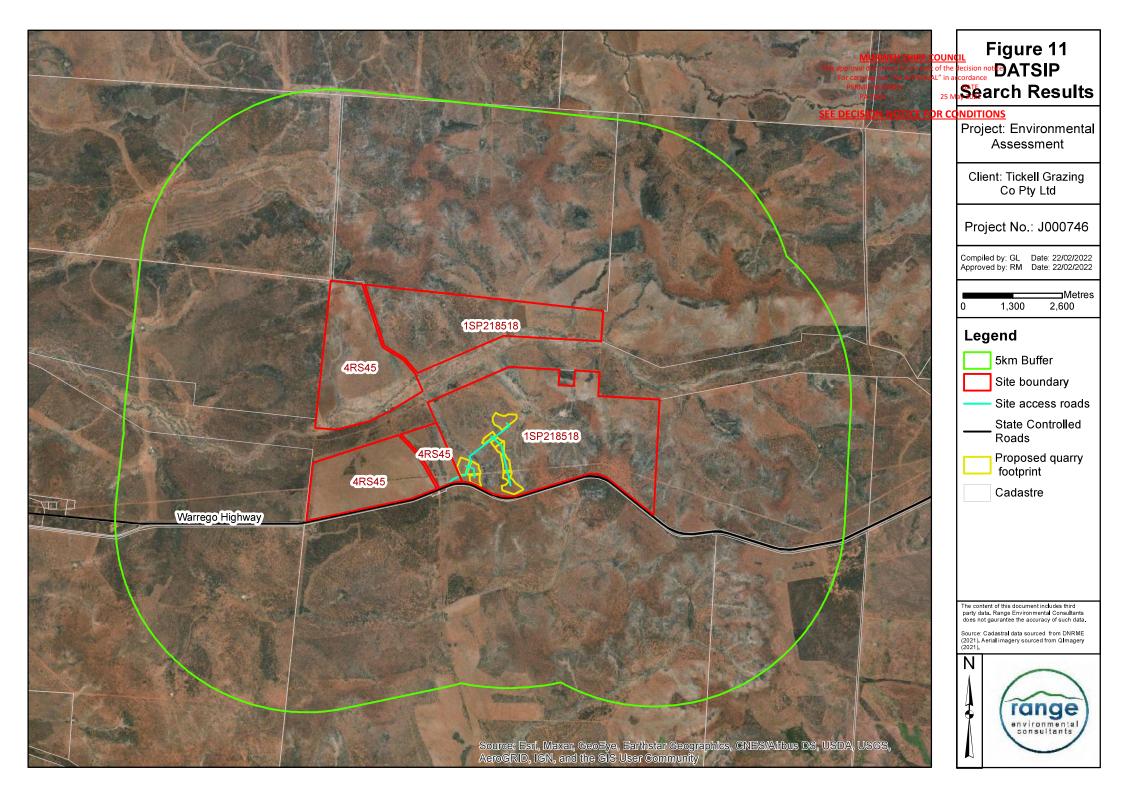


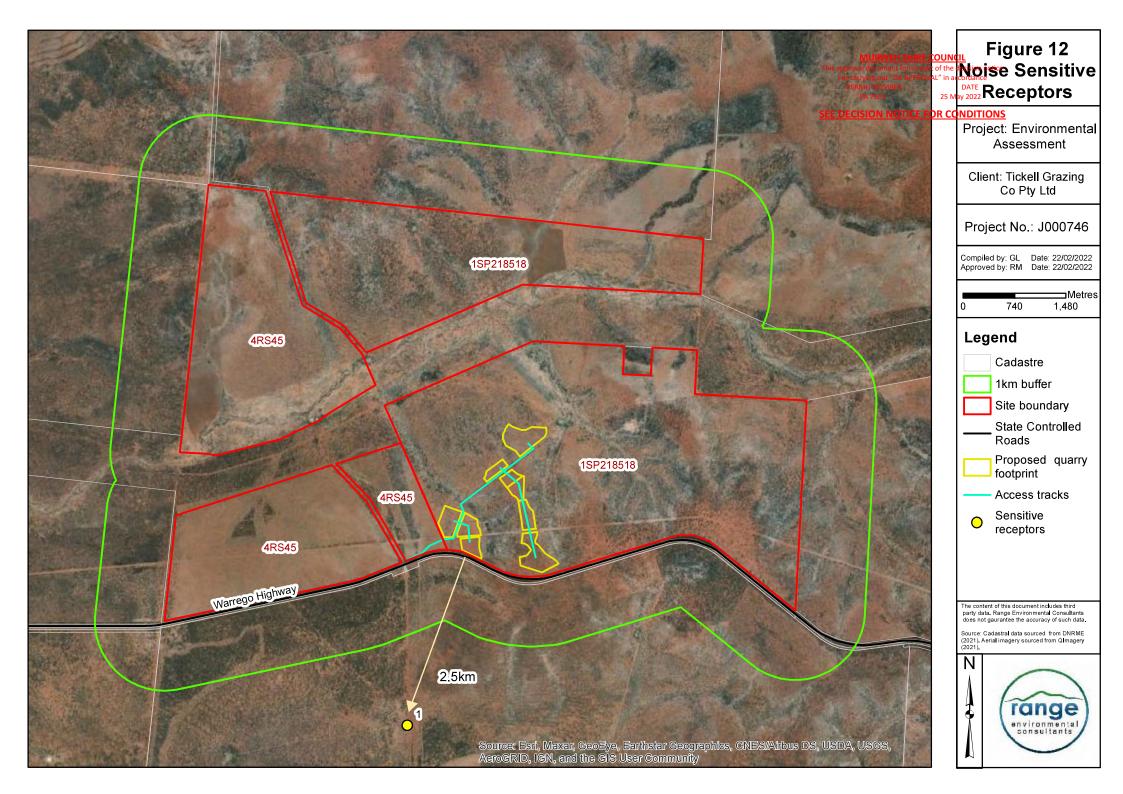
Figure 8 Murweh Shire Council Flood Hazard Map

