

Mrs Ronnie McMahon: LMM
(07) 4671 7400
17/18W

30 January 2018

Fucheng International Abattoirs Pty Ltd
C/- Lily Zeng
Ray White Rural International
PO Box 5200
SYDNEY NSW 2000

Attention: Lily Zeng

Dear Ms Zeng

**Negotiated Decision Notice – Material Change of Use – “Industrial activities” –
“Noxious industry” (Abattoir)
Lots 15 & 16 on SP135722, Cunningham Highway, Goondiwindi**

We refer to the request for a Negotiated Decision Notice received by Goondiwindi Regional Council on 9 January 2018 for the abovementioned material change of use development application.

We wish to advise that on 24 January 2018 a decision was made to approve the applicant's request to amend Condition 19 (Council Ref 17/18W):

This amendment is documented in the attached Negotiated Decision Notice dated 30 January 2018 (Council Ref 17/18W), replacing the Decision Notice previously issued by Council dated 21 December 2017.

If you require any further information, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon on (07) 4671 7400 or rmcmahon@grc.qld.gov.au, who will be please to assist

Yours faithfully



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council

Copy to: Matt Norton, Premises Agriculture
Via email: matt.norton@premises.com.au

Negotiated Decision Notice

Sustainable Planning Act 2009 s.363

Enquiries:
Telephone:
File:

Mrs Ronnie McMahon: LMM
(07) 4671 7400
17/18W

30 January 2018

Fucheng International Abattoirs Pty Ltd
C/- Lily Zeng
Ray White Rural International
PO Box 5200
SYDNEY NSW 2000

Attention: Ms Lily Zeng

Dear Ms Zeng

I refer to the development application for a Material Change of Use for "*Industrial activities*" – "*Noxious industry*" (Abattoir) Lots 15 & 16 on SP135722, Cunningham Highway, Goondiwindi.

I wish to advise that on 24 January 2018 a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 21 December 2017.

The above development application was:

- ☒ approved in full or;
- ☐ approved in part for the following or;
- ☐ approved in full with conditions or;
- ☐ approved in part for the following, with conditions.

The conditions of this approval are set out in **Attachment 1**. These conditions are clearly identified to indicate whether they were imposed by the assessment manager or a concurrence agency. **All conditions must be complied with or bonded before the use commences.**

1. Nature of the changes

The nature of the changes is:

- a) **Condition 19** – amend wording of the condition, as identified in the following table:

Existing Condition 19	Proposed Changes
A truck wash-down area and covered pond shall be provided in accordance with the approved plan, Drawing Number 00A004-3, and designed and constructed in accordance with all relevant engineering and environmental standards.	A truck washdown area shall be provided in accordance with the approved plan, Drawing Number 00A004-3, and designed and constructed in accordance with all relevant engineering and environmental standards. Wastewater from the truck wash-down water must be captured and, either detained in a sump or pond, or immediately transferred into the main effluent treatments system.
Recommendation: Agree with proposed changes	

All other conditions of the original Decision Notice remain relevant and enforceable.

2. Approval under s331

This application ☐ has or ☒ has not been deemed to be approved under section 331 of the *Sustainable Planning Act 2009* (SPA).

1. Details of the approval

The following approvals are given:

	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme: "Industrial activities" – "Noxious industry" (Abattoir)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

3. Other necessary development permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- Approval for building works under the *Building Act 1975*.

4. Submissions

There were two (2) submissions received about this application. The name and address of the principal submitter for each properly made submission are as follows:

Submission	Name of principal submitter	Address
1	Steven John & Stacey Louise Smith	PO Box 628, Goondiwindi, QLD, 4390
	Phil John & Cynthia Smith	PO Box 969, Goondiwindi, QLD, 4390
2	Terry & Christine Hall	"Lightview", 32161 Cunningham Highway, Goondiwindi, QLD, 4390

5. Referral agencies

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
<p>As per Schedule 7, Table 2, Item 1 (7.2.1) of the SPR:</p> <p><i>A material change of use for an environmentally relevant activity made assessable under schedule 3, part 1, table 2, item 1.</i></p>	<p>Department of Infrastructure, Local Government and Planning –</p> <p><i>Concurrence Agency</i></p>	<p>Department of Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@di.lgp.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 7, Table 3, Item 1 (7.3.1) of the SPR:</p> <p><i>Making a material change of use of premises if any part of the land—</i></p> <p><i>(a) is within 25m of a State-controlled road; or</i></p> <p><i>(b) is future State-controlled road; or</i></p> <p><i>(c) abuts a road that intersects with a State-controlled road within 100m of the land</i></p>	<p>Department of Infrastructure, Local Government and Planning –</p> <p><i>Concurrence Agency</i></p>	<p>Department of Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@di.lgp.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 7, Table 3, Item 2 (7.3.2) of the SPR:</p> <p><i>An aspect of development identified in schedule 9 that—</i></p> <p><i>(a) is for a purpose mentioned in schedule 9, column 1; and</i></p> <p><i>(b) meets or exceeds the threshold—</i></p> <p><i>(ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose.</i></p>	<p>Department of Infrastructure, Local Government and Planning –</p> <p><i>Concurrence Agency</i></p>	<p>Department of Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@di.lgp.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>

6. Approved plans

The approved plans for this development approval are listed in the following table:

Drawing Number	Title	Date
01K004-5	Proposed Layout New Beef Abattoir 500 Head Per day, Floor Plan	01/06/2017
00A000-2	Concept 3D View	15/05/2017
00A001-2	Concept 3D View	15/05/2017
00A002-2	Concept 3D View	15/05/2017
00A003-2	Proposed Site Plan – Detailed	15/05/2017
00A004-3	Proposed Site Plan – Overall	19/12/2017
00A005-2	Existing Site Plan – Overall	15/05/2017
00A201-3	Elevations	01/06/2017
8495 Master Plan: Fig. Existing Aerial	Abattoir Expansion Feasibility Existing Aerial Plan	11/04/2016
8495 Master Plan: Fig. Aerial	Abattoir Expansion Feasibility Aerial Plan	15/09/2017
8495 Master Plan: Fig. Receptor	Abattoir Expansion Feasibility Sensitive Receptors Plan	11/04/2016

The approved plans are included in **Attachment 2**.

7. When approval lapses if development not started

This approval will lapse if the use has not lawfully commenced in accordance with the staged timeframes submitted with the application.

Section 383 of the *Sustainable Planning Act 2009* sets out how an extension to the period of approval can be requested. Please see excerpts from the SPA attached at **Attachment 5**.

8. Appeal rights

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal, or refusal in part of the development application;
- Any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the SPA;
- The decision to give a preliminary approval when a development permit was applied for;
- The length of a period mentioned in section 341; or
- A deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of the SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see the SPA, Chapter 7, Part 2.

Attachment 4 includes a Rights to Appeal waiver, which if completed, will be used to process your request to waive your appeal rights to process your approval without unnecessary delay.

Attachment 5 is in extract from the SPA which details the applicant's appeal rights regarding this decision.

If you wish to discuss this matter further, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, or (07) 4671 7400 or rmcmahon@grc.ald.gov.au.

Yours Sincerely



Carl Manton
Chief Executive Officer
Goondiwindi Regional Council



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

Part 1 – Assessment Manager’s Conditions

Part 2 - Department of Infrastructure, Local Government and Planning – Concurrence Agency Response

Attachment 2 – Approved Plans

Attachment 3 – Infrastructure Charges Notice

Attachment 4 – Rights to Appeal Waiver

Attachment 5 – SPA Extracts

SPA extract on appeal rights

SPA extract on lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Description:	<i>"Industrial activities"</i> <ul style="list-style-type: none"> • <i>"Noxious industry"</i> (Abattoir)
Development:	Material Change of Use – Development Permit
Applicant:	Fucheng International Abattoirs Pty Ltd c/- FSA Consulting
Address:	Cunningham Highway, Goondiwindi
Real Property Description:	Lots 15 & 16 on SP135722
Council File Reference:	17/18W

The amended conditions are highlighted below.

GENERAL CONDITIONS																													
1.	<p>Approval is granted for the purpose of a Material Change of Use for:</p> <ul style="list-style-type: none"> “Industrial activities” – “Noxious industry” (Abattoir) <p>as defined in the 2006 Planning Scheme for the former Waggamba Shire Council.</p>																												
2.	<p>All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.</p>																												
3.	<p>The development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans:</p> <table border="1"> <thead> <tr> <th>Drawing Number</th> <th>Title</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>01K004-5</td> <td>Proposed Layout New Beef Abattoir 500 Head Per day, Floor Plan</td> <td>01/06/2017</td> </tr> <tr> <td>00A000-2</td> <td>Concept 3D View</td> <td>15/05/2017</td> </tr> <tr> <td>00A001-2</td> <td>Concept 3D View</td> <td>15/05/2017</td> </tr> <tr> <td>00A002-2</td> <td>Concept 3D View</td> <td>15/05/2017</td> </tr> <tr> <td>00A003-2</td> <td>Proposed Site Plan – Detailed</td> <td>15/05/2017</td> </tr> <tr> <td>00A004-3</td> <td>Proposed Site Plan – Overall</td> <td>19/12/2017</td> </tr> <tr> <td>00A005-2</td> <td>Existing Site Plan – Overall</td> <td>15/05/2017</td> </tr> <tr> <td>00A201-3</td> <td>Elevations</td> <td>01/06/2017</td> </tr> </tbody> </table>		Drawing Number	Title	Date	01K004-5	Proposed Layout New Beef Abattoir 500 Head Per day, Floor Plan	01/06/2017	00A000-2	Concept 3D View	15/05/2017	00A001-2	Concept 3D View	15/05/2017	00A002-2	Concept 3D View	15/05/2017	00A003-2	Proposed Site Plan – Detailed	15/05/2017	00A004-3	Proposed Site Plan – Overall	19/12/2017	00A005-2	Existing Site Plan – Overall	15/05/2017	00A201-3	Elevations	01/06/2017
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	8495 Master Plan: Fig. Receptor	Abattoir Expansion Feasibility Sensitive Receptors Plan	11/04/2016
Please note these plans are not approved Building Plans. The approved plans are included in Attachment 2 .			
4.	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <p>All development shall comply with any relevant provisions in the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>The development approval documents are the material contained in the development application, approved plans and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant Agencies during all stages of the development application assessment processes.</p>		
5.	The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.		
6.	It is the responsibility of the developer to ensure that all requirements, legislative or otherwise, relating to this development have been carried out lawfully prior to the commencement of the use.		
7.	<p>Any proposed additional buildings/structures located within 200m of any title boundaries will require building approval under the provisions of the <i>Queensland Building Act 1975</i>, <i>Queensland Development Code Part 3.7</i> and <i>National Construction Code 2016</i>.</p> <p>Note: Office area will require provisions for disability access and amenities.</p>		

