

10.2 PLANNING APPLICATION – MATERIAL CHANGE OF USE FOR INTENSIVE ANIMAL INDUSTRY FOR CATTLE FEEDLOTS UP TO 1450SCU AND ENVIRONMENTALLY RELEVANT ACTIVITY-ERA 2 (1B) INTENSIVE ANIMAL FEEDLOTING > 1000SCU

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Author: Lyn McLeod, Administration Officer Development Services
Shane Anderson, Planning and Environment Manager

Authoriser: Susie Glasson, Acting CEO

Attachments:

1. 13508 Attachment A - Detailed Assessment.docx [1089713]
2. 13508 Attachment B - ERA (2021-26).pdf [1089714]
3. 13508 Attachment C - Summary of submissions.pdf [1089715]
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EXECUTIVE SUMMARY

Council has received a properly made development application from DJ & SA Olive C/- RDC Engineers Pty Ltd (Rod Davis) for a Material change of use – ‘Intensive animal industry’ (1450 Standard Cattle Units) and Environmentally Relevant Activity 2(1)(b) Intensive animal feedlotting assessable under the planning scheme. The subject land is at 326 Downies Road, Three Moon QLD 4630 (described as Lot 52 and 53 on RW103).

The application seeks a development permit for a Material Change of Use of premises that is impact assessable under the planning scheme. The Material Change of Use requires assessment against the assessment benchmarks (to the extent relevant) provided by Section 45(5) of the *Planning Act 2016* and any matters prescribed by regulation. The *Development Assessment Rules* set out the procedural requirements that Council must follow in the development assessment process.

The applicant carried out public notification about the application in accordance with Part 4 of the Development Assessment Rules and for a period of no less than 15 business days between 6 January 2022 and 28 January 2022. Council received ten (10) properly made submissions.

The procedural requirements set out by the Development Assessment Rules to enable Council to decide this application have been fulfilled, including a response by the applicant to an Information request issued by Council, public notification about the application and receipt of a referral agency response. The development application is, on balance, consistent with the assessment benchmarks (i.e. the planning scheme) and any perceived conflict can be addressed by way of conditions of development approval.

Applicant:	DJ & SA Olive C/- RDC Engineers Pty Ltd - Rod Davis
Owner of Land:	Dale John Olive and Stephanie Anita Olive
Land description:	Lot 52 and Lot 53 on RW103
Lot area:	184.4861 hectares
Zone/Precinct:	Rural Zone (Intensive agriculture precinct)
Overlay:	Flood hazard overlay
Strategic framework	Rural designation
Proposal:	<ul style="list-style-type: none"> • Material Change of Use - “Intensive animal industry” (1450 Standard Cattle Units); and • Environmentally Relevant Activity ERA 2 (1B) Intensive Animal Feedlotting >1000 SCU
Proposal Assessment category:	Impact assessable

Properly made date:	2 November 2021
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CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

2. *Sustainable Communities – to retain population and attract investment*

RECOMMENDATION

That:

1. Council receives this report.
2. Council endorse the recommendation to approve a Material Change of Use for an “Intensive Animal Industry” (1450 Standard Cattle Units) and Environmentally Relevant Activity 2(1)b - Intensive Animal Feedlotting >1000 SCU on land situated at 326 Downies Road, Three Moon QLD 4630 described as Lot 52 and 53 on RW103 subject to relevant or reasonably required conditions.
3. Council issue the decision notice as required by section 63 of the *Planning Act 2016*.

REPORT

Proposed Development

The application seeks a development permit for a Material Change of Use for Intensive Animal Industry (Cattle Feedlot up to 1450 SCU) on land located at 326 Downies Road, Three Moon QLD 4630 (described as Lot 52 and 53 on RW103).

The proposal is to intensify and expand an existing commercial beef cattle breeding enterprise, including Cropping and Animal Husbandry, presently being undertaken on the site. The proposed use of Intensive Animal Industry intends to enhance the rural production of the site as part of a diversification and value adding strategy. The proposed use intends to strengthen the existing activities by permitting increased site-specific growing and finishing activities of steers between 450-600kg. The development will have a maximum capacity identified but be delivered in a staged process to allow flexibility to increase and decrease animals in line with market and economic factors.

The development is to rely upon on-site infrastructure servicing, including all effluent wastewater management. A Site Based Environmental Management Plan has been undertaken for the site which identifies several environmental risks and related mitigation measures. Subject to appropriate management practices being undertaken, the development would mitigate potential environmental harm.

Assessment

The application requires ‘impact assessment’, which is a broad and discretionary form of assessment against the planning scheme. It is not limited to the codes but should also be against the strategic outcomes. The assessment manager must regard to matters prescribed by regulation and any other ‘relevant matter’. The *Planning Act 2016* requires the assessment manager’s decision be based on its assessment (s 59).

The assessment concludes that, on balance, the development would be appropriately designed and sited to comply with the planning scheme if the Council imposed reasonable and relevant conditions. Even so, Council should note one aspect of non-compliance - an overall outcome of the Rural zone code reads:

- (4) The following overall outcomes will achieve the purpose of the Intensive agriculture precinct—
- (a) the protection of most Important agricultural areas for cropping purposes;
 - (b) intensive animal industries and extractive industry locate outside the precinct.

The Intensive animal uses code contains a similar outcome statement in acceptable outcome AO1.1:

Protection of agricultural production	
PO1 The use does not compromise the use of the site or adjoining premises for agricultural production.	AO1.1 Intensive animal industry locates outside the Rural zone – Intensive agriculture precinct.

The rationale for the scheme mapping some of the Rural zone as Intensive agriculture precinct is two-fold:

1. firstly, to protect agricultural land - the precinct is principally where the best cropping land is and conserving it for agriculture is one of the schemes and the State's strategies; and
2. secondly, to minimise land use conflict - the precinct is more closely settled than other parts of the Rural zone and therefore there is an increased risk of land use conflict between different types of rural activities.

While significant in Council's consideration, these outcome statements are not 'fatal' to the application and Council has the discretion to approve the application. Council's broader consideration should have regard to other matters including:

1. the small-scale nature of the feedlot when compared to larger intensive animal uses in the locality;
2. the proposal incorporates adequate separation or buffering;
3. the strong interdependency of the feedlot with the cropping undertaken on the balance of the land—and improves its productivity;
4. the ability of the feedlot to 'contain' impacts, as evidenced by the approval of the ERA by the State and the giving of an Environmental Authority;
5. the support given to the proposal by the owner of land abutting the northern boundary - the nearest owner to the site of the proposed feedlot; and
6. the proximity of other intensive animal industries - Bailey Creek Piggeries operate three sites within 4.0 km of the site.

Upon receipt of the development application, concerns had been raised by Council's Water and Wastewater officers in relation to access to sub-artesian aquifers and perceived impact to downstream potable water catchments resulting from effluent dispersal from the development, a risk that had not been addressed in the original application material. In response to an Information Request, the applicant submitted a revised Site Based Environmental Management Plan (SBEMP) and water management scenarios which demonstrate the development does not adversely impact downstream catchments or sub-artesian aquifers. The site has an existing groundwater allocation from alluvial aquifers for irrigation, part of which is to be diverted for purposes of livestock drinking water. Council officers were agreeable to the revisions provided and concluded the development, both during construction and operation phases would have a negligible downstream impact.

Refer Attachment A – Detailed assessment.

Environmentally Relevant Activity

Intensive animal feedlotting is a prescribed Environmentally Relevant Activity (ERA) under the *Environmental Protection Regulation 2009*, Schedule 2. The activity is prescribed as an environmentally relevant activity when contaminants will or may be released during the activity and that such release will or may cause environmental harm. The proposed development qualifies under ERA 2(1B), having more than 1000 SCUs but less than 10,000 SCUs and requiring a site-specific application and assessment, with the assessment being conducted by DAF.

Schedule 8 of the *Environmental Protection Regulation 2009* provides the assessment criteria for ERAs, which includes performance outcomes for ERA operations generally relating to the environmental impacts of the activity on air, water, wetlands, groundwater, noise, waste and land. Performance outcomes are also provided for a land use assessment including site suitability, location and critical facility design requirements.

The performance outcome model allows the environmental authority to have conditions which relate to the environmental sensitivities of the site-specific application. DAF have completed this ERA assessment and supported the application by issuing Environmental Authority 2021-26 dated 2 December 2021. This approval is subject to annual renewal review and certification and requires compliance with site-specific conditions addressing general operations, on-going monitoring and certification, air, water, noise, land, waste impacts.

Refer Attachment B – Environmental Authority Permit (2021-26).

CONSULTATION

- (1) Council's Technical Services identified appropriate conditions and supports approval of the application.
- (2) The application required referral to the State. Council's decision notice is required to include SARA's response with conditions dated 3 December 2021.

RISK IMPLICATIONS

Reputation / Political

As the application involves impact assessable development, there is some risk to Council's reputation, including the risk of appeal/s to the decision. The risk to Council's reputation has been reduced by comprehensive assessment by delegated authority. Further, the issues such as noise, dust, odours, and water quality fall within the State's jurisdiction—the Department of Agriculture and Fisheries are the subject specialist on these matters and are responsible for assessment and enforcement.

Occupational Health & Safety (WHS)

NA.

Financial Impact

Nil. Recommended conditions of approval must be completed at no cost to Council.

Legal & Regulatory

The approval, development and operation of the facility is managed by several legislative and operational requirements in addition to the *Planning Act 2016*, subordinate regulation, and the North Burnett Planning Scheme 2014.

The Council must decide the application in accordance with the decision rules in section 60 of the *Planning Act 2016*. Accordingly—

- (1) The assessment manager—
 - may approve all or part of the application;

- may refuse the application;
 - may give a preliminary approval for all or part of the proposal;
 - may impose conditions.
- (2) Development conditions must—
- be relevant to but not an unreasonable imposition; and
 - be reasonably required as a consequence of the development.

Environmental

The feedlot is an Environmental Relevant Activity (ERA 2(1B)) under s115 of the *Environmental Protection Act 1994*, with the proposal receiving State authorisation to conduct the ERA (Ref Environmental Authority 2021-26) from DAF on 2 December 2021. Importantly, the State regulates the operation of the use and is responsible for compliance relating to such matters as odours, dust, noise, and water quality.

Property & Infrastructure

NA.

Human Resources

The development assessment process involved assistance from Council's consultants as well as internal review by service partners.

Information Communications Technology

NA.

Service Delivery

Following the decision, Council must notify the applicant of its decision in accordance with the Development Assessment Rules. Council should also publish the Notice of decision, including the Statement of reasons, on its website.

Climate

NA.

KEY MESSAGE

Approving the development application would be a decision that balanced the competing outcomes of the planning scheme with the potential adverse effects on the amenity of the locality—having regard to the ability to manage impacts through conditions and the Environmental Authority.

The proposed development is substantially consistent with the assessment benchmarks, including the planning scheme when read as a whole.

Attachment A

Detailed Assessment

1.1 Category of assessment

The proposed reconfiguring is impact assessable requiring assessment against the *North Burnett Regional Planning Scheme 2014* (version 1.4), with the relevant codes being—

- (a) Rural zone code
- (b) Filling and excavation code;
- (c) Intensive animal uses code; and
- (d) Infrastructure and operational work code.

The site is partly within planning scheme overlays and is therefore also assessable against the following overlay codes—

- (a) Flood hazard overlay code;
- (b) Infrastructure overlay code; and
- (c) Natural features or resources overlays code.

1.2 Assessment benchmarks

1.2.1 Strategic framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. For the purpose of articulating the policy direction for the planning scheme, there are five themes that work together to articulate the complete policy direction which include—

- (i) Natural Environments and Sustainability;
- (ii) Strong Rural Economy and Futures;
- (iii) Community Strength and Wellbeing;
- (iv) Settlement Pattern;
- (v) Infrastructure, Services and Facilities;

The application has been assessed against each of the themes above and found to be generally consistent with outcomes relevant to the site. The pertinent matters arising out of assessment against the themes are discussed below:

Natural Environments and Sustainability

The subject site is found in proximity to numerous natural environment values, namely watercourses, the largest of which being Three Moon Creek which traverses the centre of the site. Intensive animal industry use has the potential to create environmental harm relating to the by-products of the use, such as contaminated water from solid waste and effluent. The purpose of this theme is to '*conserves, enhances and restores the natural environment and its assets, connectivity, ecological processes, and biodiversity and scenic amenity values*'.

The development has been found to be appropriately designed and sited to ensure minimal impact occurs to environmental and biodiversity value. The development is sited to avoid regulated vegetation, wetlands, watercourses and natural hazards such as flood which partially impact the site as well as designed and located to not result in an adverse amenity in the context of visual and odour impacts.

An environmental risk assessment was undertaken by the applicant which concluded compliance with a numerous potential hazard prone to this activity. A number of conditions are to be imposed in relation to operational matters of the development to ensure appropriate environmental management and preservation occurs. The development in this circumstance is found to comply with this theme.

Strong Rural Economy and Futures

Element 3.4.2(1) of the planning scheme seeks to establish *'an increase in the health and diversity of rural business and industry will contribute to the region's economic resilience'*. This is proposed to be achieved through such outcomes as *'new rural-based industries and on-farm value-adding facilitate diversification of rural activities without diminishing the value of agricultural production'*.

The existing site is located in a Rural zone (Intensive agricultural precinct) and currently carries out Cropping (hay and silage) and Animal Husbandry (cattle grazing) uses. The property owners seek to expand upon their expand upon their cattle breeding enterprise by developing a beef cattle feedlot of 1450 SCU to add further diversification and value adding strategy of their property and business. The development provides limited built form or scalable impact to the land, making it readily removable to pursue agricultural uses on site. In this circumstance, the development is considered to provide a beneficial proposal to the local rural economy and is not found to adversely diminish potential agricultural production of the site.

Community Strength and Wellbeing

Element 3.5.2(3) seeks to ensure development *'an increase in the health and diversity of rural business and industry will strengthen and sustain North Burnett's economy and enhance economic ties to coastal regions'*. In the context of this development, community strength is improved upon by diversification of existing local rural business to enhance and sustain the local economy by delivery of and improved business products that are marketable to wider regional, interstate and international markets for beef. Due to the locality of the site, limited community wellbeing factors are at risk as appropriate separations are achieved to sensitive land uses pursuant necessary design guidelines to be met.

Infrastructure, Services and Facilities;

Incorporation of appropriately design and constructed infrastructure is integral in ensuring the North Burnett region benefits from well-planned, readily accessible, reliable and sustainable physical infrastructure, services and facilities in both our urban and rural areas. The subject site is located in a rural area and has limited provision of urban infrastructure available other than local roads and electricity. As a result, the development is to be largely self-sufficient and cater for on-site infrastructure for potable water and wastewater management.

The proposed development does not demonstrate any adverse impacts to wider used regional infrastructure networks. Conditions are to be imposed to ensure appropriate on-site infrastructure is established to carry out the development. Impacts to external road networks is found to be

negligible, with existing site access to be maintained and new internal movement infrastructure to be constructed.

1.2.1 Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below.

6.2.7 Rural zone code

6.2.7.1 Application

This code applies to development in the Rural zone that is accepted subject to requirements or assessable against the Rural zone code to the extent identified in Part 5 Tables of assessment.

6.2.7.2 Purpose and overall outcomes

- (1) The purpose of the Rural zone is to—
- (a) provide for rural uses and activities; and
 - (b) provide for other uses and activities that are compatible with—
 - (i) existing and future rural uses and activities; and
 - (ii) the character and environmental features of the zone; and maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.
- (2) The following overall outcomes will achieve the purposes of the Rural zone code—
- (a) a diverse range of agricultural activities, primary industry and value-adding businesses predominate;
 - (b) Important agricultural areas remain in viable holdings;
 - (c) extractive industries and associated processing develop where the resource is available with appropriate management of environmental impacts and site rehabilitation;
 - (d) difficult-to-locate sports and industries locate where there is adequate separation and buffering to sensitive uses;

Response	Comments about compliance
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>The site is presently operated for the purpose of rural activities being Cropping (hay and silage) and Animal Husbandry (cattle grazing). The development provides for an additional rural activity, in the form of Intensive Animal Industry, that is considered a commensurate use for existing use of land and largely anticipated of the Rural zone.</p>
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>The proposed development provides a development siting and overall scale appropriate for the site locality and area available. Appropriate setbacks from sensitive areas of the site is achieved as well adjoining sensitive land uses. The site has limited infrastructure servicing available, however demonstrates appropriate connections to available road networks with negligible impact on continued safe operation resultant of the development.</p>

	Response	Comments about compliance
<p>(e) vegetated slopes and elevated areas provide a scenic backdrop in the natural landscape;</p> <p>(f) a basic level of infrastructure appropriate to rural areas is safe, efficient and sustainable;</p> <p>(g) safe and efficient transport networks;</p> <p>(h) protection of people and premises from natural hazard;</p> <p>(i) development does not result in serious environmental harm; and</p> <p>(j) if in or proximate to an urban area, development is consistent with and does not compromise the likely longer-term use of other land in the locality.</p>		
<p>(3) The following overall outcomes will achieve the purpose of the Conservation precinct—</p> <p>(a) the protection of areas identified as having significant values for biological diversity, water catchment and ecological functioning;</p> <p>(b) the development of ecotourism and recreation facilities occurs pursuant to demonstrated community need and protects environmental and biodiversity values, water quality and the ecological and hydrological processes of wetlands and waterways.</p>	<input type="checkbox"/> complies <input type="checkbox"/> conflicts	N/A – subject site is not located within this precinct.
<p>(4) The following overall outcomes will achieve the purpose of the Intensive agriculture precinct—</p> <p>(a) the protection of most Important agricultural areas for cropping purposes;</p> <p>(b) intensive animal industries and extractive industry locate outside the precinct.</p>	<input type="checkbox"/> complies <input checked="" type="checkbox"/> conflicts	<p>The development is located within this precinct and involves an Intensive Animal Industry use.</p> <p>Notwithstanding, the development is proposed with appropriate separations and operational matters, or may be otherwise conditioned, to ensure no impact to sensitive areas or nearby agricultural uses.</p>
<p>(5) The following overall outcomes will achieve the purpose of the Hinterland precinct—</p> <p>(a) the retention of a sparsely-settled rural character dominated by expansive and low-intensity rural production such as grazing;</p>	<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>Whilst sensitive land uses adjoin the subject site, the development has been appropriately designed and sited in accordance with relevant standards to achieve and maintain appropriate rural amenity expectations.</p> <p>On-site operations have been</p>

- (b) intensive animal industries establish where they avoid adverse impacts on neighbouring activities.

Response	Comments about compliance
	designed to accommodate necessary servicing internal to the site with negligible impact external to the site.

6.2.7.3 Performance and acceptable outcomes

Table 6.2.7—Rural zone code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
For accepted subject to requirements and assessable development			
Buffers to sensitive land uses			
PO1 residential buildings and waste disposal areas have separation from existing sensitive land uses to mitigate potential adverse impacts from the emission of dust, noise or odours.	AO1.1 The following facilities are not less than 150 metres from any existing dwelling in the Rural zone or land included in the General residential zone— (a) animal enclosures; (b) buildings used for storage, processing and packing of produce; and (c) waste disposal areas.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development is designed in significant excess of the minimum 150m separation requirement to any dwelling.
Intensity and scale			
PO2 The Rural zone maintains a relatively sparsely settled landscape and a high level of scenic amenity with buildings an appropriate scale for their setting.	AO2.1 If for Tourist park— <ul style="list-style-type: none"> ▪ there are no more than six caravan or camping sites for every 100 hectares of site area; ▪ no caravan or camping sites are within 100 metres of a boundary, road, or watercourse. AO2.2 If for Rural workers' accommodation— <ul style="list-style-type: none"> ▪ no more than six rural workers per 100 hectares of site area reside on the premises; ▪ unless within an existing building, no accommodation is within 100 metres of a boundary, road, or watercourse. AO2.3 If for Rooming accommodation— (i) no more than six persons per 100	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	N/A to this assessment - The proposed development does not involve the any of the prescribed uses of AO2.1-2.3.

	(ii) hectares of site area reside on the premises; unless within an existing building, no accommodation is within 100 metres of a boundary, road or watercourse.		
Setbacks and boundary clearances			
PO3 Buildings maintain separation from other premises to protect privacy and amenity appropriate to expectations of rural residents.	AO3.1 New building work is no closer to a boundary than the minimum stated in Column 8 of Table 6.3.1 AO3.2 New building work is no closer to a frontage than the minimum frontage setbacks stated in Column 8 of Table 6.3.1.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	All proposed buildings provide for setbacks in excess of frontage, side and rear boundary setbacks in excess of minimums outlined in Table 6.3.1.
Lighting			
PO4 The intensity, direction, overspill or glare of artificial lighting does not adversely affect— (a) the amenity of the locality; or (b) the safety of road users.	AO4.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting complies with AS4282—Control of the Obtrusive Effects of Outdoor Lighting	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development involves an outdoor rural activity with limited to no external lighting anticipated. Compliance of this AO may be suitably conditioned.
Development involving Caretaker's accommodation			
PO5 Caretaker's accommodation—meets the immediate and essential management, security or operational needs of the non-residential use operating from the same premises; is of a size that meet the essential accommodation needs of the caretaker and their reasonably associated household members.	AO5.1 A maximum of one caretaker's accommodation locates on a lot. AO5.2 One car parking space is available on-site for the exclusive use of residents.	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	N/A to this assessment - The proposed development does not involve a Caretaker's Accommodation use.
PO6 Caretaker's accommodation provides an acceptable level of amenity, privacy and	AO6.1 Residents have exclusive use of private open space at ground level, at least 35m ² in area, having a minimum dimension of three metres, and directly	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	N/A to this assessment - The proposed development does not involve a

comfort suitable for long-term habitation.	accessible from the caretaker's accommodation.		Caretaker's Accommodation use.
Development involving a Roadside stall			
PO7 The on-site display and sale of agricultural produce does not adversely affect— the amenity, character or safety of rural areas; or (b) the safety and efficiency of roads.	AO7.1 Any building or structure used for the sale of goods or produce is no greater than 10m ² in covered or uncovered floor area. AO7.2 Access to the stall— (i) is not from a state-controlled road; and (ii) is via the primary property access point. AO7.3 One parking space is available adjacent to the stall within the boundaries of the lot.	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	N/A to this assessment - The proposed development does not involve a Roadside Stall use.
For assessable development only			
Appropriate use			
PO8 Land uses in which occupants are likely to be sensitive to high levels of dust, light, noise, odours, chemical spray drift, vibrations and other potential environmental contaminants— (e) have appropriate separation distances or buffering from existing industrial, rural or other incompatible land uses and infrastructure; and (b) do not locate close to a State controlled road or a significant local government road.	AO8.1 If involving development that increases the number of people who live, work or congregate on the premises no buildings or structures locate within 250 metres of a solid waste management facility or sewerage treatment plant.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development is located in a rural area and not within 250 m of a solid waste management facility or sewerage treatment plant.
PO9 Infrastructure operates safely and efficiently without interference by incompatible uses or works.	no acceptable outcome identified	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development does not involve the introduction of an incompatible use or impact on the viability of existing or future rural uses in the locale. Reasonable and relevant conditions are imposed where necessary to ensure site-specific

			infrastructure operations are met.
Site suitability			
PO10 Sites are suitably-sized and configured for the intended use and any associated works, including building work, vehicle parking and manoeuvring areas, landscaping, buffering and waste management.	no acceptable outcome identified	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The subject site encompasses two lots with a total area of 184.5 ha. All associated uses and works including building work, vehicle parking and manoeuvring areas, landscaping, buffering and waste management are located within the bounds of the subject site.</p> <p>The development provides substantial external boundary setbacks exceeding 200m and has been sited and designed to avoid adverse environmental impacts.</p>
Natural environment			
PO11 Either— (a) works avoid adverse environmental impacts; or (b) where avoiding impacts is not reasonably possible, works minimise and manage any residual impacts.	AO11.1 The total development footprint is minimal. AO11.2 Uses and works avoid further fragmentation of areas of environmental significance and strengthen linkages through rehabilitation where possible. AO11.3 Uses and works occur only in areas of lesser importance in terms of biodiversity values and conserve areas of higher value to the greatest extent practicable. AO11.4 Uses and works maintain areas of environmental significance in patches of greatest possible size and with the smallest possible edge to area ratio.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	AO11.1 The proposed development footprint has been designed to be minimised by utilising the lowest stocking density without impacting animal welfare or the environment. <u>AO11.2-AO11.4</u> The proposed development has been sited, designed and will be managed to minimise adverse environmental impacts. Reasonable and relevant conditions are to be imposed to ensure environmental measures are met.

<p>PO12 Development maintains riparian areas and water quality, including minimising the transport of sediment from the site.</p>	<p>AO12.1 A vegetated buffer not less than 50 metres wide, within which no building or operational work occurs, extends from the high bank of any watercourse, lake or wetland protection area.</p>	<p><input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The development has been appropriately designed with necessary buffers in excess of 50m to any proposed building or operational work areas to existing watercourses.</p>
<p>Natural hazard</p>			
<p>PO13 The location of uses and works is not at significant risk of landslip.</p>	<p>AO13.1 Works do not occur on slopes greater than 15 per cent.</p> <p>AO13.2 Buildings and works locate more than—</p> <p>(a) 20 metres from a ridgeline or escarpment; and</p> <p>(b) 100 metres from a watercourse.</p>	<p><input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p><u>AO13.1</u> The subject site an undulating land topography with slopes not greater than 15%.</p> <p><u>AO13.2</u> The development is located on an undulating land area. Proposed buildings associated to the issue, such as the maintenance sheds, are located in excess of prescribed setbacks.</p>
<p>Operating hours</p>			
<p>PO14 Non-residential uses operate during hours that are appropriate to the locality.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The development involves a rural activity that will feature daily operations commiserate to the rural zone. Appropriate setbacks are maintained as to not unduly impact on the existing amenity and character of the locality.</p> <p>Conditions are to be imposed where necessary to ensure the hours of operation for the construction phase of the proposed development are consistent with typical operating hours of agricultural enterprises.</p>
<p>If in the Conservation precinct</p>			
<p>PO15 Uses are complementary to the environmental values of the site.</p>	<p>no acceptable outcome identified</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>N/A – subject site is not located within this precinct.</p>

<p>PO16 Ecotourism and recreation facilities locate where there is an overriding community need.</p>	<p>no acceptable outcome identified</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	
<p>PO17 Environmentally sensitive design and infrastructure support the development to avoid degradation of water quality and protect the ecological and hydrological processes of wetlands and waterways.</p>	<p>no acceptable outcome identified</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	
<p>PO18 Rehabilitation works and landscaping enhance the biological diversity, water catchment and ecological functioning of the site.</p>	<p>no acceptable outcome identified</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	
<p>If in the Intensive agriculture precinct</p>			
<p>PO19 Uses do not— irreversibly prevent the use of land for cropping; or have an irreversible impact on the use of adjoining premises for cropping; or restrict a full range of agricultural practices.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The development is located within this precinct and involves an Intensive Animal Industry use.</p> <p>The proposed development does not involve the establishment of substantial permanent infrastructure such as buildings with concrete floor slabs, extensive gravelled pads, etc. All infrastructure such as precast feed bunks and water troughs, fencing can be readily removed and the site rehabilitated to its pre-development condition as former cropping land.</p> <p>A SBEMP has demonstrated no environmental nuisance to the property, adjoining land or downstream catchments.</p>

<p>PO20 Uses enhance or value-add to agricultural pursuits.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The proposed development will directly support an increase in the productive capacity and agricultural efficiency of the land in a rural locality context. As discussed above, the proposed development conserves land and does not fragment or compromise the function of existing rural land nor compromise the long term viability of rural land.</p>
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8.2.3 Flood hazard overlay code

8.2.3.1 Application

This code applies to development that is accepted subject to requirements or assessable, involving material change of use, reconfiguring a lot, operational work or building work where the premises is located partially or fully in the Natural Hazard Management Area (Flood) to the extent identified in Part 5 Tables of assessment.

8.2.3.2 Purpose and overall outcomes

	Response	Comments about compliance
(1) The purpose of the Flood hazard overlay code is to minimise the exposure of people and property to flood hazards.	(1) <input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	The subject site is partially impacted by flood hazard area associated from the Three Moon Creek sub-catchment. The development has been appropriately designed and located as such that the use area is located outside of the mapped hazard area and that safe egress from the site is available via existing property access locations. The development complies with the purpose and intent of this assessment benchmark, subject to conditions.
(2) The purpose of the code will be achieved through the following overall outcomes— (a) the siting and design of development maintains or increases safety and comfort for people and property during flood events; and, (b) uses and works minimise the potential for property damage due to flooding.	(2) <input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	

8.2.3.3 Performance and acceptable outcomes

Table 8.2.2—Flood hazard overlay code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about response
For accepted subject to requirements and assessable development			
If involving material change of use or building work			
PO1 People on the development site are safe from floodwaters during all floods up to and including a 1 per cent AEP flood event.	AO1.1 New buildings without habitable rooms locate— (a) outside the Flooding and inundation area identified on Overlay maps OM-FH-001 to OM-FH-008; or (b) above the defined flood level for the DFE identified on Overlay maps OM-FH-009 to OM-FH-015; or (c) above the flood level of a 1 per cent AEP flood event. OR	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<u>AO1.1/AO1.2</u> Buildings associated to the use are identified on the site located outside and above the flood level of a 1 per cent AEP flood event. <u>AO1.3</u> N/A to assessment – the development does not involve extensions to an

	<p>AO1.2 New buildings with habitable rooms (Class 1, 2, 3 and 4 buildings under the BCA)—</p> <p>(a) locate outside the Flooding and inundation area identified on Overlay maps OM-FH-001 to OM-FH008; or</p> <p>(b) on premises below the defined flood level identified on Overlay maps OM-FH-009 to OM-FH-015 – have habitable rooms with finished floor levels at least 300 millimetres above the defined flood level; or</p> <p>(c) below the flood level of a 1 per cent AEP flood event – have habitable rooms with finished floor levels at least 300 millimetres above the flood level of a 1 per cent AEP flood event.</p> <p>AO1.3 Where involving extensions to an existing Class 1 building situated below the Flooding and inundation area, or the defined flood level, or the flood level of a 1 per cent AEP flood event, and the additions constitute less than 50% of the existing floor area of the building—</p> <p>(a) the extension has a floor area not exceeding 50m²; and</p> <p>(b) the finished floor level of habitable rooms is not less than the floor level of existing habitable rooms.</p> <p>AO1.4 Development incorporates clear and direct pedestrian and vehicle evacuation routes from the site.</p> <p><i>Editor's note—Building work in a designated flood hazard area must meet the requirements of the relevant building assessment provisions under the Building Act</i></p>		<p>existing Class A building.</p> <p><u>AO1.4</u></p> <p>Flood impacts to the site are located largely to the western and northern extent of the site associated to Three Moon Creek. Clear passage egress from the site is available to the east to the Downies Road frontage via the existing property access.</p>
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	<i>1975.</i>		
PO2 The impacts of floodwater on hazardous materials manufactured or stored in bulk causes no adverse effect on public safety or the environment.	AO2.1 The manufacture or bulk storage of hazardous materials of 50 litres or more of chemicals of class C1 or C2 combustible liquids under Australian Standard AS1940 occurs— (a) outside the Flooding and inundation area identified on Overlay maps OM-FH-001 to OM-FH008; or (b) above the defined flood level identified on Overlay maps OM-FH-009 to OM-FH-015; or (c) above the flood level of a 1 per cent AEP flood event.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The proposed use does not involve manufacture of hazardous materials of chemical of Class C1 or C2 combustible liquids.</p> <p>Conditions are to be imposed that where necessary, bulk storage of hazardous materials shall occur outside of identified hazard areas.</p>
PO3 Components of infrastructure that are likely to fail or cause contamination because of inundation maintain their function during flood events.	AO3.1 The location of services infrastructure within a site (including electricity, gas, water supply, sewerage and telecommunications) is— (a) outside the Flooding and inundation area identified on Overlay maps OM-FH-001 to OM-FH008; or (b) outside the defined flood event identified on Overlay maps OM-FH-009 to OM-FH-015; or (c) above the flood level of a 1 per cent AEP flood event. OR AO3.2 The design and construction of services infrastructure within a site (including electricity, gas, water supply, sewerage and telecommunications)— (a) prevent floodwater intrusion and infiltration; and (b) resist hydrostatic and hydrodynamic forces resulting from a 1 per cent AEP flood event.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<u>AO3.1/3.2</u> The development is in a rural locality and does not generate demand for most services infrastructure. Infrequent electricity may be required and is to be provided via on-site generators. The applicant identifies that electricity generator infrastructure if required shall be located outside the mapped flood area.
PO4 Development siting enables vehicular access in the event of a flood.	AO4.1 Development ensures that buildings used for passenger vehicle storage have a trafficable access to a public road during a 5 percent AEP flood event.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development is located on the site generally outside the mapped flood hazard area. Direct access to Downies Road is

			available outside of mapped flood hazard area via the existing site access location.
PO5 Community infrastructure is able to function effectively during and immediately after flood events (where appropriate).	no acceptable outcome identified	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development does not involve community infrastructure.
If involving reconfiguring a lot			
PO6 New lots provide for an appropriate level of flood immunity.	AO6.1 All lots contain an appropriate building envelope— (a) outside the Flooding and inundation area identified on Overlay maps OM-FH-001 to OM-FH-008; or (b) outside the defined flood event identified on Overlay maps OM-FH-009 to OM-FH-015; or (c) above the flood level of a 1 per cent AEP flood event.	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development does not involve a RAL aspect.
If involving operational work or building work involving filling or excavation			
PO7 Filling or excavation does not directly, indirectly or cumulatively, cause any significant increase in water flow depth, duration or velocity on the site and does not result in an unacceptable risk to people or property from flood hazard.	AO7.1 Filling or excavation does not result a net increase in filling of more than 50m ³ — (a) within 100 metres of a wetland or waterway; or (b) within the Flooding and inundation area identified on Overlay maps OM-FH-001 to OM-FH-008; or (c) within the Defined flood event identified on Overlay maps OM-FH-009 to OM-FH-015; or (d) below the flood level of a 1 per cent AEP flood event. AO7.2 On-site flood storage capacity remains the same.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	AO7.1/7.2 The development has been appropriately designed and located as such that the use area is located outside the 1 percent flood hazard area. Consequently, any works necessary to establish/operate the does not result in a net increase in filling of more than 50m ³ within the flood hazard area and no change to flood storage capacity occurs.
PO8 Works avoid changes to flood characteristics outside the site that may result— (a) in loss of flood storage; (b) alterations to flow paths; (c) acceleration or retardation of flows; or	no acceptable outcome identified	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	As noted above, all on-site flood storage capacity remains the same as pre-development conditions as no works are proposed within the mapped flood hazard area.