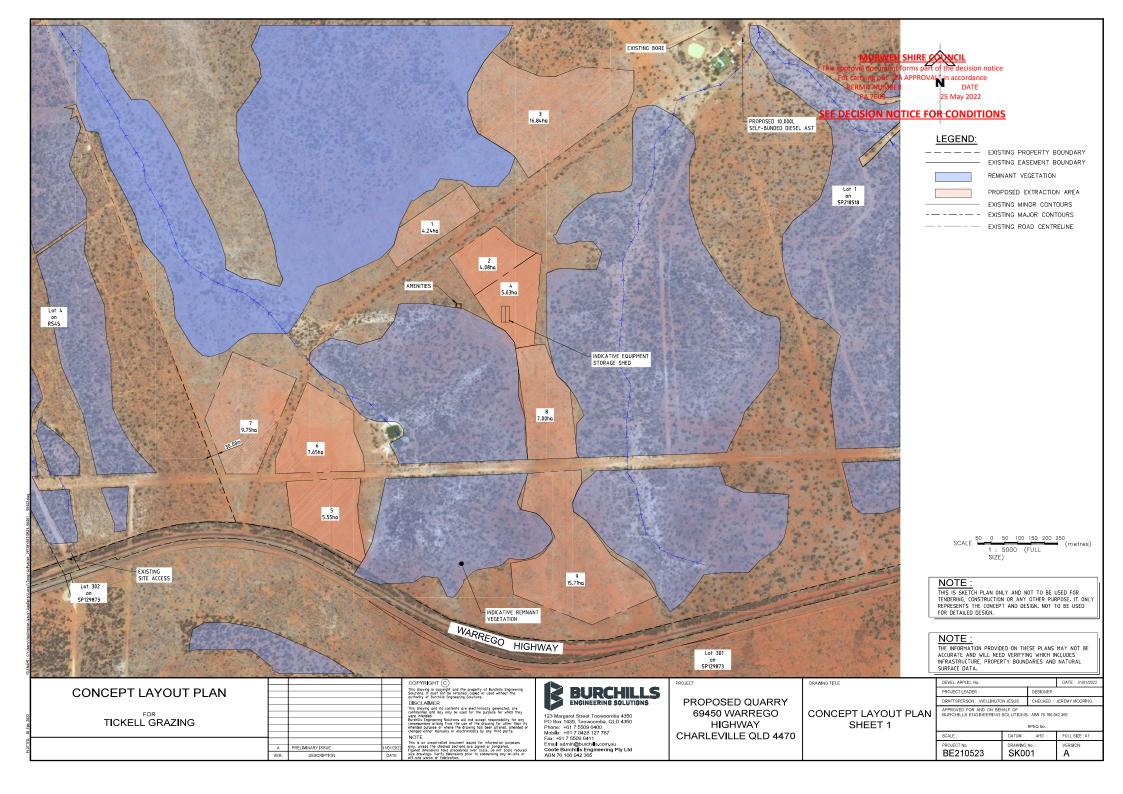


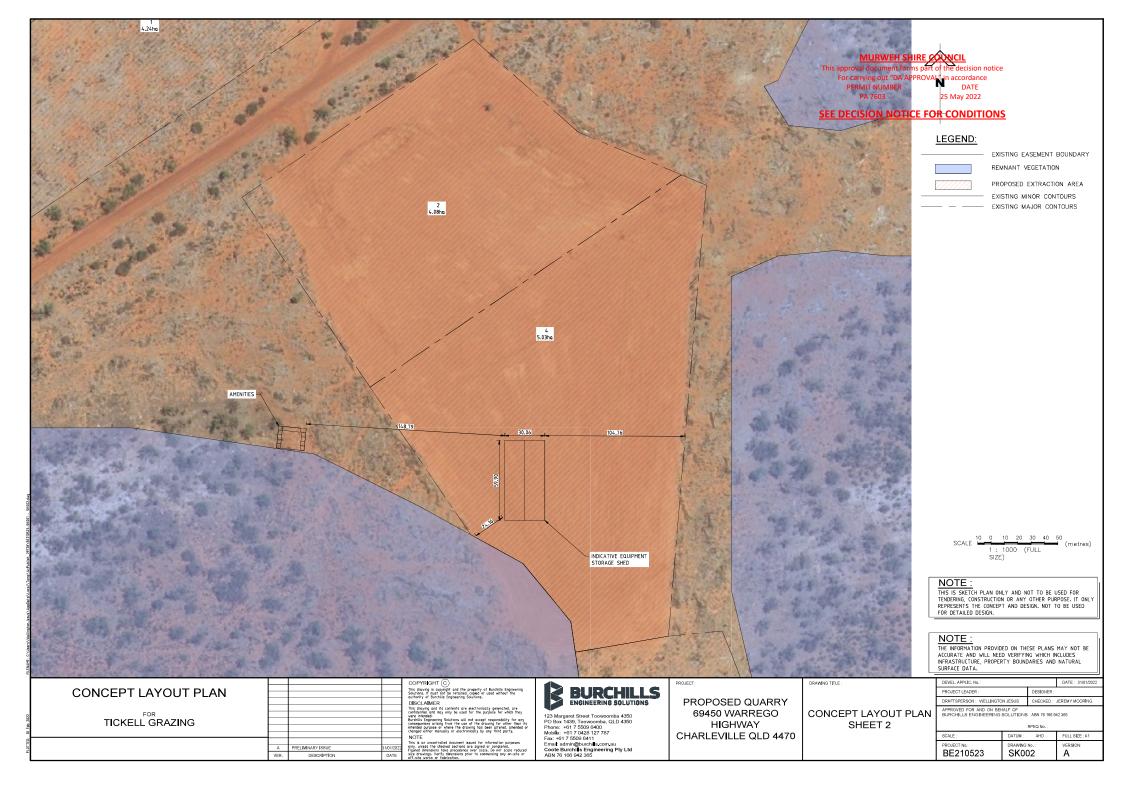




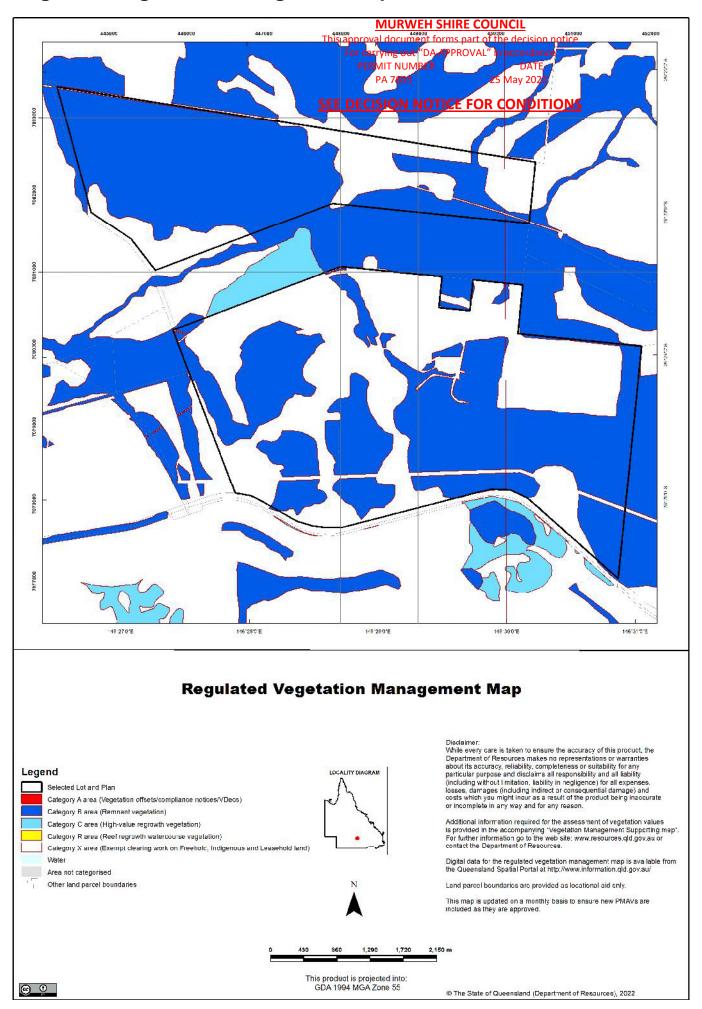




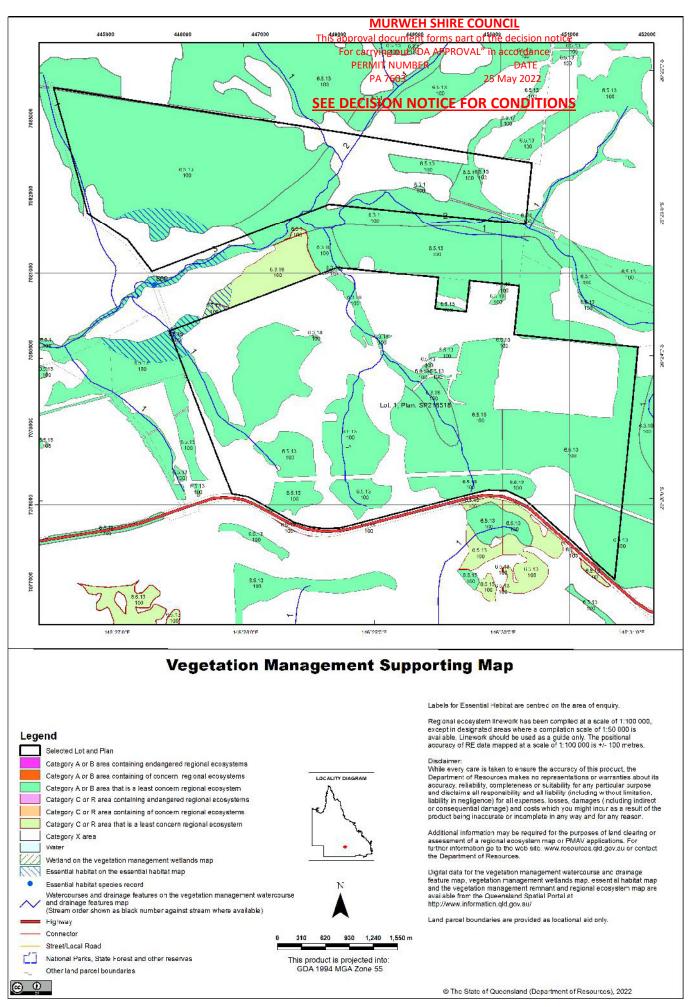




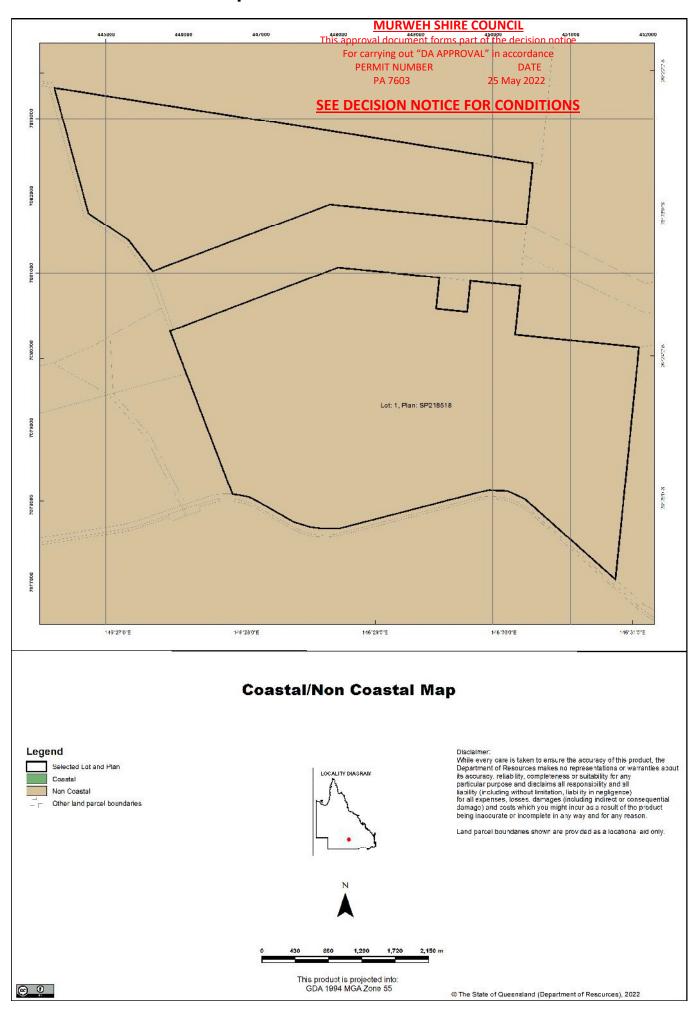
4.1 Regulated vegetation management map



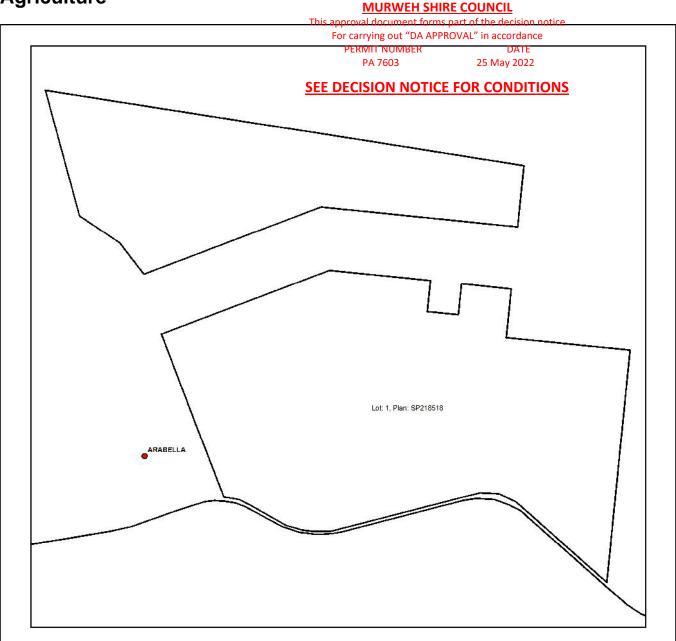
4.2 Vegetation management supporting map

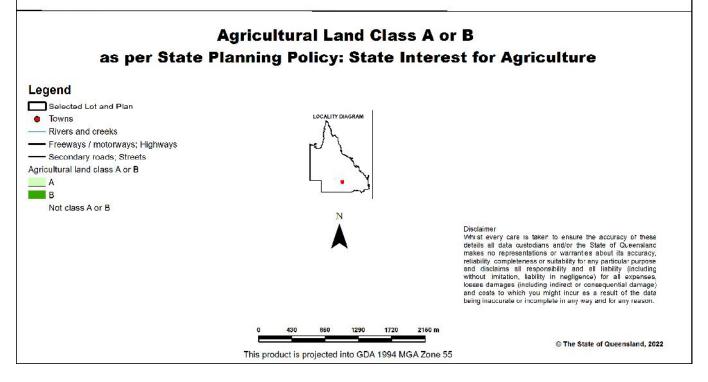


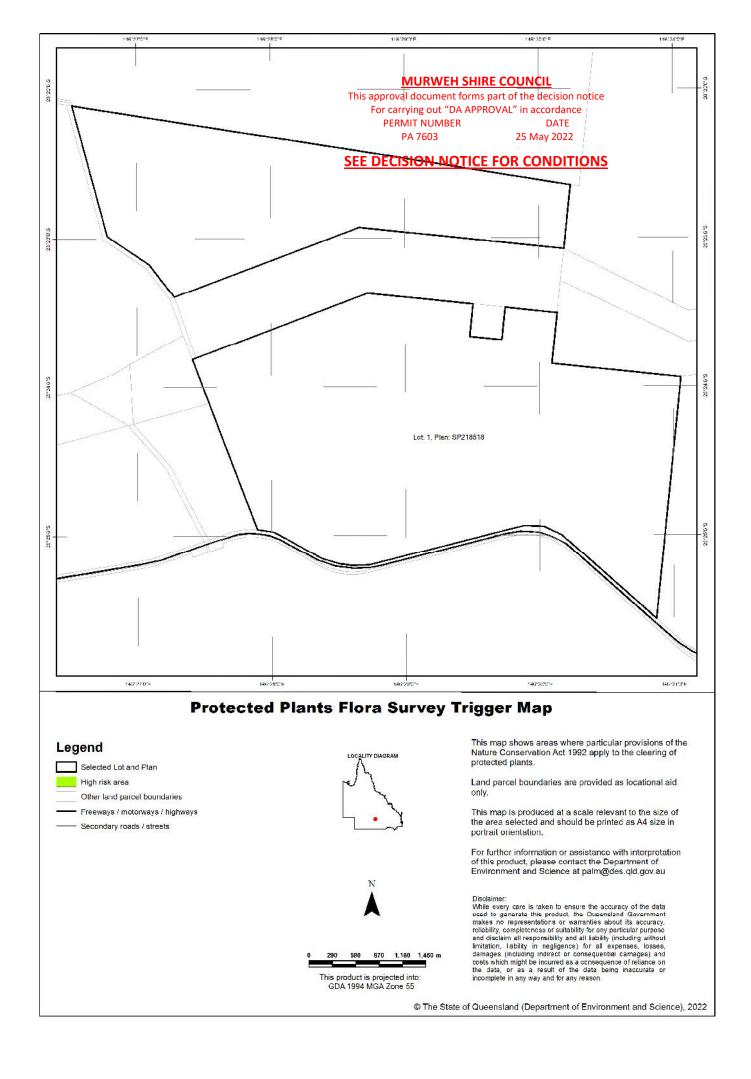