	OPERATION OF THE USE
8.	Operating hours shall be generally in accordance with the supporting information supplied with the application.
9.	Loading and unloading of heavy vehicles shall occur generally between the hours of 6am and 8pm.
	PUBLIC UTILITIES
10.	The development shall be connected to an adequate electricity supply system, at no cost to Council.
11.	The developer is responsible for ensuring Queensland Fire Services requirements are met with respect to this development.
12.	A suitable fire tender vehicle or trailer is to be available on site to address any fires associated with structures or bushfires around the infrastructure and pen areas.
	ESSENTIAL SERVICES
13.	<p>The site shall obtain a supply of water of a volume and quality appropriate for abattoir purposes, including adequate supply for firefighting purposes, in accordance with relevant engineering standards to the satisfaction of Council.</p> <p>The site shall be connected to and maintain a potable water supply with a sufficient volume for domestic use.</p>
14.	The developer shall provide a Domestic Onsite Sewerage Treatment Design, that meets the requirements of the Department of Environment and Heritage Protection based on suitable design requirements.

	ROADS AND VEHICLES
15.	<p>All vehicle accesses to Lot 16 on SP135722, shall be via the Cunningham Highway access approved by the Department of Transport and Main Roads.</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact the Department of Transport and Main Roads to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p>
16.	<p>The existing access to Lot 15 on SP135722 from Pollocks Road, from the edge of the existing bitumen to the property boundary shall be upgraded to an industrial standard, in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>, to the satisfaction of and at no cost to council.</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to the commencement of any works onsite.</p> <p>A qualified council officer may inspect construction works at the request of the developer to ensure compliance within this condition.</p>
17.	<p>All areas where vehicles regularly manoeuvre and park shall be constructed to a sealed standard in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>, to the satisfaction of and at no cost to Council.</p> <p>Car parking and manoeuvring areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>

18.	<p>Two hundred and sixteen (216) sealed and delineated car parking spaces shall be supplied on site in accordance with the approved Drawing No. 00A003-2.</p> <p>Car parking areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council's Engineering Department to ensure the correct specifications are obtained for all civil works prior to the commencement of any works onsite.</p> <p>A qualified council officer may inspect construction works at the request of the developer to ensure compliance within this condition.</p>
19.	<p>A truck washdown area shall be provided in accordance with the approved plan, Drawing Number 00A004-3, and designed and constructed in accordance with all relevant engineering and environmental standards. Wastewater from the truck wash-down water must be captured and, either detained in a sump or pond, or immediately transferred into the main effluent treatments system.</p>
<p>LANDSCAPING</p>	
20.	<p>A detailed landscaping plan for vegetation buffers, prepared by a suitably qualified person, shall be submitted to Council for approval, prior to the commencement of the use.</p> <p>The landscaping plan must be prepared in accordance with the requirements of Schedule 3 of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>, and provide details, including height and width dimensions of the plant species to be used.</p>
<p>STORMWATER</p>	
21.	<p>Prior to the commencement of the use and at all times while the use continues, the site shall be adequately drained and all stormwater shall be disposed of to a legal discharge point in accordance with Schedule 1, Division 5: Standards for Stormwater Drainage of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>, to the satisfaction of and at no cost to Council.</p> <p>There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes.</p> <p>The stormwater system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>

22.	<p>Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council.</p> <p>No ponding, concentration or redirection of stormwater shall occur on adjoining properties unless specifically agreed to in writing by Council and the owners of any adjoining properties affected by these changes.</p>
23.	<p>Prior to the commencement of construction, the applicant shall submit to Council for approval, a stormwater management plan prepared by a Registered Professional Engineer of Queensland (RPEQ). The stormwater management plan shall, as a minimum, detail the required capacity of the water storage in the South West corner of the property and the design and operation of the proposed diversion banks to divert clean stormwater away from the pond systems.</p>
EARTHWORKS AND EROSION CONTROL	
24.	<p>All works associated with the development must be carried out in a manner that minimizes erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 1, Division 1: Standards for Construction Activities of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i> to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>
25.	<p>Any filling or excavation shall be undertaken in accordance with Schedule 1, Division 1: Standards for Construction Activities of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council.</p> <p>Excavation or filling within 1.5 metres of any site boundary is battered or retained by a wall that does not exceed 1 metre in height.</p>
AVOIDING NUISANCE	
26.	<p>The cattle holding yards (including the white herringbone area as shown on plan 00A004-2) are to be maintained to the appropriate State standard and the areas shall be cleaned at intervals of no longer than 8 weeks.</p>

27.	At all times while the use continues, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> (the Act) and all relevant regulations and standards under that Act. All necessary licences, permits and approvals under the Act and all regulatory provisions and legislation shall be obtained and shall be maintained at all times while the use continues.
28.	The developer shall provide details of an illumination lighting design plan for all external components of the abattoir lighting including (product loading area, carpark area, stock unloading area and general security lighting) of the abattoir and surrounds. The plan is to be designed in accordance with AS 4282 – 1997, “Control of the obtrusive effects of outdoor lighting”. External lighting is to be directed to the north and east wherever possible on the site to minimise impacts to residents along Pollocks Road and traffic on the Cunningham Highway and Pollocks Road.
29.	At all times while the use continues it shall be operated in such a manner as to ensure that no nuisance shall arise to adjoining premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.
30.	General waste generated at the abattoir from staff and veterinary activities is to be disposed of to a Licensed disposal site or collected by an authorised waste contractor. Goondiwindi Landfill Facility is the closest site for disposal of general waste. The following waste products are excluded from this site: medical waste (sharps) and tyres.
31.	Waste from the abattoir facility is not to be deposited in the roadside skip bins at the weigh pad area on the Cunningham Highway located towards the South West corner of the property.
32.	An alternate commercial waste service to the property may be arranged with a local collection contractor who provide a front lift skip bin service in the area.
33.	The operator shall be responsible for mitigating any complaints arising from on-site operations.
34.	Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises. During construction the site must be kept in a clean and tidy state at all times.
35.	Chemicals are to be stored and handled in accordance with AS 2507 – 1998 “The storage and handling of agricultural and veterinary chemicals”.

	DEVELOPER'S RESPONSIBILITIES
36.	Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.
37.	It is the developer's responsibility to ensure that any contractors and subcontractors have current, relevant and appropriate qualifications and insurances in place to carry out the works.
38.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs.
39.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
40.	A copy of reporting and investigation of complaints relating to the abattoir operation is to be submitted to Goondiwindi Regional Council within ten (10) working days of the annual report being finalised and submitted to the Department of Environment and Heritage Protection.
	CHARGES PAID BEFORE USE COMMENCES
41.	All outstanding rates and charges shall be paid to Council prior to the commencement of the use.
	COMMENCEMENT OF USE
42.	<p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p>

43.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within four years of the date the development approval takes effect, in accordance with the provisions contained in sections 341 & 342 of the <i>Sustainable Planning Act 2009</i>.</p> <p>Section 383 of the <i>Sustainable Planning Act 2009</i> sets out how an extension to the period of approval can be requested.</p>
44.	<p>A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.</p>
	<p>PLEASE READ CAREFULLY - NOTES AND ADVICE</p>
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 339 of the <i>Sustainable Planning Act 2009</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the use has not commenced within four (4) years of the date the development approval takes effect.</p> <p>Section 383 of the <i>Sustainable Planning Act 2009</i> sets out how an extension to the period of approval can be requested.</p>
	<p>Infrastructure Charges outlined in the Infrastructure Charges Notice included in Attachment 3 shall be paid prior to the commencement of the use.</p>
	<p>It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.</p>

	<p>This approval in no way removes the duty of care responsibility of the applicant under the Aboriginal Cultural Heritage Act 2003. Pursuant to Section 23(1) of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).</p>
	<p>This approval in no way authorises the clearing of native vegetation protected under the Vegetation Management Act 1999.</p>
	<p>The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.</p>

Attachment 1 - Conditions of the Approval

***Part 2 - Department of Infrastructure, Local
Government and Planning –
Concurrence Agency Response***





Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0617-040173

7 December 2017

The Chief Executive Officer
Goondiwindi Regional Council
Locked Mail Bag 7
Inglewood QLD 4387

ATTENTION: LAUREN MCVICAR

Dear Lauren

Concurrence agency response—with conditions—Amended
22 Pollocks Road and Cunningham Highway, Goondiwindi QLD 4390
Lot 15 and Lot 16 SP135722
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning (DILGP) under section 272 of the *Sustainable Planning Act 2009* on 15 June 2016.