(d) reductions in flood warning times elsewhere in the flood plain.			
PO9 If the development is for community infrastructure for power lines of an electricity entity it is able to function effectively during and immediately after flood events.	no acceptable outcome identified	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development does not involve community infrastructure for power lines of an electricity entity.

8.2.4 Infrastructure Overlay Code

8.2.4.1 Application

This code applies to development that is accepted subject to requirements or assessable, involving a material change of use, building work, operational work and reconfiguring a lot where the development is in proximity to identified infrastructure to the extent identified in Part 5 Tables of assessment.

8.2.4.2 Purpose and overall outcomes

- a. The purpose of the Infrastructure overlay code is to protect the function of existing significant infrastructure and future infrastructure areas and minimise community impacts.
- b. The purpose of the code will be achieved through the following overall outcomes—
- (c) high standards of health and safety for people and property;
 - (d) maintained or enhanced function of the identified infrastructure; and
 - (e) an appropriate level of amenity for development nearby the identified infrastructure.

Response	Comments about compliance
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	The development complies with the intent and purpose of this assessment benchmark to the extent of outcomes that are relevant.
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	

8.2.4.3 Performance and acceptable outcomes

Table 8.2.3 – Infrastructure overlay code: Assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
Road corridors			
PO2 Adequate separation distances and buffers along identified road corridors mitigate the potential adverse impacts to premises caused by the road corridor, including traffic noise, headlights and streetlights.	AO2.1 Development fronting a road corridor identified on Overlay maps OM-INFR-001 to OM-INFR-008 incorporates— <ul style="list-style-type: none"> (a) a minimum frontage setback of 15 metres from any boundary adjacent to the corridor; and (b) a landscaped buffer along the frontage of the site— <ul style="list-style-type: none"> (i) a minimum width of five metres; (ii) consisting of three-tiered planting (groundcovers, shrubs, trees); (iii) trees with an expected minimum mature height of 	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development does not front a road corridor identified on Overlay maps OM-INFR-001 to OMINFR-008. Further the proposed development is setback some 300 m from a local road.

	(iv) three metres; and are consistent with the landscaping policy.		
Stock Routes			
PO3 The stock route network is protected from development (both on the stock route and adjacent) that would compromise the network's primary use or capacity for stock movement and other values including conservation and recreational.	AO3.1 Where possible, avoid locating development that may compromise the use of the stock route by travelling stock, particularly if the stock route has a record of frequent use. OR AO3.2 Where development or land use impacts on a stock route cannot be avoided— (a) provide alternate watered stock route access; (b) ensure grade separation where railways, haul roads or other transport infrastructure, crosses the stock route; and (c) consider revocation of the stock route declaration if a suitable alternative stock route exists.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development does not front a stock route corridor identified on the SPP Interactive Mapping System - Stock route network. Further, the proposed development is setback some 300 m from the subject land boundary on Downies Road. The proposed principal haulage route is Downies Road which is not a stock route The proposed development shall not impact the stock route network.
Aerodromes			
PO4 Uses near aerodromes do not attract flying vertebrates or release emissions that may affect pilot visibility or interfere with flight communication.	no acceptable outcome identified	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development is not located near an aerodrome. The proposed development is located some 4.5 km from the closest aerodrome being Monto Airport. Whilst the use has potential to attract some birdlife, the separation distance provides a negligible to no impact on airspace operations.
PO5 Works maintain the safe operation of aerodromes and there are no bright lights, patterns of light, reflective materials or protrusions into operational airspace that could confuse,	no acceptable outcome identified	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development is not located near an aerodrome. The proposed development is located over 4.5 km from the closest aerodrome being the Monto Airport. The proposed development does not involve the use of bright lights, reflective

distract, or interfere with a pilot's vision.			materials or protrusions into operational airspace.
PO6 Works do not adversely affect operational airspace.	AO6.1 Works do not intrude into operational airspace.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development has a lowset built height and does not intrude into operational airspace.
Petroleum and natural gas pipelines			
PO7 Adequate separation distances from petroleum and natural gas pipelines minimises risk to the safety of people, property and the infrastructure.	AO7.1 If involving development that increases the number of people who live, work or congregate on the premises, or involves the storage of flammable, explosive or other hazardous materials – no buildings or structures locate within 200 metres of the petroleum and natural gas pipeline infrastructure identified on Overlay maps OM-INFR-001 to OM-INFR-008.	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The proposed development is not located within 200 metres of a petroleum or natural gas pipelines.
Electricity infrastructure			
If involving a material change of use, building work or operational work			
PO8 Adequate separation distances from electricity easements and substations— protect to an acceptable level the safety and amenity of occupants or users of premises; and do not constrain the existing or future operation or function of the easement or facility.	AO8.1 No buildings or structures locate within— (a) 20 metres of any part of a tower or structure foundation; or (b) 5 metres of the area between the outside conductors of a transmission line when at rest, vertically projected to ground level. AO8.2 The minimum separation distance between any buildings (other than Class 10) associated with a sensitive land use and the closest boundary of any substation or easement for major electricity infrastructure is 20 metres. AO8.3 Machinery or equipment used within the electricity easement does not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2002. AO8.4 Blasting within 500 metres of an easement complies with AS2187-1998 Explosives Storage Transport and Use. AO8.5 Changes in ground-level	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<u>AO7.1</u> The proposed development is not located within 20 m of an electricity easement and substation. <u>AO7.2</u> The proposed development is not located within 20 m of a major electricity infrastructure. <u>AO7.3</u> The proposed development is not located within a major electricity infrastructure easement. <u>AO7.4</u> The proposed development does not involve blasting. The proposed development is not located within 500 m of an easement for electricity infrastructure. <u>AO7.5</u>

	maintain the statutory ground to conductor clearance distances prescribed by the <i>Electrical Safety Act 2002</i> and the Electrical Safety Regulation 2002.		The proposed development is not located near an electricity easement, substation or electricity transmission lines.
If reconfiguring a lot			
PO9 Reconfigured lots adjoining a substation or easement for major electricity infrastructure protect the safety of users and visual amenity with adequate vegetation buffers and separation distances.	AO9.1 All lots retain all existing endemic vegetation of mature height within 20 metres of the boundary of the substation or easement for major electricity infrastructure, outside a complying building envelope. AO9.2 A minimum 3-metre-wide densely planted landscaped buffer is provided along the boundary adjoining the electricity infrastructure, including advanced trees and shrubs that will grow to a minimum height of 10 metres.	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	Development does not involve a RAL aspect.
Railway			
PO10 Development results in noise levels appropriate to the wellbeing of site users, including their ability to sleep, work or otherwise undertake quiet enjoyment without unreasonable interference from rail noise.	AO10.1 Development of a sensitive land use within 100 metres of the identified rail infrastructure on Overlay maps OM-INFR-001 to OM-INFR-008 achieves an indoor design criteria average Lmax (10:00 pm – 6:00 am) not greater than 45dB(A).	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development does not involve a sensitive land use.
PO11 Adequate separation distances prevent constraints on the existing or future operation or function of important rail corridors.	AO11.1 Works not associated with the rail corridor provide a separation of 20 metres from the rail corridors identified on Overlay maps OM-INFR-001 to OM-INFR-008.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The site is in proximity to the former Monto – Gayndah branch railway line as identified on over Overlay maps OM-INFR-001 to OM-INFR-008. Notwithstanding, this service is no longer operational and the development is separated approximately 500m from the former alignment.

8.2.5 Natural features or resources overlays code

8.2.5.1 Application

This code applies to development that is accepted subject to requirements or assessable, involving material change of use, building work, operational work and reconfiguring a lot within a KRA or LRA resource or processing area, separation area or transport route separation area, abutting an identified mine, or in the Rural zone and identified as Agricultural Land Classification Class A and Class B, or within an area identified as containing a matter of environmental significance to the extent identified in Part 5 Tables of assessment.

8.2.5.2 Purpose and overall outcomes

	Response	Comments about compliance
<p>(1) The purpose of the Natural features or resources overlays code is to ensure development maintains the productivity, environmental function and visual appeal of identified natural features or resources.</p>	<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>The development has been appropriately designed and sited to avoid adverse impact to naturally sensitive areas of the site.</p>
<p>(2) The purpose of the code will be achieved through the following overall outcomes—</p> <ul style="list-style-type: none"> (a) the productive capacity of or ability to exploit identified natural features and resources is maintained; (b) the avoidance of land use conflict between uses or activities; (c) the environmental impacts of extractive industry are within acceptable limits in relation to on-site operations and off-site activities, including haulage; (d) on-going site rehabilitation and preparation enables a suitable use of the premises after the extraction activities cease; (e) the environmental values of identified natural features and resources are maintained; (f) the physical form and visual appearance of identified natural resources, except for extractive resources is retained; and (g) matters of environmental significance are valued and protected and the health and resilience of biodiversity is maintained or enhanced to support ecological integrity. 	<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>The development has been appropriately designed and sited to avoid adverse impact to naturally sensitive areas of the site. The physical scale of the development is limited with readily reversible infrastructure to achieve a pre-development condition to allow on-going rural agricultural activities.</p>

8.2.5.3 Performance and acceptable outcomes

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
Protection of matters of environmental significance			
<p>PO12 Development locates in areas that avoid adverse impacts on areas of environmental significance or where adverse impacts cannot be reasonably avoided, they are minimised.</p>	<p>AO12.1 Development has no adverse impacts on the relevant environmental values of the area of environmental significance.</p> <p>OR</p> <p>AO12.2 The development site does not contain any matters of environmental significance.</p> <p><i>Editor's note—A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of environmental significance would be required through Planning Scheme Policy SC6.4 Information local government may request.</i></p> <p>OR</p> <p>AO12.3 Development is located, designed and operated to minimise adverse impacts on the relevant environmental values of the area of environmental significance.</p> <p><i>Editor's note—Providing a report certified by an appropriately qualified person demonstrating how the proposed development mitigates impacts, including on water quality, hydrology, and biological processes would be required through Planning Scheme Policy SC6.4 Information local government may request.</i></p>	<p><input type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input checked="" type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The subject site is generally devoid of existing vegetation other than on the Three Moon Creek alignment. The use area and ancillary effluent utilization area is located centrally on the two lots within vacant areas. A separation of 100m or greater has been provided to Three Moon Creek. Any vegetation clearing that may occur resultant of development is for a purpose, vegetation type and circumstance that is identified under the <i>Vegetation Management Act 1999</i> as exempt.</p> <p>All other ancillary areas of the site and development, including existing cropping, is designed and located 25m or greater away from natural streams traversing the site.</p>
<p>PO13 An adequate buffer to high value wetland is provided and maintained.</p>	<p>AO13.1 A buffer surrounding a high value wetland has a minimum width of—</p> <p>(a) 200m where the wetland is located outside an urban area; or</p> <p>(b) 50m where the</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>There are no high value wetlands within or in proximity to the subject site.</p>

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

	<p>wetland is located within an urban area.</p> <p>OR</p> <p>AO13.2A buffer surrounding an area containing a high value wetland is applied and maintained, the width of which is supported by an evaluation of the environmental values, functioning and threats to matters of environmental significance.</p>		
<p>PO14 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.</p>	<p>AO14.1Development avoids the introduction of non-native pest species.</p> <p>AND</p> <p>AO14.2The threat of existing pest species is controlled by adopting pest management practices that provide for long-term ecological integrity.</p>	<p><input type="checkbox"/> n.a.</p> <p><input checked="" type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The applicant advocates that mitigation measures shall be implemented during construction and operation of the proposed development to minimise the risk of introducing pest species (plant or animal) onto the subject land. Reasonable and relevant conditions are to be imposed in relation to biosecurity and appropriate environmental management of the site.</p>
Improving ecological connectivity and expanding habitat extent of ecological corridors			
<p>PO15 Development within an ecological corridor maintains or enhances ecological connectivity or habitat extent and avoids fragmentation.</p>	<p>AO15.1Where development is within an ecological corridor, native vegetation is retained, regenerated, and rehabilitated</p> <p>AND</p> <p>AO15.2Development within an ecological-corridor minimises adverse impacts on native fauna feeding, nesting, breeding and roosting sites and native fauna movements.</p>	<p><input type="checkbox"/> n.a.</p> <p><input checked="" type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The subject land is not located within an ecological corridor mapped as MSES. The proposed development has been sited and designed so that all infrastructure is located outside of an area mapped as MSES. No adverse impacts on native fauna feeding, nesting, breeding and roosting sites and native fauna movements is anticipated resultant of the development.</p>
Extractive resources and mining overlay			

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

<p>PO16 KRA's and LRA's identified on Overlay maps OM-ER001 to OM-ER-008 are protected by— the maintenance of the long-term availability of the extractive resources for extraction and continued access to them; avoiding the location of new sensitive land uses or other incompatible land uses that would impede the extraction of the resource, within the resource or processing areas or their separation areas; avoiding the location of land uses along the transport route and within its separation area that are likely to compromise the ongoing use of the route for the haulage of the resource; avoiding new development adjacent to the transport route that is likely to affect the safe and efficient haulage of extractive materials.</p>	<p>AO16.1 Only extraction or processing of the resource, activities directly associated with its extraction or processing, or development that does not impede extraction or processing occurs within KRA or LRA resource and processing areas.</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The subject site is not located within a KRA's and LRA's as identified on Overlay maps OM-ER001 to OM-ER-008.</p>
<p>PO17 Development not associated with extractive industry does not increase the number of people living, working or congregating in a KRA or LRA resource or processing area, KRA or LRA separation area or transport route separation area unless the location, design and construction of the development minimises the actual and potential adverse impacts on human health and wellbeing from existing and future extractive industries including noise and air emissions, and ground vibration generated</p>	<p>AO17.1 Buildings and structures are located the greatest distance practicable from the KRA or LRA resource or processing area, KRA or LRA separation area and the KRA or LRA transport route and its separation area. AO17.2 Those parts of buildings where people live, work and congregate (habitable rooms) are furthestmost from the KRA or LRA resource or processing area and the KRA or LRA transport route and its separation area.</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The subject site is not located within a KRA's and LRA's as identified on Overlay maps OM-ER001 to OM-ER-008.</p>

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

<p>by haulage of the extractive resource.</p>	<p>AO17.3 Openings in walls closest to sources of nuisance are minimised.</p> <p>AO17.4 Buildings incorporate mechanical ventilation in habitable rooms.</p> <p>AO17.5 Appropriate construction methods and materials including insulation, sealants and glazing materials are used in buildings.</p> <p>AO17.6 The air environment of habitable rooms meets the air quality objectives of the EPP (Air) for human health and wellbeing.</p> <p>AO17.7 The noise environment of habitable rooms meets the noise quality objectives of the EPP (Noise).</p> <p><i>Editor's note: QDC MP4.4 contains solutions for mitigating traffic noise impacts.</i></p> <p><i>Editor's note: Refer also to AS/NZS 1276.1:1999 – Acoustics- Rating of sound insulation in buildings and of building elements</i></p>		
<p>Agricultural Land Overlay</p>			
<p>PO18 Development avoids the loss or fragmentation of Agricultural Land Classification (ALC) Class A and Class B— unless—</p> <ul style="list-style-type: none"> there is an overriding need for the development in terms of public benefit; and no suitable alternative site exists; and the loss or fragmentation is minimal; or 	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>ALC Class A and B land encompasses the entirety of both subject lots. Accordingly, alternative siting outside this area is unachievable plus would be otherwise be found impractical due to flooding and or separation distance requirements.</p> <p>Whilst sited partially within ALC Class A and B area, the proposed development does not involve the establishment of substantial permanent</p>

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

<p>(b) because there is no irreversible impact on its current or potential use for agriculture.</p>			<p>infrastructure such as buildings with concrete floor slabs, extensive gravelled pads etc. All improvements are readily removable from the land and capable of being rehabilitated to its pre-development condition as former cropping land. Consequently, there is no irreversible impact on its current or potential use for agriculture.</p>
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9.3.6 Intensive animal uses code

9.3.6.1 Application

1. This code applies to development that is accepted subject to requirements or assessable, involving a material change of use or building work for Intensive animal industry or for Animal keeping to the extent identified in Part 5 Tables of assessment.
2. When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3 located in Part 5 Tables of assessment.

9.3.6.2 Purpose and overall outcomes

	Response	Comments about compliance
<p>(1) The purpose of the Intensive animal uses code is to ensure that Intensive animal industries and Animal keeping do not have significant adverse impacts on—</p> <p>(a) surface and ground water quality, air quality, soil quality and vegetation;</p> <p>(b) residents and occupants of nearby premises;</p> <p>(c) scenic amenity;</p> <p>(d) the productive value of agricultural land.</p>	<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>The development is able to comply with the purpose and intent of this assessment benchmark subject to implementation of proposed site operations in relation to drainage, effluent and erosion and sediment control management measures. Where necessary, conditions have been imposed to ensure compliance is achieved with relevant outcomes.</p>
<p>(2) The purpose of the Intensive animal uses code will be achieved through the following overall outcomes—</p> <p>(a) uses dispose of wastewater with minimal adverse environmental effects;</p> <p>(b) intensive animal industries locate in the most sparsely settled and least fragmented rural areas;</p> <p>(c) buffering, separation distances and appropriate management of waste disposal minimise the potential impacts on the amenity of rural dwellers, sensitive land uses and settlements.</p>	<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	

9.3.6.3 Performance and acceptable outcomes

Table 9.3.8—Intensive animal uses code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
For accepted subject to requirements and assessable development			
Protection of agricultural production			
<p>PO19 The use does not compromise the use of the site or adjoining premises for agricultural production.</p>	<p>AO19.1 Intensive animal industry locates outside the Rural zone – Intensive agriculture precinct.</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The development is within this precinct and involves an Intensive Animal Industry use—and therefore does not achieve the acceptable outcome.</p> <p>The proposed development does not involve the establishment of substantial permanent infrastructure such as buildings with concrete floor slabs, extensive gravelled pads, etc. All infrastructure such as precast feed bunks and water troughs, fencing can be readily removed and the site rehabilitated to its pre-development condition as former cropping land. In this circumstance, the development is found to not adversely compromise the long-term use of the site or adjoining lots for agricultural purpose.</p>
Small cattle feedlots			

<p>PO20 A cattle feedlot involving less than 150 SCU achieves sufficient separation distance from property boundaries, sensitive land uses and water courses to maintain an acceptable level of rural amenity for surrounding users and environmental protection for water sources.</p>	<p>AO20.1 Buildings, structures and waste disposal areas for a cattle feedlot involving less than 150 SCU have the following minimum separation distances—</p> <ul style="list-style-type: none"> (a) from a frontage—200 metres; (b) from a side or rear boundary—100 metres; (c) from land in the Township or General residential zone—2000 metres; (d) from a sensitive land use—700 metres; (e) from a referable wetland—200 metres; and (f) from water courses—100 metres. <p>AO20.2 The minimum lot size is 20 hectares.</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The development involves in excess of 150 SCU.</p>
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For assessable development only

Protection of amenity

PO21 The use does not—
cause odour, noise, or air emissions beyond the site boundaries in excess of recognised acceptable limits; or
significantly affect the visual amenity of the locality.

AO21.1 Noise or air emissions do not exceed the limits prescribed in—

- (a) the Environmental Protection (Air) Policy 2008; and
- (b) the Environmental Protection (Noise) Policy 2008.

AO21.2 Either—

- (a) the minimum distance of buildings, structures and waste disposal areas from property boundaries, and sensitive land uses complies with Table 9.3.9 Intensive animal industry separation distances from boundaries and other uses¹; or

Table 0.1—Intensive animal uses separation distances from boundaries and other uses

Use and scale	Frontage(m)	Side or rear boundary (m)	Township or General Residential Zone (m)	Sensitive land use (m)
Piggeries (measured in standard pig units)				
1 - 1000	200	50	2500	800
1001 - 5000	200	50	3500	1000
5001 - 10000	200	50	5000	1500
>10000	200	50	8000	2000
Feedlots (measured in standard cattle units)				
150 - 500	200	100	2000	700
501 - 5000	200	300	6000	1500
5001 - 10000	200	300	7000	2000
>10000	200	300	15000	2500
Poultry farms (measured in numbers of birds)				
1 - 1000	80	40	2000	800
1001 - 10000	120	40	4000	1000
>10000	140	40	5000	2000
Animal keeping				
all	80	40	2000	1500

Editor's Note—The distances stated in the above table are an indicator of the separation that would probably avoid odour, noise or air emissions extending beyond the site boundaries in excess of the recognised acceptable limits. Lesser distances may also be acceptable in particular circumstances and under certain conditions. Proposed intensive animal uses not achieving the above minima may still achieve the relevant performance outcome.

- (b) if a beef cattle feedlot – separation distances are

- n.a.
- complies
- PO complies
- conflicts

AO3.1

The proposed development has been sited and designed and shall be constructed and operated to ensure noise or air emissions do not exceed the limits prescribed in (a) the Environmental Protection (Air) Policy 2019; and (b) the Environmental Protection (Nopise) Policy 2109.

AO3.2

The proposed development has been sited so that all operational activities, buildings (other than administrative purposes), pens, ponds and structures and waste disposal areas comply with the separation distances as estimated using the methodology outlined in the National guidelines for Beef Cattle Feedlots (MLA, 2012b) and the Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland (Skerman, 2001).

¹ Further information regarding calculation of adequate separation distances for Piggeries is available in the Department of Primary Industries "Separation Guidelines for Queensland Piggeries" 2001.

	<p>consistent with the Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland; or</p> <p>(c) if a sheep feedlot – separation distances are consistent with the Interim Guideline – Sheep Feedlot Assessment in Queensland May 2010; or</p> <p>(d) if a piggery – separation distances are consistent with the National Environmental Guidelines for Piggeries 2nd Edition (revised) 2010.</p>		
Appropriate lot size			
<p>PO22 The use locates on a lot of sufficient size to provide necessary infrastructure and achieve adequate separation distance from watercourses, property boundaries and sensitive land uses.</p>	<p>AO22.1 The minimum lot size if—</p> <p>(a) a cattle feedlot exceeding 149 SCU or a piggery is 100 hectares; or</p> <p>(b) a poultry farm is 20 hectares; or</p> <p>(c) animal keeping is 20 hectares.</p>	<p><input type="checkbox"/> n.a.</p> <p><input checked="" type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The subject land on which the development is proposed has a total area of 184.5 ha which is greater than 100 hectares required for a cattle feedlot exceeding 149 SCU.</p>

Protection of environmental values

PO23 Buildings, structures and waste disposal areas are sufficiently separated from wetlands and watercourses to not cause significant adverse impacts on—the quality of any surface or ground water resource; or riparian vegetation.

AO23.1 The intensive animal industry or animal keeping, including all associated buildings, structures and waste disposal areas, is more than 200 metres from a referable wetland.

AO23.2 The minimum distance of buildings, structures and waste disposal areas from watercourses, other than a referable wetland, complies with Table 9.3.10—Intensive animal uses separation distances from watercourses.

Table 0.2—Intensive animal uses separation distances from watercourses

Use	Distance (m)
Piggeries (measured in standard pig units)	
1 - 1000	100
>1000	200
Feedlots (measured in standard cattle units)	
150 - 500	100
> 500	200
Poultry farms	
all	100
Animal keeping	
all	100

- n.a.
- complies
- PO complies
- conflicts

AO5.1
N/A - The subject site is not mapped as containing any referable wetlands.

AO5.2
The waste disposal area associated to the use is located 100m from a mapped watercourse at its closest point. This area is the effluent utilization area for dispersal of treated water and not the sediment processing or holding pond. This separate ponds are located approximately 300m or greater away. The applicant advocates appropriate water quality treatment through this system to ensure no adverse environmental impact occurs to the natural watercourse. Conditions are to be imposed in relation to erosion sediment control, stormwater management and on-site effluent management to ensure no adverse downstream impact occurs.

9.4.2 Filling and excavation code

9.4.2.1 Application

- (1) This code applies to development that is accepted subject to requirements or assessable, for carrying out operational work for filling and excavating, including work for a dam to the extent identified in Part 5 Tables of assessment.
- (2) When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3 located in Part 5 Tables of assessment.

9.4.2.2 Purpose and overall outcomes

	Response	Comments about compliance
(1) The purpose of the filling and excavation code is to manage development for filling and excavation to ensure it occurs in a safe and environmentally responsible manner without adverse impacts on any flood hazard or the visual or acoustic amenity of the site, surrounding premises or its users.	(1) <input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	The development involves some filling/excavation works in relation to established drainage solutions for site operations, including water storage dams and effluent and sediment management. The development accommodates necessary design and siting measures, or may be conditioned, to ensure no adverse impacts in relation to flood hazard, amenity or upstream and downstream residents.
(2) The purpose of the code will be achieved through the following overall outcomes— (a) ground level changes occur in a safe manner in accordance with sound geotechnical engineering standards and are environmentally sound; (b) filling or excavation does not increase the extent or duration of any flood hazard for upstream, downstream or adjoining premises and does not result in an unacceptable risk to people or property from flood hazard; and (c) filling or excavation does not adversely affect the character and amenity of the site or the locality or otherwise adversely impact on surrounding properties.	(2) <input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	The development accommodates necessary design and siting measures, or may be conditioned, to ensure no adverse impacts in relation to flood hazard, amenity or upstream and downstream residents.

9.4.2.3 Performance and acceptable outcomes

Table 9.4.4—Filling and excavation code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about response
Visual amenity and land stability			
PO1 Retaining walls are visually compatible with development on adjoining premises.	<p>AO1.1 A retaining wall is set back at least half the height of the wall from any boundary of the site.</p> <p>AO1.2 Retaining walls over 1.5 metres are stepped a minimum depth of 0.75 metres for every 1.5 metres in height, terraced and landscaped.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development involves a rural activity and the applicant advocates no inclusion of retaining walls being proposed. The development is sited centrally on the site and is in excess of 200m setback from boundaries of the site. Should retaining walls be required, the development is suitably located to achieve this requirement.
PO2 The type, composition, placement and source of any fill material is adequate to support the proposed development in accordance with sound geotechnical engineering standards.	<p>AO2.1 The fill material contains no demolition material or construction waste.</p> <p>AO2.2 The fill material comprises any of the following— soil or earth; rocks less than 150mm diameter; sand; gravel; or other clean, inert material free of organic, putrescible or refuse material.</p> <p>AO2.3 Works occur in accordance with AS3798 Guidelines on Earthworks for Commercial and Residential Developments.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The development proposes filling/excavating through internal site-won material only and does not involve the external importation of material. The site-won material is natural soil and earth and is not known to contain demolition or construction waste.</p> <p>Conditions are to be imposed that earthworks are designed and carried out in accordance with relevant standards.</p>
PO3 Filling or excavation does not result in the contamination of land or receiving water bodies, wetlands and waterways.	AO3.1 There is no filling or excavation on land included on the Contaminated Land Register or Environmental Management Register under the Environmental Protection Act 1994. OR	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	N/A to this assessment - the subject site is not included on the Contaminated Land Register or Environmental Management Register under the Environmental Protection Act 1994.

	A03.2 Filling or excavation on land included in the Contaminated Land Register or Environmental Management Register occurs in accordance with an approved site management plan or disposal permit issued under the Environmental Protection Act 1994.		
PO4 Works minimise onsite erosion and the release of sediment or sediment-laden stormwater from the site.	A04.1 An Erosion and sediment control plan prepared and implemented in accordance with the “Urban stormwater quality planning guidelines 2010” controls on-site works.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The applicant advocates erosion and sediment control to be implemented as part of the drainage solution to be constructed for the development. Reasonabel and relevant conditions are to be imposed to ensure necessary measures are maintained during construction and operational stages of development.
Drainage			
PO5 Filling or excavation does not directly, indirectly or cumulatively, cause an increase in drainage problems on the site or to upstream or downstream properties.	<p>A05.1 Stormwater drainage contains and manages stormwater to achieve a lawful point of discharge without adversely affecting neighbouring properties, or other receiving areas, both during and after construction.</p> <p>A05.2 The design and construction of drainage works is in accordance with the <i>Queensland Urban Drainage Manual (QUDM)</i>.</p> <p>A05.3 There is no increase in the volume, frequency, duration and velocity of stormwater at the premises’ boundaries.</p> <p>A05.4 A Stormwater Quality Management Plan prepared and implemented in accordance with the “Urban stormwater quality planning guidelines 2010” controls stormwater quality leaving the site.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The proposed development has been sited and designed to ensure no alteration to the direction of flow of stormwater discharge to downstream properties. The proposed development does not involve the discharge of stormwater to a waterway or off-site. The proposed works area is located within a controlled drainage area with associated drainage infrastructure to capture and retain stormwater runoff to ensure no adverse change upstream or downstream.</p> <p>Conditions are to be imposed requiring a stormwater managment plan be prepared and submit to Council demonstrating necessary engineering design and control of stormwater impacts.</p>

	AO5.5 Overland flow paths cater for the water from a 1 per cent AEP storm event.		
Management of works			
PO6 Emissions of air pollutants from filling or excavation, particularly dust, do not cause significant environmental harm or nuisance impacts.	<p>AO6.1 Dust emissions and other air emissions stay within the site boundaries in accordance with a management plan detailing measures such as— water spraying of exposed areas (where in accordance with the erosion and sediment control plan); placing of protective coverings or sealing of exposed earthworks; and installation of wind barriers.</p> <p>AO6.2 There are no other noxious air emissions or odours detectable at the boundaries of the site.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development has potential to create dust, notably in relation to vehicular use of internal driveways and roads. Dust mitigation measures shall be implemented during construction in accordance with erosion and sediment control requirements and best management practices to control dust emissions.
PO7 Emissions of noise from filling and excavation activities including transport to and from the site does not cause significant environmental harm or nuisance impacts.	<p>AO7.1 Haul routes used for transportation of fill or excavated material to or from the site avoid land included in a residential zone and are otherwise the most direct routes via the highest order roads.</p> <p>AO7.2 Truck movements generated by filling or excavation activities do not— exceed 20 truck movements per day; or occur for periods longer than 4 weeks.</p> <p>AO7.3 Filling or excavation operations occur only between 7am to 6pm Monday to Saturday.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	External importation of fill/excavation material to the site is not proposed, with all material proposed via a site-won scenario. Reasonable and relevant conditions are to be imposed to ensure appropriate construction methods, such as hours, are maintained.
Dams			
PO8 The construction and location of a dam does not cause significant adverse impacts on adjoining premises.	AO8.1 The dam is wholly contained within the boundary on a lot of 1.0 hectare or greater.	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p><u>AO8.1</u></p> <p>The subject land is in the Rural zone and comprises an area of about 185 ha.</p> <p>Dams have been sited and designed to be located wholly</p>

	<p>AO8.2 The extremity of the full supply level of the dam is at least—</p> <ol style="list-style-type: none"> a. 6 metres from a gazetted road frontage; and b. 3 metres from a side or rear property boundary. <p>AO8.3 The dam wall— SO1 has batter slopes of 1 vertical to a maximum of 3 horizontally; and SO2 its height is a maximum 4 metres above natural ground level.</p> <p>AO8.4 There is no alteration to the direction of flow of stormwater discharge to downstream properties.</p>	<p>within the boundary of the subject land.</p> <p><u>AO8.2</u> The proposed development is setback over 200 m from side and frontage boundaries. The full supply level of all proposed dams are setback significantly beyond 6 m from a gazetted road frontage and 3 m from a side or rear boundary.</p> <p><u>AO8.3</u> The applicant identifies that the embankments of all dams shall have an embankment slope of less than 1 vertical to a maximum of 3 horizontally.</p> <p><u>AO8.4</u> The proposed development has been sited and designed to ensure no alteration to the direction of flow of stormwater discharge to downstream properties. Conditions are to be imposed that a stormwater management plan be prepared for the site to ensure no alteration to flows or adverse impact downstream.</p>
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9.4.3 Infrastructure and operational work code

9.4.3.1 Application

- (1) This code applies to development that is accepted subject to requirements or assessable, involving material change of use, reconfiguring a lot, building work and operational work (excluding placing an advertising device) involving landscaping, vehicular parking and access, provision of infrastructure and erosion and sediment control to the extent identified in Part 5 Tables of assessment.
- (2) When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3 located in Part 5 Tables of assessment.