4.3 Coastal/non-coastal map



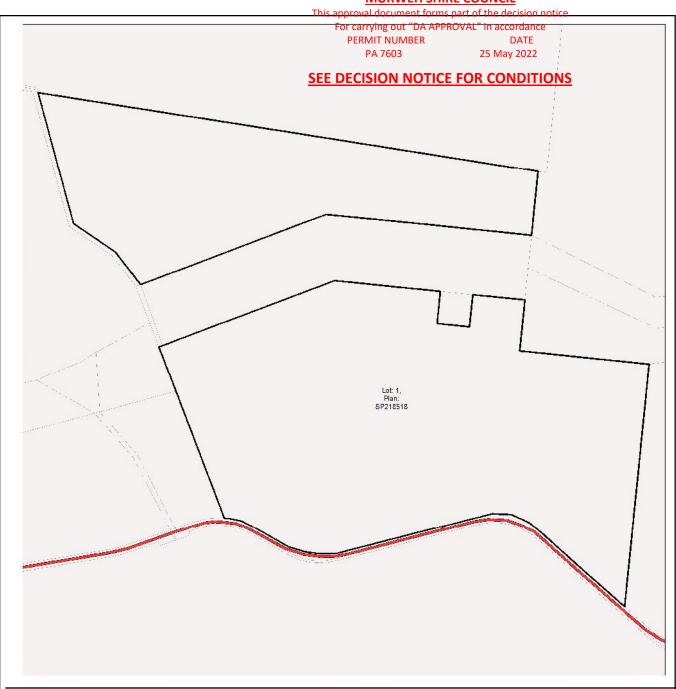
4.4 Agricultural Land Class A or B as per State Planning Policy: State Interest for Agriculture

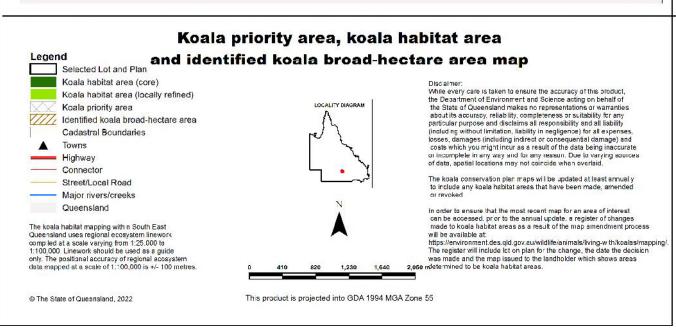




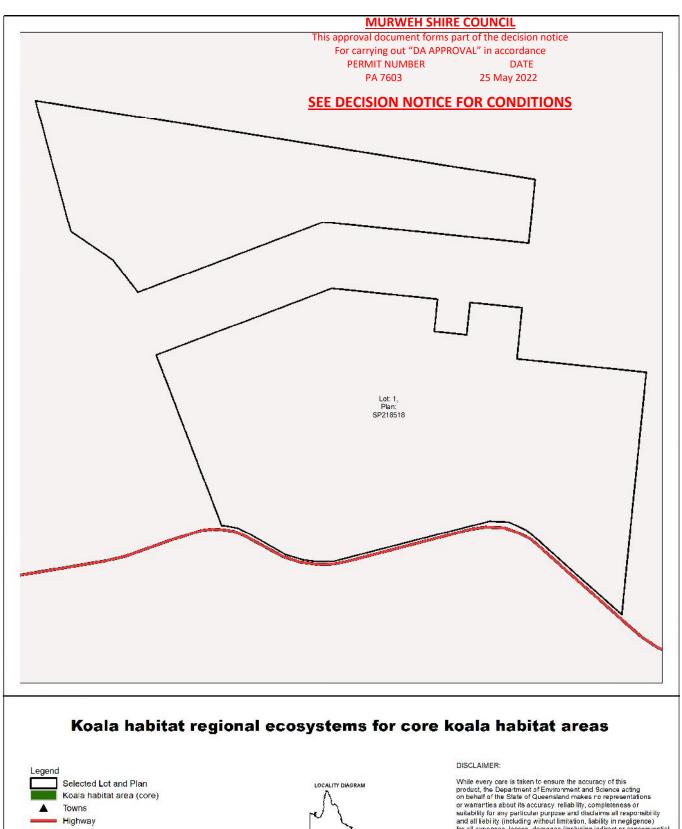


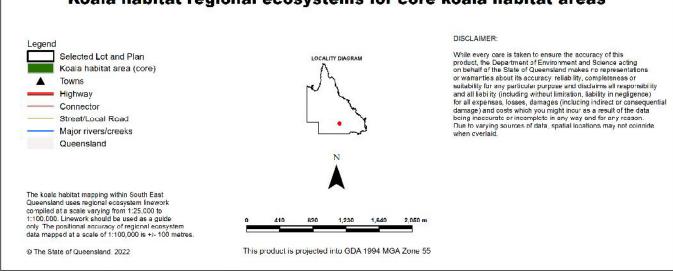
7.2 Koala priority area, koala habitat area and identified koala broad-hectare area map MURWEH SHIRE COUNCIL