Applicant details

Applicant name: Fucheng International Abattoirs Pty Ltd
Applicant contact details: C/ Ray White Rural International
PO Box 5200
SYDNEY NSW 2000
Via email - lily.zeng@raywhite.com

Site details

Street address: 22 Pollocks Road and Cunningham Highway, Goondiwindi
Lot on plan: Lot 15 and Lot 16 SP135722
Local government area: Goondiwindi Regional Council

Application details

Proposed development: Development Permit for Material Change of Use – Industrial Activities – Noxious Industry (Abattoir)

Aspects of development and type of approval being sought

Development Permit for Material Change of Use – Industrial Activities – Noxious Industry (Abattoir)

Referral triggers

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

Referral trigger	<p>Schedule 7, Table 3, Item 2 – An aspect of development identified in schedule 9 that – (a) is for a purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold-(ii) for development in LGA population 2 – mentioned in schedule 9, column 3 for the purpose.</p> <p>Schedule 7, Table 3, Item 1 – Making a material change of use of premises if any part of the land – (a) is within 25m of a State-controlled road (SCR); or (b) is future SCR' or (c) abuts a road that intersects with a SCR within 100m of the land.</p> <p>Schedule 7, Table 2, Item 1 – A material change of use for an environmentally relevant activity made assessable under schedule 3, part 1, table 2, item 1.</p>
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Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

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

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, DILGP offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Development Permit for Material Change of Use – Industrial Activities- Noxious Industry (Abattoir)				
Abattoir Expansion Feasibility Aerial Plan	FSA Consulting	11/04/2016	Figure 03	-

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

For further information, please contact Hayley O'Brien, Senior Planning Officer, SARA Darling

Downs South West on 4616 7303, or email ToowoombaSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Andrew Foley
Manager (Planning)

cc: Fucheng International Abattoirs Pty Ltd, lily.zeng@raywhite.com
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0617-040173

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Material Change of Use – Industrial Activity -Abattoir		
7.2.1—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Environment and Heritage (DEHP) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be carried out generally in accordance with following plan:</p> <ul style="list-style-type: none"> Abattoir Expansion Feasibility Aerial Plan – prepared by FSA Consulting TCG, dated 11/04/2016 Figure 03. 	At all times.
7.3.1 and 7.3.2—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Filling and excavation – low risk		
2.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures and other works involving ground disturbance must not encroach or de-stabilise the state-controlled road or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
Road works on a state-controlled road		
3.	<p>(a) Road works comprising of the following treatments must be provided at the intersection of the Cunningham Highway and the permitted access location:</p> <ul style="list-style-type: none"> Auxiliary Left Turn Channelised Right Turn. <p>(b) The road works must be designed and constructed in accordance with the Road Planning and Design Manual and any other relevant manual/technical publications/standard referenced therein.</p>	Prior to the commencement of use.
Stormwater management		
4.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road (SCR).</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the SCR; (ii) interfere with and/or cause damage to the existing stormwater drainage on the SCR; (iii) surcharge any existing culvert or drain on the SCR; (iv) reduce the quality of stormwater discharge onto the SCR. 	<p>(a) At all times.</p> <p>(b) At all times.</p>

No.	Conditions	Condition timing
Vehicular Access to SCR		
5.	<p>The existing road access location to Lot 15 SP135722 Lot 16 SP135722 is to be upgraded/constructed to a commercial/industrial standard and designed to include the following:</p> <ul style="list-style-type: none"> • Capable of accommodating the largest design vehicle able to legally access the site (i.e. Type 1 Road Train); and • Sealed from the edge of the SCR to the property boundary. 	At all times.

Our reference: SDA-0617-040173

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- Condition 1 is to ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- Condition 2 is to ensure the development and its construction does not cause adverse structural impacts on state transport infrastructure.
- Condition 3 is to ensure the road works on, or associated with, the state controlled road (SCR) network are undertaken in accordance with applicable standards.
- Condition 4 is to ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- Condition 5 is to ensure the road access location to the SCR from the site does not compromise the safety and efficiency of the SCR.

Our reference: SDA-0617-040173

Your reference:

Attachment 3—Further advice

Further development permits, compliance permits or compliance certificates	
State-controlled Road (SCR)	
1.	Road access works approval: Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works that are road access works (including driveways) on a SCR. Please contact the DTMR on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the SCR reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.

Our reference: SDA-0617-040173

Attachment 4—Approved plans and specifications



Attachment 2 – Approved Plans




Date	Issue	Amendment	Init
01/06/17	5	DELEGATING HEIGHT NOTE ADD(ED)	NR
15/06/17	4	GENERAL REVISION FOR DA	NR
24/11/16	3	GENERAL REVISION	JRM
14/11/16	2	GENERAL REVISION	JRM
21/10/16	1	INITIAL ISSUE	JRM

<http://www.cornell.edu/department/psychology>
www.cornell.edu
 (607) 255-7200 ext. 330
 (607) 255-4845

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Project
PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD

Drawing Title
PROPOSED LAYOUT
NEW BEEF ABATTOIR
500 HEAD PER DAY
FLOOR PLAN

Scale A1 = 1 500 (A3 = 1 000) 

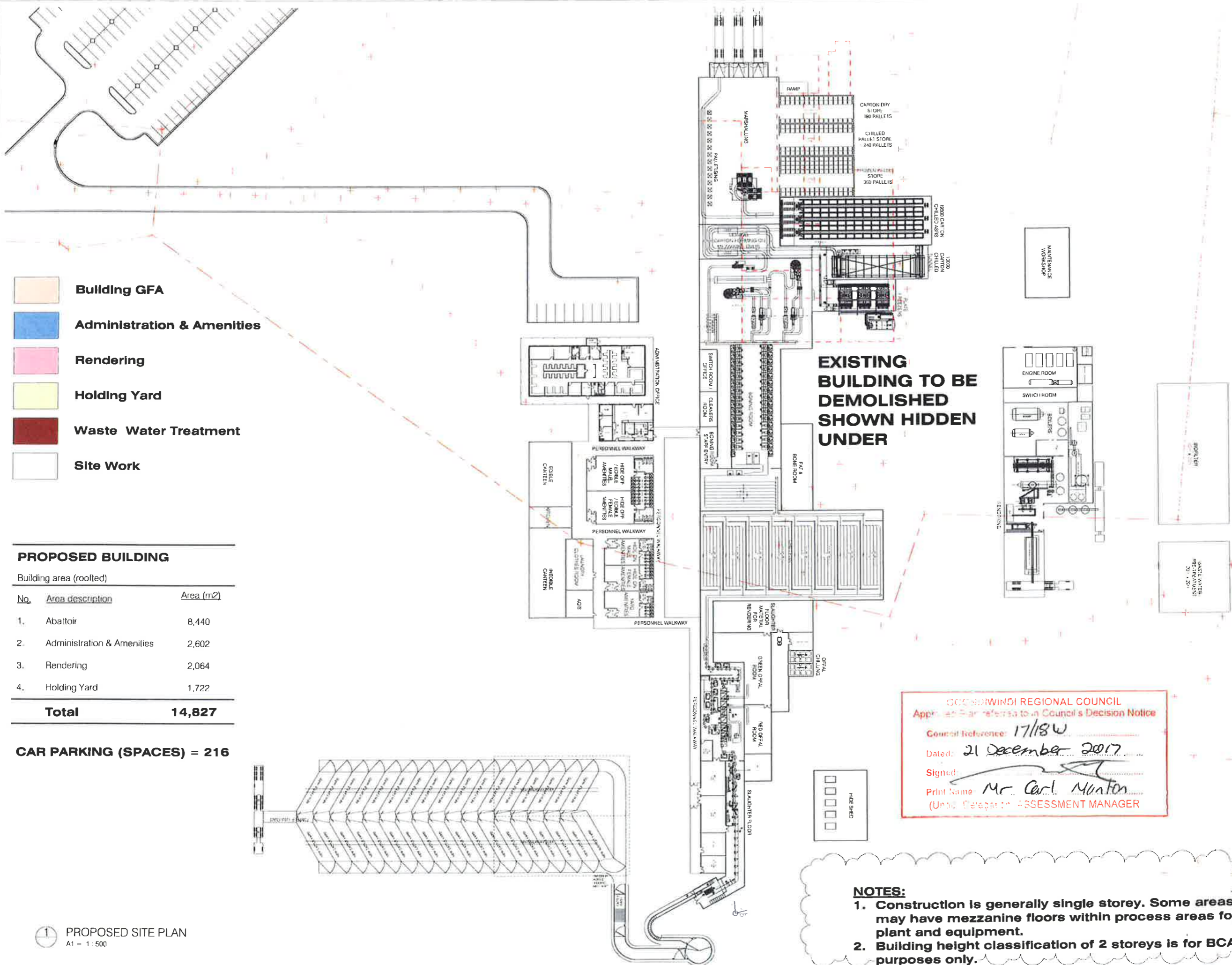
Drawn JNM Date OCT 2016

Project No W20356	Bldg No 01
-----------------------------	----------------------

Drawing No	Issue
------------	-------

01K004 - 5

PRELIMINARY



NOTES:

1. Construction is generally single storey. Some areas may have mezzanine floors within process areas for plant and equipment.
2. Building height classification of 2 storeys is for BCA purposes only.