9.4.3.2 Purpose and overall outcomes

Response	Comments about compliance
<p>(1) The purpose of the Infrastructure and operational work code is to—</p> <ol style="list-style-type: none"> (a) identify appropriate requirements and circumstances for providing non-trunk infrastructure; and, (b) state relevant standards for design and construction of non-trunk infrastructure; (c) incorporate soft and hard landscaping within development to create a pleasant environment for people who engage with the site; (d) incorporate sufficient car parking spaces, safe and convenient access, appropriate facilities for service vehicles including loading and unloading, all designed and constructed to accepted community standards. 	<p><input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts</p> <p>The development is located in a rural area and is serviced by limited urban infrastructure services. Conditions are imposed to ensure necessary on-site infrastructure to service development is provided. Conditions are also provided to ensure associated construction works are carried out in accordance with relevant standards.</p>
<p>(2) The purpose of the Infrastructure and operational work code will be achieved through the following overall outcomes—</p> <ol style="list-style-type: none"> (a) non-trunk infrastructure— <ol style="list-style-type: none"> (i) services development to a suitable level that meets the anticipated needs of users; (ii) is safe, cost-effective and efficient; and (iii) creates no significant adverse environmental effects; (b) the protection and integration of vegetation of ecological, aesthetic and cultural significance into landscape design; (c) landscaping is— <ol style="list-style-type: none"> (i) attractive and suited to the climate; (ii) enhances townscapes, streetscapes and landscapes in the North Burnett Region; 	<p><input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts</p>

Response	Comments about compliance
<ul style="list-style-type: none"> (iii) complements and enhances the uses and other works on-site; (iv) protects the privacy of occupiers of nearby premises; (v) discourages crime and vandalism and enhances personal and property security and safety; (vi) has low maintenance, energy and water requirements; and <p>(d) a safe and efficient road network that avoids excessive traffic, parking, manoeuvring or servicing on roads near the development; and,</p> <p>(e) safe, efficient and convenient pedestrian, cycle, mobility-impaired, and vehicular access to, and manoeuvring within sites; and</p> <p>(f) adequate on-site facilities for servicing by delivery, refuse and other service vehicles.</p>	

9.4.3.3 Interpretation

- (1) For the purposes of section 0 9.4.3 Infrastructure and operational work code, “infrastructure” means non-trunk infrastructure.

9.4.3.4 Performance and acceptable outcomes

Table 9.4.5—Infrastructure and operational work code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
Section 1: Landscaping			
<p>PO24 Planting and works incorporated in the landscaping—</p> <p>include species suitable for the region that are non-invasive and drought-tolerant;</p> <p>include existing significant vegetation and other natural features;</p> <p>is safely designed and constructed;</p> <p>protects infrastructure, utilities and adjoining premises.</p>	<p>AO24.1 Landscaping does not include any species identified as an unacceptable species in planning scheme policy SC6.5 Landscaping, section SC6.5.5</p> <p>Unacceptable plant species for landscaping or are otherwise known to be toxic to people or animals.</p> <p>AO24.2 Landscaping retains and incorporates significant natural features of the site.</p> <p>AO24.3 Landscaping provides universal access in accordance with <i>Australian Standard AS 1428: Design</i></p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>AO1.1-1.8</p> <p>The proposed use is for Intensive Animal Industry in a rural locality. The imposition of landscaping requirements is not considered reasonable or relevant to this development.</p>

	<p><i>for Access and Mobility.</i></p> <p>AO24.4 Landscaping enables passive surveillance of car parking areas, communal spaces, children’s play areas and pathways.</p> <p>AO24.5 All pedestrian surfaces are slip-resistant and trafficable in all weather conditions.</p> <p>AO24.6 Root barriers minimise the risk of intrusion and damage to services and utilities.</p> <p>AO24.7 Landscaping incorporates water conservation measures appropriate to the site, including—</p> <ul style="list-style-type: none"> (a) grouping plants in mulched beds wherever appropriate; (b) avoiding or minimising impervious surfaces; (c) incorporating semi-porous pavement surfaces as an alternative to impervious surfaces; and, (d) draining hard surface areas to landscaped areas and water sensitive urban design devices. <p>AO24.8 Landscaping works do not cause ponding of water on the premises or adjoining land.</p>		
<p>PO25 Neighbouring premises retain reasonable visual and acoustic privacy.</p>	<p>AO25.1 Landscape buffers between incompatible land uses incorporate—</p> <ul style="list-style-type: none"> (a) earth mounding; (b) a diverse range of plant species that provide variation in colour, texture and form; (c) layered planting—large tree species planted at 6.0m centres to provide an upper 	<p><input type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input checked="" type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The development comprises of a low-rise rural activity with minimal to no associated infrastructure in a rural locality. Substantial setbacks in excess of 1km are available to the nearest adjoining sensitive land uses. In context of the use and separations, additional screening buffers in</p>

	<p>storey, small trees planted at 3.0m centres to provide a mid-storey, and shrubs and groundcovers planted at 1.5m centres.</p>		<p>this circumstance are not considered reasonable.</p>
<p>PO26 Landscaping in car parking areas— screens sensitive neighbouring premises, shades the areas; and includes works to ensure the safety of users and infrastructure.</p>	<p>AO26.1 Unless required by a development approval or another planning scheme code, car parking areas incorporate the following—</p> <ul style="list-style-type: none"> (a) screen landscaping at least 1.5m wide adjacent to any sensitive land use or a General residential zone, Rural residential zone, or Township zone; (b) a planter bed at least 2.0m wide adjacent to a frontage; and, (c) shade trees within parking areas at the rate of one tree per six car parking spaces. <p>AO26.2 Wheel stops, bollards, kerbs or other barriers provide protection along the boundaries between landscape areas and parking, manoeuvring and utility spaces.</p> <p>AO26.3 Landscaping, walls or fences conceal storage and utility areas.</p> <p>AO26.4 Landscaping, including any structures, provides visibility for traffic at intersections, access points, and locations where there are likely to be significant pedestrian or cycle activity.</p> <p>AO26.5 Planting within or adjacent to high voltage transmission line easements is consistent with—</p> <ul style="list-style-type: none"> (a) <i>Screening your home from powerlines, A guide for planting trees and shrubs outside of easements to screen</i> 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts 	<p>AO3.1-3.5</p> <p>The proposed use is for Intensive Animal Industry in a rural locality. The imposition of landscaping requirements within the nominated carpark is not considered reasonable or relevant to this development.</p>

	<i>powerlines</i> (Powerlink Queensland) ² ;		
	(b) <i>Easement co-use information, Building for the future</i> (Powerlink Queensland) ³ .		
Section 2: Infrastructure (non-trunk) works			
For assessable development			
General			
PO27 Uses that are urban in nature or intensity locate where they can readily connect to existing infrastructure and services or connect with only modest extension of infrastructure networks.	no acceptable outcome identified	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development is not an urban purpose and the site is not located in proximity to most urban services infrastructure other than electricity. Reasonable and relevant conditions are to be imposed in relation to necessary on-site services being met for operational needs.
PO28 The type and scale of uses— is consistent with the capacity of the infrastructure servicing the premises; and allows the safe and efficient operation of infrastructure without interference by incompatible uses or works.	no acceptable outcome identified	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The subject land is not serviced by Council's reticulated sewerage or town water supply. Reasonable and relevant conditions are to be imposed in relation to necessary on-site services being met for operational needs.
PO29 The provision of infrastructure maximises the safety of drivers, bicyclists and pedestrians.	no acceptable outcome identified	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The development is accessible by rural roads commensurate to the locality. The proposed development shall not generate high pedestrian or cyclist movements. No new infrastructure external

			to the site is required to service the development.
Water supply and sewerage infrastructure			
PO30 The development has an adequate quantity and quality of water supply for potable use, operational use and firefighting purposes.	AO30.1 Where available – premises have a connection to a reticulated water supply. OR AO30.2 Where unable to connect to a reticulated water supply— (a) residential premises connect to a rainwater tank with a minimum capacity of 45,000 litres; or (b) non-residential premises – no acceptable outcome identified.	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The subject land is in the Rural Zone and is not within Council's water supply area. The subject land has a 300 ML nominal groundwater and surface water allocation under the Water Plan (Burnett Basin) 2014. The applicant notes the development shall require some 15 ML. Reasonable and relevant conditions are to be imposed that the proposed development shall be provided with an on-site water supply to meet operational requirements.
PO31 Reticulated water supply infrastructure is robust, fit for purpose, easy to maintain and readily augmented.	AO31.1 Reticulated water supply infrastructure design and construction is in accordance with SC6.2 Design and construction standards for development works policy	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	The subject land is in the Rural Zone and is not within Council's water supply area. The subject land has a 300 ML nominal groundwater and surface water allocation under the Water Plan (Burnett Basin) 2014. Reasonable and relevant conditions are to be imposed that the proposed development shall be provided with an on-site water supply to meet operational requirements.

<p>PO32 The development has an adequate means of treating and disposing of effluent and other wastewater that protects public health and safety and minimises risks to the environment.</p>	<p>AO32.1 For all zones other than the Rural zone and the Recreation and open space zone, all premises connect to a reticulated sewerage system where provided. OR AO32.2 If in the Rural zone or Recreation and Open space zone or connection to a reticulated sewerage system is not available – the use incorporates an on-site waste water treatment system that complies with the <i>Plumbing and Drainage Act 2002</i>.</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The development is located in Rural zone and does not feature access to reticulated sewerage infrastructure. The development is intended to be supported by an on-site sewerage facility.</p> <p>Reasonable and relevant condition are to be imposed that the system is design and consurtct to achieve necessary health and safety expectations.</p>
<p>PO33 Reticulated sewerage infrastructure is robust, fit for purpose, easy to maintain and readily augmented.</p>	<p>AO33.1 Reticulated sewerage infrastructure design and construction is in accordance with SC6.2 Design and construction standards for development works policy</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>N/A to this assessment – the site is not accessible to reticulated sewerage infrastructure.</p>
<p>Roads</p>			
<p>PO34 The development incorporates road infrastructure of appropriate design and capacity that is compatible with the amount of traffic generated by the development, existing uses in the locality and through traffic.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The subject land has frontage to Downies Road and the existing subject land access shall be used to provide access to the proposed development.</p> <p>Downies Road is of appropriate design and capacity to service the additional vehicles generated by the proposed development. No upgrades are proposed to Downies Road or the subject land access.</p>
<p>PO35 Development generating significant pedestrian movements incorporates footpaths to a standard compatible with the locality.</p>	<p>AO35.1 If in the Centre zone, a full-width paved footpath extends along the full length of the site frontage. AO35.2 If in the General residential zone, a 1.2 metre wide paved footpath extends</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>N/A to this assessment - the proposed development is located in rural zone and is not commensurate to providing pedestrian movements.</p>

	<p>along the full length of the site frontage.</p> <p>AO35.3 If in zones other than the Centre zone or General residential zone – no acceptable outcome identified.</p>		
<p>PO36 Development generating high pedestrian and cyclist movements includes the provision of shared cycle and pedestrian paths.</p>	<p>no acceptable outcome identified</p>	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>N/A to this assessment - the proposed development shall not generate high pedestrian and cyclist movements. Consequently, the provision of shared cycle and pedestrian paths is not warranted.</p>
<p>PO37 Road infrastructure— meets adequate geometric design, design speed, horizontal and vertical alignment, grades and structural design standards for use by vehicles, bicycles and pedestrians; is safe and efficient; maintains the safety of users; and provides for emergency vehicles, buses and service vehicles.</p>	<p>AO37.1 Road and footpath design and construction is in accordance with SC6.2 Design and construction standards for development works policy. AO37.2 The width and alignment of shared pedestrian and cycle paths are in accordance with <i>Austrroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths</i>.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>AO14.1 Downies Road is of appropriate design and capacity to service the additional vehicles generated by the proposed development. No upgrades are proposed to Downies Road or the subject land access other than a 150 mm gravel re-sheet of Downies Road.</p> <p>AO14.2 - Not Applicable The proposed development shall not generate high pedestrian and cyclist movements. Consequently, the provision of shared cycle and pedestrian paths is not warranted.</p>
Stormwater			
<p>PO38 Development incorporates stormwater drainage that— avoids or minimises adverse impacts on environmental waters from:</p>	<p>AO38.1 Stormwater design and construction is in accordance with SC6.2 Design and construction standards for development works policy and, for any exceptions stated in SC6.2.5,</p>	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The applicant proposes a drainage solution in the form of a controlled drainage area involving catch drains, sedimentation system and holding</p>

<p>altered stormwater quality and hydrology; and</p> <p>the release and mobilisation of sediment, nutrients and other pollutants;</p> <p>protects the stability of buildings upstream and downstream;</p> <p>protects the efficiency of downstream drainage; and,</p> <p>directs stormwater to one or more lawful points of discharge.</p>	<p>the assessment benchmarks in the two following acceptable outcomes.</p> <p>AO38.2At the construction phase design and construction of works achieves the stormwater management design objectives included in Table 9.4.6—Part 1 Construction phase: stormwater management design objectives, Table 9.4.7—Part 2 Construction phase: stormwater management design objectives for temporary drainage works and Table 0.8—Part 3 Construction phase: stormwater management design objectives for emergency spillways on temporary sediment basins as applicable.</p> <p>AO38.3At the post-construction phase works achieve—</p> <p>(a) the applicable stormwater management design objectives on-site, as identified in Table 9.4.9—Post-construction phase: stormwater management design objectives; or</p> <p>(b) an alternative locally appropriate solution off-site with an equivalent or improved water quality outcome to the relevant stormwater management design objectives in Table 9.4.9—Post-construction phase: stormwater management design objectives.</p>		<p>ponds. Detail design of these systems has not be undertaken as yet. Reasonable and relevant conditions are to be imposed in relation to preparing and submitting a site-specific stormwater management plan to Council inclusive of engineering calculations to demonstrate appropriate stormwater management and no adverse impact upstream/downstream of the development.</p>
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Electricity			
<p>PO39 Development incorporates a reliable supply of electricity adequate for the proposed use.</p>	<p>AO39.1 For all zones other than the Rural zone and the Recreation and open space zone, all premises have a connection to the reticulated electricity network.</p> <p>OR</p> <p>AO39.2 If in the Rural zone or Recreation and open space zone—</p> <p>(a) premises have a connection to the reticulated electricity network; or</p> <p>(b) premises generate electricity on-site.</p>	<p><input type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input checked="" type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The existing site is located within the Rural zone and features an existing electricity supply.</p> <p>The proposed use area is advocated to be serviced by on-site power generation in the form of diesel generator as needed due to separation from existing network and limited power requirements. Where unachievable, connection to reticulated power is to be made.</p>
<p>PO40 Reticulated electricity infrastructure meets the design, construction and operational standards of the current service provider.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input checked="" type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>Reasonable and relevant conditions are to be imposed requiring extension of network necessary to service the proposed use only where alternative power supply cannot be achieved.</p>
<p>PO41 On-site electricity generation infrastructure provides a reliable and safe supply of electricity and meets current applicable design, construction and operational standards.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input checked="" type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The applicant advocates that electrical power requirements of the proposed development shall be met by on-site power generation by way of diesel generator. Conditions are to be imposed that the on-site energy supply shall be installed in accordance with all laws and regulations and current best practice. Where unachievable, connection to reticulated power is to be made.</p>
<p>Street lighting and telecommunications</p>			

<p>PO42 Development incorporates street lighting that is compatible with the locality and provides an acceptable level of safety for residents and motorists.</p>	<p>AO42.1 The provision of street lighting is in accordance with <i>AS/NZS 1158:2005 Lighting for roads and public spaces</i>.</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The subject land is within the Rural zone. No street lighting is proposed as part of the proposed development recognising the nature of the development and rural setting of the site.</p>
<p>PO43 Street lighting infrastructure meets current design, construction and operational standards.</p>	<p>AO43.1 The design and construction of street lighting is in accordance with <i>AS/NZS 1158:2005 Lighting for roads and public spaces</i>.</p>	<p><input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The subject land is within the Rural zone. No street lighting is proposed as part of the proposed development recognising the nature of the development and rural setting of the site.</p>
<p>PO44 Development incorporates telecommunication services that are compatible with the locality and meet reasonable community expectations.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The proposed development shall be provided with telecommunications infrastructure or equipment in accordance with the requirements of the service provider. The subject land is within mobile phone coverage service.</p>
<p>PO45 Telecommunication infrastructure meets the design, construction and operational standards of the relevant provider.</p>	<p>no acceptable outcome identified</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>All telecommunications infrastructure or equipment shall meet the design, construction and operational standards of the relevant provider. The subject land is within mobile phone coverage service. The existing dwelling is connected to reticulated telecommunications services. No changes are proposed to existing services.</p>

Section 3: Parking, access and movement			
For accepted subject to requirements and assessable development			
Vehicular access			
<p>PO46 Premises have safe and efficient vehicular access for motorists and maintain the safety of pedestrians.</p>	<p>AO46.1 Vehicular access between the local government road network and the ingress and egress points of the site meets the standards stated in SC6.2 Design and construction standards for development works policy.</p>	<input type="checkbox"/> n.a. <input type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The proposed development would utilise the existing subject land entrance. The existing access provides safe and functional operation for motorists to and from the subject land without compromising the efficiency, function, convenience of use or capacity of the road system.</p>
Vehicle parking			
<p>PO47 The use incorporates sufficient vehicle parking to meet demand for the number and type of vehicles for the type of development considering the practical opportunities available for shared car parking provision and the operation of alternative transport modes to private motor vehicles.</p>	<p>AO47.1 The number of vehicle parking spaces is not less than that identified as applicable to the defined use in Error! Reference source not found..</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The requirements for on-site vehicle parking for an "Intensive Animal Industry" are not specified in Table 9.4.7-Car parking and service vehicle provision rates. The proposed development has been provided with a minimum of four (4) on-site vehicle parking for the expected demand of the use by staff and infrequent visitors.</p>
<p>PO48 Vehicle parking areas are freely accessible to all employees on-site and visitors to the development during the normal hours of operation of the development with no encumbrance, fee or charge.</p>	<p>AO48.1 Vehicle parking areas have no gateways, doors, or similar devices that restrict vehicular access by employees or visitors.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The proposed vehicle parking areas have no gateways, doors, or similar devices that restrict vehicular access by employees or visitors.</p>
<p>PO49 Vehicle parking areas, driveways and associated accesses function satisfactorily, and are constructed and line-</p>	<p>AO49.1 All vehicle-parking areas on the lot are in accordance with <i>AS2890.1 Parking facilities—Off-street car parking</i> (excepting for sections 4.3 and 4.4 and</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input checked="" type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p><u>AO26.1</u> The proposed development has been provided with a minimum of four (4) on-site vehicle parking</p>

<p>marked to be suitable for their intended purpose.</p>	<p>Appendix C).</p> <p>AO49.2 Where the development includes a combination of 'low turnover' and 'high turnover' car spaces (as defined in the Australian Standard), the parking spaces and aisles meet the high turnover or Class 3 requirements in <i>AS2890.1 Parking facilities—Off-street car parking</i>.</p> <p>AO49.3 Vehicle parking areas are constructed with a hardstand surface.</p> <p>AO49.4 Signs and line marking are in accordance Queensland Department of Main Roads <i>Manual of Uniform Traffic Control Devices</i>.</p> <p>AO49.5 There is no increase in the number of access points to State-controlled roads or significant local government roads as identified on Overlay Map OM-INFR-01.</p>	<p>and queuing space adjacent to the cattle handling facility for the proposed development and is sufficient to cater for the demand generated by the development.</p> <p><u>AO26.2</u> N/A to this assessment – the development does not involve a combination of 'low turnover' and 'high turnover' car spaces.</p> <p><u>AO26.3</u> A gravel hardstand car park has proposes to provide for staff and visitors adjacent to the cattle handling facility for the proposed development and is sufficient to cater for the demand generated by the development. The standard of finish is commensurate to the Rural zone.</p> <p><u>AO26.4</u> The nature of the development and rural character of the site is such that the provision of a signed and line marked formal car parking area is unnecessary.</p> <p><u>AO26.5</u> The proposed development would utilise the existing subject land entrance off Downies Road. No new subject land entrances are proposed. There is no increase in the number of access points to</p>
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			State-controlled roads or significant local government roads as identified on Overlay Map OM-INFR-01.
PO50 The premises incorporate access and parking for people with disabilities or mobility impairment.	<p>AO50.1 Parking spaces for people with disabilities is available at the rate set out in <i>AS2890.6 Parking facilities—Off-street parking for people with disabilities.</i></p> <p>AO50.2 Access and internal manoeuvring is available in accordance with <i>AS2890.6 Parking facilities—Off-street parking for people with disabilities</i>, and <i>AS1428 Design for access and mobility.</i></p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The applicant advocates that the scale of the existing site provides sufficient area for the purpose of car parking necessary to service the use. In response to an Information Request, the applicant notes provision of parking space for four (4) cars for use by staff and visitors. Car parks are to be located within a gravel hardstand area and design and constructed in accordance with relevant standards.</p> <p>Reasonable and relevant conditions are to be imposed that appropriate parking spaces are designed and construction necessary to service the use.</p>
Vehicle manoeuvring			
PO51 Premises avoid the use of the public road system for movement between car parking and vehicle service areas in the development.	<p>AO51.1 Manoeuvring and circulation areas within the site meet the standards in Austroads Design Vehicles and Turning Path Templates; <i>AS2890.1 Parking facilities—Off-street car parking</i>; and <i>AS2890.2 Parking facilities—Off-street commercial vehicle facilities.</i></p> <p>AO51.2 All vehicles can enter and exit the premises in forward gear.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>Reasonable and relevant conditions are to be imposed that all vehicles likely to use the site are able to enter and leave the site in a forward gear, and the on-site vehicle parking spaces, pick-up areas, loading and unloading areas, queuing areas, circulation and manoeuvring areas for the development are designed and constructed in accordance with the most up to date</p>

			version of the Australian Standards as far as relevant to the development.
Loading, unloading and service spaces			
<p>PO52 Loading and unloading areas allow for the— collection and set down of passengers; parking of trailers; service vehicle parking; and, loading and unloading of goods.</p>	<p>AO52.1 Premises incorporate loading, unloading and set down areas in accordance with <i>AS2890.2 Parking facilities—Off-street commercial vehicle facilities</i>.</p> <p>AO52.2 For sites greater than 4,000m² in area, provision is made for service vehicles in accordance with Table 9.4.7—Car parking and service vehicle provision rates.</p>	<p><input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	<p>The development does not generate a specific demand for service vehicles pursuant Table 9.4.7. Notwithstanding, an internal road network and hardstand area has been provisioned for appropriate vehicle movements, including a 19m Articulated Vehicle, necessary to support the use. Reasonable and relevant conditions are to be imposed that all vehicles likely to use the site are able to enter and leave the site in a forward gear, and the on-site vehicle parking spaces, pick-up areas, loading and unloading areas, queuing areas, circulation and manoeuvring areas for the development are designed and constructed in accordance with the most up to date version of the Australian Standards as far as relevant to the development.</p>

For assessable development			
Cyclists and pedestrians			
<p>PO53 Pathways within the site provide for safe and convenient access so that—</p> <p>the main pedestrian access from the street to the building is easily identified; and</p> <p>the vehicular access to the site is separate from the pedestrian access; and</p> <p>design features—</p> <p style="padding-left: 40px;">delineate areas of potential conflict between vehicles and pedestrians;</p> <p style="padding-left: 40px;">provide a low-speed traffic environment within the site; and</p> <p style="padding-left: 40px;">incorporate appropriate lighting, directional signs, and pavement marking.</p>	<p>no acceptable outcome identified</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The subject site is located in a rural area and does not generate bicycle or pedestrian traffic.</p>
<p>PO54 The use incorporates adequate bicycle parking on the lot that meets appropriate design and construction standards.</p>	<p>AO54.1 For all uses, other than residential uses, where the required vehicle parking provision exceeds 20 parking spaces—the number of on-site bicycle parking facilities is not less than that set out in Department of Main Roads <i>Road Planning and Design Manual</i> (Table 5.12).</p> <p>AO54.2 On-site bicycle facilities meet the requirements in <i>AS2890.3 Parking Facilities—Bicycle parking facilities</i>.</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The development does not generate demand requiring the provision of on-site bicycle parking facilities to be provided.</p>

Amenity			
<p>PO55 Vehicle parking and manoeuvring areas and traffic generated by the use do not adversely affect amenity or result in an environmental nuisance having regard to— the appearance of such areas; dust emissions; and noise from vehicle movement.</p>	<p>AO55.1 All areas on the site on which vehicles drive are constructed and surfaced to the standards set out in SC6.2 Design and construction standards for development works policy.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>Reasonable and relevant conditions are to be imposed requiring all areas on the site on which vehicles drive are constructed and surfaced to the standards set out in SC6.2 Design and construction standards for development works policy. TO this extent, all areas are to accommodate the largest type of vehicle accessing the site and all roads internal to the site are unsealed, all-weather gravel roads.</p>
Section 4: Erosion and sediment control			
For accepted subject to requirements and assessable development			
<p>PO56 Construction activities for development avoid degradation of the site and avoid or minimise adverse impacts on stormwater quality.</p>	<p>AO56.1 If in an urban area—the works include the design, installation, construction, operation, monitoring and maintenance of erosion sediment control practices in accordance with the <i>Urban Stormwater Quality Planning Guidelines 2010</i>. OR AO56.2 If in a rural area—no acceptable outcome identified.</p>	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>The development is located within a rural area. Reasonable and relevant conditions are to be imposed in relation to meeting expected on-site erosion and sediment control outcomes.</p>
Section 5: Fire Services in development accessed by common private title where any part of the development or any dwelling is more than 90 metres from the nearest located fire hydrant			
For assessable development			
<p>PO57 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p>AO57.1 Residential streets and common access ways within a common private title should have hydrants placed at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground. AO57.2 Commercial and</p>	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>N/A to this assessment – the proposed development does not involve a common private title use.</p>

	<p>industrial streets and access ways within streets serving commercial properties such as factories, warehouses and offices should be provided with above or below ground fire hydrants at nor more than 90-metre intervals and at each street intersection. Above ground fire hydrants should have dual valved outlets.</p>		
<p>PO58 Road widths and construction within the development are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied</p>	<p>AO58.1 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for safe passage of emergency vehicles.</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	
<p>PO59 Hydrants are suitably identified so that fire services can locate them at all hours.</p>	<p>AO59.1 Hydrants are identified as specified in 'Identification of street hydrants for fire fighting purposes' on the Department of Transport and Main Roads website⁴.</p>	<p><input type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts</p>	

⁴ www.tmr.qld.gov.au/~media/busind/techstdpubs/trum/125Amend18.pdf

Permit

Environmental Protection Act 1994

Environmental authority 2021-26

This environmental authority is issued by the delegate of the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: 2021-26

Environmental authority takes effect when your related development application is approved

The first annual fee is payable within 20 business days of the effective date.

The anniversary date of this environmental authority is the same day each year as the effective date.

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
Dale Olive Suitable operator reference: 100131312	326 Downies Road THREE MOON QLD 4630
Stephanie Olive Suitable operator reference: 100131237	

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 2 – Intensive animal feedlotting (a) keeping the following number of standard cattle units in a feedlot – (b) more than 1,000 but not more than 10,000	52RW103 and 53RW103 326 Downies Road Three Moon Queensland

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days) that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise- one the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Mitchell Furness
Manager, Environmental Regulation

2 December 2021

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries

Department of Agriculture and Fisheries
Agri-Business Policy and Industry Development
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Department of Agriculture and Fisheries

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the Act, and the regulations made under the Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state-controlled roads), the Department of Natural Resources and Mines (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Agriculture and Fisheries to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site-specific conditions of approval.

Agency interest: General								
Condition number	Condition							
G1	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.							
G2	<p>The activity must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> a) identify potential risks to the environment from the activity during routine operations and emergencies; and b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and f) ensure that reviews of environmental performance are undertaken at least annually; and g) Identify risk of harm or nuisance to surrounding land uses and measures to minimise any environmental harm or nuisance; and h) Include a management plan which outlines practices that prevent or minimise the risk of environmental harm or nuisance to surrounding land uses. 							
G3	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.							
G4	<p>a) The number of cattle kept in the feedlot at any time, expressed in terms of Standard Cattle Units (SCU) must not be more than the number shown opposite the feedlot location in the table below;</p> <p>b) The pen area provided in the feedlot is to be not less than that shown opposite the feedlot location in the table below:</p> <table border="1" data-bbox="370 1630 1517 1774"> <thead> <tr> <th>Feedlot Location</th> <th>Number of SCU</th> <th>Minimum Pen Area (m² per SCU)</th> </tr> </thead> <tbody> <tr> <td>52RW103 & 53RW103</td> <td>1450</td> <td>13.6</td> </tr> </tbody> </table>		Feedlot Location	Number of SCU	Minimum Pen Area (m ² per SCU)	52RW103 & 53RW103	1450	13.6
Feedlot Location	Number of SCU	Minimum Pen Area (m ² per SCU)						
52RW103 & 53RW103	1450	13.6						

<p>G5</p>	<p>The feedlot controlled drainage areas and associated facilities must be constructed generally in accordance with the following plans:</p> <ol style="list-style-type: none"> 1. Production Pen Details, RDC Engineers, Figure 5, D1-114-00-05, Revision B, 27/10/21; and 2. Controlled Drainage Area 1 – Catchment Area Plan – Stage 1, 2 and 3, RDC Engineers, Figure 8, D1-114-00-08, Revision C, 18/11/21; and 3. Sedimentation Basin Section and Control Outlet Details, RDC Engineers, Figure 9, D1-114-00-09, Revision C, 18/11/21; and 4. Waste Utilisation Areas, RDC Engineers, Figure 10, D1-114-00-10, Revision B, 27/10/21; and 5. Stage 1, 2 and 3 Layout, RDC Engineers, Figure 13, D1-114-00-13, Revision C, 18/11/21.
<p>G6</p>	<p>Feedlot controlled drainage areas must be constructed and maintained in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the design permeability specification of Appendix C & G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition. The holder of the environmental authority is to submit compaction testing for approval to the administering authority to demonstrate compliance with this specification on request.</p>
<p>G7</p>	<p>Following the completion of the proposed feedlot complex, the holder of this environmental authority shall arrange for 'as-built' surveys to be carried out to confirm the size of the feedlot complex, all associated waste management facilities, the storage volumes of all effluent treatment systems and storage ponds. The results of these surveys shall be submitted to the administering authority on request.</p>
<p>G8</p>	<p>The holder of this environmental authority must not make any material alteration to the activity which may affect the operating capacity of the activity or change the way in which the activity operates, without the prior written approval of the administering authority.</p>
<p>G9</p>	<p>The environmentally relevant activity to which this environmental authority relates must be established and operated in accordance with the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition and the National Beef Cattle Feedlot Environmental Code of Practice 2nd Edition or subsequent versions.</p> <p>In the event of any inconsistency between the conditions of this Environmental Authority, the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition and the National Beef Cattle Feedlot Environmental Code of Practice 2nd Edition and the development information, the documents will prevail in the following order to the extent of the inconsistency:-</p> <ul style="list-style-type: none"> • the conditions of this Environmental Authority; • the National Guidelines for Beef Cattle Feedlots in Australia and the National Beef Cattle Feedlot Environmental Code of Practice; and • the development information.

Feedlot Controlled Drainage Area and Pen Management	
G10	<p>General Operating Requirements:</p> <ul style="list-style-type: none"> • Feeding out equipment shall be operated to minimise spillage; • Stock watering facilities shall be maintained to minimise overflows and spillage; • Facilities shall be managed to ensure that wastewater generated by routine water trough cleaning operations is disposed of without causing erosion or significant ponding on the pen surface; • Levee banks, diversion banks and drains shall be maintained as soon as practically possible following any damage; • Deposited sediment shall be removed from drains if the flow of liquid effluent is being impeded; • Erosion damage of feedlot drains shall be rectified as soon as practically possible.
G11	<p>Feedlot pen management requirements:</p> <ul style="list-style-type: none"> • Manure depth under pen fences must not exceed pen floor depth; • Manure must not be mounded within pens; • Pen wet patches and pot holes must be eliminated at least weekly; • Spilt feed must be eliminated at least weekly. <p>Feedlot pens must be managed to:</p> <ol style="list-style-type: none"> a) minimise the amount of organic matter available for decomposition, and b) minimise the amount of water that mixes with organic matter, and c) maximise the rate of drying of wet organic matter.
G12	Animal carcasses shall be disposed of so as not to cause environmental harm or nuisance .
G13	Runoff storage ponds (effluent holding ponds) shall be managed to prevent over-topping. Ponds are to be managed to ensure they are generally empty. Effluent is not to be held in ponds for periods of time such that an odour nuisance may occur.
G14	Sedimentation basins shall be cleaned and maintained following the deposition of sediment.
G15	Any release of effluent from containment structures must be reported to the administering authority within 24 hours of becoming aware of the release . Records must be kept including full details of the release and any subsequent actions taken.
G16	<p>Details (including the date and location) of the following feedlot operations are to be recorded:</p> <ul style="list-style-type: none"> • Pen management practices described in Condition G11; and • Number and average weight of cattle introduced and removed from the premises; and • Effluent irrigation events; and • Sediment basin and effluent holding pond desludging events; • Manure spreading or export events.
G17	Feedlot controlled drainage areas must be suitably designed to be protected from a 1% AEP flood event.
Monitoring	
G18	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities certification, or an equivalent certification, for such analyses.
G19	Standard agronomic soil chemistry of lands the subject of this environmental authority that receive waste generated by the environmentally relevant activity must be conducted in accord with Condition G21.