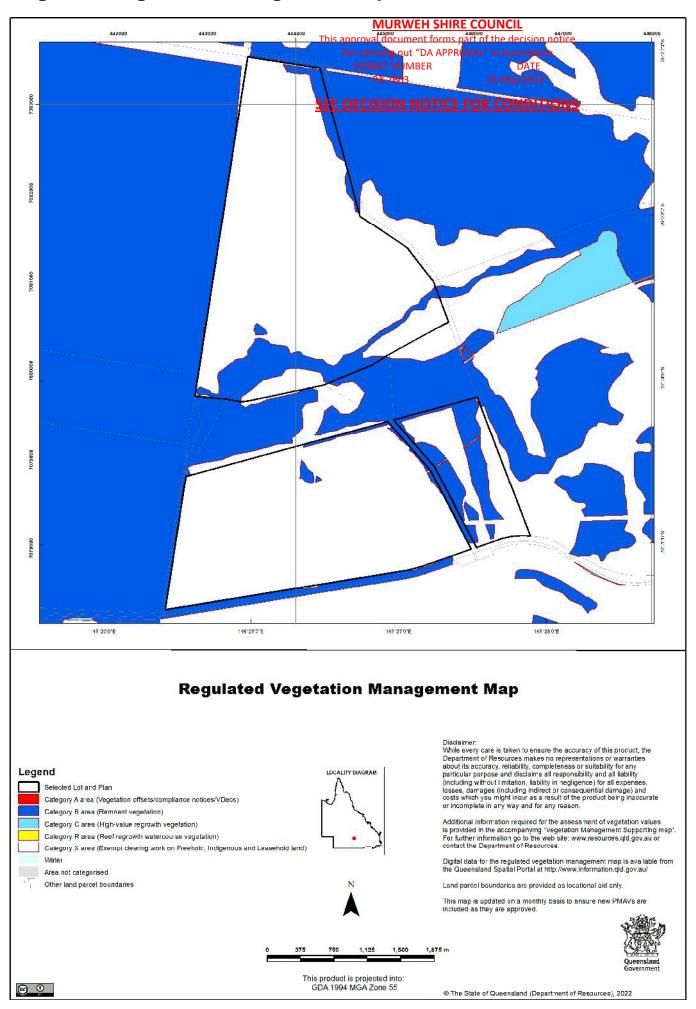


7.3 Koala habitat regional ecosystems for core koala habitat areas

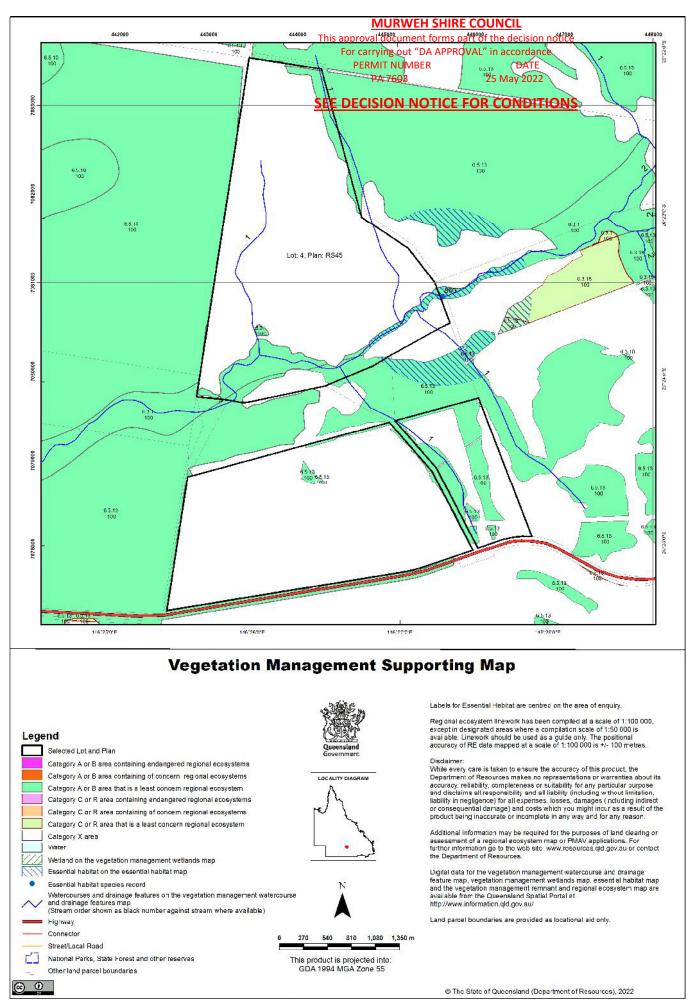




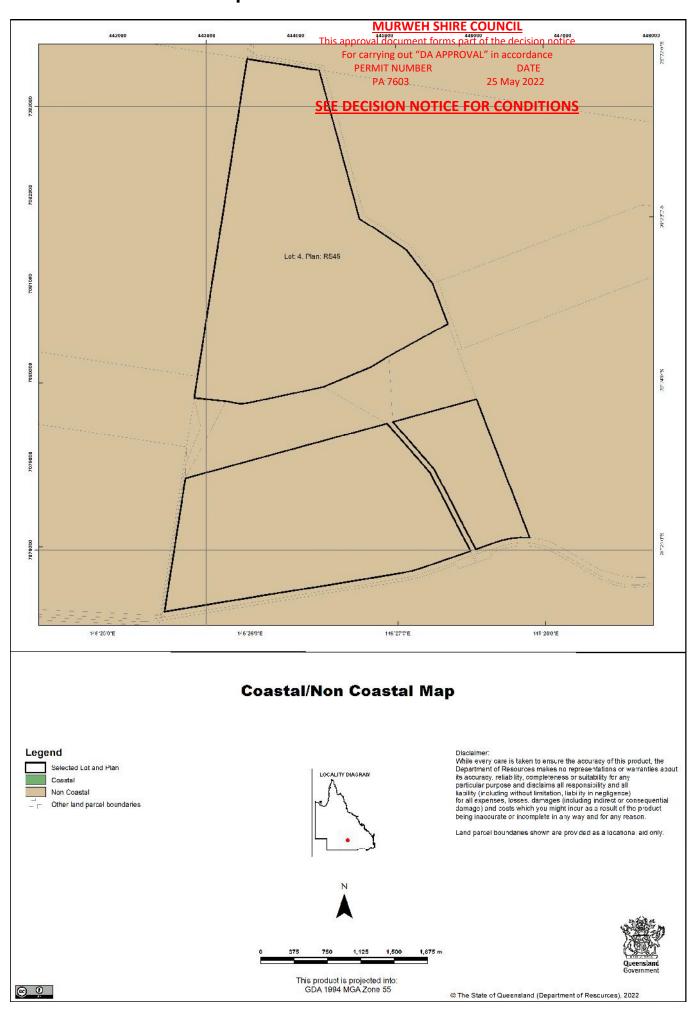
4.1 Regulated vegetation management map



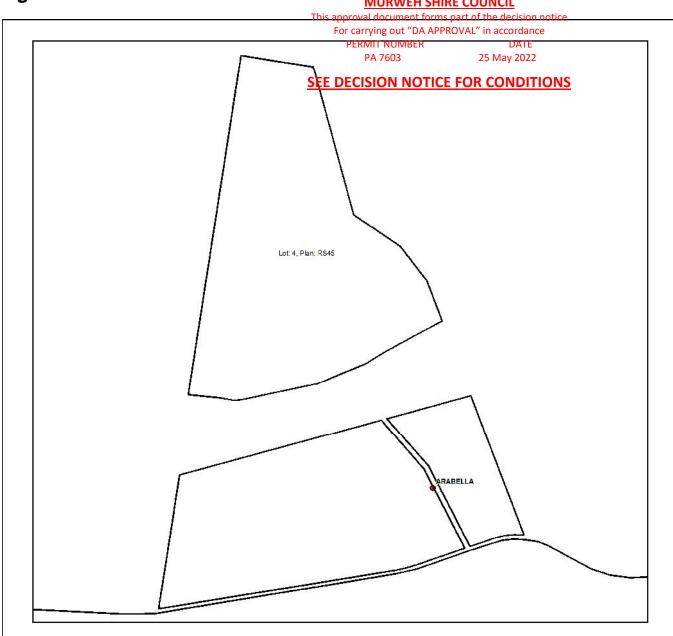
4.2 Vegetation management supporting map