ADVICE ♦ DESIGN ♦ ENGINEERING ♦ CONSTRUCTION



SOUTH-EAST VIEW

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 17/18W
Dated: 21 December 2017
Signed: 
Print Name: Mr. Carl Mantou
(Under Delegation) ASSESSMENT MANAGER

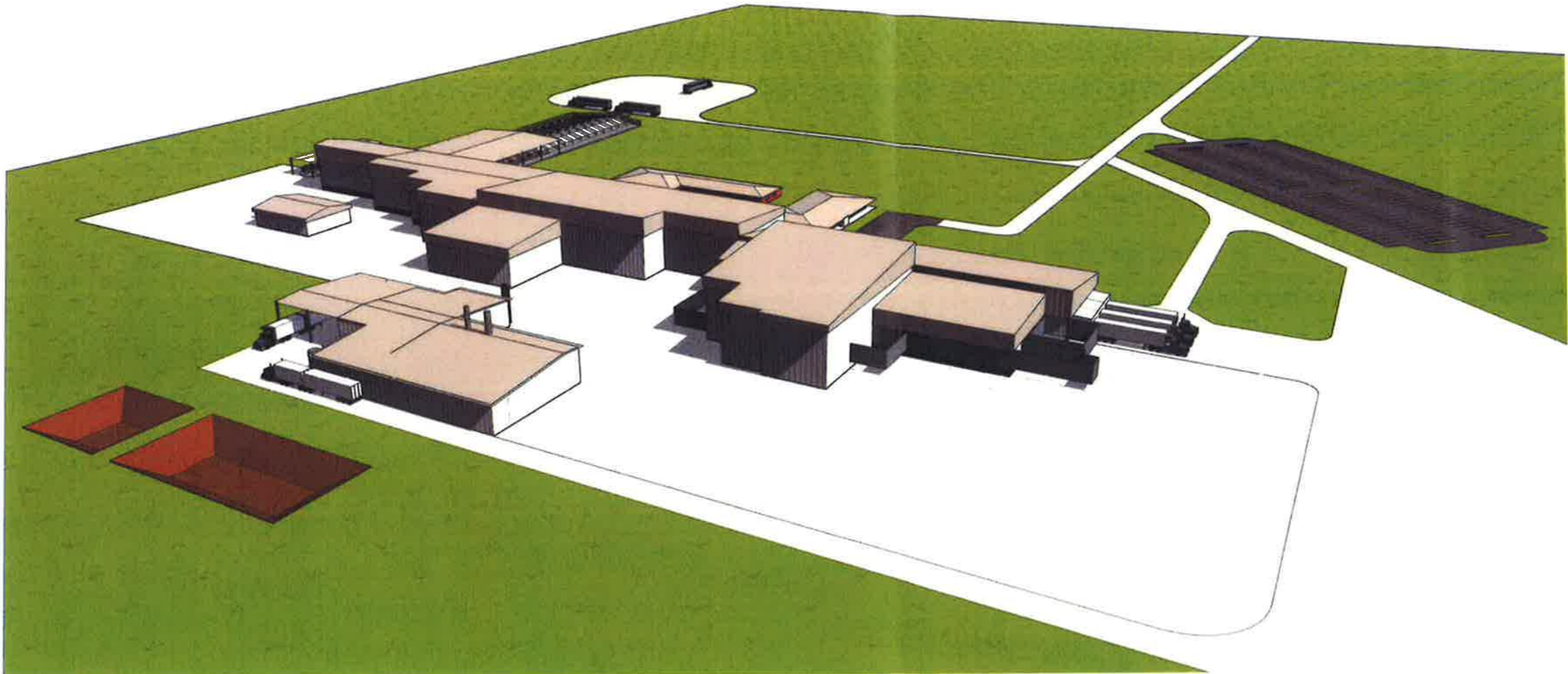
Date	Issue	Amendment	Init
16/05/17	2	GENERAL REVISION	NR
09/12/16	1	FOR DEVELOPMENT APPLICATION	NR

WILEY & CO PTY LTD
1000 105 869
Excellence reimagined


Project
**PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD**

Drawing Title
CONCEPT 3D VIEW

Scale NOT TO SCALE	
Drawn NR	Date 12/09/16
Project No W20356	Bldg No 01
Drawing No. 00A000 - 2	Issue
PRELIMINARY	



NORTH-WEST VIEW

GOONDIWINDI REGIONAL COUNCIL
This view is referred to in Council's Decision Notice
Council Reference: 17/18W
Dated: 21 December 2017
Signed: 
Print Name: Mr. Carl Manton
(Under Delegation) ASSESSMENT MANAGER

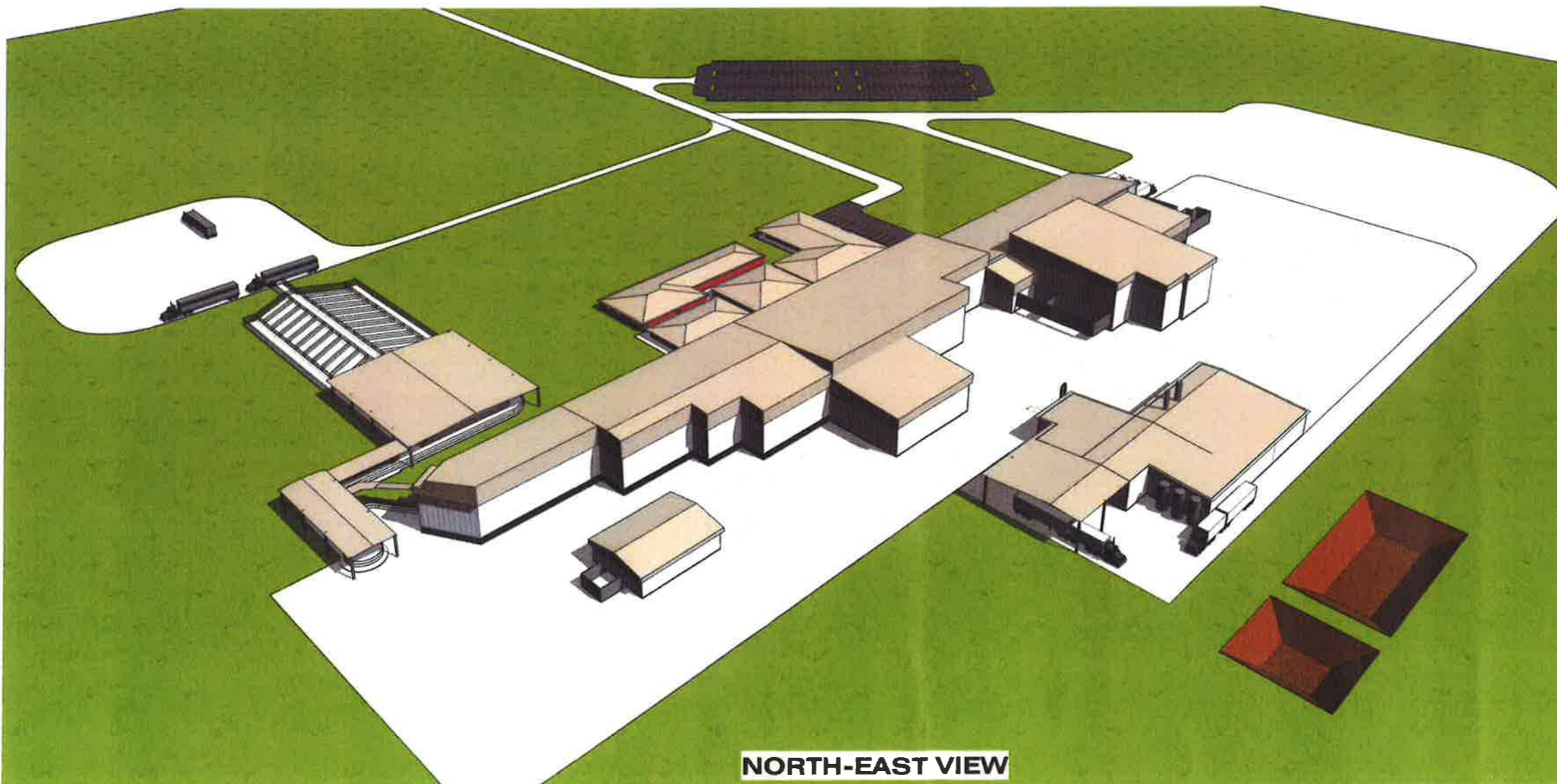
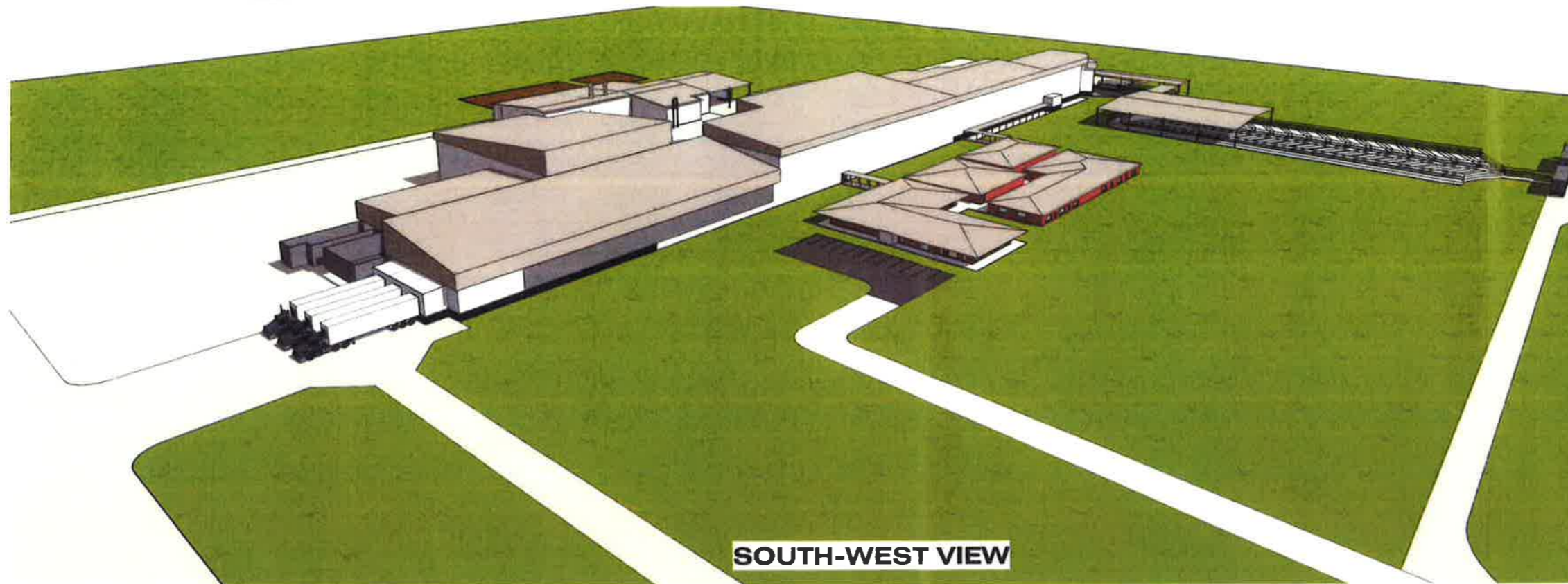
Date	Issue	Amendment	Init
15/05/17	1	GET IFR4 REVISION FOR DEVELOPMENT APPLICATION	IR
06/12/16	1		IR