G20	A standard chemical analysis of relevant water courses must be conducted in accord with Condition G21. A typical analysis includes those conducted by a local government laboratory and includes the following elements: <i>pH; conductivity; total hardness; temporary hardness; total alkalinity; bicarbonate alkalinity; carbonate alkalinity; hydroxide alkalinity; residual alkalinity; molybdate reactive silica; total iron; total manganese; calcium; magnesium; sodium; potassium; sulphate; chloride; nitrate; phosphate; free carbon dioxide; total dissolved ions; total dissolved solids; figure of merit; saturation index; sodium adsorption ratio.</i>
G21	Monitoring described in condition G19 and G20 must be undertaken when requested by the administering authority , in the manner prescribed by the administering authority . The monitoring results must be provided within 10 business days to the administering authority upon its request.
G22	When required by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
G23	All records must be kept for a period of at least five years and provided to the administering authority upon request.
Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority .
Agency interest: Water	
Condition number	Condition
WT1	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater .
WT2	Any release of contaminants generated by the activity to waters must not cause environmental harm .
WT3	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite.

WT4	<p>Effluent and solid waste shall be applied to crops or pastures using a managed waste application program. The waste application program shall ensure the effluent and solid waste is applied sustainably across the whole of the available waste utilisation area.</p> <p>The rate and volume of effluent and solid waste applied to utilisation areas shall be such that surface pooling and runoff is kept to a practical minimum and excessive deep percolation is avoided.</p>
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Agency interest: Noise

Condition number	Condition
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N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .
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N2	Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance sensitive place or commercial place .
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Table 3 – Noise limits

Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays		
	7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am
	Noise measured at a nuisance sensitive place					
L _{Aeq} adj, 1 hr	Background +5	Background +3	Background +3	Background +5	Background + 3	Background + 3
L _{Amax} , 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
	Noise measured at a commercial place					
L _{Aeq} adj, 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
L _{Amax} , 1 hr	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10

Agency interest: Land

Condition number	Condition
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L1	Any release of contaminants generated by the activity to land must not cause environmental harm .
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L2	Before applying to surrender this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.
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Agency interest: Waste	
Condition number	Condition
WS1	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
WS2	Waste being treated must be lawfully treated to render it less hazardous and be fit for its intended use or disposal.
WS3	Any release or utilisation of waste products generated by the activity must not cause environmental harm .
WS4	Feedlot waste products must be applied to land in a manner that does not result in leaching or overland flow of contaminants to waters .
WS5	The rate of application of effluent and solid wastes from the activity must not exceed the rates at which the critical constituents of the wastes, that is, water, nutrients (especially nitrogen and phosphorus) and salts, are: <ul style="list-style-type: none"> (a) taken up by plants and removed from the waste utilisation areas by harvesting; (b) safely stored within the soil profile; or (c) released into the surrounding environment in an acceptable form.
WS6	Manure and sludge removed from the feedlot pens, drains, sedimentation system(s) and holding pond(s), and spilt and/or spoilt feedstuffs, shall be either: <ul style="list-style-type: none"> • stored in a manner that minimises the risk of harm to environmental values; or • exported from the feedlot property; or • applied immediately, at sustainable rates, to crop or pasture on the feedlot property.
WS7	Solid waste stockpile and composting areas shall be protected from rainfall runoff by diversion banks or drains and shall be located within a controlled drainage area .
WS8	Stockpiles of manure, sludge and spilt or spoilt feedstuff shall be managed to avoid burning, including spontaneous combustion. Any fires shall be extinguished as soon as practically possible.

END OF PERMIT

Attachments

1. Production Pen Details, RDC Engineers, Figure 5, D1-114-00-05, Revision B, 27/10/21; and
2. Controlled Drainage Area 1 – Catchment Area Plan – Stage 1, 2 and 3, RDC Engineers, Figure 8, D1-114-00-08, Revision C, 18/11/21; and
3. Sedimentation Basin Section and Control Outlet Details, RDC Engineers, Figure 9, D1-114-00-09, Revision C, 18/11/21; and
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5. Stage 1, 2 and 3 Layout, RDC Engineers, Figure 13, D1-114-00-13, Revision C, 18/11/21.

Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994* (the Act), its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

administering authority means the Department of Agriculture and Fisheries or its successor or predecessors.

Annual Exceedance Probability (AEP) An Annual Exceedance Probability (AEP) event is the probability of a level of flooding being equalled or exceeded, at least once, in any given year. For example, a 1% AEP, is a flood level that has a one per cent chance of occurring in any given year.

appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and/or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

background means noise, measured in the absence of the noise under investigation, as $L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response.

commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

delegate of the administering authority means an officer of the Department of Agriculture and Fisheries or its successor as cited by the administering authority.

disturbed areas includes areas:

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

environmental harm as defined in Chapter 1 of the Environmental Protection Act 1994.

environmental nuisance as defined in Chapter 1 of the Environmental Protection Act 1994.

environmental value as defined in Chapter 1 of the Environmental Protection Act 1994.

groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

$L_{Aeq,adj,T}$ means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

land does not include **waters**.

Max $L_{pA,T}$ means the maximum A-weighted sound pressure level measured over a time period T of not less than 15 minutes, using Fast response.

measures has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

noxious means harmful or injurious to health or physical well-being.

offensive means causing offence or displeasure; is unreasonably disagreeable to the sense; disgusting, nauseous or repulsive.

prescribed water contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

release of a contaminant into the environment includes:

1. to deposit, discharge, emit or disturb the contaminant; and
2. to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
3. to fail to prevent the contaminant from being deposited, discharged emitted or disturbed; and
4. to allow the contaminant to escape; and
5. to fail to prevent the contaminant from escaping.

secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- a) caretaker's accommodation; or
- b) a childcare centre; or
- c) a community care centre; or
- d) a community residence; or
- e) a detention facility; or
- f) a dual occupancy; or
- g) a dwelling house; or
- h) a dwelling unit; or
- i) an educational establishment; or
- j) a health care service; or
- k) a hospital; or
- l) a hotel, to the extent the hotel provides accommodation for tourists or travellers; or
- m) a multiple dwelling; or
- n) non-resident workforce accommodation; or
- o) a relocatable home park; or
- p) a residential care facility; or
- q) a resort complex; or
- r) a retirement facility; or
- s) rooming accommodation; or
- t) rural workers' accommodation; or
- u) short-term accommodation; or
- v) a supervised accommodation service; or
- w) a tourist park.

standard cattle unit meaning and calculation

- (1) A *standard cattle unit* is a unit of measurement based on the live weight of cattle.
- (2) The number of standard cattle units that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

Column 1	Column 2
Live weight (kg)	Number of standard cattle units
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18

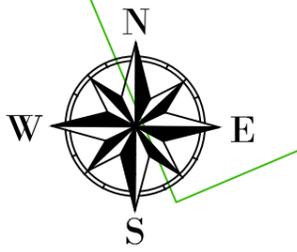
substantial low frequency noise means a noise emission that has an unbalanced frequency spectrum shown in a one-third octave band measurements, with a predominant component within the frequency range 10 to 200 Hz. It includes any noise emission likely to cause an overall sound pressure level at a noise sensitive place exceeding 55 dB(Z).

waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

you means the holder of the environmental authority.

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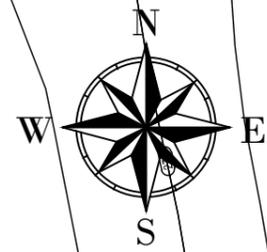
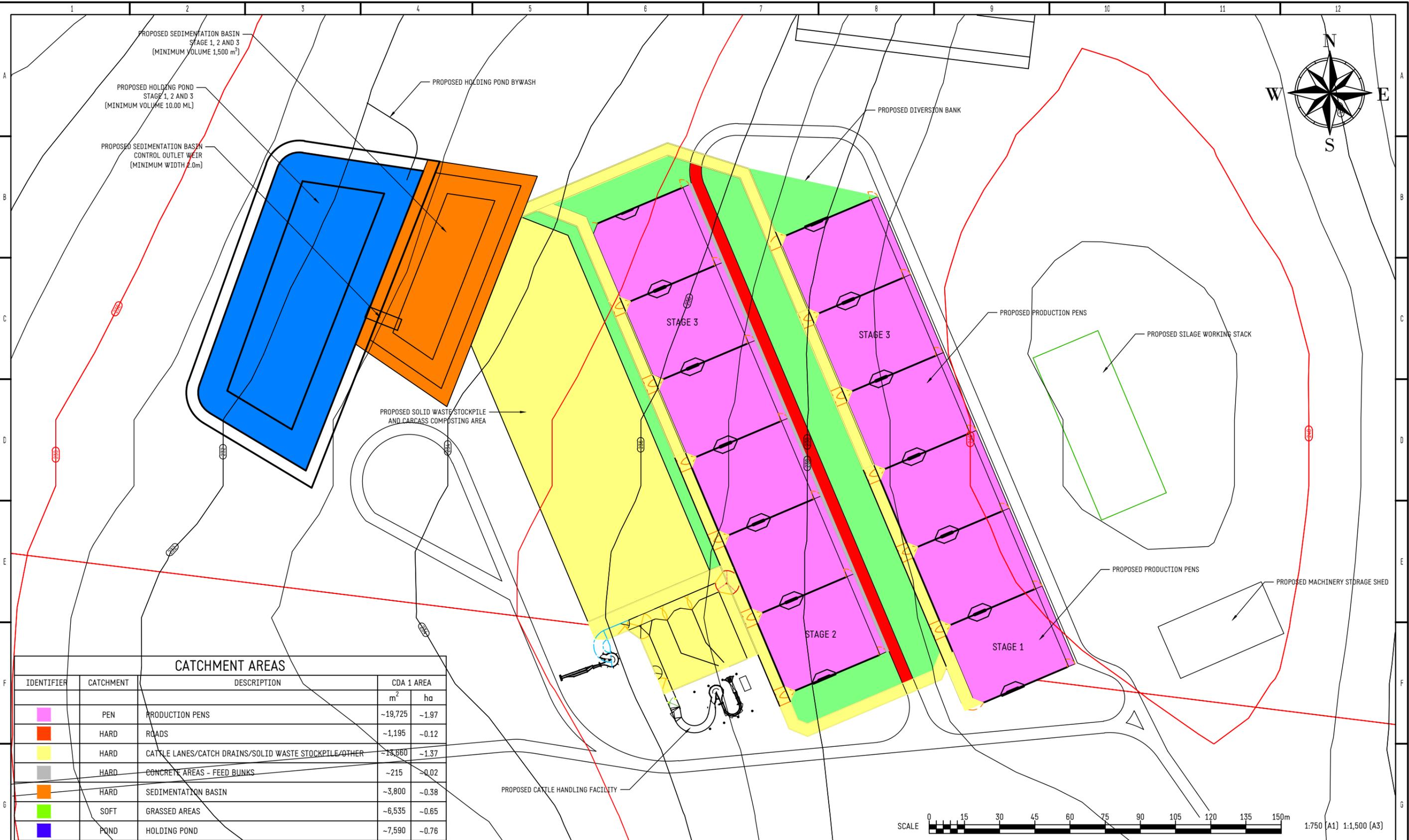
LEGEND
 — SUBJECT LAND BOUNDARY
 — LAND PARCEL BOUNDARY

BEEF CATTLE PRODUCTION PEN DETAILS
 STOCKING DENSITY - ~13.60 m²/SCU
 PEN WIDTH - 36 m
 BUNK LENGTH - 36 m
 PEN DEPTH - 50 m
 BUNK SPACE PER SCU - ~300mm
 PEN AREA - 1643.5 m²

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REV.	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:500 (A3)	CLIENT	DJ & SA OLIVE			
A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD	PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT			
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC	RJD	RJD	RJD	DATE	27/10/21	TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - PRODUCTION PEN DETAILS			
						CHECKED	RJD	REPORT REFERENCE	SUPPLIED DRAWING NUMBER	A3	DRAWING NUMBER	D1-114-00-05
						DATE	27/10/21	FIGURE 5				REV.
						APPROVED	RJD					B
						DATE	27/10/21					

DATE PLOTTED: 18 November 2021 BY: RDC Engineers PTY LTD

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CATCHMENT AREAS

IDENTIFIER	CATCHMENT	DESCRIPTION	CDA 1 AREA	
			m ²	ha
■	PEN	PRODUCTION PENS	-19,725	-1.97
■	HARD	ROADS	-1,195	-0.12
■	HARD	CATTLE LANES/CATCH DRAINS/SOLID WASTE STOCKPILE/OTHER	-13,660	-1.37
■	HARD	CONCRETE AREAS - FEED BUNKS	-215	-0.02
■	HARD	SEDIMENTATION BASIN	-3,800	-0.38
■	SOFT	GRASSED AREAS	-6,535	-0.65
■	POND	HOLDING POND	-7,590	-0.76

- LEGEND**
- SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
 - CONTOUR - MAJOR (5.0m)
 - CONTOUR - MINOR (1.0m)

- NOTES**
- THIS MAP IS BASED ON DIGITAL GIS DATA FROM THE STATE OF QUEENSLAND (DEPARTMENT OF RESOURCES (DoR)) 2021 - QUEENSLAND SPATIAL CATALOGUE.
 - CADASTRAL INFORMATION BASED ON THE STATE OF QUEENSLAND (DoR) DIGITAL CADASTRAL DATABASE (DCDB) 2021, PROVIDED BY THE QUEENSLAND SPATIAL CATALOGUE AND ACCURACY IS LIMITED.
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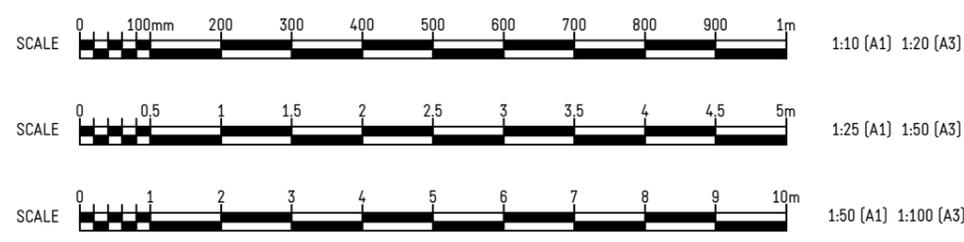
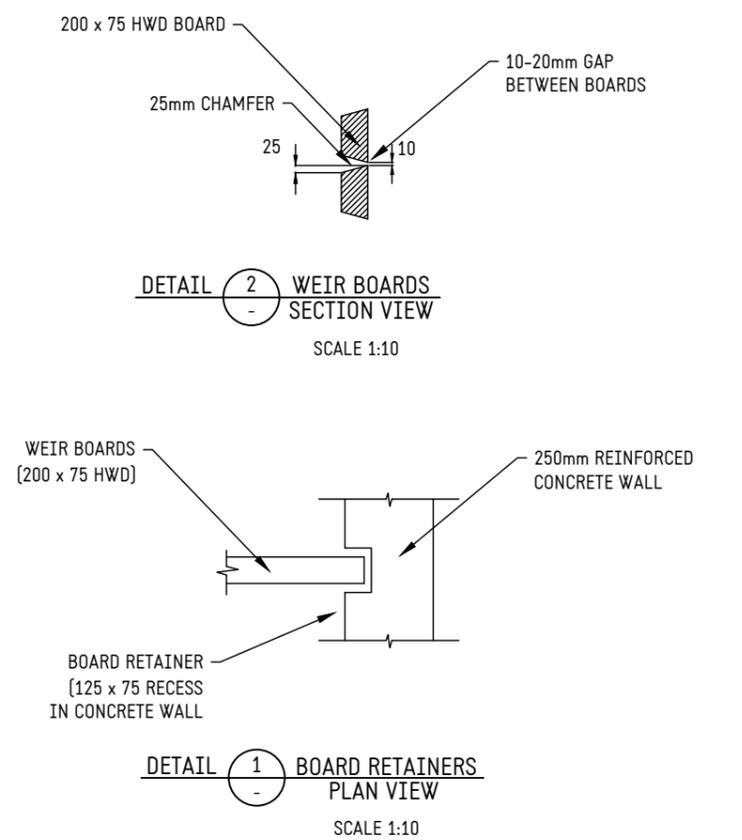
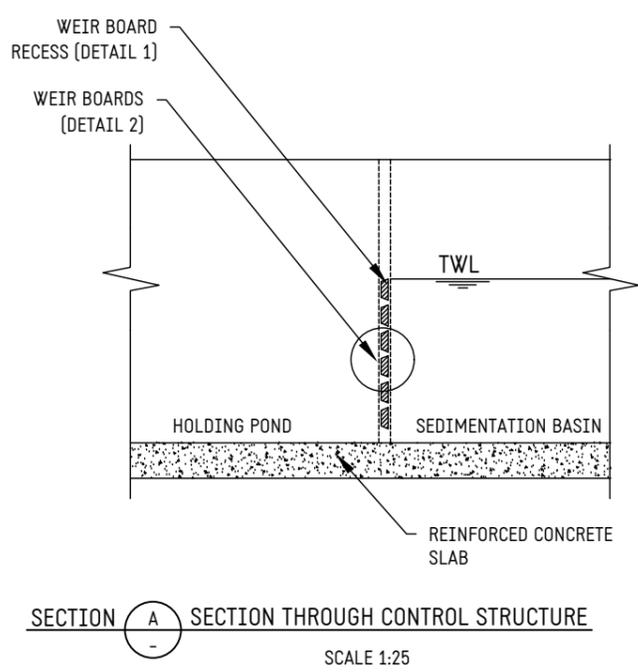
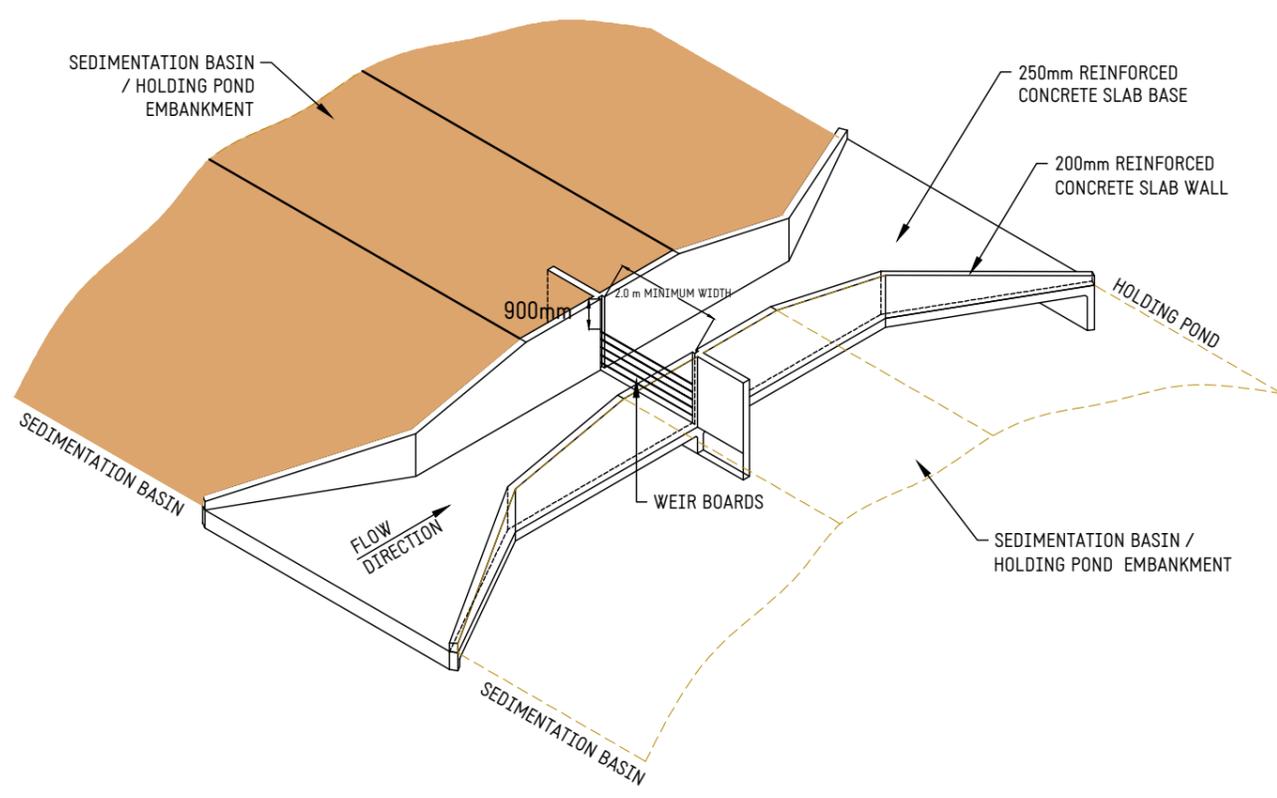
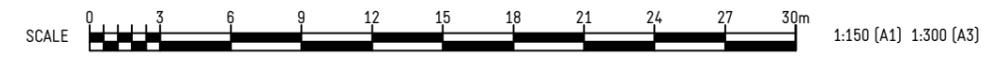
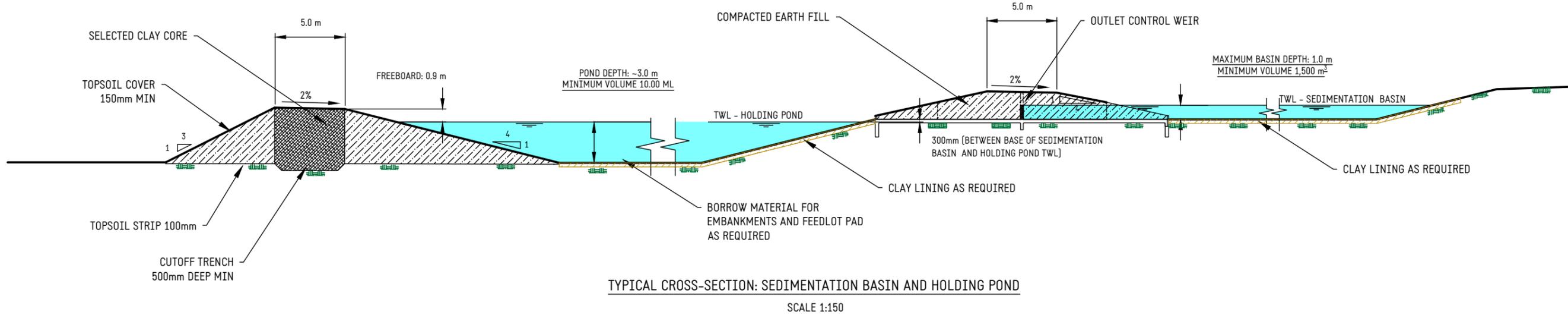


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REV.	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:1,500 (A3)	CLIENT	DJ & SA OLIVE
A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD	PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC	RJD	RJD	RJD	DATE	18/11/21	TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - CONTROLLED DRAINAGE AREA 1 - CATCHMENT AREA PLAN - STAGE 1, 2 AND 3
C	18/11/21	CONTROL OUTLET WEIR MINIMUM WIDTH ADDED	RJD	RJD	RJD	CHECKED	RJD	REPORT REFERENCE	FIGURE 8
						DATE	18/11/21	SUPPLIED DRAWING NUMBER	A3
						APPROVED	RJD	DRAWING NUMBER	D1-114-00-08
						DATE	18/11/21	REV.	C

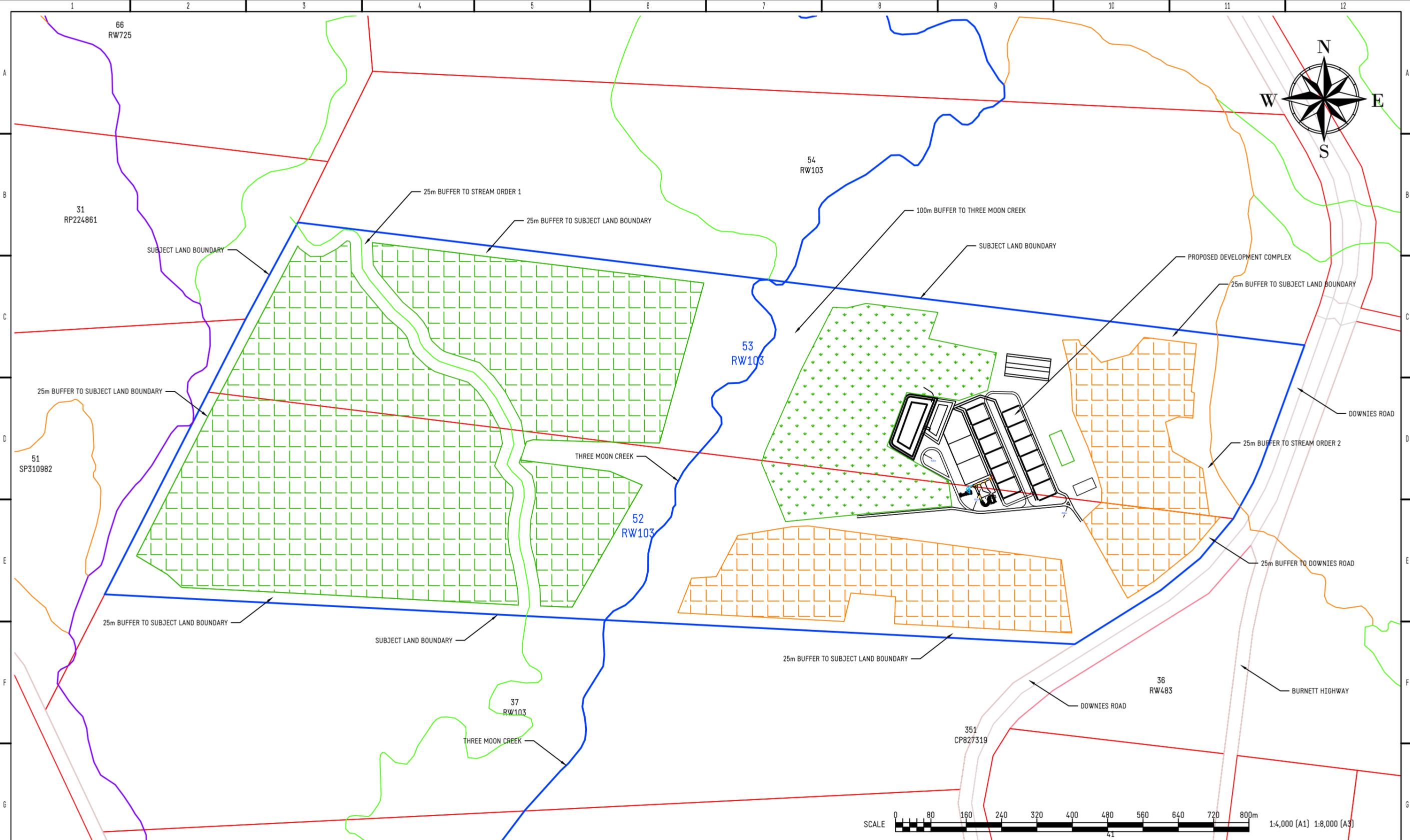
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XREFS:

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REV.	DATE	REVISION DESCRIPTION		RJD	RJD	RJD	DRAWN	RJD	PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT	
A	25/10/21	DRAFT ISSUE TO CLIENT		RJD	RJD	RJD	DATE	18/12/2021	TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE	
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC		RJD	RJD	RJD	CHECKED	RJD	PROPOSED DEVELOPMENT - SEDIMENTATION BASIN SECTION AND CONTROL OUTLET DETAILS		
C	18/11/21	SEDIMENTATION BASIN AND HOLDING POND VOLUME ADDED		RJD	RJD	RJD	DATE	18/11/2021	REPORT REFERENCE	SUPPLIED DRAWING NUMBER	DRAWING NUMBER
							APPROVED	RJD	FIGURE 9	A3	D1-114-00-09
							DATE	18/11/2021			REV. C



LEGEND

- SUBJECT LAND BOUNDARY
- LAND PARCEL BOUNDARY
- EFFLUENT UTILISATION AREA (~16 Ha)
- SOLID WASTE UTILISATION AREA (DRYLAND) (~25 Ha)
- SOLID WASTE UTILISATION AREA (IRRIGATED) (~75 Ha)

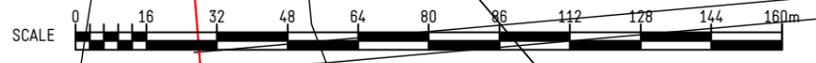
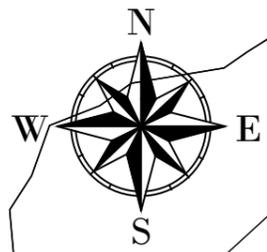
NOTES

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REV.	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:8,000 (A3)	CLIENT	DJ & SA OLIVE
A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD	PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC	RJD	RJD	RJD	DATE	27/10/21	TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - WASTE UTILISATION AREAS
						CHECKED	RJD	REPORT REFERENCE	FIGURE 10
						DATE	27/10/21	SUPPLIED DRAWING NUMBER	A3
						APPROVED	RJD	DRAWING NUMBER	D1-114-00-10
						DATE	27/10/21	REV.	B

DATE PLOTTED: 18 November 2021 BY: RDC Engineers PTY LTD
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- LEGEND**
- SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
 - CONTOUR - MAJOR (5.0 m)
 - CONTOUR - MINOR (1.0 m)

- NOTES**
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REV.	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:1,600 (A3)	CLIENT DJ & SA OLIVE			
A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD	PROJECT PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT			
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC	RJD	RJD	RJD	DATE	18/11/21	TITLE DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - STAGE 1, 2 AND 3 LAYOUT			
C	18/11/21	SEDIMENTATION BASIN AND HOLDING POND VOLUME ADDED	RJD	RJD	RJD	CHECKED	RJD	REPORT REFERENCE FIGURE 13			
						DATE	18/11/21	SUPPLIED DRAWING NUMBER A3		DRAWING NUMBER D1-114-00-13	
						APPROVED	RJD	REV. C			
						DATE	18/11/21				

Information sheet

Environmental Protection Act 1994

Internal review and appeals

This information sheet gives a summary of the process for the review of decisions and appeals to the Land Court and the Planning and Environment Court under sections 519 to 539F of the Environmental Protection Act 1994 and subordinate legislation. This information sheet replaces the two information sheets (1) Internal review and appeal to Land Court (ESR/2015/1742) and (2) Internal review and appeal to the Planning and Environment Court (ESR/2015/1572).

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Version History

Version	Effective date	Description of changes
1.00	13 August 2015	First published version of the guideline.
2.00	13 August 2015	Minor changes and references to legislation updated.
3.00	10 October 2016	Updated to reflect latest version of <i>Environmental Protection Act 1994</i> .
3.01	6 July 2017	Replaced references to the <i>Sustainable Planning Act 2009</i> with <i>Planning Act 2016</i> (commenced 3 July 2017).
3.02	13 June 2018	The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register.
4.00	01 April 2019	Update of conditions relating to financial assurance to reflect the introduction of the Mineral and Energy Resources (Financial Provisioning) Act 2018 and the subsequent changes to the Environmental Protection Act 1994.
5.00	1 November 2019	Updated for the commencement of the progressive rehabilitation and closure plan framework.
6.00	15 September 2020	Updated to reflect changes introduced by the <i>Environmental Protection and Other Legislation Amendment Act 2020</i> .

1 Introduction

The *Environmental Protection Act 1994* (EP Act) includes provisions for the internal review and appeal of certain decisions made under the EP Act.

The decisions that are subject to internal review are referred to as 'original decisions' in Schedule 2 of the EP Act and subordinate legislation.

A person who is dissatisfied with an original decision made by the Department of Environment and Science (the department) may apply to have that decision internally reviewed¹. Generally, an application for a review of an original decision must be:

- made within 10 business days of the receiving a notice about the original decision or from when the department is taken to have made the decision;
- supported by enough information to enable the department to decide the review application; and
- made using the approved form Application for review of original decision (ESR/2015/1573²).

Where an application has been made for a review of an original decision, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review and any later appeal.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days of receiving the notice about the review decision. Schedule 2, Part 3 includes original decisions for internal review only.

What is the relevant court?

Land Court

Original decisions mentioned in Schedule 2, Part 1 are subject to Land Court appeal. These decisions generally relate to environmental authorities for resource activities.

The EP Act confers jurisdiction to the Land Court to hear and determine matters relating to natural resource issues, including appeals against decisions concerning the grant of mining tenures and other state land interests.

Planning and Environment Court

Original decisions mentioned in Schedule 2, Part 2 can be appealed against to the Planning and Environment Court. These decisions generally relate to environmental authorities for prescribed environmentally relevant activities.

The Planning and Environment Court is constituted by judges and hears matters including those relating to planning and development, environmental protection and management, nature conservation and heritage.

The relevant sections of Chapter 11, Part 3 of the EP Act that provide for the review of decisions and appeals are outlined below.

¹ Note: In accordance with section 521(14) internal reviews are not undertaken for an original decision to issue a clean-up notice.

² This form is available on the Queensland Government website at www.qld.gov.au, using the publication number ESR/2015/1573 as a search term.

Chapter 11—Administration, Part 3—Review of decisions and appeals

Division 1—Interpretation

Section 519 Original decisions

- (1) A decision mentioned in schedule 2 is an 'original decision'.
- (2) A decision under an environmental protection policy or regulation that the policy or regulation declares to be a decision to which this part applies is also an original decision.