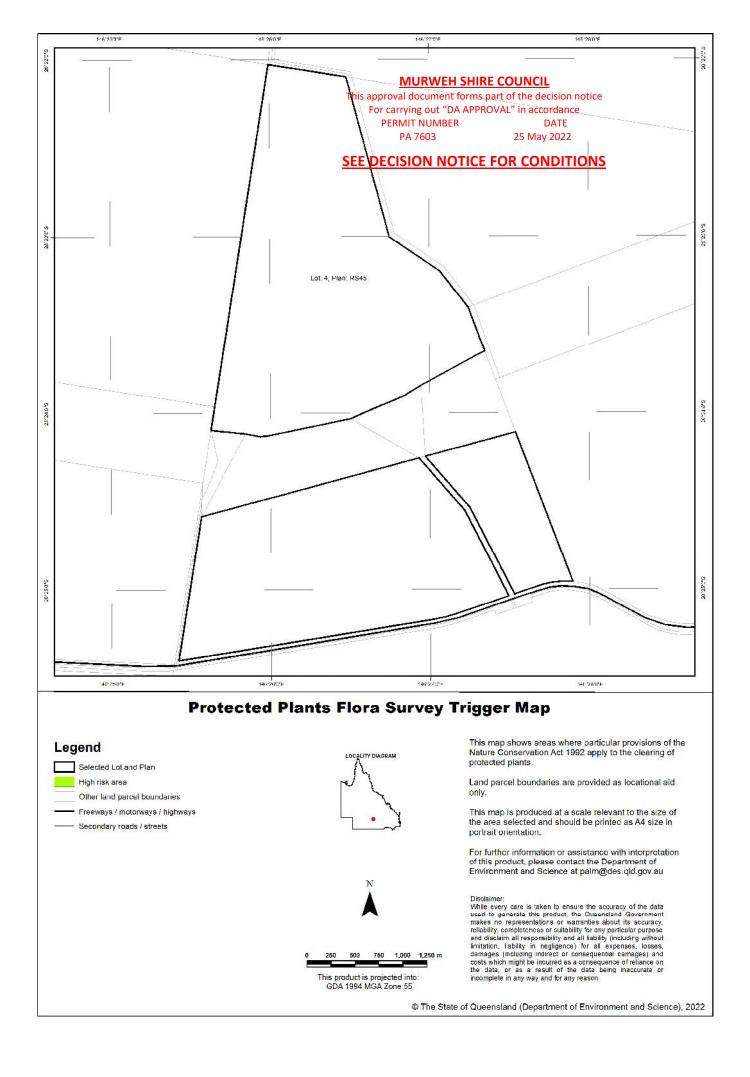
4.3 Coastal/non-coastal map



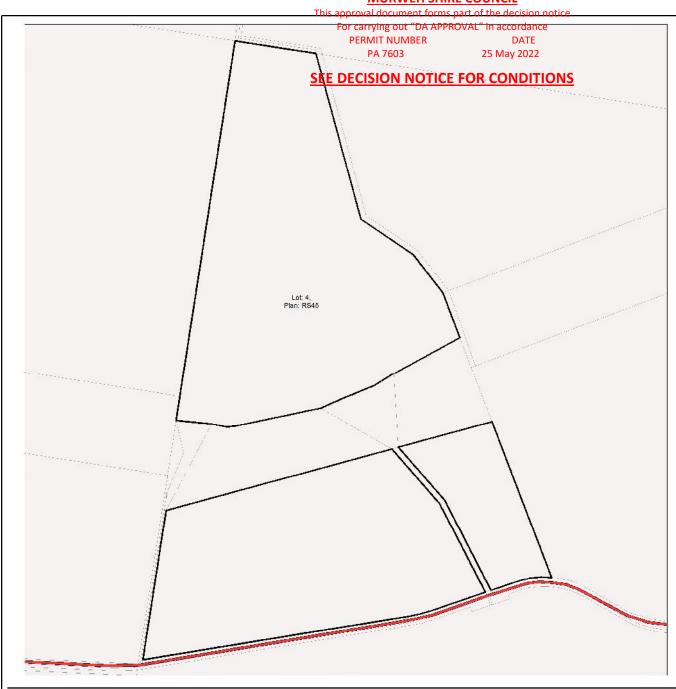
4.4 Agricultural Land Class A or B as per State Planning Policy: State Interest for Agriculture MURWEH SHIRE COUNCIL

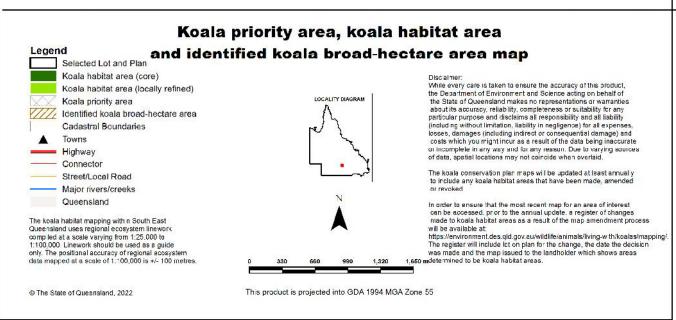


Agricultural Land Class A or B as per State Planning Policy: State Interest for Agriculture Legend Selected Lot and Plan LOCALITY DIAGRAM Towns Rivers and creeks Freeways / motorways; Highways - Secondary roads: Streets Agricultural land class A or B A В Not class A or B Disclaimer Whist every care is taken to ensure the accuracy of these details all data ousfodians and/or the State of Queensland makes no representations or warrantes about its accuracy, reliability completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without imitation, liability in negligence) for all expenses, losses damages (including indirect or consequential damage) and costs to which you might incur as a result of the data being inaccurate or incumplete in any way and for any reason. @ The State of Queensland, 2022 This product is projected into GDA 1994 MGA Zone 55