Project
PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD

Drawing Title
CONCEPT 3D VIEW

Scale NOT TO SCALE	
Drawn NR	Date 12/09/16
Project No W20356	Bldg No 01
Drawing No 00A001 - 2	Issue
PRELIMINARY	



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GOONDIWINDI REGIONAL COUNCIL
To be referred to in Council's Resolution
Council Reference: 17/18
Signed: 21 December 2017
Per Name: M. Carl Manton
Title: Assessment Manager

15 05 17	2	GENERAL REVISION	HR
09 12 16	1	FOR DEVELOPMENT APPLICATION	HR
Date	Issue	Amendment	Init

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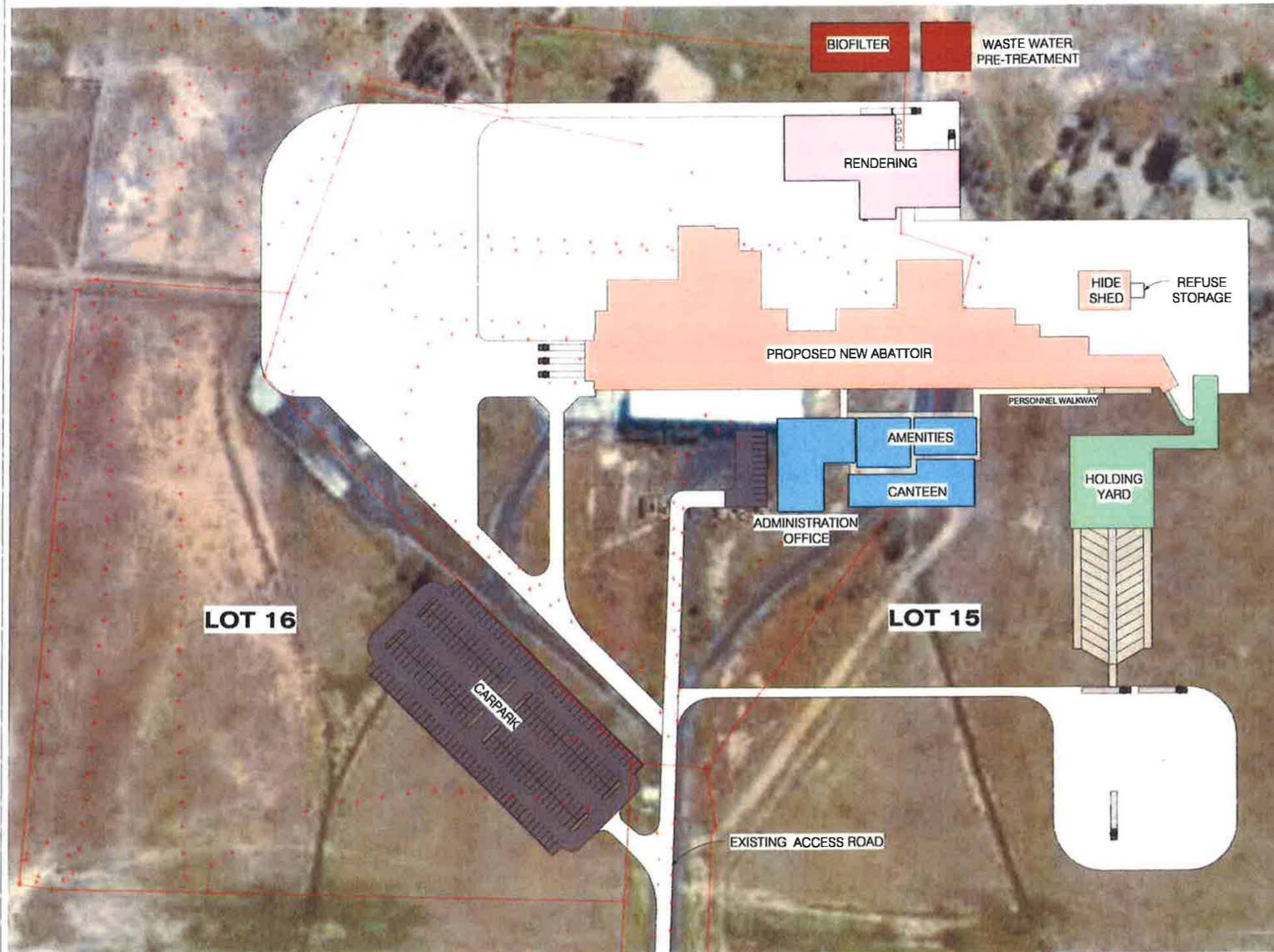
Project
**PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD**

Drawing Title
CONCEPT 3D VIEW

Scale NOT TO SCALE

Drawn	NR	Date	12/09/16
Project No.	W20356	Bldg No.	01
Drawing No.	00A002 - 2	Issue	

PRELIMINARY



- Building GFA
- Administration & Amenities
- Rendering
- Holding Yard
- Waste Water Treatment
- Site Work

PROPOSED BUILDING

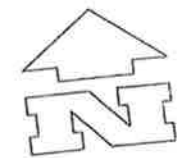
Building area (roofed)		
No.	Area description	Area (m2)
1.	Abattoir	8,440
2.	Administration & Amenities	2,602
3.	Rendering	2,064
4.	Holding Yard	1,722
Total		14,827

BUILDING AREAS & CAR PARKING SUMMARY

	EXISTING	PROPOSED
TOTAL BUILDING AREA (roofed)	4,004 m2	14,827 m2
CAR PARKING (spaces)	216	216 (remain)

GOONDIWINDI REGIONAL COUNCIL
Approved Council's Decision Notice
Council Reference: 17/18W
Dated: 21 December 2017
Signed: Mr Carl Macken
Print Name: Mr Carl Macken
(Line: 1) PROJECT MANAGER

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REAL PROPERTY DESCRIPTION
LOT 15 ON
SP135722 & LOT
16 ON SP135722

15/05/17 2 GENERAL REVIEW FOR DEVELOPMENT APPLICATION NR NR
09/12/16 1
Date Issue Amendment Invt
Excellence reimagined WILEY

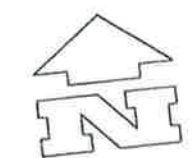
Project
PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD

Drawing Title
PROPOSED SITE PLAN -
DETAILED

Scale A1 = 1 1000 (A3 = 1 2000) 0 10 20
Drawn NR Date 12/09/16
Project No. W20356 Bldg No 01
Drawing No Issue
00A003 - 2
PRELIMINARY

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 17/18W
Dated: 21 December 2017
Signed: 
Print Name: Mr. Carl Minter
(Under Delegation) ASSESSMENT MANAGER

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REAL PROPERTY DESCRIPTION
LOT 15 ON
SP135722 & LOT
16 ON SP135722



-  Building GFA
-  Administration & Amenities
-  Rendering
-  Holding Yard
-  Waste Water Treatment
-  Site Work

PROPOSED BUILDING		
Building area (roofed)		
No.	Area description	Area (m2)
1.	Abattoir	8,440
2.	Administration & Amenities	2,602
3.	Rendering	2,064
4.	Holding Yard	1,722
Total		14,827

BUILDING AREAS & CAR PARKING SUMMARY		
	EXISTING	PROPOSED
TOTAL BUILDING AREA (roofed)	4,004 m2	14,827 m2
CAR PARKING (spaces)	216	216 (remain)

18/12/17	3	FOR DEVELOPMENT APPLICATION	NR
15/05/17	2	GENERAL REVISION	NR
09/12/16	1	FOR DEVELOPMENT APPLICATION	NR

Date Issue Amendment In

WILEY

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Project
PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD

Drawing Title
PROPOSED SITE PLAN -
OVERALL

Scale A1 - 1:2000 (A3 - 1:4000) 0 20 40

Drawn	Author	Date	12/09/16
-------	--------	------	----------

Project No
W20356

Drawing No
00A004 - 3

Issue
PRELIMINARY

1 PROPOSED SITE PLAN - OVERALL
A1 = 1:2000

Plot Date 19-Dec-17 11:54:32 AM

Plot Date 6/2/2017 11:30:34 AM



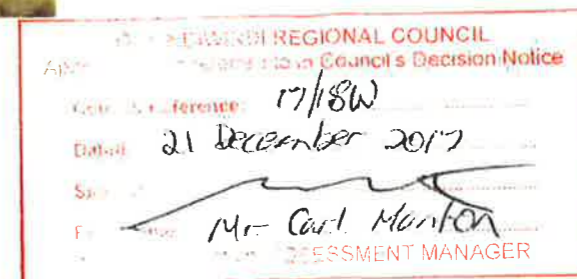
- Existing Building GFA
- Existing Ponds
- Existing Site

EXISTING BUILDING

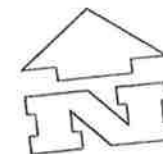
Building area (roofed)

No.	Area description	Area (m2)
1.	Existing Abattoir	4,004
Total		4,004

1 EXISTING SITE PLAN
A1 = 1 : 2500



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REAL PROPERTY DESCRIPTION LOT 15 ON SP135722 & LOT 16 ON SP135722

15/05/17	2	GENERAL REVISION 1	HR
09/12/16	1	FOR DEVELOPMENT APPLICATION	HR
Date	Issue	Amendment	Init



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Project
PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD

Drawing Title
EXISTING SITE PLAN -
OVERALL

Scale A1 = 1 : 2500 (A3 = 1 : 5000) 0 25 50

Drawn NR Date 15/05/17

Project No. W20356 Bldg No. 01

Drawing No. 00A005 - 2 Issue

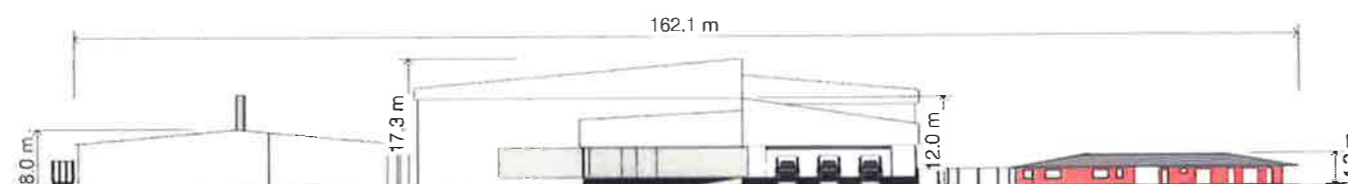
PRELIMINARY

REAL PROPERTY DESCRIPTION

LOT 15 ON SP135722 & LOT 16 ON SP135722

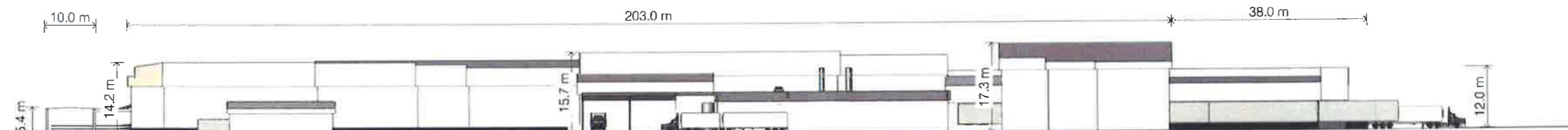


① FRONT ELEVATION
A1 = 1 : 500



② END ELEVATION (LOADOUT)
A1 = 1 : 500

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 17/18W
Dated: 21 December 2017
Signed:
Print Name: Mr. Carl Minton
(Under Delegation) ASSESSMENT MANAGER



③ REAR ELEVATION
A1 = 1 : 500



④ END ELEVATION (YARDS)
A1 = 1 : 500

NOTES:

1. Construction is generally single storey. Some areas may have mezzanine floors within process areas for plant and equipment.
2. Building height classification of 2 storeys is for BCA purposes only.

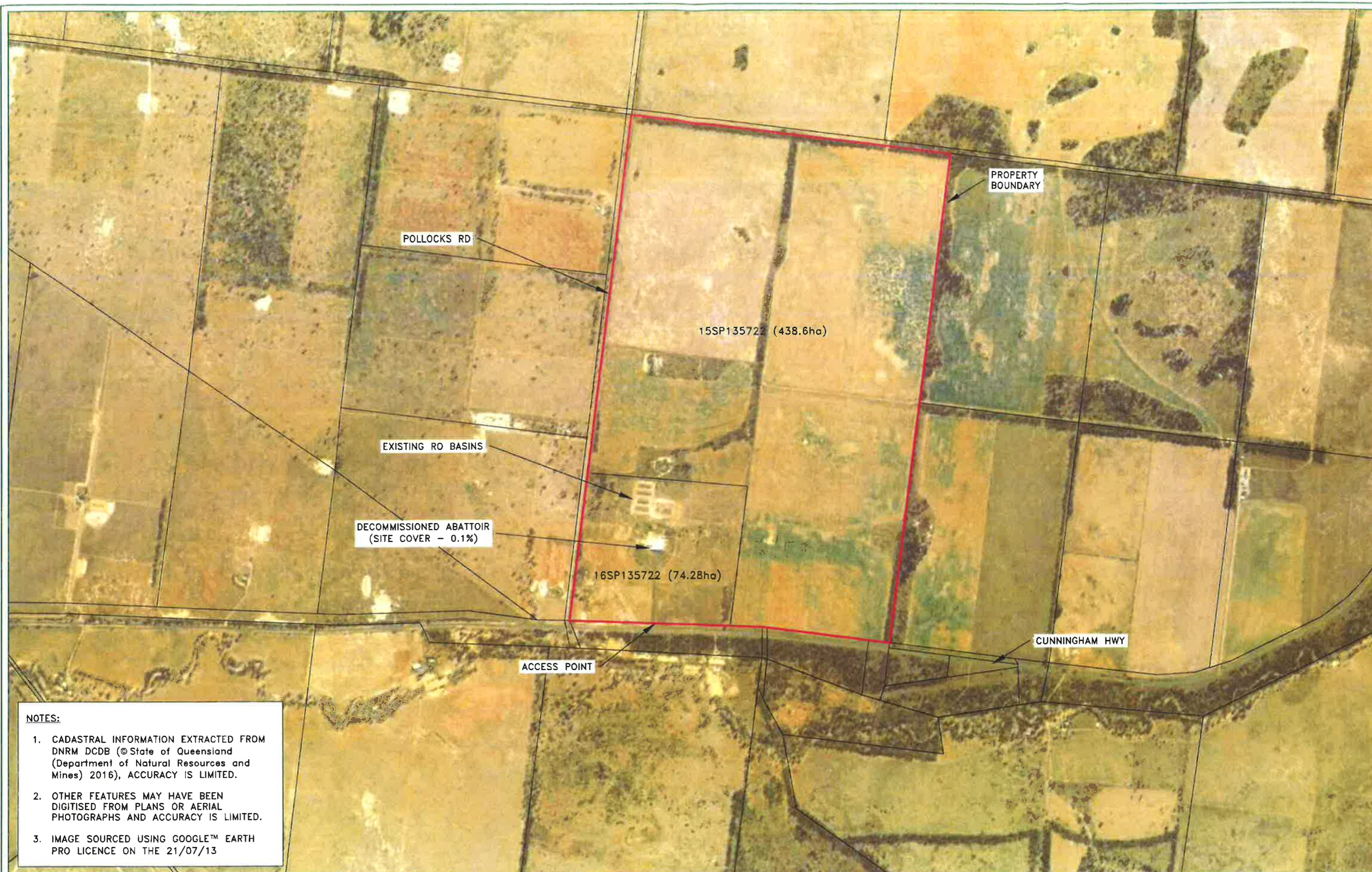
Date	Issue	Amendment	Init
01/06/17	3	BUILDING HEIGHT NOTE ADDED	NR
15/05/17	2	GENERAL REVISION	NR
09/12/16	1	FOR DEVELOPMENT APPLICATION	NR



Project
**PROPOSED
ABATTOIR AT
GOONDIWINDI FOR
FUCHENG
INTERNATIONAL
ABATTOIR PTY LTD**

Drawing Title
ELEVATIONS

Scale	A1 = 1 : 500 (A3 = 1 : 1000)	0 5 10
Drawn	NR	Date 9/12/2016
Project No	W20356	Bldg No 01
Drawing No	00A201 - 3	Issue
PRELIMINARY		



NOTES:

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FSA Consulting

TOOWOOMBA OFFICE
PO BOX 2175
TOOWOOMBA QLD 4350
TELEPHONE (07) 4632 8230
FACSIMILE (07) 4632 8057

DATE	REVISION	DRAWN

PROJECT:
FUCHENG WOODLANDS PTY. LTD.
LOT 16, CUNNINGHAM HWY, GOONDIWINDI 4390 QLD
DRAWING TITLE:
ABATTOIR EXPANSION FEASIBILITY
EXISTING AERIAL PLAN

SCALE:
(A3) 1:10,000
DRAWN: TCG
CHECKED:
DATE: 11/04/16

SCALES :

