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**ABN:** 98 117 909 303

22 July 2021

Steve Mizen

Ref No: BA 7560

Western Meat Exporters Pty Ltd  
C/ Bplanned & Surveyed Pty Ltd  
PO Box 486  
CARINA QLD 4152

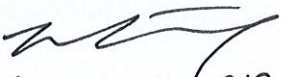
Dear Sir

**RE: DECISION NOTICE  
MATERIAL CHANGE OF USE – EXTENSION TO EXISTING ABATTOIR  
71134 WARREGO HIGHWAY CHARLEVILLE LOT 601 ON SP220511**

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

  
JAMIE GORRY  
ON BEHALF OF  
\_\_\_\_\_  
MR NEIL POLGLASE  
CHIEF EXECUTIVE OFFICER

**Decision Notice**  
**APPROVAL**  
***Planning Act 2016 s 63***

**Our Ref: 7560**

22 July 2021

Western Meat Exporters Pty Ltd  
C/ Bplanned & Surveyed Pty Ltd  
PO Box 486  
CARINA QLD 4152

Dear Sir

**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 22 April 2021.

**Applicant Details**

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Applicant name: Western Meat Exporters Pty Ltd  
C/ Bplanned & Surveyed Pty Ltd

Applicant contact details: Nicholas Condoleon  
PO Box 486  
Carina QLD 4152  
1300 275 266  
[nicholas@bplanned.com.au](mailto:nicholas@bplanned.com.au)

**Application Details**

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Application number: BA 7560  
Approval sought: Material Change of Use – Extension to existing abattoir

Details of proposed development:

Extension to abattoir (high impact industry) meaning - the use of premises for an industrial activity that is the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products, if—

- a. either of the following apply-
  - i. the use involves outdoor activities carried out between 6p.m. and 7a.m.;
  - ii. measures are required on the premises to control the risk of emissions and impacts from dangerous goods stored as part of the use; and
- b. the impacts of the use on other premises, or road or infrastructure networks, are within the upper and lower limits for the use stated in a local planning instrument applying to the premises.

### Location Details

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Street Address: 71134 Warrego Highway  
Charleville QLD 4470

Real Property Description: Lot 601 SP220511

### Decision

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Date of decision: 15 July 2021

Decision details: Approved in full with conditions. These conditions are set out in *Attachment 1*.

### Details of the Approval

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Development permit – Material Change of Use for an extension to existing high impact industry (abattoir) over 2 x stages.

### Conditions

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This approval is subject to the conditions in *Attachment 1*. The conditions indicate whether they were imposed by the Assessment Manager (Murweh Shire Council) or a Concurrence Agency.

## Properly Made Submissions

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There were no properly made submissions for this application.

## Rights of Appeal

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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

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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 Stephen Kenneth Mizen, Murweh Shire Council Planning Officer, on 0488 253 393 or via email [themizens@bigpond.com](mailto:themizens@bigpond.com) who will be pleased to assist.

Yours faithfully

  
JAMIE CORRY  
ON BEHALF OF  
**MR NEIL POLGLASE**  
**ASSESSMENT MANAGER**

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*)

## **Attachment 1 - Murweh Shire Council's Conditions of Approval**

- That a Certificate of Occupancy be obtained for the whole of the complex upon completion of the building works.

## **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 Code

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

## Attachment 2 – SARA Referral Response

RA9-N



SARA reference: 2104-22240 SRA  
Council reference: BA 7560

16 June 2021

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

Dear Sir/Madam

### **SARA response—71134 Warrego Highway, Charleville**

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 20 May 2021.

#### **Response**

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Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	16 June 2021
Advice:	Advice to the applicant is in <b>Attachment 1</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b> .

#### **Development details**

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Description:	Development permit	Material change of use – extension to an existing Abattoir
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1— Material change of use of premises near a State transport corridor (Planning Regulation 2017)	
SARA reference:	2104-22240 SRA	
Assessment Manager:	Murweh Shire Council	
Street address:	71134 Warrego Highway, Charleville	
Real property description:	Lot 601 on SP220511	

Applicant name: Western Meat Exporters Pty Ltd  
C/- Bplanned & Surveyed Pty Ltd

Applicant contact details: PO BOX 486  
CARINA QLD 4123  
nicholas@bplanned.com.au

## Representations

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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 Richard Webber, Principal Planning Officer, on (07) 4616 7304 or via email [ToowoombaSARA@dsmip.qld.gov.au](mailto:ToowoombaSARA@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Darren Cooper  
Manager - DDSW (Planning)

cc Western Meat Exporters Pty Ltd C/- Bplanned & Surveyed Pty Ltd, [nicholas@bplanned.com.au](mailto:nicholas@bplanned.com.au)

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

## Attachment 1—Advice to the applicant

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General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) 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 SARA's decision are:**

The development complies with State Code 1: Development in a state-controlled road environment.

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.

### **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)
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

**Attachment 3—Representations about a referral agency response**

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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 Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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 3 - Approved Plans**

## **ATTACHMENT 4: 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; 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.

### **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—
- (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.

### **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