Section 520 Dissatisfied person

- (1) A dissatisfied person, for an original or review decision, is—
 - (a) if the decision is about an environmental impact statement (EIS) or the EIS process for an EIS—the relevant proponent under chapter 3, part 1, for the project to which the EIS relates; or
 - (b) if the decision is about an application for an environmental authority or proposed PRCP plan for the application—the applicant; or
 - (c) if the decision is about an environmental authority, including financial assurance for the environmental authority, or a PRCP schedule—the holder of the authority or schedule; or
 - (d) if the decision is about an application for registration of a person as a suitable operator—the applicant; or
 - (e) if the decision is about a registered suitable operator—the operator; or
 - (f) if the decision is about taking action after receiving an audit report for an audit of a PRCP schedule—the holder of the schedule; or
 - (g) if the decision is to refuse an application to recognise an accreditation program for an agricultural ERA – the applicant; or
 - (h) if the decision is about a recognised accreditation program for an agricultural ERA – the owner of the program; or
 - (i) if the decision is to give an audit notice under section 322, 322A or 323—the recipient; or
 - (j) if the decision is to conduct an environmental audit or prepare an environmental report for an audit under section 326—the relevant environmental authority holder; or
 - (k) if the decision is about an environmental investigation or environmental protection order – the recipient; or
 - (l) if the decision is about a transitional environmental program—the holder of an approval for the program or person or public authority that is required to submit, or submits, the program; or
 - (m) if the decision is about a temporary emissions licence—
 - (i) the applicant for the licence; or
 - (ii) the holder of the licence; or
 - (n) if the decision is to issue a direction notice, clean-up notice or cost recovery notice—the recipient; or

- (o) if the decision is about recording particulars of land in, or removing particulars of land from, the environmental management register or contaminated land register—the land's owner; or
 - (o) if the decision is about a site management plan for contaminated land—
 - (i) the recipient for the notice to prepare or commission the site management plan, other than for a decision under section 399; and
 - (ii) the land's owner; and
 - (iii) if another person prepares or commissions the plan—the other person, other than for a decision under section 399; or
 - (p) if the decision is about erecting signs on contaminated land—the land's owner; or
 - (q) if the decision is about a disposal permit—the applicant for the permit; or
 - (r) if the decision is about an exemption under chapter 8, part 3F, division 3—the person applying for, or given, the exemption; or
 - (s) if the decision is to give a notice under section 451(1)—the person to whom the notice is given; or
 - (t) if the decision is about an application for approval as an auditor under chapter 12, part 3A, division 2—the applicant; or
 - (u) if the decision is about an auditor—the auditor; or
 - (v) if the decision is about a complaint under chapter 12, part 3A, division 5—the person who made the complaint; or
 - (w) if the decision is about a conversion application under section 695—the applicant; or
 - (x) if the decision is a decision under an environmental protection policy or a regulation that the policy or regulation declares to be a decision to which this part applies—the person declared under the policy or regulation to be a dissatisfied person for the decision.
- (2) A submitter for an application is also a dissatisfied person if the decision is about—
- (a) a site-specific application for an environmental authority for a petroleum activity; or
 - (b) an amendment application under chapter 5, part 7 for an environmental authority for a resource activity, other than a mining activity; or
 - (c) the submission of a transitional environmental program to which section 335 applies.

2 Internal review of decisions

The relevant section of the EP Act regarding the process for the internal review of original decisions is outlined below.

Division 2—Internal review of decisions

Section 521 Procedure for review

- (1) A dissatisfied person may apply for a review of an original decision.

- (2) The application must—
 - (a) be made in the approved form to the administering authority within the following period (the ‘review application period’)—
 - (i) 10 business days¹ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the ‘review date’);
 - (ii) the longer period the authority in special circumstances allows; and
 - (b) be supported by enough information to enable the authority to decide the application.
- (3) The administering authority must, within 5 business days after the end of the review application period or, if 2 or more applications are received in relation to the original decision, the end of the latest of the review application periods, send the following documents to the other persons who were given notice under this Act of the original decision—
 - (a) notice of the application (the ‘review notice’);
 - (b) either-
 - (i) a copy of the application and supporting documents; or
 - (ii) details of where a copy of the application and supporting documents may be inspected or accessed.
- (4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 5 business days (the ‘submission period’) after the day the authority sends the review notice to the recipient.
- (5) If the administering authority receives only 1 application in relation to the original decision and is satisfied the applicant has complied with subsection (2), the authority must, within the decision period—
 - (a) review the original decision;
 - (b) consider any submissions properly made by a recipient of the review notice; and
 - (c) make a decision (the ‘review decision’) to—
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (6) If the administering authority receives 2 or more applications in relation to the original decision and is satisfied the applicants have complied with subsection (2), the authority must, within the decision period-
 - (a) review the original decision; and
 - (b) consider any submissions properly made by a recipient of any of the review notices; and
 - (c) make 1 decision (also the ‘review decision’) in relation to the applications to-
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (7) The application does not stay (i.e. suspend or stop) the original decision.

Note- See part 3, division 4 in relation to stays.

- (8) The application must not be dealt with by—
- (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision.
- (9) Within 10 business days after making the review decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice under this Act of the original decision.
- (10) The notice must—
- (a) include the reasons for the review decision; and
 - (b) inform the persons of their right of appeal against the decision.
- (11) If the administering authority does not comply with subsection (5), (6) or (9), the authority is taken to have made a decision confirming the original decision.
- (12) Subsection (8) applies despite the *Acts Interpretation Act 1954*, s. 27A.
- (13) This section does not apply to an original decision made by—
- (a) for a matter, the administration and enforcement of which has been devolved to a local government—the local government itself or the chief executive officer of the local government personally; or
 - (b) for another matter—the chief executive personally.
- (14) Also, this section does not apply to an original decision to issue a clean-up notice.
- (15) In this section—
- 'decision period'*, for a review of an original decision, means—
- (a) if only 1 application is received in relation to the original decision and a submission is received within the submission period—
 - (i) 20 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (b) if only 1 application is received in relation to the original decision and no submissions are received within the submission period—
 - (i) 15 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (c) if 2 or more applications are received in relation to the original decision and a submission is received within the submission period for at least 1 of the applications—
 - (i) 20 business days after the administering authority receives the latest of the applications; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (d) if 2 or more applications are received in relation to the original decision and no submissions are received within the submission period for any of the applications—

- (i) 15 business days after the administering authority receives the latest of the applications; or
- (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides.

3 Appeals to Land Court

The relevant sections of the EP Act regarding the process for appealing against a decision to the Land Court are outlined below.

Division 3—Appeals

Subdivision 1—Appeals to Land Court

Section 523 Review decisions subject to Land Court appeal

This subdivision applies if the administering authority makes a review decision for an original decision mentioned in schedule 2, part 1.

Section 524 Right of appeal

A dissatisfied person who is dissatisfied with the review decision may appeal against the decision to the Land Court.

Section 525 Appeal period

- (1) The appeal must be started within 22 business days after the appellant receives notice of the review decision.
- (2) However, the Land Court may at any time extend the time for starting the appeal.

Section 526 Land Court mediation

- (1) Any party to the appeal may, at any time before the appeal is decided, ask the Land Court to conduct or provide mediation for the appeal.
- (2) The mediation must be conducted by the Land Court or a mediator chosen by the Land Court².

Section 527 Nature of appeal

The appeal is by way of rehearing, unaffected by the review decision.

Section 528 Land Court's powers for appeal

In deciding the appeal, the Land Court has the same powers as the administering authority.

Section 530 Decision for appeals

- (1) In deciding the appeal, the Land Court may—
 - (a) confirm the review decision; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the administering authority who made the decision, with directions the Land Court considers appropriate.
- (2) In setting aside or substituting the decision, the Land Court has the same powers as the authority unless otherwise expressly stated.
- (3) However, this part does not apply to a power exercised under subsection (2).

- (4) If the Land Court substitutes another decision, the substituted decision is taken for this Act, other than this subdivision, to be the authority's decision.

4 Appeals to the Court

The relevant sections of the EP Act regarding the process for appealing against a decision to the Court are outlined below.

Division 3—Appeals

Subdivision 2—Appeals to Court

Section 531 Who may appeal

- (1) A dissatisfied person who is dissatisfied with a review decision may appeal against the decision to the Court.
- (2) However, the following review decisions cannot be appealed against to the Court—
 - (a) a review decision to which subdivision 1³ applies;
 - (b) a review decision that relates to an original decision mentioned in Schedule 2, Part 3⁴.
- (3) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- (4) A dissatisfied person who is dissatisfied with an original decision to which s. 521 does not apply may appeal against the decision to the Court.

Section 532 How to start appeal

- (1) An appeal is started by—
 - (a) filing written notice of appeal with the registrar of the Court; and
 - (b) complying with rules of court applicable to the appeal.
- (2) The notice of appeal must be filed—
 - (a) if the appellant is the chief executive—within 33 business days after the decision is made or taken to have been made; or
 - (b) if the appellant is not the chief executive—within 22 business days after the day the appellant receives notice of the decision or the decision is taken to have been made.
- (3) The Court may at any time extend the period for filing the notice of appeal.
- (4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Section 533 Appellant to give notice of appeal to other parties

- (1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—
 - (a) if the appellant is the chief executive—all persons who were given notice under this Act of the original decision; or
 - (b) if the appellant is not the chief executive—the other persons who were given notice under this Act of the original decision.
- (2) The notice must inform the persons that, within 10 business days after service of the notice of appeal, they may elect to become a respondent to the appeal by filing in the Court a notice of election under rules of court.

Section 534 Persons may elect to become respondents to appeal

A person who properly files in the Court a notice of election becomes a respondent to the appeal.

Section 536 Hearing procedures

- (1) The procedure for an appeal is to be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.
- (2) An appeal is by way of rehearing, unaffected by the administering authority's decision.

Section 537 Assessors

If the judge hearing an appeal is satisfied the appeal involves a question of special knowledge and skill, the judge may appoint 1 or more assessors to help the judge in deciding the appeal.

Section 538 Appeals may be heard with planning appeals

- (1) This section applies if—
 - (a) a person appeals against an administering authority's decision (whether an original or review decision) about an application for an environmental authority for a prescribed ERA; and
 - (b) a person appeals against the assessment manager's decision under the Planning Act about a planning or development matter for the premises to which the application for the authority relates.
- (2) The Court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other has been decided.
- (3) This section applies even though the parties, or all of the parties, to the appeals are not the same.

Section 539 Powers of Court on appeal

- (1) In deciding an appeal, the Court may—
 - (a) confirm the decision appealed against; or
 - (b) vary the decision appealed against; or
 - (c) set aside the decision appealed against and make a decision in substitution for the decision set aside.

- (2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

5 Stays

Division 4 — Stays

Section 539A Stay of operation of original decisions for internal review

- (1) If an application is made for internal review of an original decision mentioned in Schedule 2, Part 1 or 2, the applicant may immediately apply for a stay of the decision to—
- (a) for an original decision mentioned in Schedule 2, Part 1—the Land Court; or
 - (b) for an original decision mentioned in Schedule 2, Part 2—the Court.
- (2) The Land Court or the Court may stay the decision only if it considers the stay is desirable having regard to the following—
- (a) the interests of any person whose interests may be affected by the granting of the stay or the stay not being granted;
 - (b) any submission made to the Land Court or the Court by the entity that made the original decision;
 - (c) the public interest.
- (3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the end of the period within which an appeal against the review decision may be started under section 525 or 532.
- (5) This section applies subject to sections 539C and 539D.
- (6) In this section—
'internal review', of an original decision, means a review of the decision under section 521.

Section 539B Stay of operation of decisions appealed against to Land Court or Court

- (1) This section applies to—
- (a) an original decision appealed against to the Court if section 521 does not apply to the decision; or
 - (b) an original decision appealed against to the Land Court or the Court if the decision is confirmed or varied by a review decision.
- (2) The Land Court or the Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- (3) A stay may be granted on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the time when the Land Court or the Court decides the appeal.
- (5) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

- (6) This section applies subject to sections 539C to 539E.

Section 539C Stay of decision about financial assurance

- (1) This section applies to an application under section 539A or 539B for a stay of a decision about the amount of financial assurance required under a condition of an environmental authority.
- (2) The decision may not be stayed unless the administering authority has been given security for at least 75% of the amount of financial assurance that was decided by the administering authority.

Section 539D Stay of particular decisions if unacceptable risk of environmental harm

- (1) This section applies to an application under section 539A or 539B for a stay of a decision—
- (a) to ask the scheme manager for a payment of costs and expenses under section 316G; or
 - (b) to make a claim on or realise an EPA assurance under section 316G; or
 - (c) to issue an environmental protection order under section 358.
- (2) The Land Court or the Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

Section 539E Stay of decision to issue clean-up notice

- (1) This section applies to an application under section 539B for a stay of a decision to issue a clean-up notice.
- (2) In deciding the application, the Court must have regard to—
- (a) the quantity and quality of contamination of the environment that is likely to be caused if the stay is granted; and
 - (b) the proximity of the place at or from which the contamination incident is happening or happened to a place with environmental values that may be adversely affected by the contamination.

Section 539F Effect of stay of ERC decision

- (1) This section applies if 1 of the following decisions is stayed –
- (a) an original decision that is an ERC decision;
 - (b) an original decision appealed against to the Land Court if the decision is an ERC decision that is confirmed or varied by a review decision.
- (2) Despite the stay the decision remains in effect for section 297 and the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.
- (3) However, if the holder of the environmental authority in relation to which the ERC decision has been made is required to give a surety under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, the holder is only required, during the period of the stay, to give a surety of 75% of the amount required.

6 Judicial review

Under the *Judicial Review Act 1991*, a person whose interests would be adversely affected by a decision made by the department has the right to:

- request a statement of reasons explaining a decision; and
- apply to the Supreme Court for a review of a decision if they are not satisfied with the statement of reasons for that decision.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:

15 September 2020

Enquiries:

Permit and Licence Management
Ph. 1300 130 372 (select option 4)
Ph:13 QGOV (13 74 68)
Fax. (07) 3330 5875
Email: palm@des.qld.gov.au

¹ Under the *Environmental Protection Act 1994* business days—'generally, does not include a day between 20 December in a year and 5 January in the following year'.

² For information on how to start the appeal, see the *Land Court Rules 2000*. For information on the conduct of the mediation, see the *Land Court Act 2000*. Information is also available on the [Land Court website](#).

³ Subdivision 1 is about appeals to the Land Court.

⁴ Original decisions mentioned in Schedule 2, Part 3 are original decisions for internal review only.

Attachment C - DA210040 Summary of Submissions

Summary of submissions								
#	Doc ID	Name	Address L1	Type	Date	For/Against	Concerns	Questions
1	1082498	L & T Baumann	910 Airport Road Three Moon Q 4630	Properly made	28/01/2022	Against	Concerns about Dust due to increased traffic, increase to noise, the pollution to waterways, pollution of rainwater for drinking (E. coli bacteria and Qfever) affects to lifestyle (inc view) and negative impact to valuations, little benift to overall community	Is there oppourtunity for number to be increased if this feedlot needed to grow? Lack of time to thoroughly review documents
2	1082392	M & T Blue	754 Airport Road Three Moon Q 4630	Properly made	28/01/2022	Against	Concerns about odour, and affects to loss of their income due to difficulty in getting rental tennents, dust particulate and bacterial contaminations, solid waste disposal with possible antibiotic resistance in humans, Carcus disposal, Lifestyle, property valuations and Environmental impact of effluent/waste runoff.	Can the SCU number be changed in the future? Lack of time to thoroughly review documents - citing Christmas period Location of mass morality burials as stated in 4.1.10.1.3 (figure 3)

3	1081857	Sue Gray		Properly made	21/01/2022	For	supporting the increase to production and growth to the area	
4	1082393	A Holly (ALQ)	PO Box 463 Annerley Q 4103	Properly made	28/01/2022	Against	objection due to inaccurate water requirement estimates for the the feelot, threat to endangered and vulnerable wildlife species, advese environmental impacts, lack of regard for animal welfare, lack of consultation with traditional land owners, establishing significant community concerns relating to to factory farming	

5	1082423	M Jamieson	755 Airport Road Three Moon Q 4630	Properly made	28/01/2022	Against	Concerns about Odour, contaminated dust, disposal of waste, overtopping of the pond, soil and water type not suitable, ethical and environmental concerns and that the assessment period should be extended to to the lodgement being placed over the christmas period.	Lack of time to thoroughly review documents - citing Christmas period wants period extended 30 days
6	1082362	P & N Jamieson	757 Airport Road Three Moon Q 4630	Properly made	27/01/2022	Against	Concerns about the odour, and its affects on their livelyhood and lifestyle. Their belief that it is a copy of a dated sumission and are concerned that there is no mention of modern and up to date plans on the process and reduction of waste. Its location relation to tourism and historical sights. Increase to the risk of disease and antibiotic resistance. Negative effects to property valuations.	Unexpected proposal and Lack of time to thoroughly review documents - citing Christmas period

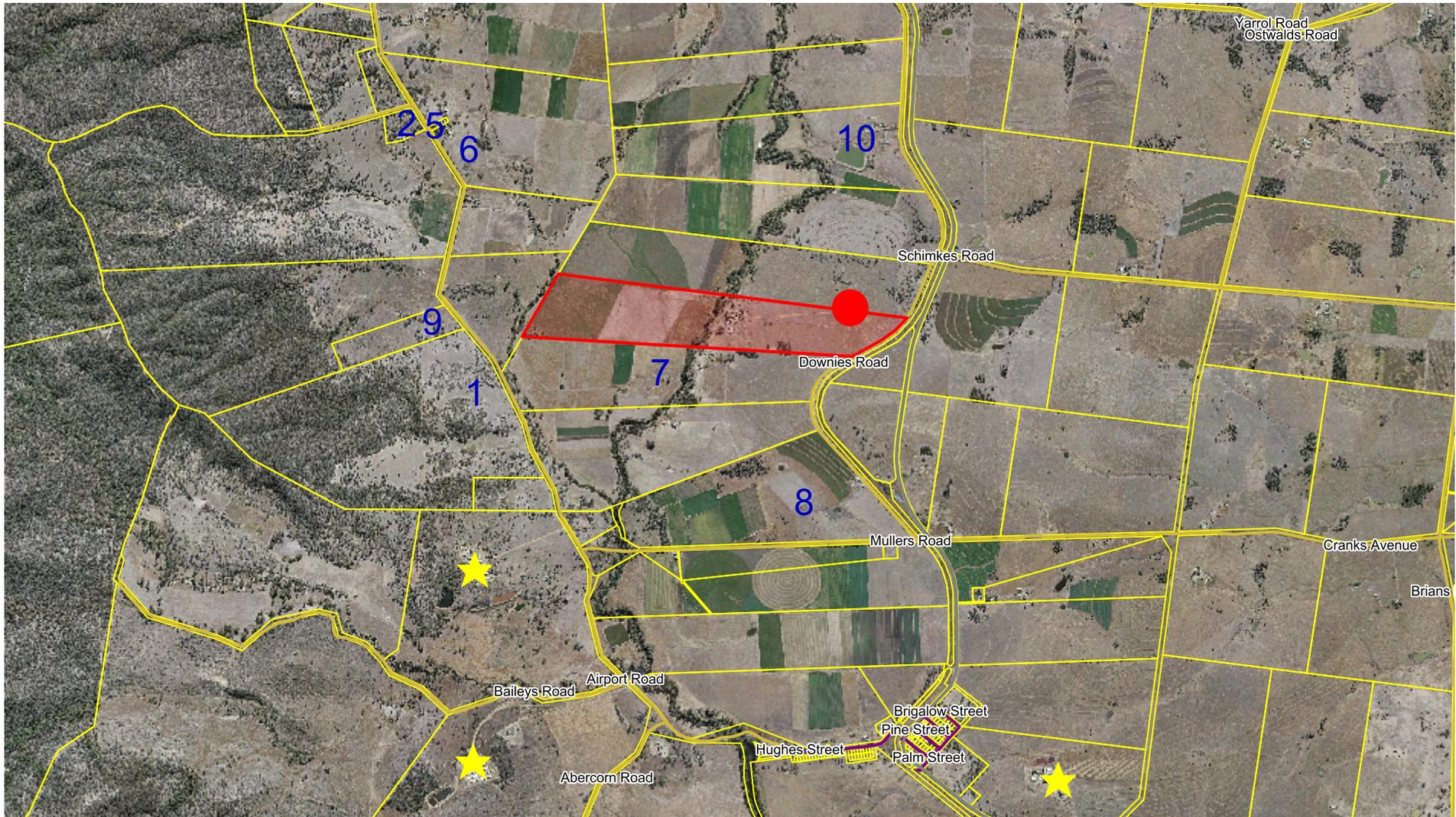
7	1082147	R Roth	382 Downie's Road Monto Q 4630	Properly made	25/01/2022	Against	Amenity	
8	1082478	R & P Schimke	446 Downie's Road Monto Q 4630	Properly made	28/01/2022	Against	question accuracy of report due to errors they have found with the information. Concerned about waste affecting the quality of their stock water, dust and enforcement of breaching of conditions. would bitumen in front of their property be considered.	Who enforces the conditions, what are the consequences of breaching condition? Would bitumen in front of their property be considered.
9	1082385	C & R Zeith	904 Airport Road Three Moon Q 4630	Properly made	27/01/2022	Against	Concerns about odour, dust, air quality/polution, Noise and polution to waterways, property valuation, amenity, and community.	Lack of time to thoroughly review documents - citing Christmas period Requested a third party review
10	1087140	G Downie	144 Downies Road Monto Q 4630	Not properly made	1/03/2022	For	support of development, direct neighbour	

Summarised submission issues	Assessment comment
The development would negatively effect general amenity and would not support rural lifestyle values (inc obstruction of scenic views)	The proposed development for a feedlot is appropriately located in the Rural zone where these types of uses are anticipated. Significant setbacks from surrounding sensitive receptors are provided in accordance with the relevant guidelines. Conditions of the development approval, the associated Environmental Authority and appropriate management techniques will be implemented in accordance with industry guidelines and codes of practice to mitigate against any potential impacts. A site inspection conducted on 23 February 2022 showed the feedlot is best positioned on site to maintain function and limit impacts on views.
The development would negatively effect property values	Under the Planning Act 2016, matters of personal opinion (inc property values) are not assessment benchmarks that may be considered in the development assessment.
The development would increase nuisance - odour, dust, pollution, groundwater pollution which would not be effectively managed	<ul style="list-style-type: none"> • It is standard industry practice that treated effluent and solid waste from cattle feedlotting be applied to the land. • The proposed feedlot will be designed, constructed and operated in accordance with relevant industry guidelines and codes of practice which are designed to address the environmentally relevant aspects of the site, design, construction and operation of a beef cattle feedlot. • The dispersal of effluent and solid waste, water and soil contamination, and air pollution forms part of the Department of Agriculture and Fisheries' Environmental Authority assessment. • The Department of Agriculture and Fisheries as the delegated authority, have assessed the application and issued an Environmental Authority which addresses environmental outcomes including odour, noise, and waste as required by the Environmental Protection Act 1994.
Impacts on public health/human health issues - solid waste disposal with possible antibiotic resistance in humans	The proposed feedlot will be operated in accordance with industry standards including the National Guidelines, Environmental Code of Practice and Waste Management Guidelines, ensuring regular cleaning and maintenance in and around the feedlot to mitigate potential adverse impacts to receptors and surrounding environs. The feedlot operations will be required to comply with the Environmental Authority for the use and the operator will be responsible for ensuring all operations are compliant with applicable Work, Health and Safety laws to avoid adverse impacts to human health.

<p>The welfare and cruelty of animals.</p>	<ul style="list-style-type: none"> • In Queensland, animal welfare is legislated by the Animal Care and Protection Act 2001 which is regulated by the Department of Agriculture and Fisheries, Biosecurity QLD and RSPCA authorised officers. • Persons involved in the operation of the feedlot will have an obligation to comply with the Animal Care and Protection Act 2001, under which a person in charge of an animal, owes a 'duty of care' to that animal. To fulfil this duty of care, the relevant persons must take reasonable steps to provide for the animal's needs. This includes: <ul style="list-style-type: none"> o providing adequate food and water; o providing suitable accommodation and living conditions; o allowing the animal to display normal patterns of behaviour; and o treating any disease or injury. <p>Responsible persons must also ensure that any handling of the animal by the person or caused by the person is appropriate.</p> <ul style="list-style-type: none"> • Council's assessment of the development application has not considered animal welfare as the identified agencies have considered this matter as part of their assessment as industry regulators and authorities in respect to animal welfare.
<p>The development application was not publicly notified correctly and did not allow time for sufficient response.</p>	<p>The development application was publicly notified for 15 business days in accordance with the requirements of the Planning Act 2016. Nine (9) properly made submissions were received, eight (8) of which objected to and one (1) supported the proposed development.</p>

<p>The development would not not benefit the overall community</p>	<p>Intensive agricultural industries which offer value adding and diversification opportunities to traditional grazing are supported in the planning scheme area. Intensive agriculture activities also provide opportunities for other local industries to provide materials and services to support the use, resulting in economic and social benefits to the community. The subject site is located in a small rural community. The proposed development will provide economic benefit through local expenditure and additional job creation. Under the Planning Act 2016, matters of personal opinion are not Assessment benchmarks that may be considered in the development assessment.</p>
<p>Concern for environmental dsamage/harm</p>	<p>The proposed feedlot will be fully contained within the boundaries of the subject premises. The development has a relatively minor footprint in the context of the site. The development site is largley located outside identified areas of environmental significance, It is considered unlikely there will be any adverse impacts on areas of environmental significance as result of the development given the significant separation distance as well as the proposed design and operating practices that will be implemented to avoid environmental harm as a result of the activity. Environmental matters have been considered as part of the State Assessment and Referral Agency and Department of Agriculture and Fisheries assessment process. An Environmental Authority has been issued as a result of this assessment, including conditions to ensure there will be no negative impact on the health and biodiversity of the local ecosystem.</p>

DA210040 – Map of submissions



While every care is taken to ensure the accuracy of this data, the North Burnett Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibilities and all liabilities (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you may incur as a result of the data being inaccurate or incomplete in anyway and for any reason.

DA210040 - Submitters
mapped

1/03/2022

1:42161



DA210040 - Submissions

PUBLIC SUBMISSION-27th January 2022

To the Chief Executive Officer,

This letter is being written with regards to the Development Application, DA210040 Intensive Animal Industry (Cattle Feedlot) at 326 Downies Road, Three Moon.

We have reviewed the plans and documents provided on the council website, but due to the extensive amount of pages, plans and reports in the submission we feel we haven't really had enough time to review the information thoroughly over the past weeks. There are a few concerns that we would like noted with regards to the application.

Dust

The Feedlot will create a lot of dust due to the amount of traffic and trucks travelling on Downies Road and even more so as the driveway and the entire Feedlot will be dirt. All residents in this area collect rainwater for drinking, there is a possibility of increased particulate and bacterial contamination. Dust from feedlots and saleyards have been proven to carry increased concentrations of E-Coli bacteria & Q fever as it is often in the soil.

Noise

We do have concerns with regards to the noise that the feedlot could create. Certain times throughout the afternoon and night we can currently hear the dogs barking, and at certain times during the day the operation of the piggery. As operating hours are well outside of general operating times, its most likely that is when it will be at peak noise, during cattle loading in early mornings or late evenings.

Pollution to waterways

Three Moon Creek, in flood season, often runs into the flats below our property. We do have concerns with the environmental impact of potential contamination if this was to occur. We are confident that Council will address this concern to ensure peoples land and waterways are protected.

Carrying capacities

Is there the opportunity for numbers to be increased if this feedlot needed to grow?

Lifestyle

We purchased our block in October 2015 knowing that there was a Piggery in operation approximately 1 km away. At times, depending on wind direction and the coolness of the air we can smell the odour from the Piggery. Our block was purchased as a lifestyle block to grow and breed cattle and enjoy the scenery that it provided. There is the possibility the development of the feedlot will be seen from our property, impacting our view.

Valuations to property and community

How much impact will this feedlot have on the value of all the surrounding properties and will it be seen as a negative?

We are definitely not against growth within our Monto community but this feedlot will only employ family members, with the possibility of 2 part time employees and the construction to be done will also be by them. There seems to be little direct benefits to Monto community itself.

We appreciate that an extensive amount of research and analysis that has gone into this submission, however, we are concerned that the findings are difficult to measure and are not guaranteed.

Thank you for taking the time to read our concerns with regards to this submission. We trust Council will address all concerns and resolve any issues that may arise.

Regards

Lindsay and Toni-Anne Baumann
910 Airport Road
Three Moon Q 4630
0427 812 649
taward71@bigpond.com

26/01/2022

To the Chief Executive Officer,

We are writing in regards to the Development Application, DA210040 Intensive Animal Industry (cattle feedlot) in 326 Downies Road, Three Moon.

As owners of residences 813 Airport Road and the unmentioned 754 Airport Road (our primary residence), we write to you with our concerns for the proposed feedlot. Having received a letter during the Christmas period informing us of the proposed feedlot we feel that the time to read such an extensive report was inadequate, however with the limited time made available, we have reviewed the application and would like to note some concerns we have found.

Odour

Owning two houses in the SE direction of the proposed feedlot we feel our main concern would be the odour that would be produced from the feedlot. The prevailing SE winds are frequent and would impact not only our homes but also the ones of our closely located neighbours. Our homes are designed to capture the South Easterly breezes. As we rent out residence 813 we believe that with the odour plume from the feedlot over the home would make it difficult finding tenants, affecting our income. We do get an occasional odour from the Bailey Creek piggery located approximately 2km south, when the wind blows from a southern direction.

We can see the location of the feedlot from our home at 754 Airport rd even though 6.4.1.8 states that no residential dwellings have views of the proposed development site from the west in which the visual effect is the greatest.

Dust

As noted in 4.1.5 the access and internal roads will be approximately 5m wide and remain unsealed. With the expected amount of traffic on these roads combined with wind directions we expect to be impacted by dust and air carried particulate and bacterial contaminations in our homes and rain water tanks.

Contaminants such as E-Coli and Q fever from research have shown to be common in saleyard and feedlot soils.

Solid waste

As noted in 4.1.10.3 solid waste will be applied to land where it can be sustainably utilised by crops or pasture and soil. As neighbours of the area that will be used as the solid waste location I am concerned about fresh feedlot manure used on the paddocks in relation to antibiotic resistance in humans. Research by the University of New England, found 30 to 75% of the antibiotic-resistant bacterial load in fresh manure was present in soil treated with fresh manure. 'Queensland County Life, Thursday 20, 2022'

Maximum carrying capacity

The feedlot proposal is for 1450 SCU. Will this number be able to be changed in the future to allow for feedlot growth?

Mortalities

We are unable to identify the proposed development site in Figure 3 for the mass mortality burials as stated in 4.1.10.1.3. We would like knowledge of this location.

Location and lifestyle

We moved from the West to Monto in 2010 after finding an ideal small block within close proximity to town. We moved here with 2 small children with the goal to settle on acreage. Monto provided small acreage blocks in particular along Airport Road. In 2015 we purchased the farm block next door and too continue our primary producer business. We have been fortunate to have great neighbours who also set out to find their own land opportunities along Airport road. I believe that these areas are more rural residential than rural blocks. We have made Monto our home and hope to be able to call it home in the future.

Property valuations

We believe that if the proposed feedlot goes ahead all properties surrounding it will be effected by lower land valuations.

Environment

We are concerned about floodwater/effluent/ waste runoff into the water ways with the feedlot being so close to the Three Moon Creek and the Burnett Basin. Even though the creek doesn't track through our land we are still apprehensive about the environmental management of this development. We have had multiple flood events whilst we have lived here and have seen where the flood waters flow.

Due to the complexity and length of this report I would hope that the council takes on board the concerns that landholder's voice. For further information or queries please don't hesitate to call us.

Regards,

Michael and Tracy Blue

754 Airport Road, Three Moon 46930

Phone: 0417867902

mtreblue@bigpond.com

Lyn McLeod

From: Sue Gray <suegraythehut@gmail.com>
Sent: Friday, 21 January 2022 12:45 PM
To: North Burnett Regional Council
Subject: DA210040 – 326 DOWNIES ROAD, THREE MOON (52 & 53 RW103) – INTENSIVE ANIMAL INDUSTRY (CATTLE FEEDLOT UP TO 1450 SCU)

Good afternoon,

I just wanted to drop a line of support to the family at **DA210040 – 326 DOWNIES ROAD, THREE MOON (52 & 53 RW103) – INTENSIVE ANIMAL INDUSTRY (CATTLE FEEDLOT UP TO 1450 SCU)**

So wonderful to see young local families taking the initiative bringing more production and growth to the local area. You definitely have my support!! ✓
Kind regards,
Susan Gray



Creating a compassionate world

P 07 3255 9572 **A** Suite 6, 478 Ipswich Rd, Annerley
E info@alq.org.au **M** PO Box 463, Annerley QLD 4103
W www.alq.org.au

28 January 2022

The Chief Executive Officer
North Burnett Regional Council
PO Box 390
Gayndah QLD 4625
Sent via email to - admin@northburnett.qld.gov.au

DA210040 - Material Change of Use - Intensive 1,450 SCU Feedlot in Three Moon Submission on behalf of Animal Liberation Queensland

Dear North Burnett Regional Council,

Thank you for the opportunity to provide a submission concerning the proposed 1,450 standard cattle unit feedlot in Three Moon.