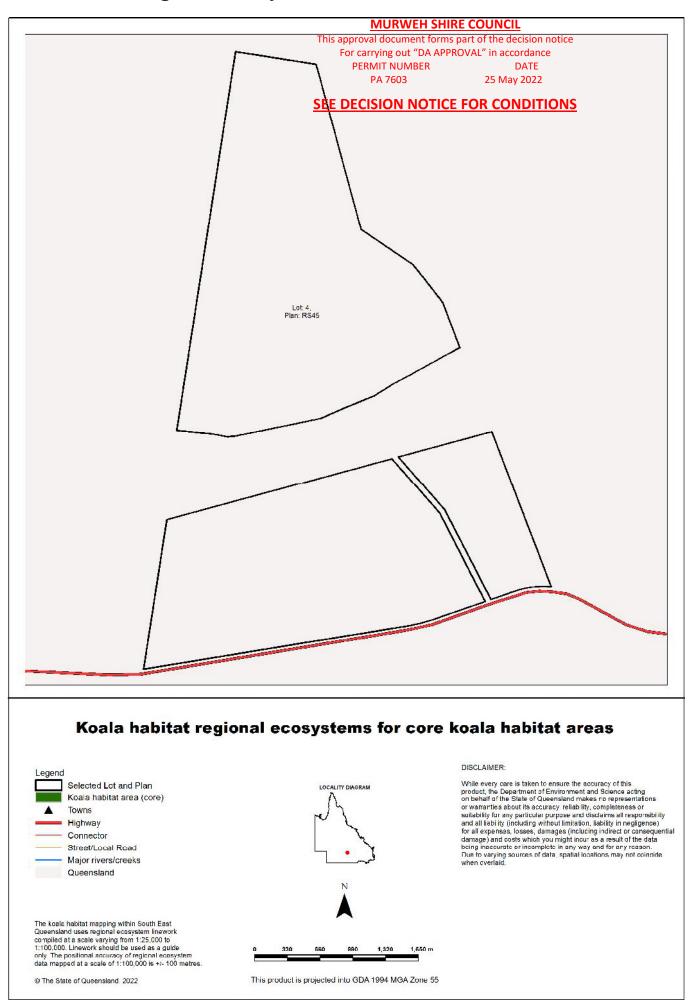


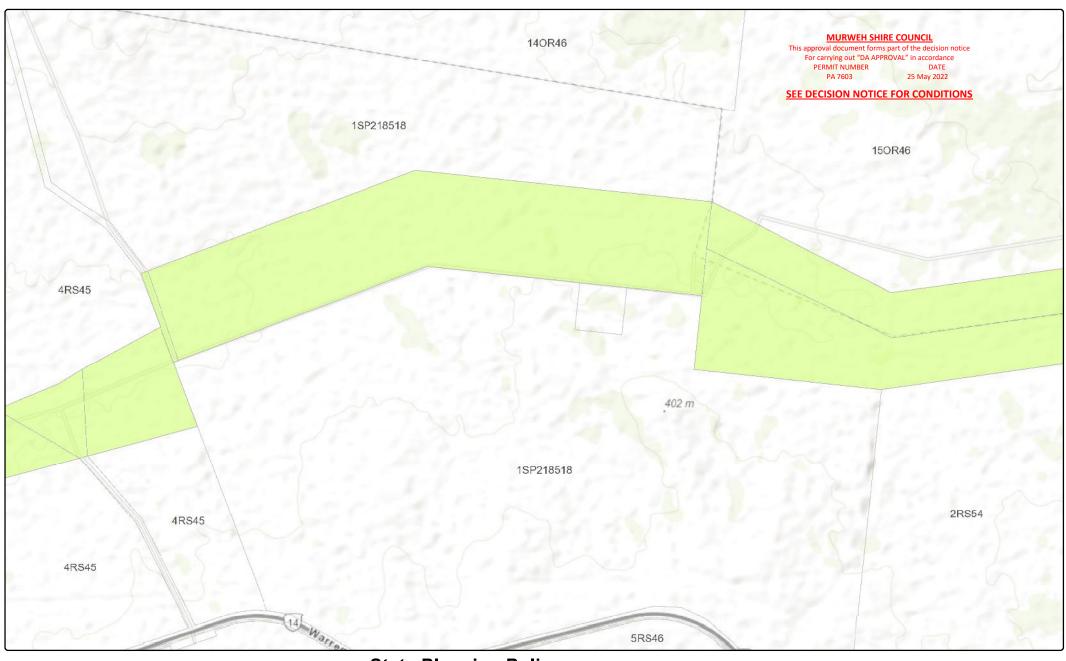
7.2 Koala priority area, koala habitat area and identified koala broad-hectare area map MURWEH SHIRE COUNCIL





7.3 Koala habitat regional ecosystems for core koala habitat areas







Queensland Government

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State Planning Policy

Making or amending a local planning instrument and designating land for community infrastructure

0 580 1,160 1,740 2,320

Metres

Date: 01/02/2022

Disclaimer

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Legend

Cadastre (50k)

Cadastre (50k)

Priority Agricultural Area (Planning -

Priority Agricultural Area (Planning -

Aquaculture development areas

Aquaculture development areas

Important agricultural areas

Important agricultural areas

Stock route network

Stock route network

Agricultural land classification - class A and B

Agricultural land classification - class A and B

State Planning Policy

Making or amending a local planning instrument and designating land for community infrastructure

Date: 01/02/2022



This approval document forms part of the decision notice For carrying out "DA APPROVAL" in accordance PERMIT NUMBER DATE PA 7603 25 May 2022

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UXO Map

MURWEH SHIRE COUNCIL

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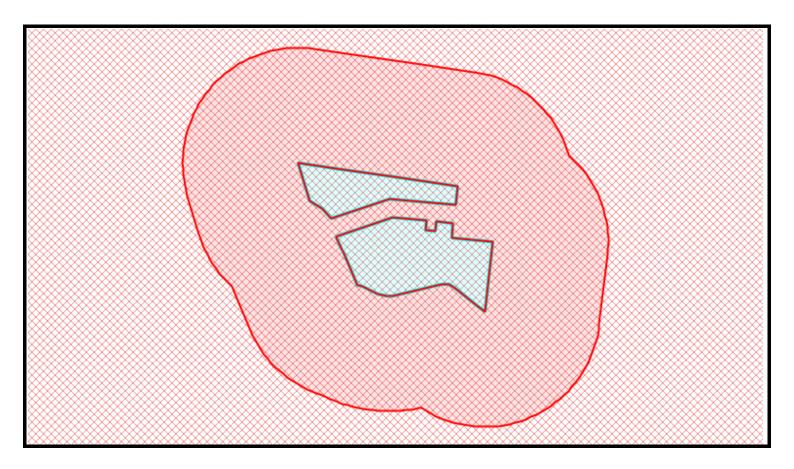
SEE DECISION NOTICE FOR CONDITIONS



Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
Cultural Heritage Database and Register

Lot on Plan Search SEE DECISION NOTICE FOR CONDITIONS

Reference Number:	102345
Lot:	1
Plan:	SP218518
LGA:	Murweh Shire
Buffer Distance:	5000 metres



There are no Aboriginal or Torres Strait Islander cultural heritage site points recorded in your specific search area.

There are no Aboriginal or Torres Strait Islander cultural heritage site polygons recorded in your specific search area.



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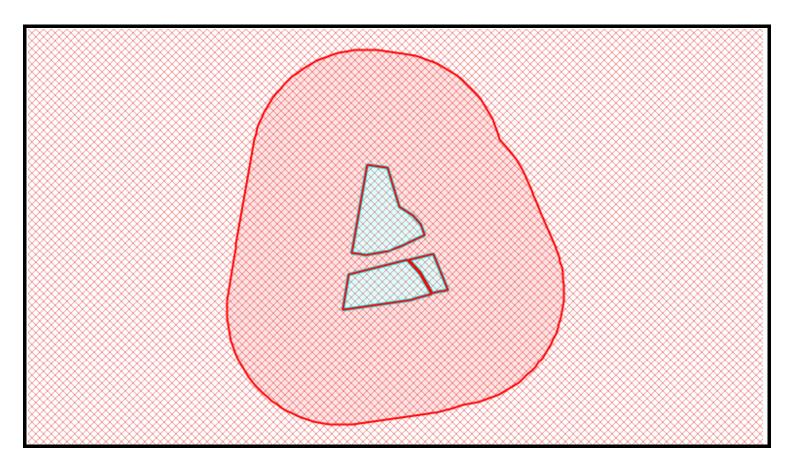
Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
Cultural Heritage Database and Register

PA 7603

5 May 2022

Lot on Plan Search SEE DECISION NOTICE FOR CONDITIONS

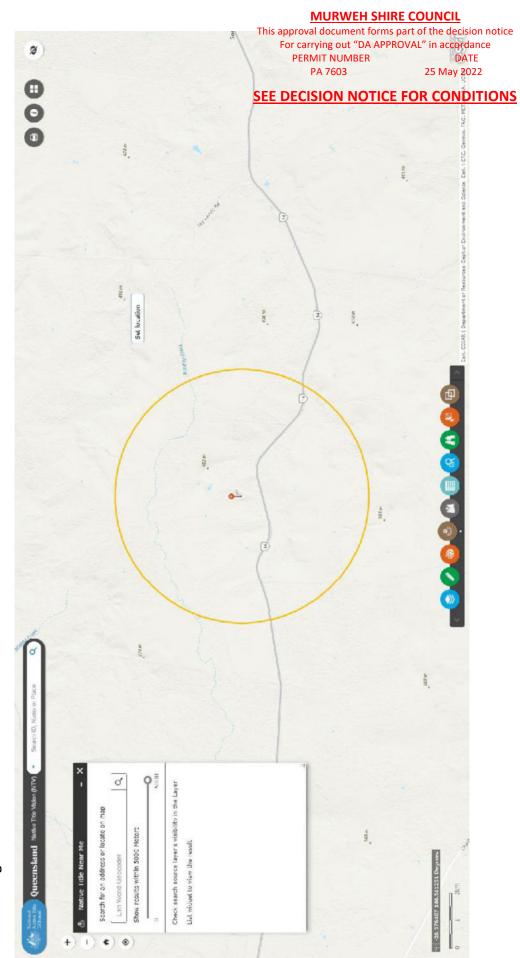
Reference Number:	102345
Lot:	4
Plan:	RS45
LGA:	Murweh Shire
Buffer Distance:	5000 metres



There are no Aboriginal or Torres Strait Islander cultural heritage site points recorded in your specific search area.

There are no Aboriginal or Torres Strait Islander cultural heritage site polygons recorded in your specific search area.