0 250m 500m



DRAWING NUMBER:
B495 MASTERPLAN: FIG. EXISTING AERIAL

Fig. 13

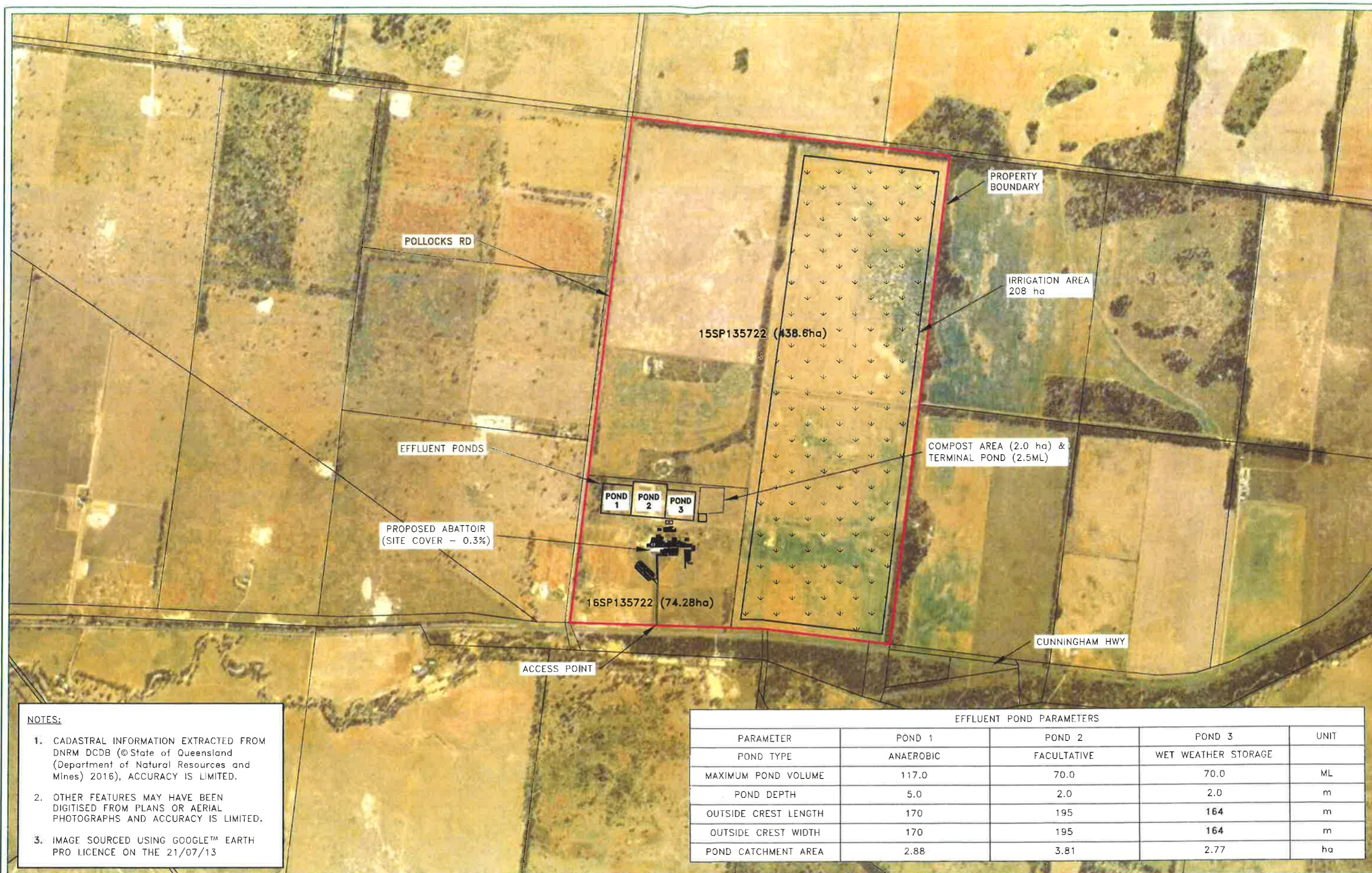
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 17/18W

Dated: 21 December 2017

Signed: 

Print Name: Mr Carl Manton
(Under Delegation) ASSESSMENT MANAGER



NOTES:

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3. IMAGE SOURCED USING GOOGLE™ EARTH PRO LICENCE ON THE 21/07/13

EFFLUENT POND PARAMETERS

PARAMETER	POND 1	POND 2	POND 3	UNIT
POND TYPE	ANAEROBIC	FACULTATIVE	WET WEATHER STORAGE	
MAXIMUM POND VOLUME	117.0	70.0	70.0	ML
POND DEPTH	5.0	2.0	2.0	m
OUTSIDE CREST LENGTH	170	195	164	m
OUTSIDE CREST WIDTH	170	195	164	m
POND CATCHMENT AREA	2.88	3.81	2.77	ha



FSA Consulting

TOOWOOMBA OFFICE
PO BOX 2175
TOOWOOMBA QLD 4350
TEL: (07) 4632 8200
FAX: (07) 4632 8057
www.fsaconsulting.net

DATE

REVISION

DRAWN

PROJECT:

FUCHENG WOODLANDS PTY. LTD.
LOT 16, CUNNINGHAM HWY, GOONDIWINDI 4390 QLD

DRAWING TITLE:

ABATTOIR EXPANSION FEASIBILITY
AERIAL PLAN

SCALE: 1:10,000
(A3)

DRAWN: TCG

CHECKED:

DATE: 11/04/16

SCALES :

0 250m 500m

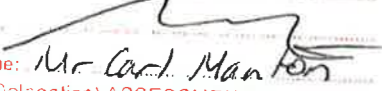
DRAWING NUMBER:
B495 MASTERPLAN: FIG. AERIAL

Fig. 03

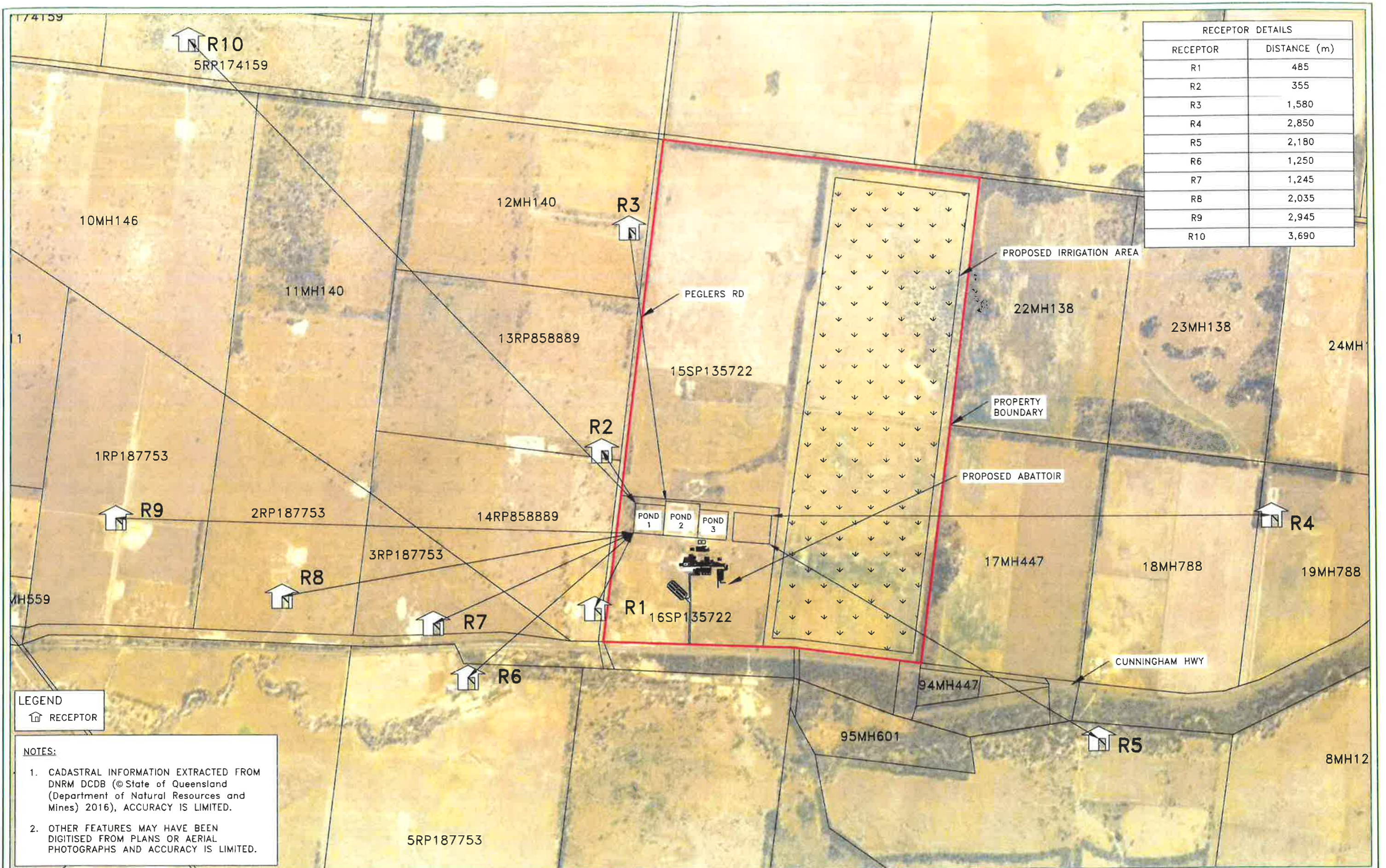
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 17/18W