Animal Liberation Queensland (ALQ) is an independent not-for-profit organisation that acts on a broad range of animal protection issues.

After assessing the application and supporting documentation, I advise that ALQ strongly opposes the proposed development. Our reasons for this objection include:

- inaccurate water requirement estimates for the feedlot
- threat to endangered and vulnerable wildlife species
- adverse environmental impacts
- lack of regard for animal welfare
- a lack of consultation with Traditional Land Owners
- established significant community concerns relating to factory farming

A summary of the evidence base underpinning these objections is provided below.

1. Estimated water requirements are significantly undercalculated

ALQ understands that the applicants have a current surface water entitlement of 100ML per annum from the Three Moon Creek and 200ML from groundwater, which the applicant asserts is adequate to service the needs of the development at full capacity, as well as their extensive irrigated cropping operations.

The main area of water consumption for any feedlot is the drinking water of the cattle. According to a study from Meat & Livestock Australia¹ (co-authored by the applicant's Project Manager), an initial estimate for calculating the drinking water requirements for feedlot cattle is five litres per 50 kg liveweight, but this is greatly influenced by animal feed intake, breed, ambient temperature and weather.

According to the *National Guidelines for Beef Cattle Feedlots in Australia*², a proposed feedlot would generally need to demonstrate access to approximately 24ML of high-security water per annum per 1,000 SCU of feedlot capacity. In addition to water for stock, this estimate includes water for the following purposes:

- dust suppression
- feed processing
- cattle wash down
- general cleaning
- staff and office amenities



The applicant has estimated an average of only 25.9L per head per day for drinking water for the cattle. Even at the cattle's entrance weight of approximately 350kg, at 5L per 50kg per day, this amount is under-calculated by almost 10L per animal per day. At the estimated exit weight of 600kg, drinking water requirements would be around 60L per head per day. This equals 27.7ML per year for drinking water, almost double the amount that has been estimated by the applicant.

Based on the *National Guidelines for Beef Cattle Feedlots in Australia*, the applicant should be demonstrating that they have access to '24ML per annum of high security water per 1000 SCU for total water requirements'. This equates to 35ML per annum for 1,450 SCU. Without knowing how much of the existing water entitlements the applicant currently utilises, we have serious concerns about the applicant's ability to provide adequate drinking water as well as water for dust suppression, trough cleaning and the other associated water requirements for feedlots.

Noting these considerations, we regard the estimated water requirements for this development to be significantly under calculated.

1

https://www.mla.com.au/globalassets/mla-corporate/research-and-development/program-areas/feeding-finishing-and-nutrition/feedlot-design-manual/04-water-requirements-2016_04_01.pdf

2

<https://www.mla.com.au/%2Fdownload%2Ffinalreports%3FitemId%3D1628&usq=AOvVaw0K2tU22HIpKSWDKATewREM>

2. Threat to endangered and vulnerable wildlife species

The proposed site for this development is important for native wildlife, with 26 threatened species being observed within 5km of the land. These species include the critically endangered southern snapping turtle and the Eastern curlew. Under the *Fisheries Act 1994*, a major and moderate waterway that provides crucial fish passage is located on the proposed development site. Hydrological disruption may impact local wildlife populations that are dependent on these ephemeral waterways.



Southern Snapping Turtle



Eastern Curlew

Furthermore, 15 migratory shorebirds were identified within 5km of the subject land, including critically endangered species like the Far Eastern curlew and Curlew Sandpiper. These birds fly hundreds of kilometres around the world but their populations are in rapid decline due to habitat loss.

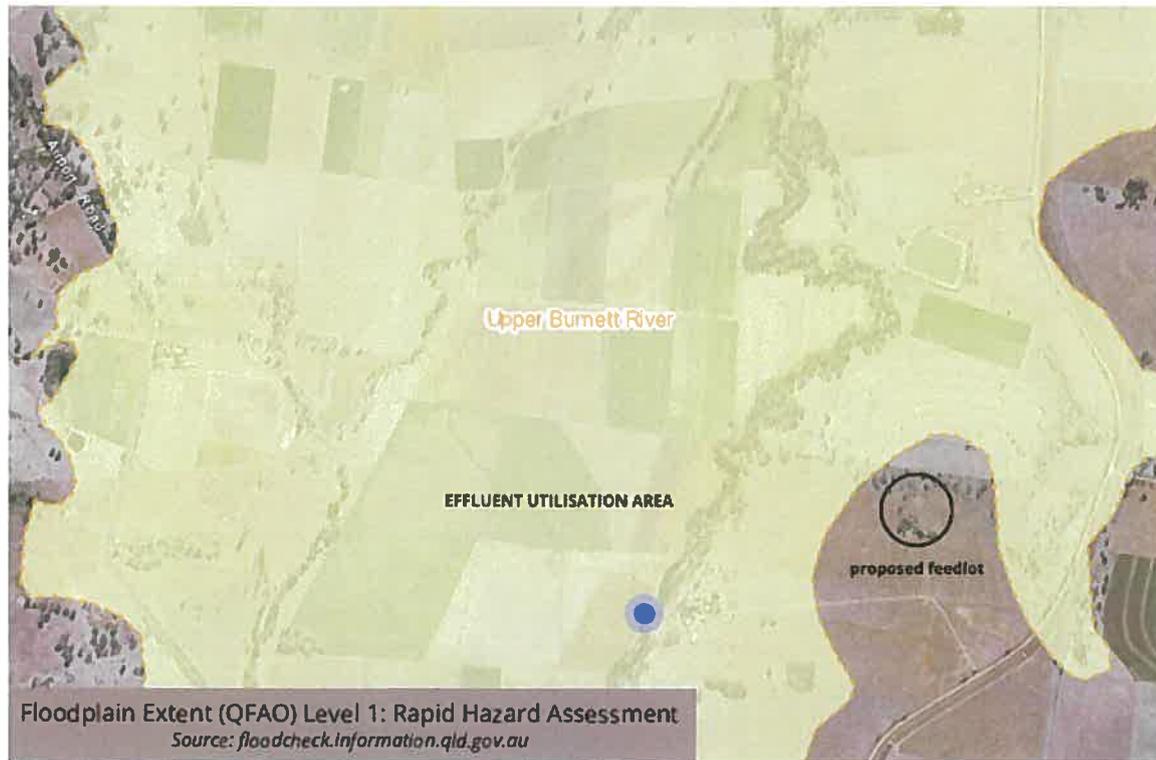
All of these species are highly sensitive to disruptions of their ecosystem, and their populations have already been decimated as a result of human activity. The North Burnett Regional Council has a responsibility to put the survival of these species above the business interests of the applicants.

The nearby wetlands also provide a crucial habitat for a diverse range of flora and fauna, all of which will be affected by the expansion of an intense cattle feedlot in such close proximity.

3. Adverse environmental impacts

This development has potential to impact the environmental value of groundwater on the site through release of contaminants. The site is poorly located for the proposed construction as it's not only located within the Burnett drainage basin, but drains into the GBRMP, increasing the risk of impacting valuable surface waters.

Additionally, the site is located within the Great Artesian Basin and much of the land is subject to occasional flooding during high rainfall. In fact, the areas that are proposed for effluent utilisation are located in areas that are subject to total inundation during extreme weather events.



An extreme weather event with heavy rainfall - which are becoming more frequent as a result of climate change, would cause the property to be inundated with resulting runoff from solid waste and effluent utilisation areas containing organic and mineralised manure constituents to flow into the waterways. This could cause a significant pollution event and ecological hazard. Even more concerning is the threat of an effluent holding pond spill as a result of high rainfall, which would result in catastrophic damage to the water system causing widespread pollution, death of aquatic animals and potentially impacting human health. The risks and impacts are extreme based on the evidenced history and potential consequences.

4. Lack of regard for animal welfare

The majority of Australians are becoming more and more concerned about animal welfare, and the fact that welfare has not been considered in this application means that it does not align with community expectations. According to a [survey report](#) prepared for the Australian Government, 95% of respondents viewed farm animal welfare with concern, and 91% want reform. The general public have increasing apprehension around factory farming due to the serious animal welfare issues.

The applicant has specified that the provision of shade is not a consideration at this time, due to the breeds of cattle they intend on having in the feedlot. This feedlot will frequently reach temperatures in excess of 30 degrees, and be prone to extreme weather events, and the cattle will

have absolutely no shade or shelter. The Animal Care and Protection Act 2001 (ACPA)³ specifies that:

18 (2) Without limiting subsection (1), a person is taken to be cruel to an animal if the person does any of the following to the animal—

*((f) **confines** or transports it—*

*(i) **without** appropriate preparation, including, for example, appropriate food, rest, **shelter** or water;*

Whilst industry codes of practice overwrite core parts of the the ACPA, and therefore provision of shade or shelter is not a legal requirement for feedlot animals, the industry's peak body, the Australian Lotfeeders Association⁴, as well as Meat & Livestock Australia both strongly encourage the provision of shade for feedlot animals. New development applications that don't adhere to this basic level of animal welfare should not be approved.

5. Lack of consultation with Traditional Land Owners

It is disappointing that there appears to have been no consultation with traditional land owners about this development. The lands of Three Moon Creek and the Burnett Basin have been important to Aboriginal people for thousands of years. Many Aboriginal nations retain a connection with the region, and their history, culture and livelihoods are closely intertwined with its river systems.

At the very least, the Wakka and Wulli People should be recognised as a key Stakeholder and be offered the opportunity for consultation.

6. Established significant community concerns relating to factory farming

There is increasing anxiety within the community about climate change, and younger generations are starting to take action against the human rights breaches made by governments approving environmentally destructive developments. A landmark judgment⁵ earlier this year ruled that the Federal Environment Minister has a duty of care to protect young people from the physical harm resulting from climate change.

The Lowy Institute's Climate Poll 2021⁶ found that the majority of Australians believe that global warming is a serious and pressing problem and that we should begin taking steps now, even if this involves significant costs.

In 2018, the Department of Agriculture and Water Resources commissioned Futureye⁷ to identify expectations of farm animal welfare from the community. The report found that the Australian

³ Page 23 - <https://www.legislation.qld.gov.au/view/pdf/2016-07-01/act-2001-064>

⁴ <https://www.feedlots.com.au/shade>

⁵ Probono Australia, "In a landmark judgment, the Federal Court found the environment minister has a duty of care to young people"

<https://probonoaustralia.com.au/news/2021/05/in-a-landmark-judgment-the-federal-court-found-the-environment-minister-has-a-duty-of-care-to-young-people/>

⁶ Lowy Institute Climate Poll 2021 <https://www.loyyinstitute.org/publications/climatepoll-2021>

⁷ Futureye, Australia's Shifting Mindset on Farm Animal Welfare

<https://www.outbreak.gov.au/sites/default/files/documents/farm-animal-welfare.pdf>

public's view on how farm animals should be treated has advanced to the point where they expect to see more effective regulation. In Australia, 95% of people view farm animal welfare as a concern with 91% wanting at least some reform to address this.

60% of respondents either agreed or strongly agreed with the statement 'Factory (or intensive) farming is indefensible', 77% of the respondents either agreed or strongly agreed that 'Animals should have freedom to express normal behaviour' and 81% said that they were concerned about factory farming.

The North Burnett Regional Council has a responsibility to seriously consider these broader public concerns when making decisions that will impact many Australians, not just those within the North Burnett Regional Council region.

7. Summary and conclusion

This development poses a high level of risk to endangered wildlife, vegetation and the wider ecosystem as a whole. The nearby wetlands provide a vital habitat for aquatic animals, birds and plant life, including critically endangered species, and it is imperative that the council does not approve developments that cannot assure the protection of areas of ecological significance.

Rather than approving new or expanding factory farms, we urge the North Burnett Regional Council to encourage and support sustainable ventures that work in harmony with the environment and align with social expectations, enrich the region, and thereby improve the health and wellbeing of all community members.

Thank you for reading and considering my objection to DA210040. For the reasons outlined above, I request that North Burnett Regional Council, as consent authority, refuse the application for an intensive 1,450 standard cattle unit factory farm feedlot.

Please do not hesitate to contact me if you require further information or clarification.

Yours sincerely,

Amanda Holly

Amanda Holly
Campaign Manager
for and on behalf of Animal Liberation Queensland

Email: amanda@alq.org.au

Phone: (07) 3255 9572

Post: PO Box 463, Annerley QLD 4103

To the Chief Executive Officer, North Burnett Regional Council,
cc. Cr Les Hotz & Cr Melinda Jones

From Matthew Jamieson, 755 Airport Road Three Moon, Q

28 January 2022

Objection to Proposed Feed Lot on Downie's Road, Three Moon

I have been resident at 755 Airport Road, Three Moon on and off for 58 years. I was born in Monto and my family first settled on the property which my land is part of in 1922. My father was the celebrated Monto artist Gil Jamieson.

Currently my focus is establishing an art gallery called 'Monto Museum of Art Home to the Gil Jamieson Collection' at the building I own with my daughters at 15-17 Newton Street Monto. I see Monto and the surrounding area as a thriving community with an expanding cultural tourism enterprise. I want to amplify this process by putting my father's work on permanent display in Monto.

Already much community effort has sought to display an artistic and environmental attitude and promote tourism in the town. Monto and surrounds has become a good place that people come to live and enjoy. Establishing a feedlot next to Mulgildie town and school and adjacent to the many properties, which are essentially rural residential, close to town, will not enhance the qualities that make Monto a great place to visit and live.

I have been told about the project and only began to look the documentation on the Sunday 23 January 2022. I looked at a hard copy of the document for a while during the week. Given the size of the document I am unable to give it the time necessary to undertake a thorough analysis.

I regret that the developer has used the Christmas period to release the proposal for public submission. This approach is common to developers attempting to subvert a public process and proceed with a project with lesser degree of scrutiny. This approach means fewer people learn about the proposal, relevant government personnel are on holidays and it is hard for the affected community to obtain expert opinion, as most professionals are also on holiday. I think the assessment authority & the North Burnett Regional Council, should extend the comment period for another 30 days to allow adequate process and analysis.

From my perspective as an affected local landholder the issues of the down wind plume of odour and contaminated dust and the disposal of waste are of major concern. My assessment the proposal should not be approved by Government and is not consistent with the community's welfare or the kind of enterprise developing in this community.

1/ Odour

I note the neighbouring residence of Tracy & Michael Blue on Airport Road Three Moon and also 3 - 4 residences north of the Three Moon silo were not included in the analysis, making the project analysis incomplete. The report uses a method for analysing impact, which is not easily understood by the public. My initial reading of the report suggests that the analysis of odour is superficial and inadequate.

Prevailing wind mean that at least 13 and maybe 16 households on Airport road would be inside close contact of distance of 4 – 6 km for the odour and downwind the plume on the South east prevailing wind.

The analysis disqualifies any cumulative effect of the Hill piggeries in Bailey creek and the Feedlot at Dowling's. Bailey Creek piggery does cause a bad smell at my property at 755 Airport Road when light wind blow from that direction. The smell from the feedlot of Dowling's was considerable and at times very intense when that business was operational. When the wind was from the north and the feedlot was operational the unpleasant odour of the feedlot would come to 755 Airport Road. Location of both these sites means that significant smell from these sites is more infrequently experienced than the new proposal.

The cumulative effective and location of the proposed open-air feedlot mean that the rank smell will be encountered on surrounding downwind properties on a very regular basis. If the proposal were to proceed smell can come from more directions more often. The cumulative effect is that foul feedlot or piggery odour will be encountered significantly more often & especially since the proposal is directly downwind of these properties on Airport Road.

The south easterly is by far the most frequent prevailing wind, which seems to be supported by the information resented in the report. My reading of report and experience from living at the site would lead me to believe that the effected household would expect to be impacted by smell from the proposal the majority of the time.

Dowling's feedlot was very stinking used surface spreading of waste on land which was also not as prone to high volume cross flow flooding as the current proposal.

Black soil substrate in the proposed feedlot area will cause pugging when wet and will presumably has potential to cause even more smell than Dowling's operation. The Dowling feedlot operation is on sand/ loam from Hurdle Gully. The Bailey Creek piggery site is also benefited by the sandy substrate surrounding the location. The wet black soil at the proposed site is boggy when wet, has potential to produce more smell and will prove difficult to operation with machinery when wet for remove dead cattle and solid waste.

Wet conditions and waste and combined with black soil mud will not be good for livestock foot health in the feedlot.

2/ Airborne health risks and dust from feed proposal

Rainwater is collected from the roofs of all the residences along Airport Road and is used for household use and drinking. The downwind proximity of these households to the feedlot proposal and the site for spraying of feedlot wastes out onto the ground means that feedlot contaminated dust and particulate can end up in the drinking water. This has serious negative impacts for water quality and cause increase bacterial contamination of tank water for these residences. Dust from feedlots and saleyards is known to carry increased concentrations of E-coli bacteria.

In my lifetime there has been an appreciable decrease in the fly population in the area. I believe this is because of the reduction in open piggeries and dairy's and associated open sumps, together with the introduction of dung beetles. Again downwind of proposed feedlot, sump and the pump sites for untreated faecal material sprayed onto the flats would cause increase fly populations all year round.

Increased possibility of exposure to the debilitating illness Q-fever caused by breathing in air containing dust contaminated by cattle is another issue facing the downwind residences.

3/ Waste disposal Rainfall and waste storage ponds

The report states that the ponds onsite would account for a 1 in 10 rainfall event but obscures further analysis by not providing the area of drainage for the contaminated feedlot area. The analysis does not provide detail of the area for this catchment or the volume of the sumps.

My measurement of the project site indicates a 9 - 10 hectares drainage area for feedlot and sump. Assuming that the site, is already saturated, 25 mega-litres would be produced from a 10 inch (250MM) rainfall runoff event. Likewise a 50mm of runoff would produce 5 mega-litres of runoff.

ha site	Conv. to m2	Mitres rain event	M3 runoff
10	10000	0.25	25000
10	10000	0.05	5000

In comparison the 2013 rainfall event and subsequently flood was a 36 inch (925mm) rainfall event. Big rain happened also in 2011 & 2015. I recall it being said those were three 1 in 100 year or bigger flood events. It would be useful if the report analysed actual recent rainfall data to model the project against capacity of the site to deal with flow in.

My estimate based on measurement from the map is that the 0.9 m freeboard on the sump provides an additional sump expansion volume of only 5 mega-

litres. The sump would therefore overflow after a rainfall event with greater than 50 mm runoff.

Given that climate change and increasing severity of rainfall events is highly likely that the project will produce significant runoff of uncontrolled drainage and raw effluent flow into the Three Moon Creek on a more than the analysis suggests.

I think the project design does not adequately contain the volume of water the site will experience.

We have had direct family experience of a potentially fatal Leptosporosis episode derived from floodwater, which probably has come from the neighbouring dairy farm. The pathogen risk associated with the proposal does not appear to be outlined in the documentation, especially given the proximity to Mulgildie and the likelihood of contamination of the waterway.

4/ Disposal of wastes on the Three Moon flats

The method of spreading the effluent onto the flats in wet times does not seem to have been adequately discussed. A strategy for dealing with effluent during wet times and potential for contamination of the Three Moon creek is not addressed.

In flood and high rainfall times there is significant likelihood that the effluent pond overflows and the only way to address the overflow is to spray the excess onto the flats. At such times in major rainfall events the effluent would likely wash in to the Three Moon Creek.

Depending on the size of the flow will impact on how the system is impacted. A low flow event will concentrate pollutant locally downstream, while a larger flow being causing dilution of the pollutant with wider downstream distribution.

I presume that water used for stock and processing of feed will primarily come from the irrigation bore on the flats. When this bore was established I understand that it had above 10,000 ppm salt. Assuming that the bore is still above 5000 ppm there will be a problem of concentration of salt through the process of evaporation over the project site. The feedlot waste will have elevated salt concentrations when applied to the irrigation area on the flat. I am concerned that this maybe a design flaw in the project as the report appears to promote an expectation that this effluent will be good for cropping.

The project does not propose composting of the feedlot wastes. Composting produces a very high value agricultural product, which is worth much more to cropping systems than the use of raw waste. Though as stated above salinity of input water impacts this as a proposition. Compost has less impact on the environment and is safer to handle.

5/ Environmental and ethical issues of the project

Another issue is the relative environmental value of feedlot meat product. The production of feedlot cattle with HGP growth promotant implants make this product destined only for restricted markets. Concerns about HGP remaining in meat mean these cattle are excluded from countries where Government consider HGPs to a public health risk.

Cattle are a very inefficient grain converter compared to mono-gastric animal such as turkeys, chickens and pigs. Feedlot cattle are high methane emitters per kg of meat production and therefore are a higher per capital greenhouse emitter. For methane production this kind of meat production is higher than pasture fed cattle or mono-gastric production.

There is an argument that raw cattle faeces from feedlots should be high temperature controlled composted to reduce the potential for selection for anti-biotic resistant strains of pathogens and to reduce the bacterial load of the waste. Feedlot cattle are generally administered more antibiotics than pasture fed cattle.

Also the use of anaerobic ponds will contribute to the methane production at the site and impacts Climate Change in general. The proponent does not appear to analyse the potential for an alternative closed and covered production system with controlled waste disposal regime that captures methane production.

Matthew Jamieson
755 Airport Road, Three Moon Q4630

Has a Bachelor degree in Science with majors in Entomology, Parasitology and Zoology. Has worked in the area of environment protection, impact of industrial resource project and indigenous rights in northern Australia and New Guinea and been a farmer from 1996 in cropping and horticultural crops, with 15 years of free-range monogastric animal production.

To the Chief Executive Officer, North Burnett Regional Council,

We, Peter and Nerida Jamieson are concerned about the proposed feedlot on **326 Downies Road, Three Moon.**

Our family are original long term occupiers of 757 Airport Road, Monto.

As residents our concern is 'odour' from feedlot as mentioned in their application, we are in direct path of prevailing S.E. winds. This will lessen the quality of living standards and impede us from looking at developing farm stay and tourist guiding to Hurdle Gully rainforest, a future enterprise that our children and their children would like to develop.

We have hosted weddings and held events in our well known manicured garden however the odour from the proposed feedlot will stymie this enterprise.

Our garden has been registered in the open garden format and we have hosted two open days. Many buses during festival times and garden club meetings often gather here plus the end of year break up celebrations. The outcome of these events over many years has built a good image of the area. I assume these events will be extremely compromised and may lose those good experiences that these people had at this location.

The frequent occupants of our existing residence have been 'motivational speakers' and 'Birds of Australia' groups, Landcare members, various organisations and many passing friends who often camp in our yard- too many to name all at this point given limited time frame to present this submission.

However here are a few of the top of my head whom have visited and stayed at our residence:

- Peter Kenyon, motivation speaker and WA Australian of the year 2017
- Ian Plowman , motivational speaker and presenter for small town growth
- Tom Debbah, Martial Arts Shihan, 8 Dan, nominated for hall of fame, his academy accepted to participate in the 2000 Sydney Olympic games
- Sir Edward Williams KBE KCMG, Australian of the year and Queenslander of the year 1983
- Members of the Bundaberg tourism board of which I was a member for 2 years
- Executive members of birds Australia have stayed and camped on property more than once to access rare bird life in the Hurdle Gully rainforest.
- Simon Blow, author authority on the Tai Chi Gong, has held workshops in Monto with high attendance locally and from NSW, Vic and Tasmania

- 6 Members of the Gold Coast fire brigade camped and stayed in cottage advising us on fire control in the area
- We are sure these visitations will cease if there is constant bad odour permeating this site. This will be a great loss for the entire community, which could through a bad experience be expressed to wider communities, state and federal

I believe this proposal needs much more council and conservation research before giving any approval especially re waste disposal.

It seems the proposal has been copied from previous feedlot establishment which are dated. Seems new established feedlots have looked at modernisation re: mitigating some negative effects, for example

- Conversion of methane waste into power, using up to date technology
- Pelletization of manure waste
- Limiting use of growth promotants and antibiotics
- Up to date method of composting for plant nutrients

Our concerns as historical members of Monto community i.e.; children of original settlers in 1923 by my Grandfather and my Uncle settled 4 blocks in 1923.

- We occasionally receive odour from existing piggery, usually on a southerly wind. Under feedlot proposed the odour will be received just about every day from SE trade winds in line with residence.
- Dowlings feedlot when in operational often provided a putrid odour
- Negative influence on tourism development in Monto area which at the moment had grown exponentially
- The proposal to use effluent on the Three Moon flats which periodically flood and would have detrimental effects on downstream waterholes etc. on the Three Moon creek. This would have negative effects on wildlife , fish, birds, amphibians and in general water quality
- The fact noted in proposal that this would only create 2 permanent jobs once infrastructure is completed compared to jobs of over 20 in existing piggery
- Traffic increase on Downies road creating more dust exposure
- Fact that it is right beside proposed bike trail on rail corridor passing Art Trail painted silos and historical sightings
- The feedlot will not be a good look with Monto's developing tourism industry in the North Burnett
- Attention drawn to QLD Country Life dated Thursday January 20th 2022, pg60 heading "*Manure link to human antibiotic resistance*"

- Diseases carried by air/ dust affecting rain water catchments
- If properties are devalued due to the feedlot project this will mean less rate revenue will be collected, effecting the bottom line of the entire shire

This is an area that is quite closely settled and a high scenic and liveable area a short distance from rapidly developing cities such as Bundaberg and Gladstone which now as we speak are upgrading roads to allow more visitations to inland areas to make these areas more attractive and accessible to visitors and future residents.

Our family, friends and close associates believe that much of future growth potential in the closely 'settled farming' community will be gained from 'farming people' with farm stays, air B&Bs, and general farming experiences for city people who more than ever are looking to connect with their farming cousins.

We believe establishment of factory type intensive farming will do nothing to enhance these opportunities and will have the opposite effect and turn people away from visiting.

Members of Monto and Mulgildie community past and present have made these towns a place many folks are now choosing to live and raise their families. Such an enterprise as the feedlot that can have up to 10,000 head in a small intensive area will without a doubt create environmental pressures especially considering its proximity to these two towns and closely occupied Three Moon farming residency. This proposed feedlot will without a doubt lessen the value of surrounding dwellings and farming land in its vicinity and could have a negative ripple effect on entire community in the long term.

We hoped to spend our final years on our farm. This community we both love and the community that has nurtured us and our family. Where we have lived for our productive years, raised our children, and have many friends. We enjoy wonderful clean environment, beautiful scenery and fresh air. Our family were looking forward to also living here. It appears that circumstances beyond our control could compel us to move on.

Over the years on this property we have had to overcome adversities e.g. Market fluctuations, negative agricultural politics, drought, fire and many floods.

This project has unexpectedly come from left field. The question is do we have we enough energy and drive to deal with this. This bombshell dropped in our midst over the Christmas period with very limiting time to address the problem.

Peter and Nerida Jamieson
757 Airport Road, Three Moon

Re: Development Application for Material Change of use – Intensive Animal Industry (Cattle Feedlot), 326 Downies Rd, Three Moon. Lot 52 & Lot 53 RW 103 (Council ref: DA210040).

SUBMISSION.

It is my submission that Council should consider this application very carefully and professionally with the **long term ramifications foremost**. Council should be mindful of the **long term footprint** of a feed lot in the area. There are a number of small holdings in the vicinity and I couldn't imagine any of the owners would consider building a substantial dwelling on any holding being close to a feed lot.

I submit that Council should not be swayed simply by the volume of the application (566 pages) followed by the applicants response to councils request for information (196 pages). Much of the content may be pertinent but simply takes many pages to say not very much. One example is the PERMIT issued to Mr & Mrs Olive under Environment Protection Act 1994 *Environmental Authority 2021 -26*. This Permit including drawings was 17 pages long. Another section is an INFORMATION SHEET. *Environmental Protection Act 1994, Internal Review and Appeals*. This section took up 12 pages. I did not take the time to digest the content of this information sheet but my initial thoughts would be that the information contained would only be of use to Mr & Mrs Olive if they were not in concurrence with something in the Permit. I could copy the 29 pages of these two examples into this submission but in my view it would only be padding, the same as it is in the application and response, **and of no value to my submission**.

The application has a professional look about it but it is only the **meaning of the content** that Council can act on. The application and response to councils request uses acronyms and ratings ? that mean little to many people and therefore unable to accurately make a submission on. An example of acronyms used is SBEMP and SOP1 used in the Information Request Response. Table 16 refers to Risk levels prior to Mitigation in one section as M17 Moderate and after mitigation the Risk level would be L5 Low. The question must be asked how much difference is there between M17 and L5 and how low is L5. There are other sections using H High M Moderate and L Low ratings.

ALL THINGS CONSIDERED it is councils decision whether or not is the Material Change of Use appropriate for the community **now and into the future**. If the council reached a position where it could approve the application with conditions then council should consider **how likely would the conditions be enforced** before approving the application.

SUBMISSION Completed by:
Robert Roth, 382 Downie's Rd, Monto 4630 25th January 2022.
Lot 37 RW 103.
Email: robert.roth2@bigpond.com
PH 0498204405

Re: Development Application Permit for Material Change of use for “Intensive Animal Industry” (Beef Cattle Feedlot). 326 Downies Rd., Three Moon. Lot 52 & Lot 53 RW 103 (Council ref: DA210040).

SUBMISSION

It is our submission that Council should consider this application very carefully, with the long term footprint of a feedlot in the area uppermost in their minds. The properties in the vicinity are relatively small and may impact many.

Firstly we would like to express our disappointment at not being notified of this proposal. I understand that Downies Rd./old railway corridor may be considered adjoining, however the proximity of our property boundary and the entrance of this proposed development is very close indeed, it negates the possibility of building a house there if the development goes ahead.

It's hard to trust the accuracy of the report when photographs 15 and 16 are wrong and Lot 39 RW 103 vegetation described as open grassland (few trees, long grass) with all other surrounding Lots crops only (no effective tree cover) this also incorrect. This is a very wordy application, taking many pages to say not much at all. Trying to wade through it to find relevant information very time consuming and sometimes appearing contradictory. Understanding the meaning of the relevant information – what's the difference between M17 Moderate and L5 Low in the Risk Levels before and after mitigation. During a high rainfall event will the effluent find its way to our stockwater dams on Lot 39 RW 103? If we had more time maybe we could do research to be better informed.

Our place of residence, 446 Downies Rd., is right on the road and currently dust is a huge issue, let alone having an intensive animal industry just up the road. We have seen that access to this development should be from the other direction, but if not?... (Who enforces this and what are the consequences of breaching this condition? Would bitumen in front of our residence be considered?)

It is councils decision whether or not to approve the Material Change of Use for this property, we would just like it noted we have concerns.

Russell and Phyllis Schimke
446 Downies Rd., Monto 4630
Lot 36 RW 483; Lot 39 RW 103; Lot 34 RW 122.
email – phyllis.schimke@bigpond.com
Ph. 41672181 or 0488756375
28th January, 2022.

PUBLIC SUBMISSION - 25th of January 2022

To the Chief Executive Officer,

I am writing in regards to the Development Application DA210040 for the Material Change of Use – Intensive Animal Industry (Cattle Feedlot) on 326 Downies Road, Three Moon.

We have reviewed the plans and documents provided on the council website, due to the extensive amount of pages, plans and reports in the submission we feel we haven't really had enough time to review it thoroughly over the Christmas period. However, with the limited time available, we have put together the following summary of concerns;

- **Odour and Air Quality;**

Our main concern is the smell that the feedlot will create and the impact of that on the air quality, especially around our house where our 3 small children live, but also for our surrounding neighbours, of which I can count at least 20 residential houses in a 3km radius. We already have an established piggery to the South of us, which is located 1.7km away. We currently smell that during the winter months and some early mornings with the southern breeze.

We built our new house in 2019 and designed it around the fact that we could possibly smell the piggery at certain times of the year. We effectively blocked that side off and designed the house with our main ventilation on the North East side, which directly faces Downies Road and the proposed Feedlot.

- **Dust and Air Pollution;**

Dust is also a concern due to the wind direction and wind speed, the amount of traffic that the Feedlot will create on Downies Road and the fact the driveway and the entire Feedlot will be dirt.

All residents in this area collect rainwater for drinking, there is a possibility therefore of particulate and bacterial contamination. Research shows dust from feedlots and saleyards have been proven to carry increased concentrations of E-Coli bacteria. Q fever, similarly, is associated with such facilities. Q-fever is caused by breathing in air containing dust contaminated by cattle and other farm animals which is concentrated in facilities like dirt Feedlots.

- **Noise;**

Similar to the above mentioned, we are concerned that noise will travel given the wind direction and the fact we can currently hear their dogs barking, as well as the piggery at certain times of the day.

Given the fact the operating hours are well out of general operating times, its most likely that is when it will be at peak noise, during cattle loading in early mornings or late evenings.

- **Pollution to waterways;**

Although we are not directly affected by the Three Moon Creek, we are still concerned about the environmental impact of potential contamination. We would hope Council would seek further information regarding this as the submission doesn't seem to address it.