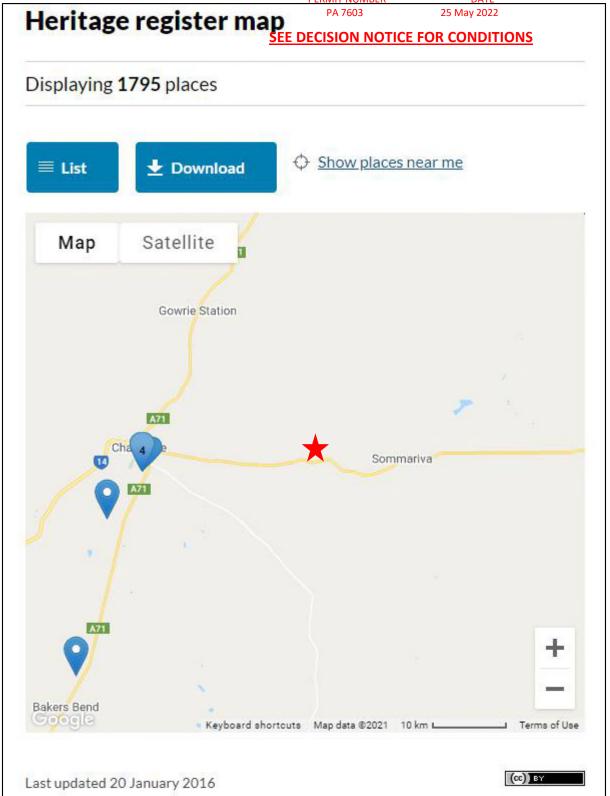




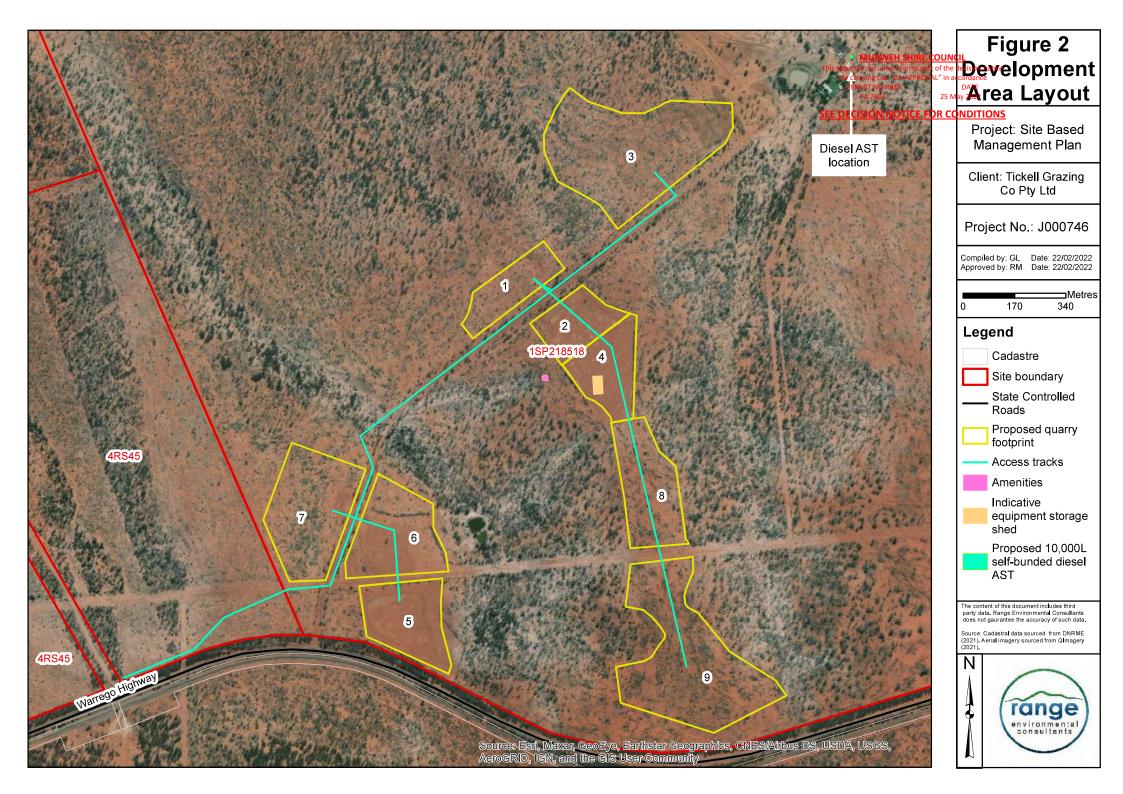
Native Title Register

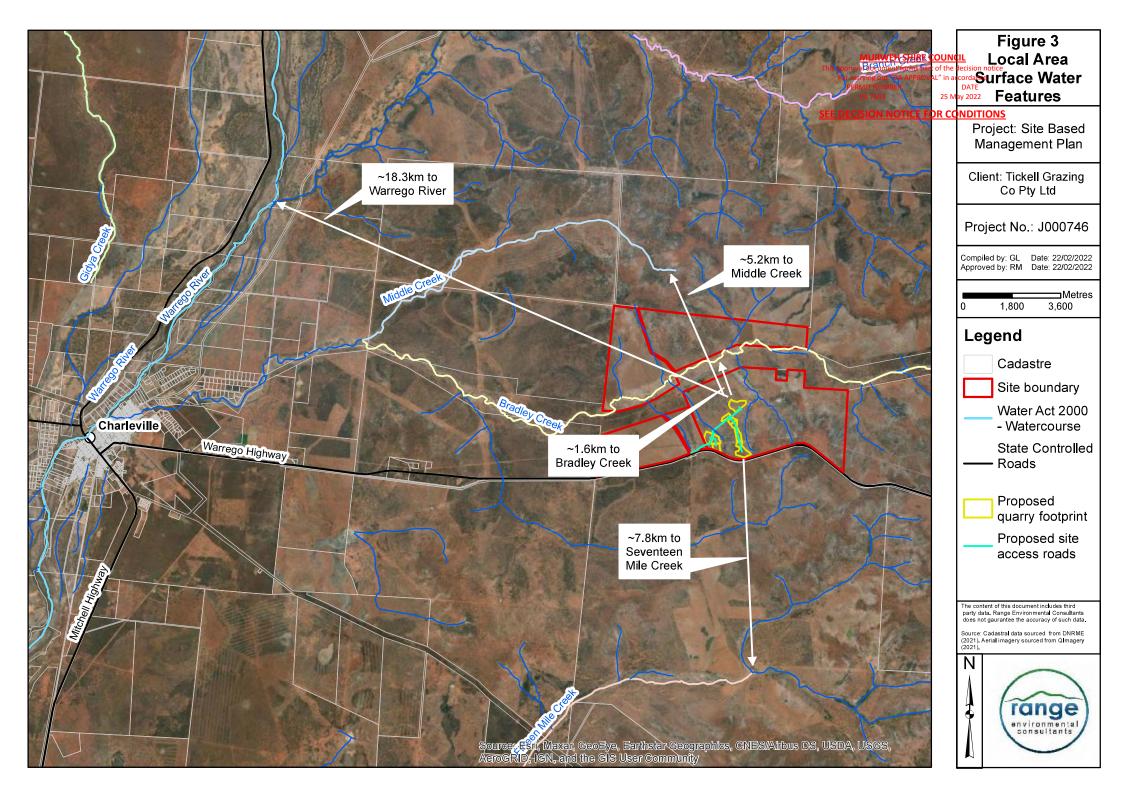
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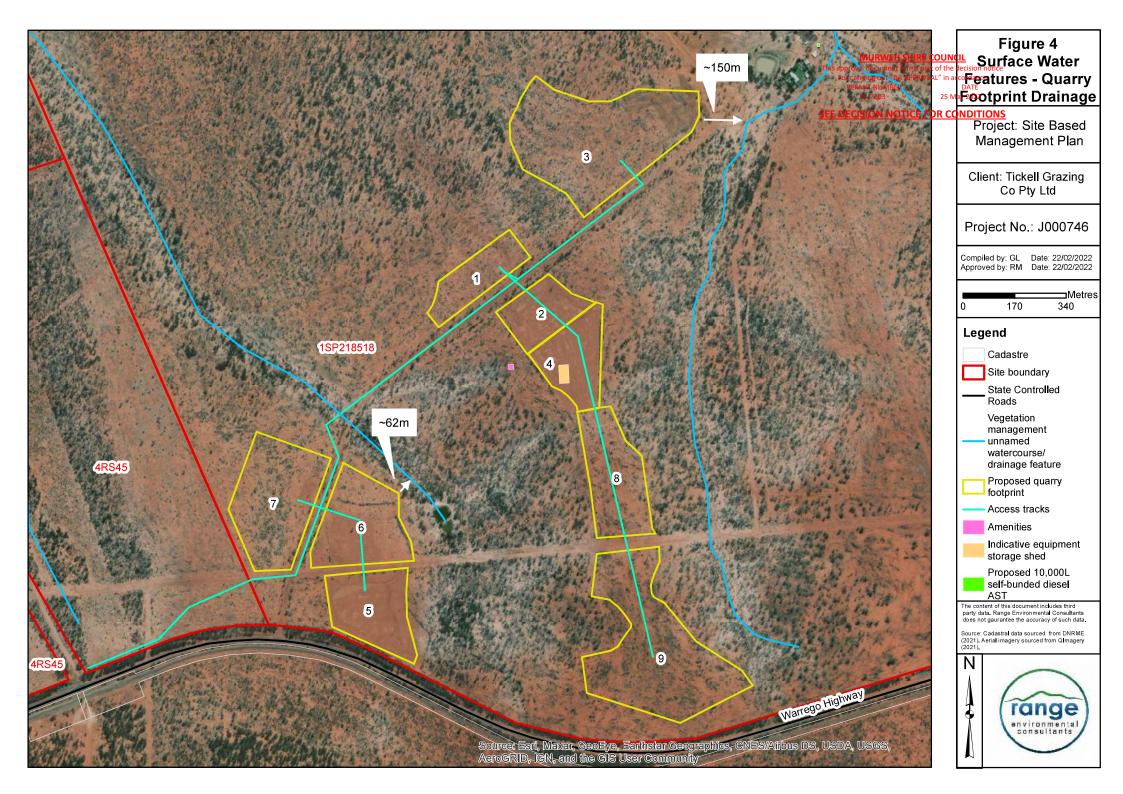
PERMIT NUMBER DATE