Dated: 21 December 2017

Signed: 


Print Name: Mr Carl Manton
(Under Delegation) ASSESSMENT MANAGER




RECEPTOR DETAILS	
RECEPTOR	DISTANCE (m)
R1	485
R2	355
R3	1,580
R4	2,850
R5	2,180
R6	1,250
R7	1,245
R8	2,035
R9	2,945
R10	3,690

LEGEND
RECEPTOR

- NOTES:
1. CADASTRAL INFORMATION EXTRACTED FROM DNRM DCDB (© State of Queensland (Department of Natural Resources and Mines) 2016), ACCURACY IS LIMITED.
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TOOWOOMBA OFFICE
PO BOX 2175
TOOWOOMBA QLD 4350
TEL: (07) 4632 8230
FACSIMILE: (07) 4632 8057
www.fsaconsulting.net

DATE	REVISION	DRAWN	PROJECT:	SCALE: 1:20,000	SCALES : 0 500m 1000m	
11/04/16	ADD RECEPTOR BUFFER TO RE. RECEPTOR SYMBOLS SHIFTED TO MARK CENTRE OF SYMBOL MATCH RECEPTOR LOCATION, EXTEND PROPERTY BOUNDARY TO INCLUDE LOT 16 PLAN SP135722	TCG	FUCHENG WOODLANDS PTY. LTD. LOT 16, CUNNINGHAM HWY, GOONDIWINDI 4390 QLD	DRAWN: TCG		
			DRAWING TITLE: ABATTOIR EXPANSION FEASIBILITY SENSITIVE RECEPTORS PLAN	CHECKED:		
				DATE: 11/04/16		


DRAWING NUMBER:
8495 MASTERPLAN: FIG. RECEPTORS

Fig. 04

GOONDIWINDI REGIONAL COUNCIL
Approved for registration to a Council's Decision Notice

Council Reference: 17/18W

Dated: 21 December 2017

Signed: 

Print Name: Mr. Carl Manton

(Under Delegation) ASSESSMENT MANAGER



Attachment 3 – Infrastructure Charges Notice





Goondiwindi Customer Service Centre
4 McLean Street
Goondiwindi
Inglewood Customer Service Centre
18 Elizabeth Street
Inglewood

Locked Mail Bag 7
Inglewood QLD 4387

Telephone: 07 4671 7400
Fax: 07 4671 7433

Email: mail@grc.qld.gov.au

Infrastructure Charges Notice

Address	Cunningham Highway, Goondiwindi
Owner	Fucheng International Abattoirs Pty Ltd
Applicant	Fucheng International Abattoirs Pty Ltd c/- FSA Consulting
Application No.	17/18W
Lot and Survey Plan	Lots 15 & 16 on SP135722
Date	30 January 2018
Approval	Development Permit – Material Change of Use

Development Application Details
<i>"Industrial activities" – "Noxious industry" (Abattoir)</i>

Type of Charge	Charge Area (A, B, C, D or E)	Type of Charge	Charge Amount (\$)	Unit	Total Charge (\$)
High Impact Industry	E	Infrastructure	2.45 per m ² of GFA	14,827m ²	\$36,326.15
		Stormwater	0.00 per m ² IA	0m ²	0

Due Date	When the change of use happens	Total Charge (\$)	\$36,326.15
Charge to be paid to	Goondiwindi Regional Council		
Lapse Date	30 January 2022		

Authorized by:

Print Name: **Mr Carl Manton**
Chief Executive Officer

In accordance with the Planning Act 2016

Office Use – Receipt Number

Charges – 1250-1150-0000
Drainage – 1250-1151-0000

An offset has been applied to this notice for any existing buildings GFA \$2.45 per m².





Attachment 4 – Rights to Appeal Waiver



Attachment 4: Rights of Appeal Waiver

Sustainable Planning Act 2009

Rights of Appeal Waiver

Purpose of this form: *This form will be used to process your request to waive your appeal rights to process your approval without unnecessary delay.*

Applicant:	
File Number:	
Property Address:	

This is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waive my/our appeal rights available under the *Sustainable Planning Act 2009*.

Name		Name	
Signature		Signature	
Date		Date	

Please return this form to:

Fax: (07) 4671 7433

Post: LMB 7, Inglewood QLD 4387

Email: mail@grc.qld.gov.au

In person: Council Chambers, 4 McLean Street, Goondiwindi QLD 4390
Goondiwindi Civic Centre, 100 Marshall Street, Goondiwindi QLD 4390
Inglewood Customer Service Centre, 18 Elizabeth Street, Inglewood QLD 4387
Texas Customer Service Centre, High Street, Texas QLD 4385

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Attachment 5 – *Sustainable Planning Act 2009 Extracts*



**EXTRACT FROM SUSTAINABLE PLANNING ACT 2009
RELATING TO APPEAL RIGHTS**

**Division 8 Appeals to court relating to
development applications and approvals**

461 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

- (a) the giving of a development approval;
- (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or
- (b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

**463 Additional and extended appeal rights for
submitters for particular development
applications**

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

- (a) development for an aquacultural ERA; or
- (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

(a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;

(b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

468 Appeals against decision on request for compliance assessment

(1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the notice is given to the person.

469 Appeals against condition imposed on compliance permit or certificate

(1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.

(2) The appeal must be started within 20 business days after the day the compliance

470 Appeals against particular decisions about compliance assessment

(1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice—

(a) a notice of a decision on a request to change or withdraw an action notice;

(b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.

(2) The appeal must be started within 20 business days after the day the notice is given to the person.

478 Appeals about infrastructure charges notice

(1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.

(2) However, the appeal may be made only on 1 or more of the following grounds—

(a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;

(b) the decision involved an error relating to—

(i) the application of the relevant adopted charge; or

(ii) the working out, for section 636, of additional demand; or

(iii) an offset or refund;

(c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development

- applying an incorrect 'use category' under an SPRP (adopted charges) to the development

(d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.

(3) To remove any doubt, it is declared that the appeal must not be about—

(a) the adopted charge itself; or

(b) for a decision about an offset or refund—

(i) the establishment cost of infrastructure identified in an LGIP; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

(4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

481 How appeals to the court are started

(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

490 Lodging appeal stops particular actions

(1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.

(3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

**EXTRACT FROM SUSTAINABLE PLANNING ACT 2009
RELATING TO LAPSE DATES**

341 When approval lapses if development not started

(1) To the extent a development approval is for a material change of use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the **relevant period**)—

(a) 4 years starting the day the approval takes effect;

(b) if the approval states a different period from when the approval takes effect—the stated period.

(2) To the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the local government within the following period (also the **relevant period**)—

(a) for reconfiguration not requiring operational works—2 years starting the day the approval takes effect;

(b) for reconfiguration requiring operational works—4 years starting the day the approval takes effect;

(c) if the approval states a different period from when the approval takes effect—the stated period.

(3) To the extent a development approval is for development other than a material change of use of premises or reconfiguring a lot, the approval lapses if the development does not substantially start within the following period (also the **relevant period**)—

(a) 2 years starting the day the approval takes effect;

(b) if the approval states a different period from when the approval takes effect—the stated period.

(4) Despite subsections (1) and (2), if there are 1 or more related approvals for a development approval mentioned in subsection (1) or (2), the relevant period is taken to have started on the day the latest related approval takes effect.

(5) If a monetary security has been given in relation to any development approval, the security must be released if the approval lapses under this section.

(6) The lapsing of a development approval for a material change of use of premises or reconfiguring a lot does not cause an approval mentioned in subsection (3) to lapse.

(7) In this section— **related approval**, for a development approval for a material change of use of premises (the **earlier approval**), means—

(a) the first development approval for a development application made to a local government or private certifier, or first compliance permit for a request for compliance assessment made to a local government or entity nominated by a local government, within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—a development permit or compliance permit for the material change of use of premises; or

(ii) to the extent the earlier approval is a development permit or a preliminary approval for development mentioned in section 242(3)(a)(i) or (ii)—a development permit or compliance permit for building work or operational work necessary for the material change of use of premises to take place; and

(b) each further development permit, for a development application made to a local government or private certifier within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place; and

(c) each further compliance permit, for a request for compliance assessment made to a local government or entity nominated by a local government within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place.

related approval, for a development approval for reconfiguring a lot (also the **earlier approval**), means—

(a) the first development permit for a development application made to a local government, or first compliance permit for a request for compliance assessment made to a local government or entity nominated by a local government, within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—for the reconfiguration; or

(ii) to the extent the earlier approval is a development permit for reconfiguring a lot—for operational work related to the reconfiguration; and

(b) each further development permit, for a development application made to a local government within 2 years of the day the last related approval takes effect, that is for operational work related to the reconfiguration; and

(c) each further compliance permit, for a request for compliance assessment made

to a local government or entity nominated by a local government within 2 years of the day the last related approval takes effect, that is for operational work related to the reconfiguration.

342 When approval lapses if development started but not completed—general

(1) Subsection (2) applies if—

(a) a condition requires assessable development, or an aspect of assessable development, to be completed within a particular time; and

(b) the assessable development, or aspect, is started but not completed within the time.

(2) The approval, to the extent it relates to the assessable development or aspect not completed, lapses.

(3) However, even though the approval has lapsed, any security paid under a condition mentioned in section 346(1)(f) may be used in a way stated by the approval, including, for example, to finish the development.

(4) This section does not apply to a preliminary approval to which section 242 applies.