- **Location;**
We feel over the years that Airport Road has become a Rural Residential zone with smaller blocks and houses in close proximity. It has become a lifestyle area, not an industrial zone. These are the areas that will attract families, like ourselves, to the region. Where you are given the opportunity to live and work with close proximity to the Monto township but still get the benefit of living out of town. There are very few areas like this around Monto. My husband was born in Monto, and after a few years away gaining experience in his early twenties we moved back in 2010 to help run a local family owned and operated business. We spent a lot of years trying to find a suitable block to buy and build a house on that was far enough out of town to give us this lifestyle but still close enough for us to commute to work.
- **Property Valuation;**
We are concerned that if the above issues aren't addressed and the Feedlot proceeds, then it will be seen as a negative and therefore effect the property valuation of ourselves and the surrounding land owners.
- **Community;**
We both feel strongly that we want Monto to continue to grow in any industry that creates jobs which can afford people the lifestyle that Monto can produce. Unfortunately, this submission only proposes 2 part time jobs along with the 2 full time owners which currently already operate their own business. They also propose to do all their own construction, use their own machinery and plan to purchase any shortfall of feed, where possible, in the areas between Biloela to Bundaberg. There seems to be little benefit to the direct local community. The proposed Feedlot will then in turn affect around 20 close residences, families and their potential businesses.

We appreciate that an extensive amount of research and analysis that has gone into this submission, however, we are concerned that the findings are difficult to measure and are not guaranteed.

Intensive Animal Industries and Cattle Feedlotting is a specialised area and we would welcome a third parties view on this.

If this proposed submission goes ahead, Council should be prepared to fully support and take action on any future concerns and issues that arise from the Feedlot.

If you need any further information or have any queries, please don't hesitate to contact either of us.

Regards,

Cameron & Rachel Zieth
904 Airport Road, Three Moon Q 4630
Phone 0407645312
rach@djsteel.com.au

28 February 2022

North Burnett Regional Council

PO Box 390

GAYNDAH QLD 4625

Re: Development Application for: Material change of use - Intensive Animal Industry for Feedlot on Lot 52 & 53 RW103 326 Downies Road, Three Moon.

To whom it may concern: (David, John & Lyn)

This letter is written confirmation in support of the Feedlot mentioned above and application submitted by Dale & Steph Olive. We neighbour the proposed site to the north on Lot 54 & 55 RW104 at 144 Downies Road, Three Moon.

Regards

A handwritten signature in black ink, consisting of the initials 'GRD' followed by a horizontal line with a small upward tick at the end.

Geoff Downie

DA210040 – Response to submissions by applicant

Our ref: D1-114-OB-DA-210040-RtS-220218

18 February 2022

Chief Executive Officer
North Burnett Regional Council
PO Box 390
GAYNDAH QLD 4625

Dear Sir,

Re: DA210040 – DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR “INTENSIVE ANIMAL INDUSTRY” (BEEF CATTLE FEEDLOT) – AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA 2 1(b)), 326 DOWNIES ROAD, THREE MOON – LOT 52 RW103 AND LOT 53 RW103 – RESPONSE TO SUBMISSIONS

I act for the applicant DJ & SA Olive in regards to the above matter.

This letter provides a response to the issues raised in the submissions to DA 210040, 326 Downies Road, Three Moon – Lot 52 RW103 and Lot 53 RW103.

Issue 1 – Odour

Several submissions raised the issue of odour from the proposed development and cumulative odour resulting from the piggery developments in the local area.

Issue 1 – Response

Matters relating to odour impacts have been adequately addressed in section 6.4.1.9 of the development application (RDC Engineers, 2021). The proposed development meets all required separation distances to sensitive receptors in accordance with the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition (MLA, 2012). An Environmental Authority (2021-26) has been granted for the proposed development by the Department of Agriculture and Fisheries.

The issue of cumulative odour impacts has been considered and addressed in section 6.4.1.9.6 of the development application (RDC Engineers, 2021). The Odour Impact Assessment from Developments (DEHP, 2013) state that multiple sources of the same type of odorant (e.g. multiple sheds on a poultry farm) to be additive in nature. As odours from a beef cattle feedlot and piggery have different characteristics the impacts are not cumulative

As outlined in section 6.4.1.9.4 of the development application (RDC Engineers, 2021), a worst case surface roughness factor of “Crops only” was assumed which translates into a greater required separation distance.

Issue 2 – Air quality – Dust

Several submissions raised the issue of air quality, in particular dust and zoonotic diseases from the operation of the proposed development including the dust originating from the public road network.

Issue 2 – Response

The proposed development meets all required separation distances to sensitive receptors in accordance with the National Guidelines for Beef Cattle Feedlots in Australia (MLA, 2012a). An Environmental Authority (2021-26) has been granted for the proposed development by the Department of Agriculture and Fisheries.

As outlined in the National Guidelines for Beef Cattle Feedlots in Australia, and stated in section 6.4.1.6 of the development application (RDC Engineers, 2021), if the separation distance is suitable to mitigate against odour impacts, dust impacts are also not expected by default (MLA, 2012).

There are no sensitive receptors adjoining Downies Road north from the subject land entrance to Schimkes Road along the principal haulage route. Consequently, traffic generated dust is not expected to be an issue. The proposed development can easily be conditioned to ensure that this segment of Downies Road is the principal haulage route.

QFever & E-Coli Risks

Various livestock enterprises are conducted within the Monto/North Burnett district including beef cattle breeding, grazing, lot feeding, dairies and piggeries for example. It is more than likely that QFever & E-Coli are present in the region. The bacteria that causes Q Fever is excreted in milk, urine, and faeces of infected animals. Most importantly, during birthing the organisms are shed in high numbers within the amniotic fluids and the placenta.

To minimise impacts from Q Fever (if present in the lot-fed animals) all personnel in direct contact shall be vaccinated for Q Fever, any visitors shall be prevented from having direct contact with animals in the proposed development and dust levels shall be managed in accordance with relevant guidelines. The proposed development meets all required separation distances to sensitive receptors under the relevant guidelines for odour and therefore dust impacts are also not expected due to the separation distances. An Environmental Authority (2021-26) has been granted for the proposed development by the Department of Agriculture and Fisheries.

The treatment of solid wastes shall be in accordance with the National Guidelines for Beef Cattle Feedlots (MLA, 2012) and the Beef cattle feedlots: waste management and utilisation manual (MLA, 2015).

E-Coli prevention shall be managed with good hygiene practices both personal and at slaughter and not feedlot hygiene per se.

Issue 3 – Noise

The issue of noise impacts was raised in submissions.

Issue 3 – Response

Matters relating to noise impacts have been addressed in section 6.4.1.2 of the development application (RDC Engineers, Pty Ltd, 2021).

Further, the proposed development is in a rural area with noise generating rural activities such as agricultural vehicles, cropping, livestock handling, pumping of water for example.

Issue 4 – Visual

The issue of incorrectly referenced Photographs 15 and 16 was raised along with views of the proposed development.

Issue 4 – Response

Photograph 15 and Photograph 16 are incorrectly referenced. Photograph 15 should be Photograph 15 – Burnett Highway/Schimkes Road intersection (looking south) and Photograph 16 should be Photograph 16 – Burnett Highway/Schimkes Road intersection (looking north).

It was stated in the development application that houses to the west would not be visually impacted. The closest residential dwelling to the west of the proposed development is 2.5 km. As the proposed development is located towards the top of a low hill, it is difficult to visually screen the proposed development from viewing locations in the west, in particular if any dwellings are elevated above the plains. The photograph below shows that a dwelling to the northwest can be seen from the proposed development site.



View from development site looking west

Issue 5 – Adequate water supply and quality

The issue of adequate supply and quality of groundwater was raised.

Issue 5 – Response

The applicant has 100 ML of surface water from Three Moon Creek and 200 ML of groundwater per water year (July to June). The applicant shall prioritise water use with the agricultural enterprises on the subject land with livestock drinking water within the proposed development taking priority over all other activities such as irrigated cropping operations.

Based on the National Feedlot Guidelines (MLA, 2012) estimate, some 35 ML for the proposed development at full capacity may be required if all of the activities listed in the National Beef Cattle Guidelines (MLA, 2012) were undertaken e.g. feed processing, cattle washing etc. When compared with the 300 ML attached to the subject land there is sufficient water available to service the proposed development.

Since the applicant purchased the property in March 2021, the groundwater quality has been measured every 3 months as a routine part of their crop management program. These data demonstrate that the salinity of the groundwater is in the order of 2,000 ppm and well below the threshold levels for adverse impacts to livestock and crops.

Issue 6 – Animal Welfare and Factory Farming

The issue of animal welfare was raised in particular factory farming and use of shade.

Issue 6 – Response

Animal welfare matters in QLD are governed through legislation including the Animal Care and Protection Act 2001 and Animal Care and Protection Regulation 2012.

The implementation of shade within the proposed development is not a mandatory requirement under relevant acts and guidelines.

Issue 7 – Threat to endangered and vulnerable wildlife species

The issue of impacts to endangered and vulnerable wildlife species was raised in particular the suitability of the proposed development site.

Issue 7 – Response

Matters relating to endangered and vulnerable wildlife species have been addressed in section 5.6.5 and section 5.15.8 of the development application (RDC Engineers, 2021).

Further, the proposed development site has been previously used for cropping and is currently used for livestock grazing on improved pastures.

Issue 8 – Adverse Environmental Impacts

The issue of adverse environmental impacts was raised in particular to surface waters as the site is located within the Burnett drainage basin and through release of contaminants to groundwater.

Issue 8 – Response

The proposed development has been designed and shall be constructed in accordance all relevant guidelines as outlined in the relevant sections of the development application (RDC Engineers, Pty Ltd, 2021). The proposed development complex site is not subject to flooding. Manure and effluent shall be applied at sustainable rates to crops in line with crop uptake requirements.

Issue 9 – Traditional Land Owners

The issue of consultation with traditional owners was raised.

Issue 9 – Response

Matters relating to Aboriginal Cultural Heritage have been addressed in section 5.8 of the development application (RDC Engineers, 2021).

Issue 10 – Property valuations

The issue that the proposed development may decrease the value of surrounding dwellings and farming land was raised.

Issue 10 – Response

The proposed development is in a locality with a well established history of intensive livestock development. It could be argued that the proposed development may increase property values.

Issue 11 – Modernisation

The issue was raised in relation to feedlots and adoption of modern technologies and techniques to mitigate some negative effects, for example;

- Conversion of methane waste into power, using up to date technology
- Pelletisation of manure waste
- Limiting use of growth promotants and antibiotics
- Up to date method of composting for plant nutrients

Issue 11 – Response

Collection and utilisation of methane from a dry based system such as a beef cattle feedlot is uneconomical (Davis, RJ et al., 2010). The feedlot industry has investigated pelletisation of manure. To date there is one pelletisation facility in QLD co-located with a cattle feedlot and

this facility has received a funding injection from the Queensland Government's \$150 million Jobs and Regional Growth Fund.

Matters relating to solid waste management and utilisation have been considered in section 4.1.10 and 4.3.6 of the development application (RDC Engineers, 2021).

Issue 12 – Community Support/Jobs

The issue was raised that the proposed development would support only 2 FTE when compared to other intensive livestock developments in the region.

Issue 12 – Response

The workforce is directly proportional to the scale of the development. The applicant has been contacted directly with positive support from many locals and business for the proposed development. These include:

- Monto Grains Cooperative called 29/1/2022 to offer their support.
- Downie family (neighbour on Monto side) came to visit with support.
- Ogle family (Schimkes Road) spoke to the applicant with support.
- Penney family (Mulgildie) spoke to the applicant with support.
- Atkinson family (Mulgildie) spoke to the applicant in support.
- “Goonidicum Station” - Nadia Campbell rang the applicant directly to offer her support.

Whilst the submissions and development application (RDC Engineers, 2021) state that the proposed development as a family owned and operated enterprise may only employ a few workers, where possible, the applicant is a strong supporter of local business within the community through purchasing of seed, fertiliser, chemicals, machinery parts, fuel, livestock fodder (drought feed and lick, dog feed, horse feed), livestock supplies, vet supplies, steel supplies, vehicle and other parts/repairs and maintenance, groceries and household supplies, meat, stationery and supporting schools and after school clubs and committees for example. The applicant is committed to supporting local business first as is demonstrated in their existing agricultural operations and this will continue during the construction and operation of the proposed development (should the Council approve the proposed development). The applicant feels it is important to see all community members thriving, so the town thrives.

Issue 13 – Solid waste management and utilisation

There were several submissions which raised the issue of solid waste (manure and mortality) management and utilisation in particular the spreading of fresh manure on the alluvial plains of Three Moon Creek and management of mortalities.

Issue 13 – Response

Matters relating to solid waste management and utilisation have been considered in section 4.1.10 and 4.3.6 of the development application (RDC Engineers, 2021).

Manure harvested from the production pen area of the proposed development shall be temporarily stockpiled within the solid waste stockpile and carcass composting area. The manure shall be allowed to anaerobically compost over a period of 6-12 months prior to spreading on land and in line with the cropping program. Typical mortalities shall be composted within a dedicated area within the solid waste stockpile and carcass composting area. Manure freshly scraped from the production pens shall not be directly applied to cropping land.

The proposed solid waste management and utilisation practices are in accordance with best practice guidelines for a beef cattle feedlot as outlined in the National Guidelines for Beef Cattle Feedlots (MLA, 2012) and the Beef cattle feedlots: waste management and utilisation manual (MLA, 2015).

In the event of mass mortalities, an appropriate disposal site on the subject land to the south of the proposed development complex shall be identified in consultation with relevant authorities. This location is above flood level and in heavy clay soils.

Issue 14 – Antibiotic Resistance

The issue of human antibiotic resistance to manure in an article in the QLD Country Life dated Thursday January 20th 2022, pg60 heading was raised.

Issue 14 – Response

A link to the article has been provided below.

<https://www.queenslandcountrylife.com.au/story/7583779/using-feedlot-manure-as-fertiliser-could-be-worsening-antibiotic-resistance-in-humans/>

The research undertaken by UNE at Tullimba Feedlot related to fresh manure. The Australian Feedlot industry introduced mandatory antimicrobial rules (transitioned in from 2018) which were being praised in the article. The results, which Australia has adopted, was that stockpiling manure for at least 5 months dramatically reduced the level of antibiotic resistant bacteria.

The proposed development proposes to stockpile manure and does not propose to spread fresh manure.

Issue 15 – Hormone Growth Promotants (HGP)

The issue of using Hormone Growth Promotants (HGP) was raised.

Issue 15 – Response

Olive Beef is currently registered with EU accreditation and at this stage does not use HGP.

Issue 16 – Expansion of carrying capacity

The issue of expansion of the proposed development was raised.

Issue 16 – Response

Relevant approvals such as planning and environmental would need to be sought for any future expansion of the proposed development through a future development application.

Issue 17 – Site soil characteristics - Black soil

The issue was raised relating to the proposed development site being located on black soil with reference to the Dowling Feedlot which was stated as causing a smell and pugging occurring within the pens as its located on the black soil plains.

Issue 17 – Response

The proposed development has been designed and shall be constructed with adequate pen slope and drainage in accordance with the National Guidelines for Beef Cattle Feedlots in Australia (MLA, 2012) . Further, the pen areas shall have a compacted gravel surface. Consequently, the pens shall drain quickly following rainfall and the pen surface will not be subject to pugging by the action of the cattle.

Issue 18 – Fly Population

The issue of a potential increase in the fly population as a result of the proposed development was raised.

Issue 18 – Response

MLA research has shown that flies breed right across the feedlot wherever there is undisturbed manure, spilt feed and moisture. The main fly breeding sites are under fence lines, in drains, sedimentation basins and silage pits. Keeping grass short to minimise fly resting places is also a known method of reducing fly populations.

A high level of feedlot hygiene (pen/drain cleaning, spoilt feed removal, controlling weeds, maintaining grass short etc) and implementation of a tailored integrated pest management (IPM) program shall minimise any adverse impacts from flies.

Further, the applicant is willing to adopt methods and participate in trials in accordance with feedlot best practice guidelines.

Issue 19 – Rural Residential vs Rural

The issue of whether the locality was a Rural Residential zone with smaller blocks and houses in close proximity was raised.

Issue 19 – Response

The subject land is zoned **Rural zone (Intensive agriculture precinct)** under the NBRC planning Scheme.

Issue 20 – Waste disposal Rainfall and waste storage ponds

An issue was raised in relation to the capacity of the effluent runoff pond.

Issue 20 – Response

The effluent holding pond has been designed in accordance with relevant guidelines. An Environmental Authority (2021-26) has been granted for the proposed development by the Department of Agriculture and Fisheries.

References

Davis, RJ, Watts, PJ and McGahan, EJ 2010, Quantification of feedlot manure output for BEEF-BAL model upgrade, RIRDC Project No. PRJ-004377, Rural Industries Research and Development Corporation, Canberra.

Department of Environment and Heritage Protection, 2013, guideline: Odour Impact Assessment from Developments, Department of Environment and Heritage Protection, Brisbane.

Meat and Livestock Australia, 2012, National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition, Meat & Livestock Australia, North Sydney, NSW.

Meat and Livestock Australia, 2015, Beef cattle feedlots: waste management and utilisation, Meat and Livestock Australia, North Sydney, NSW.

RDC Engineers Pty Ltd, 2021, Development Application – Material Change of Use for Intensive Animal Industry (Beef cattle feedlot) on the property “Creek Paddock”, DJ & SA Olive, D1-114B/V1R2 RDC Engineers Pty Ltd, Toowoomba, QLD, 4350.

Should you require any additional information or clarification in relation to this matter, please do not hesitate to contact the undersigned.

Yours sincerely



Rod Davis
Director

M 0427 629203

E Rod.Davis@rdcengineers.com.au | W www.rdcengineers.com.au

Attachment D

Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a development application for Material Change of Use at 326 Downies Road, Three Moon on land described as Lot 52 & 53 on RW103. The statement is required under **section 63 Notice of decision** of the *Planning Act 2016*.

1.1 Facts and circumstances

- (1) The application was deemed properly made on 02 November 2021.
- (2) Council issued the Confirmation notice on 08 November 2021.
- (3) The site is comprised of two lots – both lots are used for residential use of 'Dwelling house' and rural uses of animal husbandry and cropping.
- (4) The material change of use application is for a 1450 standard cattle unit (SCU) feedlot which is defined as "Intensive animal industry".
- (5) The application triggers referral to the State in relation to—
 - (a) Environmentally Relevant Activity 2(1B) for Intensive animal feedlotting (Cattle feedlotting: >1000 but <10,000 SCU);
- (6) Department of State Development, Infrastructure, Local Government & Planning (DSDILGP) confirmed the applicant's referral on 17 November 2021. DSDILGP provided its response on 03 December 2021.
- (7) The application did not include sufficient information and it was necessary to issue an information request. The information request was issued on 24 November 2021. The applicant provided a response on 09 December 2021. This was considered sufficient without need for a further advice request from Council.
- (8) Public notification was undertaken in accordance with the Development Assessment Rules and the Planning (COVID-19 Emergency Response) Regulation 2020.
- (9) The development application was publicly notified from 06 January 2022 to 28 January 2021, and the Council received ten (10) submissions—
 - (a) Council received the notice of intention to commence public notification on 15 December 2021;
 - (b) Council received the notice of compliance with public notification requirements on 03 February 2021;
- (10) The following matters have been key considerations for the assessment manager—
 - (a) material about the application, including the proposal plan/s and the applicant's report;
 - (b) the North Burnett Regional Planning Scheme 2014 v1.4 (amendments commenced 17 August 2020), to the extent relevant; and
 - (c) the SPP, to the extent that it is not appropriately integrated in the planning scheme;
 - (d) development approvals and lawful use of adjacent land.

1.2 Category of assessment

- (1) The site is in the Rural zone – Intensive Agriculture precinct.
- (2) The proposal is identified as impact assessable against the Planning Scheme.
- (3) The proposal also requires assessment against the following codes—
 - (a) Intensive animal uses code
 - (b) Filling and excavation code
 - (c) Infrastructure and operational work code
 - (d) Flood hazard overlay code;

- (e) Infrastructure overlay code
- (f) Natural features or resources overlays code

1.3 Assessment benchmarks

1.3.1 State planning instruments

- (1) *Regional plan*—the Wide Bay Burnett Regional Plan is appropriately integrated in the planning scheme and does not require further or separate consideration for Council to decide the application.
- (2) *State planning policy*—the Minister identified that the State Planning Policy was integrated into the planning scheme in the following ways
 - (a) aspects of the State Planning Policy appropriately integrated—all relevant aspects;
 - (b) aspects of the State Planning Policy not integrated—nil;
 - (c) State planning policy parts not relevant to North Burnett Regional Council—
 - (i) State interest—Coastal environment;
 - (ii) State interest—Natural hazards, risk and resilience for coastal hazards—erosion prone areas;
 - (iii) State interest—Strategic airports; and
 - (iv) State interest—Strategic ports

1.3.2 Strategic Framework

The Strategic framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme.

1.3.2.1 Natural environment and sustainability

- (1) The site is found in proximity to numerous natural environment values, namely watercourses, the largest of which being Three Moon Creek. The proposed use has the potential to create environmental harm resultant from operations. Notwithstanding, the development has been appropriately designed to mitigate environmental harm or has been otherwise imposed conditions to ensure environmental harm is minimised or avoided.
- (2) The proposed use has been designed and located on an area of the side that is predominantly non-vegetated and features appropriate setbacks from watercourses.
- (3) An environmental risk assessment has been undertaken as part of common material which concluded compliance with a numerous potential hazard prone to this activity or made relevant mitigation measure recommendations. The development is to be undertaken in accordance with this risk assessment.

1.3.2.2 Strong rural economy and futures

- (1) *... an increase in the health and diversity of rural business and industry will contribute to the region's economic resilience ...*
 The existing site is presently utilised for Cropping and Animal Husbandry. The proposed development seeks to diversify and expand their existing cattle breeding enterprise by establishing a feedlot to allow additional growing and finishing of stock. The proposed use is found to increase existing rural business with economic benefit to the broader local economy.
- (2) The proposed development has been designed and is able to be carried out in such way that the long-term viability and productive use of the land for agricultural pursuits is not irreversibly damaged.

1.3.2.3 Community Strength and Wellbeing

- (1) *... diversity of rural business and industry will strengthen and sustain North Burnett's economy ...*

The proposed development seeks to diversify and expand their existing cattle breeding enterprise by establishing a feedlot to allow additional growing and finishing of stock. The proposed use is found to increase existing rural business with economic benefit to the broader local economy.

1.3.2.4 Infrastructure, Services and Facilities

- (1) The subject site is located within a Rural area and has limited access and provision of urban infrastructure and services other than reticulated electricity and local roads. The proposed development is designed and located as such for appropriate catering of on-site servicing, including potable water, wastewater and effluent management and electricity generators.
- (2) The common material of the development has demonstrated no worsening or adverse impact to upstream or downstream properties.

1.3.3 Zone code

- (1) The proposal complies with the Rural zone code as—
 - (a) it complies with the purpose and overall outcomes of the zone code;
 - (b) it complies with the relevant performance outcomes of the zone code.
- (2) Despite involving an Intensive Animal Industry use within the Intensive agricultural precinct, the proposed development is considered consistent, having regard to the following—
 - (a) The proposal has been appropriately designed and would be operated pursuant numerous environmental management standards and regulations.
 - (b) The proposal is found, subject to reasonable and relevant conditions, to not cause irreversible damage and can be readily removed from the site and rehabilitated to pre-development condition for agricultural pursuits.
 - (c) There is a strong interdependency of the feedlot with the cropping undertaken on the balance of the land—and improves its productivity.
 - (d) the proximity of other intensive animal industries—Bailey Creek Piggeries operate three sites within 4.0 km of the site.

1.3.4 Overlay codes

- (1) The proposal complies with the Planning Scheme 8.2.3 Flood hazard overlay code as—
 - (a) The development, other than effluent utilisation area, has been wholly designed to be located outside the Flood hazard overlay area;
 - (b) no material change of use or works proposed or required, including within the Flood hazard overlay area; and
 - (c) Safe evacuation egress is available to the site from the existing access location from Downies Road.
- (2) The proposal complies with the Planning Scheme 8.2.3 Natural features or resources overlays code as—
 - (a) The development has been appropriately designed and sited to avoid adverse impact to naturally sensitive areas of the site;
 - (b) The physical scale of the development has limited built form that is readily reversible to pre-development condition; and
 - (c) An environmental risk assessment has been undertaken as part of common material which concluded compliance with a numerous potential hazard prone to this activity or made relevant mitigation measure recommendations. The development is to be undertaken in accordance with this risk assessment
- (3) The proposal complies with the Planning Scheme 8.2.3 Infrastructure overlay code as—
 - (a) The development has no to negligible impact upon infrastructure assets or their associated operations to the extent that they are relevant to this development.

1.3.5 Other development codes

- (1) The proposal complies with the Planning Scheme 9.3.8 Intensive animal uses code as—

- (a) Whilst located within the Intensive agricultural precinct, the development is able to comply with the relevant requirements as to not compromise the use of the site for long-term agricultural production;
 - (b) The proposed development intends to continue carrying out agricultural production as a source of feed for the animal use. This production is to be supported by irrigation resultant of the development.
 - (c) all minimum separation distances prescribed by planning scheme are complied with. No sensitive receptor (dwelling house) is identified in unreasonable proximity to the site. Adverse impact upon the local visual amenity is lessened by exceeding compliance of road frontage and side boundary setbacks.
 - (d) the total site area is 184.5ha, greater than the minimum required 100ha;
 - (e) no referable wetlands are identified in vicinity to the site.
- (2) The proposal generally complies with the Planning Scheme 9.4.3 Infrastructure and operational work code as—
- (a) The proposed lots will be serviced to a suitable level given the rural location and characteristics of the development.
 - (b) The development has sufficient area for the provision of on-site potable water and effluent management infrastructure and facilities.
 - (c) Road upgrades and the provision of stormwater infrastructure are not required for the development.
 - (d) The provision of existing electricity and telecommunications is available to the lot. Alternative off-grid options, such as generators, are advocated and recommended due to separation of the use area from existing infrastructure.
- (3) The proposal generally complies with the Planning Scheme 9.4.3 Filling and excavation code as—
- (a) The development will be serviced to a suitable level given the rural location and characteristics of the development;
 - (b) The development has located proposed works outside of mapped flood hazard area as to not impact flood storage capacity; and
 - (c) Reasonable and relevant conditions have been imposed in relation to matters of stormwater management, erosion and sediment control, water storage and effluent management to ensure no adverse impacts in relation to flood hazard, amenity or upstream and downstream residents.

1.3.6 Other relevant matters

In accordance with section 45 of the *Planning Act 2016*, an impact assessment may be carried out against, or having regard to, any other relevant matters, other than a person's personal circumstances, financial or otherwise. In this instance, no further assessment against other relevant matters under section 45 was deemed necessary given the high level of compliance with the planning scheme.

1.4 Consultation

1.4.1 Internal stakeholder comments

- (1) Council's Technical Services provided comment on the development in relation to the applicant's consideration of the Drinking Water Quality Management Plan Guidelines (Drinking Water Act 2008). A request for further information addressing effect on source drinking water quality was made. The request specified that the applicant should include a risk assessment with mitigations and notification actions they would take towards Council if they did have an event that led to contamination of the waters of 3-Moon Creek
- (2) The request was included in Council information request issued on 24 November 2021. The applicant provided a response on 09 December 2021.
- (3) Technical Services emphasised any development approval from Council does not indicate agreement to them accessing artesian aquifers.

- (4) Council's Technical Services did not identify any specific development conditions and supports approval of the application.

1.4.2 External stakeholder comments

DSDILGP has conditioned that the development must be carried out generally in accordance with Development Application for 1450 SCU Feedlot including the approved plans of development.

1.4.3 Public consultation

The development application was publicly notified from 6 January to 28 January 2022, and the Council received ten (10) properly made submissions—

- (a) Council received the notice of intention to commence public notification on 15 December 2021;
- (b) Council received the notice of compliance with public notification requirements on 3 February 2022;
- (c) Public notification was undertaken in accordance with the Development Assessment Rules and the Planning (COVID-19 Emergency Response) Regulation 2020.

1.5 Key issues for this application

- (1) The assessment manager considers that the following matters have been instrumental in its decision—
- (a) The development has been designed with setbacks in excess of the minimum required and in areas outside of mapped hazard and environmental value;
 - (b) The common material of the development application has identified and addressed numerous potential issues, notably in relation to environment and flood impacts.
 - (c) The development, whilst located in an intensive agricultural precinct, provides a land use commensurate to the Rural zone and does not result in an irreversible damage that otherwise limits the long-term agricultural production of the site;
 - (d) The development has direct road access which is to be retained and can be suitably serviced with infrastructure appropriate to its relatively remote rural location.

1.6 Decision rules under the *Planning Act 2016*

- (1) The assessment manager—
- (a) may approve all or part of the application;
 - (b) may refuse the application;
 - (c) may give a preliminary approval for all or part of the proposal;
 - (d) may impose conditions.
- (2) Development conditions must—
- (a) be relevant to but not an unreasonable imposition; and
 - (b) be reasonably required as a consequence of the development.
- (3) Having regard to the above matters and after assessing the application against the assessment benchmarks, the assessment manager decides to approve all of the application and impose conditions in accordance with the decision rules.

Date

Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

Your Reference: D1-114
Our Reference: DA210040

DJ & SA Olive
C/- RDC Engineers Pty Ltd
326 Downies Road
THREE MOON QLD 4630

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE— INTENSIVE ANIMAL INDUSTRY FOR CATTLE FEEDLOT UP TO 1450 SCU & ENVIRONMENTALLY RELEVANT ACTIVITY—ERA 2 (1B) INTENSIVE ANIMAL FEEDLOTING > 1000 SCU AT 326 DOWNIES ROAD, THREE MOON ON LAND DESCRIBED AS LOT 52 AND 53 RW103.

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 27 October 2021 and taken to be properly made on 02 November 2021.

Please find attached the Decision Notice for the above-mentioned development application.

Sections 71 and 72 of the Planning Act 2016 identifies when a development approval has effect and the development may start. In summary, a development approval generally has immediate effect, except when—

- if there is an appeal, after the appeal has ended;
- if there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

Please quote Council's application number: DA2100410 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours faithfully

Shane Anderson
Planning & Environment Manager

Enc: Decision notice
Approved plans



Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 19 May 2021 The North Burnett Regional Council has assessed your application and decided it as follows—

Applicant's Details

Name: DJ & SA Olive
 C/- RDC Engineers Pty LtdBCP Farming Pty Ltd
 Postal Address: 326 Downies Road
 THREE MOON QLD 4630

Location details

Street address: 326 Downies Road, Three Moon
 Real property description: Lot 52 and 53 RW103
 Local government area: North Burnett Regional Council

Application details

Application number: DA210040
 Approval sought: Material Change of Use
 Description of development proposed: Material Change of Use— Intensive Animal Industry for cattle feedlot up to 1450 SCU & Environmentally Relevant Activity— ERA 2 (1b) Intensive animal feedlotting > 1000 SCU

Decision

Date of decision: [Click here to enter a date.](#)
 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.

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Making a material change of use of premises for an environmentally relevant activity	Schedule 10, part 5, division 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in Attachment 3—

Drawing/report title	Prepared by	Date	Reference no.	Version/ issue
Development application – Material Change of Use proposed development – development complex layout	RDC Engineers	27/10/2021	D1-114-00-04	B
Development application – Material Change of Use proposed development – Stage 1, 2 and 3 layout	RDC Engineers	27/10/2021	D1-114-00-13	B
Development application – Material Change of Use proposed development – Production pen details	RDC Engineers	27/10/2021	D1-114-00-05	B
Development application – Material Change of Use proposed development – Internal roads and vehicle manoeuvring	RDC Engineers	27/10/2021	D1-114-00-06	B
Development application – Material Change of Use proposed development – Controlled drainage area 1 – catchment area plan – stage 1, 2 and 3	RDC Engineers	27/10/2021	D1-114-00-08	B
Development application – Material Change of Use proposed development – waste utilisation areas	RDC Engineers	27/10/2021	D1-114-00-10	B
Development application – Material Change of Use proposed development – Stage 1 layout	RDC Engineers	27/10/2021	D1-114-00-11	B
Development application – Material Change of Use proposed development – Stage 1 and 2 layout	RDC Engineers	27/10/2021	D1-114-00-12	B

Conditions

This approval is subject to the conditions in [Attachment 1 and 2](#). These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Further development permits

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

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

Properly made submissions

The development application was publicly notified from 6 January to 28 January 2022, and the Council received 8 properly made submissions—

- Council received the notice of intention to commence public notification on 15 December 2021;
- Council received the notice of compliance with public notification requirements on 3 February 2022;
- Public notification was undertaken in accordance with the Development Assessment Rules and the Planning (COVID-19 Emergency Response) Regulation 2020. Not applicable — No part of the application required public notification.

Referral agencies for the application

The referral agencies for this application are—

For an application involving	Name of referral agency and address	Advice or concurrence agency
Environmentally relevant activity Schedule 10, Part 5, Division 4, Table 2 of the Planning Regulation 2017. Non-devolved environmentally relevant activities	Department of State Development, Manufacturing, Infrastructure and Planning State Assessment and Referral Agency (SARA) E: WBBSARA@dsgmip.qld.gov.au P: PO Box 979 Bundaberg QLD 4670	Concurrence

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*—refer <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sec.85>. A hard copy of section 85 of *Planning Act 2016* can be provided upon request

Environmental authority

The application was accompanied by an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Details of the approval are included below;

- Environmental authority: 2021-26
- Effective Date: On the day the development approval takes effect under the *Planning Act 2016*.
- Prescribed environmentally relevant activity (ERA): ERA 2 (1b) Intensive animal feedlotting > 1000 SCU

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* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>) and Schedule 1 of the *Planning Act 2016* (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>). 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* – <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6-pt.2>). A hard copy of the appeal rights extracted from the *Planning Act 2016* can be provided upon request.