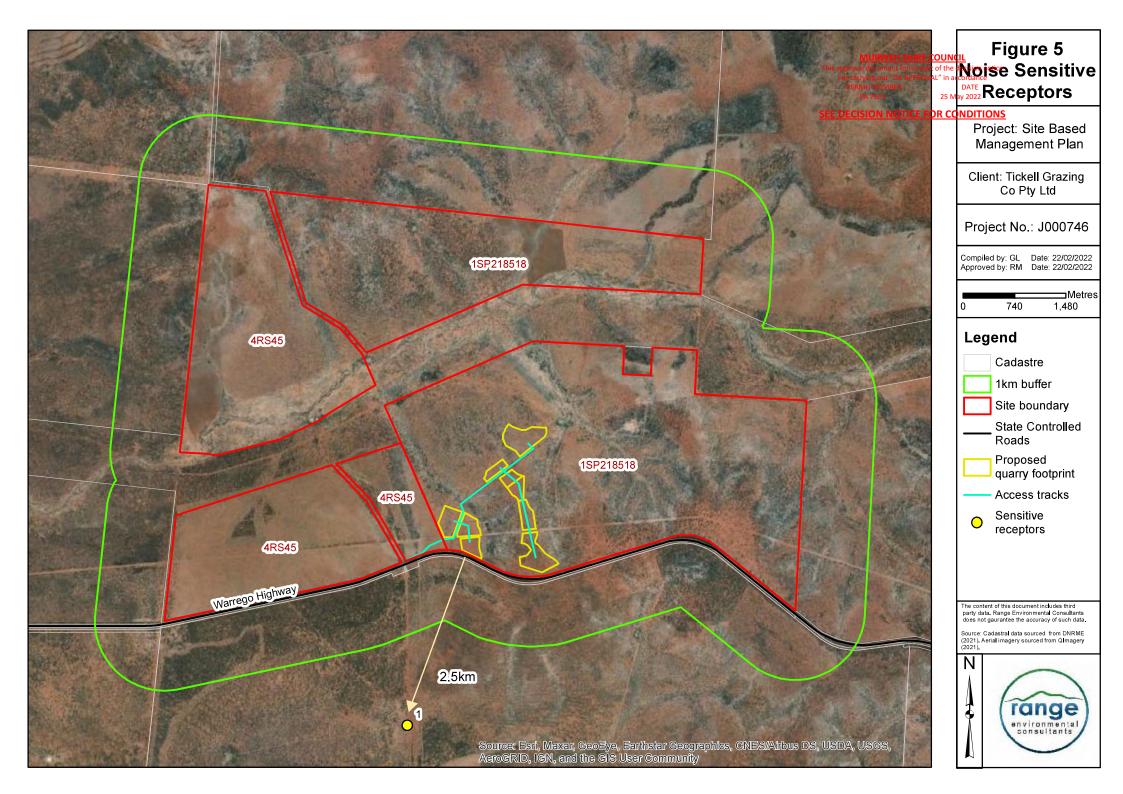


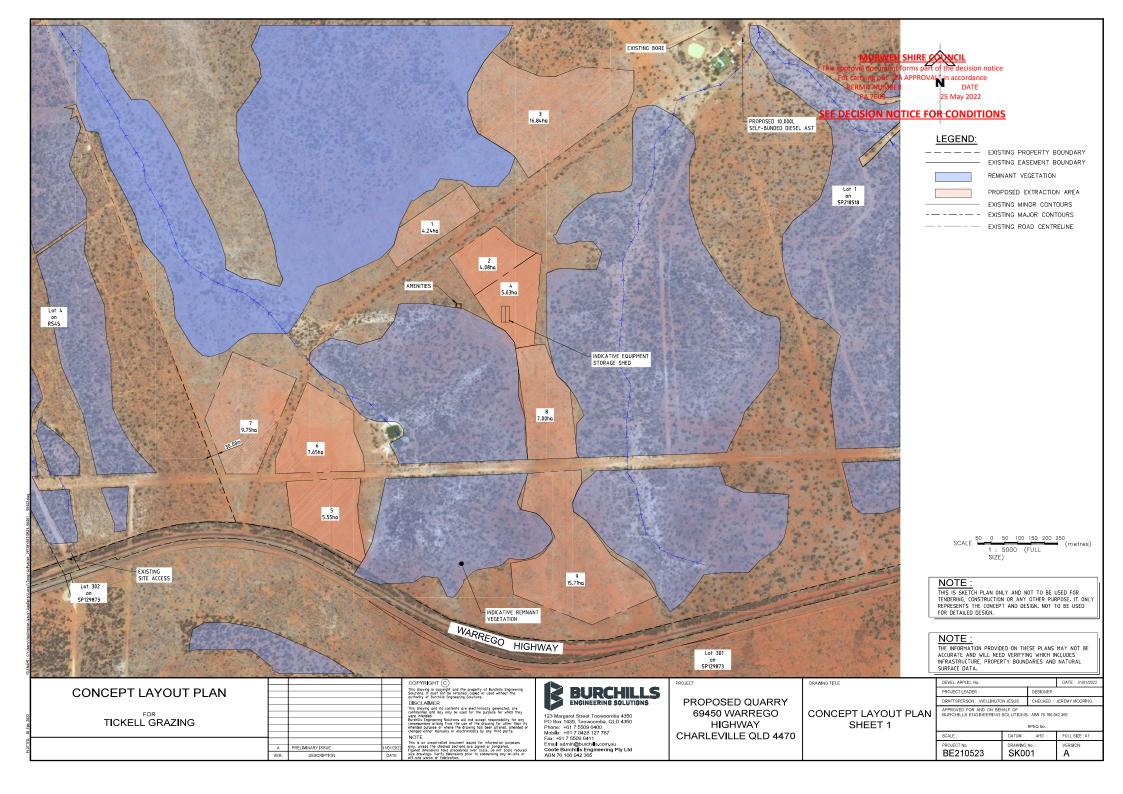


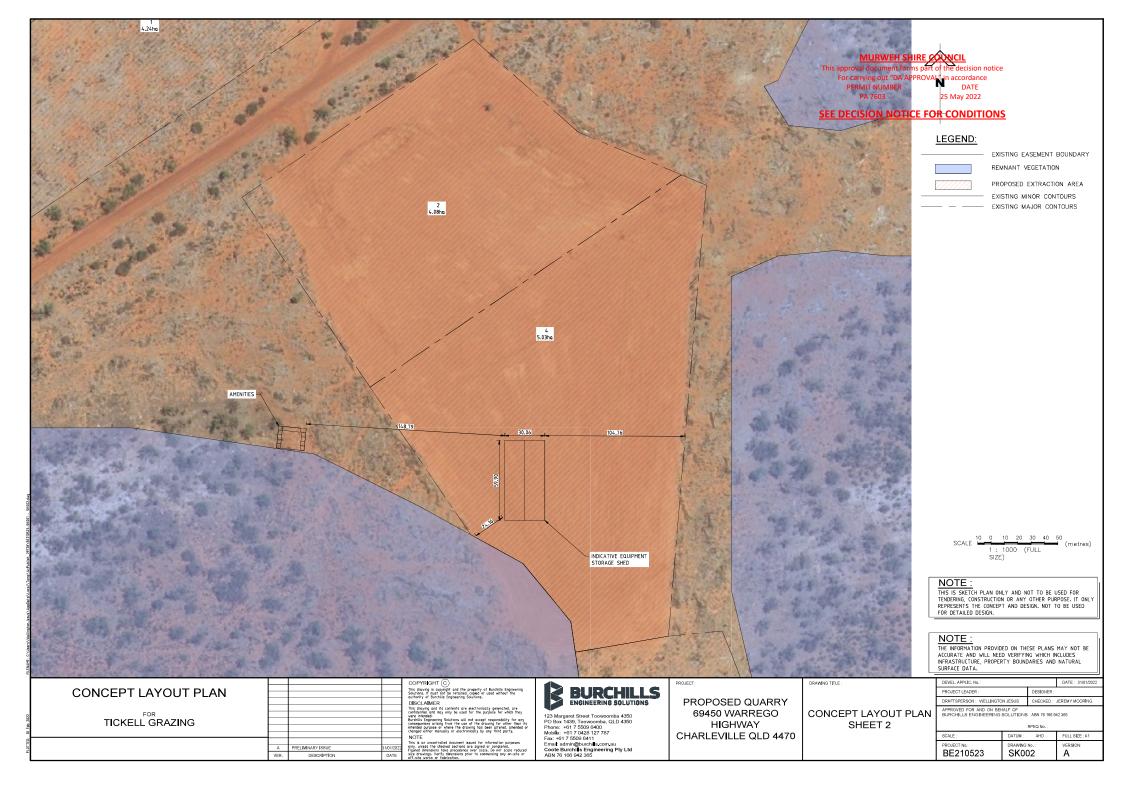














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PERMIT NUMBER
DATE
PA 7603
25 May 2022



Entry from west



Entry from east

Figure 7-4: Warrego Highway/Site access intersection swept paths - entry



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PERMIT NUMBER DATE
PA 7603 25 May 2022

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Exit to east

Figure 7-5: Warrego Highway/Site access intersection swept paths – exit