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Yours faithfully

Shane Anderson
Planning & Environment Manager

Enc: Attachment 1-conditions imposed by assessment manager
Attachment 2-conditions imposed by concurrence agency
Attachment 3-approved plans
Attachment 4-appeal right

Attachment 1 – Conditions Imposed by Assessment Manager

General

- 1) Carry out the approved development in accordance with the approved plans and documents identified in section 5 “Approved plans” of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between conditions of this approval and details shown on the approved plans and documents, the conditions prevail.
- 3) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4) Comply with all the conditions of this development permit prior to commencement of the use, and maintain compliance whilst the use continues.

Approved use and standards

- 5) The approved development is for a Material Change of Use for “Intensive Animal Industry” (1450 standard cattle units) and Environmentally Relevant Activity 2(1)(b) Intensive animal feed lotting >1000 SCU assessable under the planning scheme as defined in the Planning Scheme and as shown on the approved plans and documents.
- 6) Design, construct and operate the feedlot—
 - a) for the cattle feedlot—equivalent to or better than a Class 1 intensive in accordance with the Meat and Livestock Australia National guidelines for Beef Cattle Feedlots (MLA 2012);
 - b) the Meat and Livestock Australia National Beef Cattle Feedlot Environmental Code of Practice (MLA 2012).
- 7) While the use continues all activities must be managed in accordance with:
 - a) the relevant Environmental Authority issued by the Department of Agriculture and Fisheries or any subsequent Environmental Authority that is issued for the approved use;
 - b) the development approval conditions; and
 - c) The Development Assessment Report prepared by RDC Engineers reference D1-114 DS Olive MCU OB FL VIR2 (dated 27 October 2021).

Development staging

- 8) Carry out the approved development generally in the stages as described in Table 9 in the RDC Engineers development application report D1-114 DS Olive MCU OB FL VIR2 dated 27 October 2021 and depicted in the approved plans.
- 9) The development must occur sequentially in the order outlined in Condition 8 unless otherwise approved in writing by Council.

Amalgamation

- 10) Prior to the first change of use happening, amalgamate Lots 52 and 53 on RW103. Any existing easements encumbering Lots 52 and 53 on RW103 that are rendered redundant by the amalgamation may be extinguished.

Signage

- 11) Signage is to be provided at the entrance of the site displaying information including details of, and the contact phone numbers for:
 - a) The operator of the site; and
 - b) Person(s) responsible for the management of the site.

Fencing

- 12) Fencing is to be provided and maintained to prevent unauthorised access to the development and other high-risk areas. Warning signs advising of the nature of use and any danger or hazard, are to be placed on the perimeter fence on any frontage to a public road and boundary to land used for a sensitive land use.

Amenity and Nuisance

- 13) No unreasonable and sustained nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

Construction management

- 14) Unless otherwise approved in writing by the Assessment manager, do not carry out building work in a way that makes audible noise—
 - a) on a business day or Saturday, before 6:30am or after 6:30pm
 - b) on any other day, at any time.
- 15) Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.
- 16) Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.

Earthworks

- 17) All earthworks carried as part of this development is to be in accordance with the Australian Standard 3798-2007 - Guidelines on Earthworks for Commercial and Residential Developments”.

Erosion and sediment control

- 18) Implement and maintain an erosion and sediment control (ESC) plan on-site for the duration of the operational and building works, and until all exposed and disturbed soil areas are permanently stabilised, to prevent the release of sediment or sediment laden stormwater from the site.
- 19) Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard, including hazard to passing traffic.

Infrastructure

- 20) Prior to the commencement of any works onsite submit to Council a Stormwater Management Plan including all necessary engineering calculations approved by an RPEQ.

- a) Stormwater is to be managed in accordance with the Stormwater Management Plan.
 - b) Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding is to be created within the vicinity of the development.
- 21) Design, install, operate and maintain an on-site effluent disposal and treatment system that—
- a) prevents a risk to public health;
 - b) prevents environmental damage, including to land, soil, groundwater and surface water; and, and
 - c) protects community amenity.
- 22) The development must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance, fire-fighting purposes and also a potable water supply sufficient to meet the needs of staff and visitors to the site. .
- 23) Prior to commencing work on the use submit a design satisfactory to the Council for work necessary to prevent vehicles tracking sediment onto adjoining roads during construction activity and thereafter while the approved use is operating. Such work may include a rock exit pad, shaker rack or wheel washer.
- 24) While undertaking construction and at all times while operating the intensive animal use—
- a) install and maintain the approved vehicle tracking work;
 - b) limit construction and operational traffic to the designated location(s);
 - c) remove all material tracked onto the roads.

Electricity

- 25) The development must be provided with an adequate supply of electricity. If such a supply cannot be achieved through efficient design, alternative energy technologies or portable generators, a connection to a reticulated electricity network must be made available.

Vehicle access, parking, and manoeuvring

- 26) All heavy vehicle traffic associated with the approved use must enter and exit the site via Schimkes Road in accordance with the approved plans.
- 27) All weather internal vehicle access shall be provided for traffic movements within the development site area, including—
- a) Direct access to the site is limited to the existing access crossover servicing the site from Downies Road;
 - b) sufficient on-site car parking to accommodate employees and visitors;
 - c) generally—incorporate adequate road width, turning radii, drainage, all-weather surface, and adequate site distance;
 - d) sufficient on-site manoeuvring to allow all vehicles to enter and leave the site in forward direction. Vehicle movements in this regard are to be totally contained within the development site boundaries and designed to accommodate movements by a minimum 19 metre long Articulated Vehicle.
- 28) Design and construct loading, unloading and set down areas in accordance with AS2890.2 Parking facilities—Off-street commercial vehicle facilities.

Hazard management

- 29) Hazardous materials must be stored outside identified hazard overlay areas and in accordance with the relevant procedures and standards.

Waste management

- 30) Provide an impervious bin storage area for the storage of refuse bins in accordance with the following—
- a) designed so as to prevent the release of contaminants into the environment
 - b) sufficiently sized to accommodate all refuse bins
 - c) screened from the road frontage or other public space by landscaping or constructed screening
 - d) must be maintained in a clean and sanitary manner.
- 31) Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.

Biosecurity plan

- 32) A Biosecurity Plan for the premises must be prepared and implemented in accordance with the *Biosecurity Act 2014*. A copy of the plan must be submitted to Council prior to commencement of the approved development.

Environmental management

- 33) The area and its surrounds must be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses;
- 34) Invasive weed species and pests are to be managed in accordance with the relevant procedures and standards.

Landscaping

- 35) Vegetation clearing and removal from the site is limited to the approved building area to facilitate the approved use and works.

Lighting

- 36) Lighting to be used within the development is to be designed and installed in accordance with AS4282-1997: "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause nuisance to occupants, nearby residents or passing motorists.

Advice to the applicant

- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. Information with respect to other council approvals, licences or permits may be found on Council's website. For information about State and Commonwealth requirements please consult with these agencies directly.
- The approved development is an Environmentally Relevant Activity and requires an Environmental Authority to be issued by the Department of Agriculture and Fisheries prior to the commencement of use and must remain current while the use continues. All references to the 'Environmental Authority' within these conditions refer to the Environmental Authority for this approved use.
- This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take

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

- Inspect the vegetation prior to clearing for the presence of nesting birds, koalas, and other fauna, including habitat hollows. No clearing of vegetation which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the Queensland Nature Conservation Act 2002.
- Vegetation clearing for the purposes of infrastructure must comply with the "Accepted Development Vegetation Clearing Code – Clearing for Infrastructure" document by the Department of Natural Resources, Mines and Energy or otherwise a formal application for Operational Works is required to be submitted to SARA for assessment. Please note that some aspects of the vegetation clearing works may be required to be notified to DNRME as part of the Accepted Development requirements.
- The use has been approved in an area that is not currently connected to a reticulated water supply. In accordance with the *Public Health Act 2005*, the development must be provided with a safe, adequate and potable water supply. Tank water must be treated to a potable standard and fitted with an appropriate sanitation system such that water is safe to drink. It is recommended that prior to commencement of use, testing certification be undertaken in order to ensure water is safe for consumption.



Attachment 2 – Conditions Imposed by Concurrence Agency

Intentionally left blank

**Please refer to the following pages for the conditions imposed
by the Concurrence Agency.**



Attachment 3 – Approved Plans

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Please refer to the following pages for approved plans.



Attachment 4 – Appeal Rights Planning Act 2016

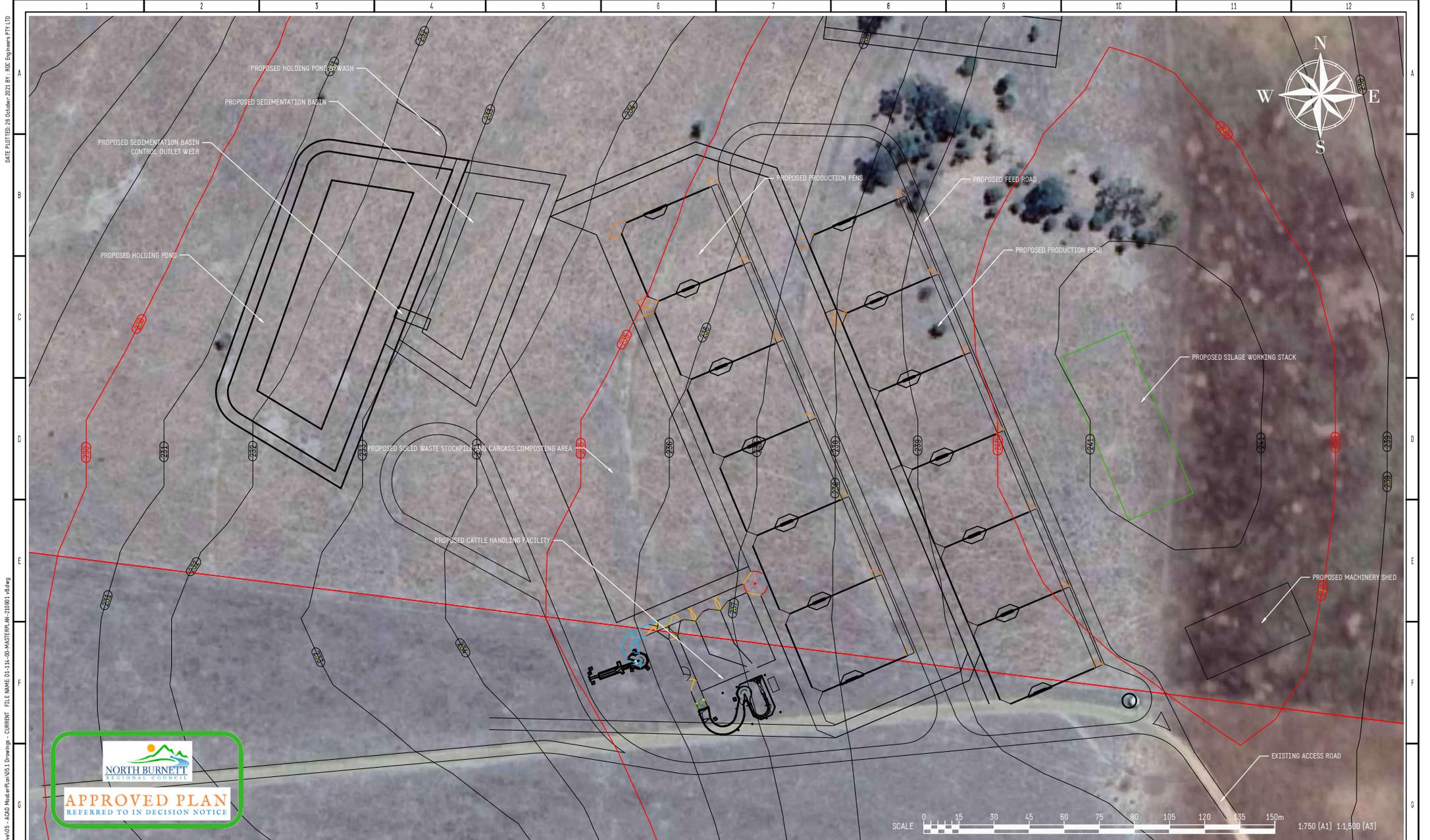
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Please refer to attached document or

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#ch.6>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sch.1>





- LEGEND**
- SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
 - CONTOUR - MAJOR (5m)
 - CONTOUR - MINOR (1m)

NOTES

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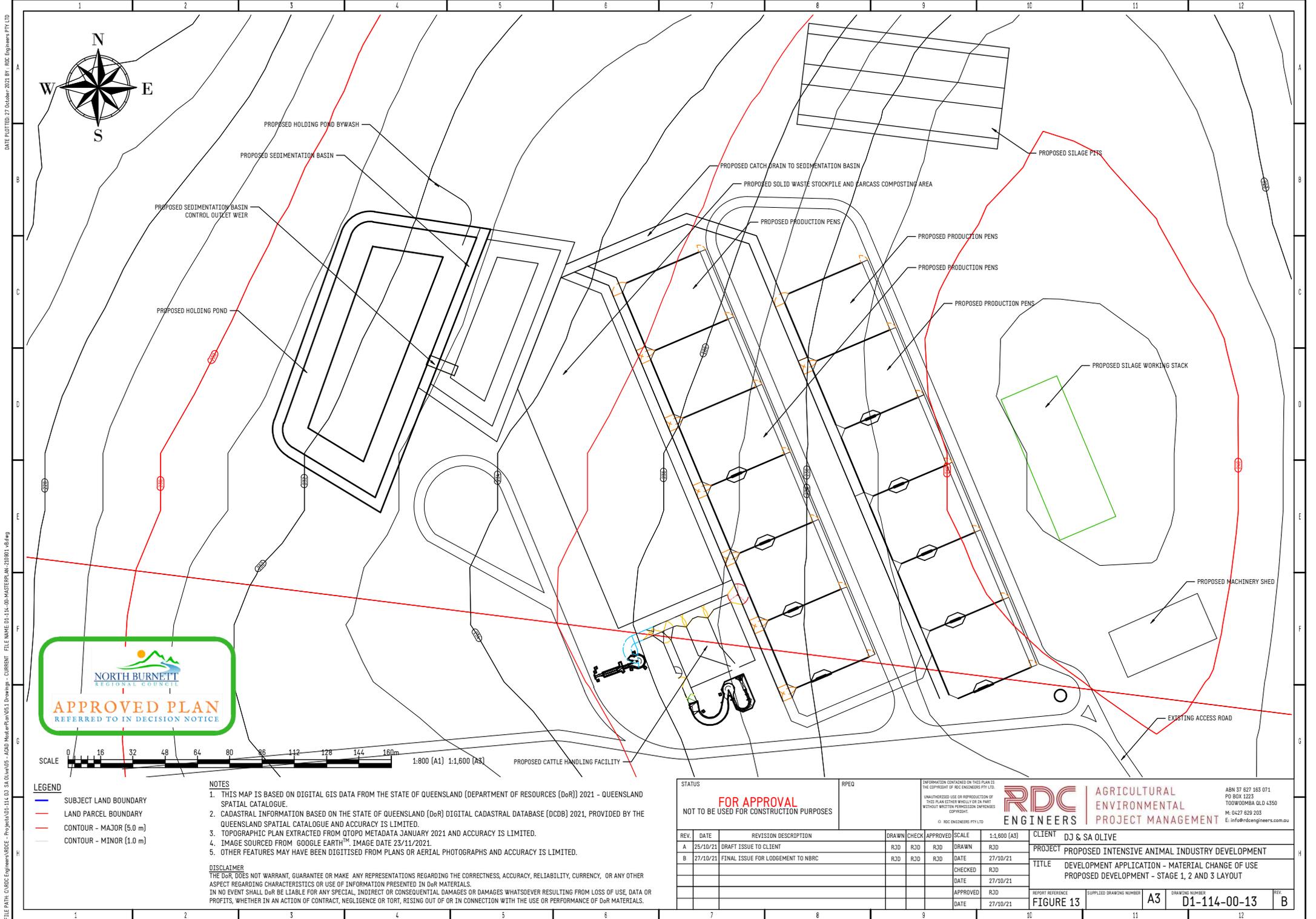
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ABN 37 627 155 071
 PO BOX 1223
 TOOWOOMBA QLD 4350
 M: 0427 629 203
 E: info@rdcengineers.com.au

REV	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE
A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	1:1,500 (A3)
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC	RJD	RJD	RJD	1:1,500 (A3)
					CHECKED	RJD
					DATE	27/10/21
					APPROVED	RJD
					DATE	27/10/21

CLIENT	DJ & SA OLIVE
PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT
TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - DEVELOPMENT COMPLEX LAYOUT
REPORT REFERENCE	FIGURE 4
SUPPLIED DRAWING NUMBER	A3
DRAWING NUMBER	D1-114-00-04
REV.	B

DATE PLOTTED: 26 October 2021, BY: RDC ENGINEERS PTY LTD
 FILE PATH: C:\RDC\Engineers\RDCE - Projects\A1-114-00-MASTER\PLAN - 202101.dwg
 CURRENT FILE NAME: D1-114-00-MASTER.PLAN - 202101.dwg



- LEGEND**
- SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
 - CONTOUR - MAJOR (5.0 m)
 - CONTOUR - MINOR (1.0 m)

- NOTES**
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 PO BOX 1223
 TOOWOOMBA QLD 4350
 M: 0427 629 203
 E: info@rdcengineers.com.au

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A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	1:1,600 (A3)
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC	RJD	RJD	RJD	1:1,600 (A3)
						CHECKED RJD
						DATE 27/10/21
						APPROVED RJD
						DATE 27/10/21

CLIENT	DJ & SA OLIVE		
PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT		
TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - STAGE 1, 2 AND 3 LAYOUT		
REPORT REFERENCE	SUPPLIED DRAWING NUMBER	DRAWING NUMBER	REV.
FIGURE 13	A3	D1-114-00-13	B

DATE PLOT: 27 October 2021, BY: RDC ENGINEERS PTY LTD
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 CURRENT FILE: MasterPlan\031.Dwg
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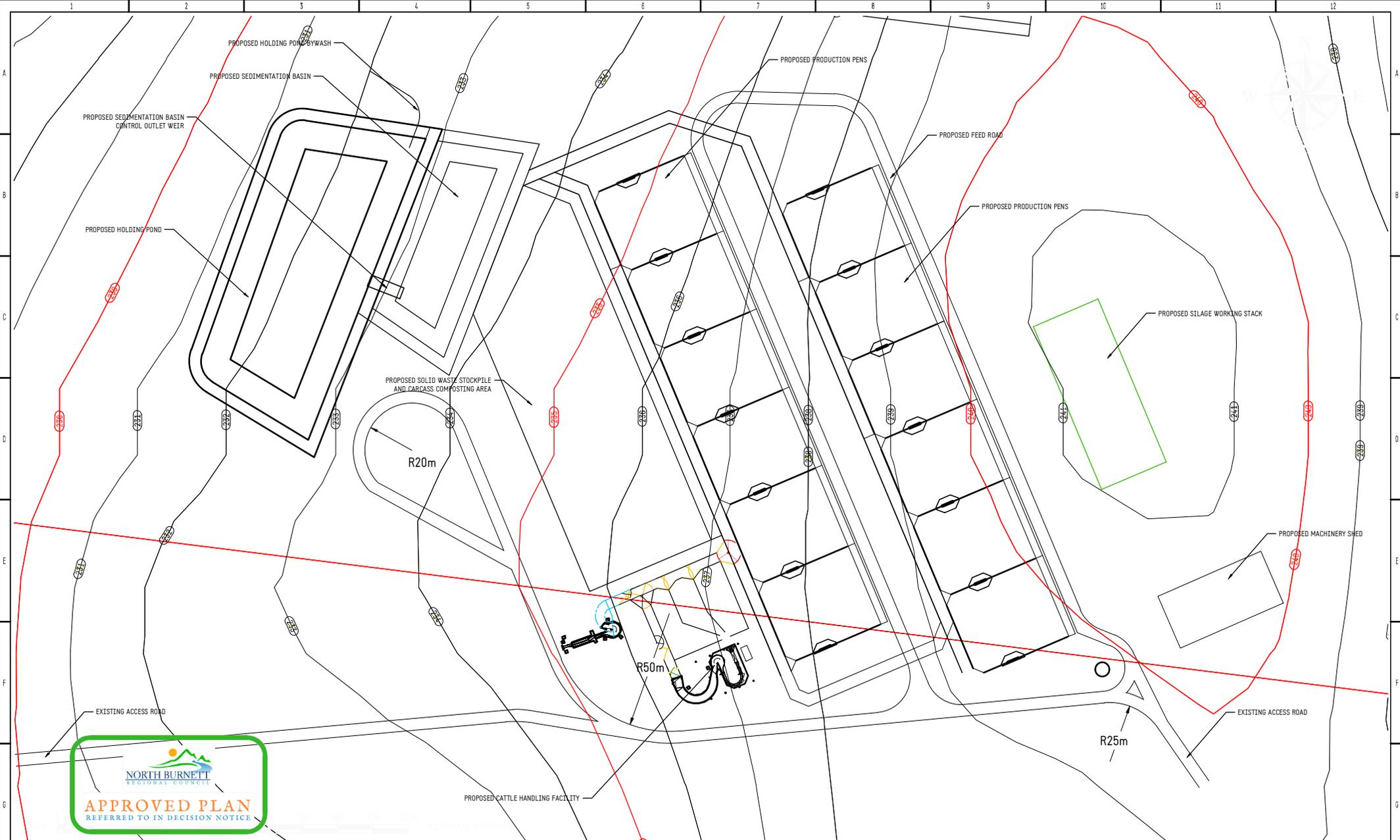
DATE PLOT: 26 October 2021, BY: RDC Engineers Pty Ltd
 FILE PATH: C:\RDC\Engineers\Projects\03 - North Burnett Regional Council - Current - File Name: D1-114-00-MasterPlan-202011.dwg

LEGEND
 - SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
BEF CATTLE PRODUCTION PEN DETAILS
 STOCKING DENSITY - ~13.60 m²/SCU
 PEN WIDTH - 36 m
 BUNK LENGTH - 36 m
 PEN DEPTH - 50 m
 BUNK SPACE PER SCU - ~300mm
 PEN AREA - 1643.5 m²



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REV.	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:500 (A3)
A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD
B	27/10/21	FINAL ISSUE FOR LOGEMENT TO NBRC	RJD	RJD	RJD	DATE	27/10/21
						CHECKED	RJD
						DATE	27/10/21
						APPROVED	RJD
						DATE	27/10/21
REPORT REFERENCE		SUPPLIED DRAWING NUMBER		DRAWING NUMBER		REV.	
FIGURE 5		A3		D1-114-00-05		B	

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 FILE NAME: D1-114-00-MASTER PLAN - 202001.dwg
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 FILE PATH: C:\RDC\Engineers\BCE - Projects\D1-114-00-3A OLIVOS - ACAD MasterPlan\03.Dwg



- LEGEND**
- SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
 - CONTOUR - MAJOR (5m)
 - CONTOUR - MINOR (1m)
- VEHICLE MANOEUVRING
- DESIGN VEHICLE - SEMI-TRAILER

NOTES

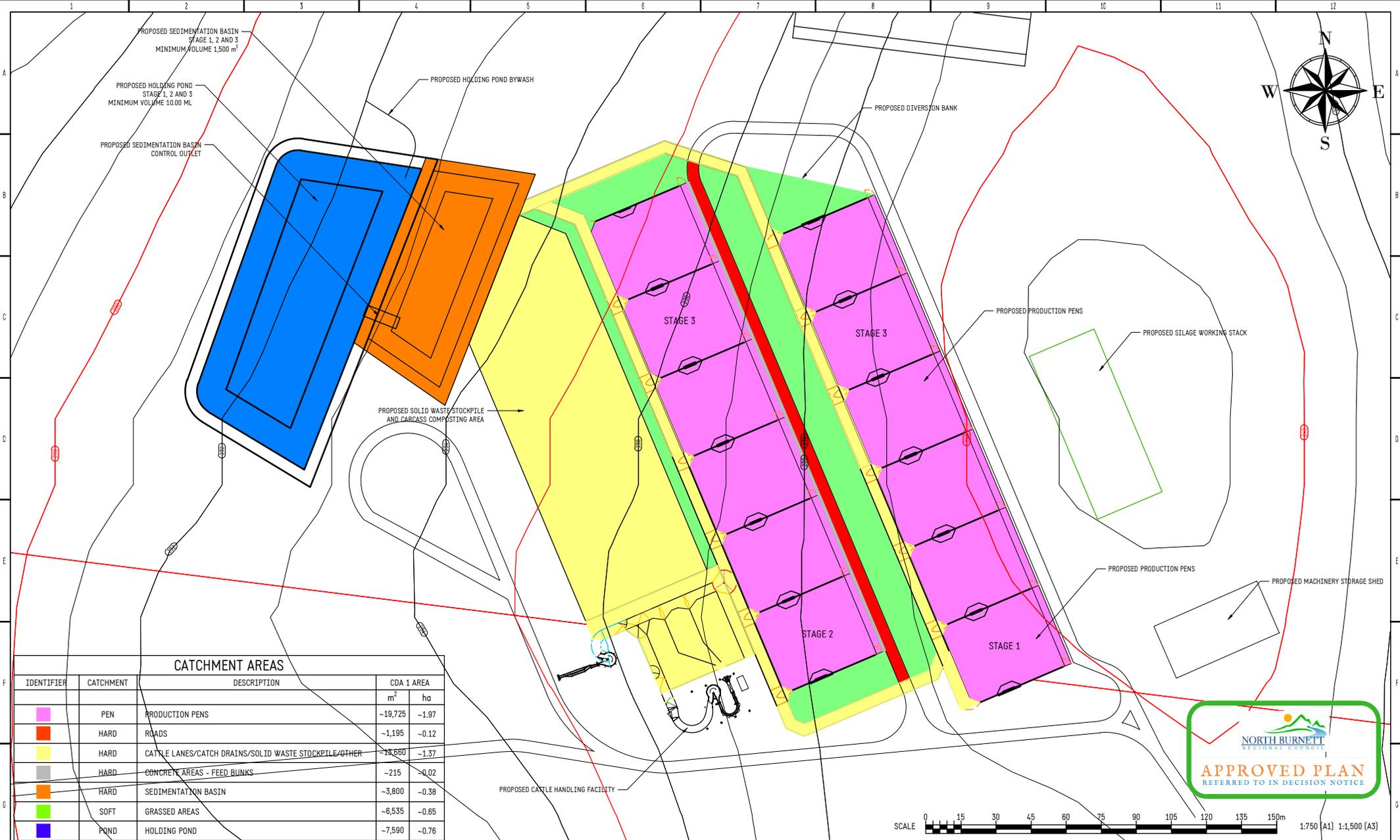
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A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD	PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT
B	27/10/21	FINAL ISSUE FOR LODGEMENT TO NBRC	RJD	RJD	RJD	DATE	27/10/21	TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - INTERNAL ROADS AND VEHICLE MANOEUVRING
						CHECKED	RJD	REPORT REFERENCE	FIGURE 6
						DATE	27/10/21	SUPPLIED DRAWING NUMBER	A3
						APPROVED	RJD	DRAWING NUMBER	D1-114-00-06
						DATE	27/10/21	REV.	B

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 FILE NAME: D1-114-00-MASTER PLAN - 202001.dwg
 PROJECT: ACAD MasterPlan V03.1.dwg
 PROJECT PATH: C:\RDC\Engineers\BDC - Projects\D1-114-00-MASTER PLAN - 202001.dwg



CATCHMENT AREAS

IDENTIFIER	CATCHMENT	DESCRIPTION	CDA 1 AREA	
			m ²	ha
[Pink Box]	PEN	PRODUCTION PENS	-19,725	-1.97
[Red Box]	HARD	ROADS	-1,195	-0.12
[Yellow Box]	HARD	CATTLE LANES/CATCH DRAINS/SOLID WASTE STOCKPILE/OTHER	-18,860	-1.37
[Grey Box]	HARD	CONCRETE AREAS - FEED BUNKS	-215	-0.02
[Orange Box]	HARD	SEDIMENTATION BASIN	-3,800	-0.38
[Green Box]	SOFT	GRASSED AREAS	-6,535	-0.65
[Blue Box]	POND	HOLDING POND	-7,590	-0.76

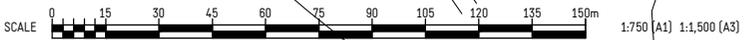
LEGEND

[Blue Line]	SUBJECT LAND BOUNDARY
[Red Line]	LAND PARCEL BOUNDARY
[Red Line]	CONTOUR - MAJOR (5.0m)
[Red Line]	CONTOUR - MINOR (1.0m)

NOTES

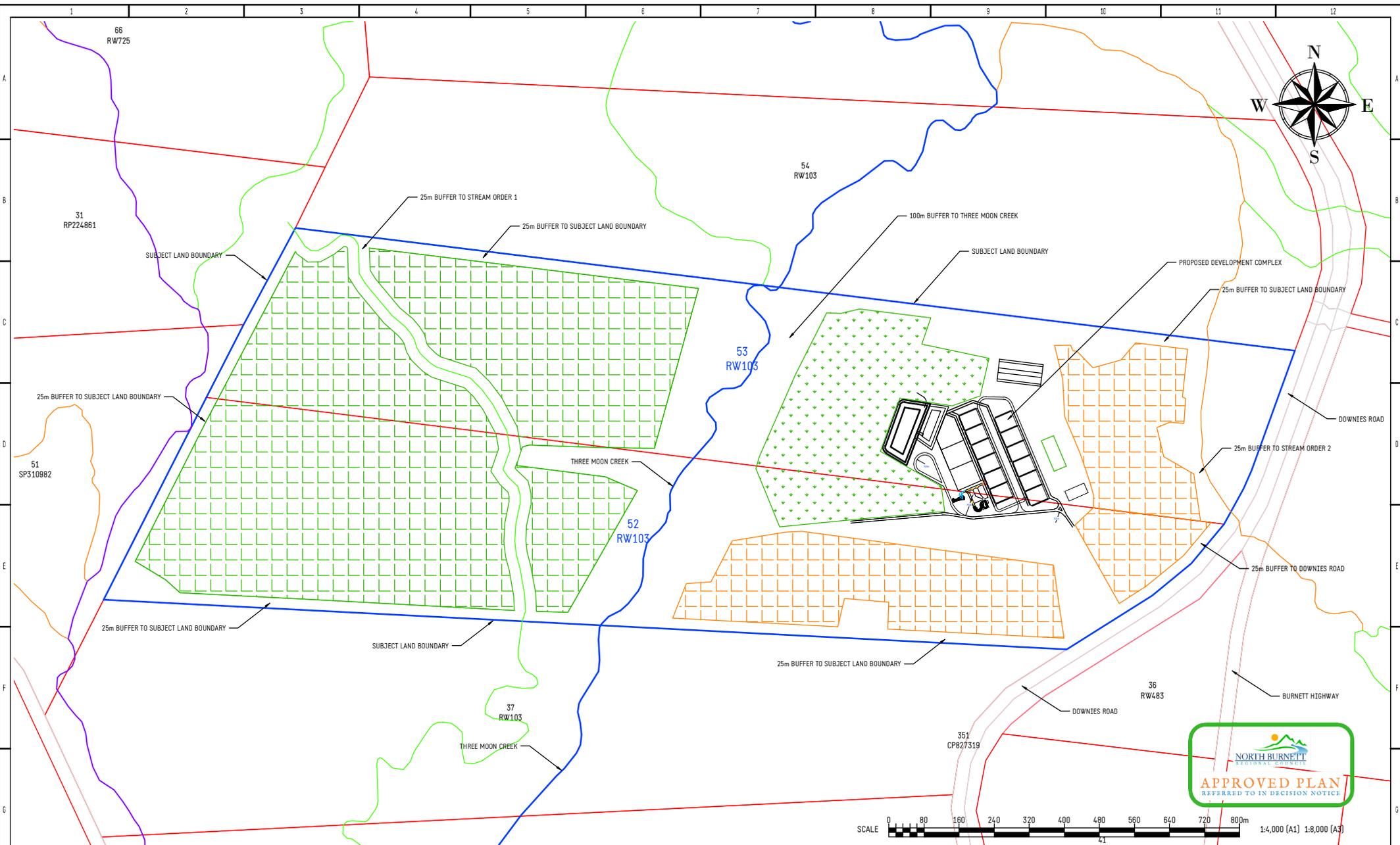
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A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD	PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT
B	27/10/21	FINAL ISSUE FOR LOUDEMANT TO NBRC	RJD	RJD	RJD	DATE	27/10/21	TITLE	PROPOSED DEVELOPMENT - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - CONTROLLED DRAINAGE AREA 1 - CATCHMENT AREA PLAN - STAGE 1, 2 AND 3
						CHECKED	RJD	REPORT REFERENCE	FIGURE 8
						DATE	27/10/21	COMPLETED DRAWING NUMBER	A3
						APPROVED	RJD	DRAWING NUMBER	D1-114-00-08
						DATE	27/10/21	REV.	B

DATE PLOTTED: 26 October 2021, BY: RDC Engineers Pty Ltd
 FILE NAME: D1-114-00-MASTER PLAN - 20201.rdwg
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 FILE PATH: C:\RDC\Engineers\RDCE - Projects\D1-114-00-3A\01\005 - ACAD MasterPlan031.Dwg



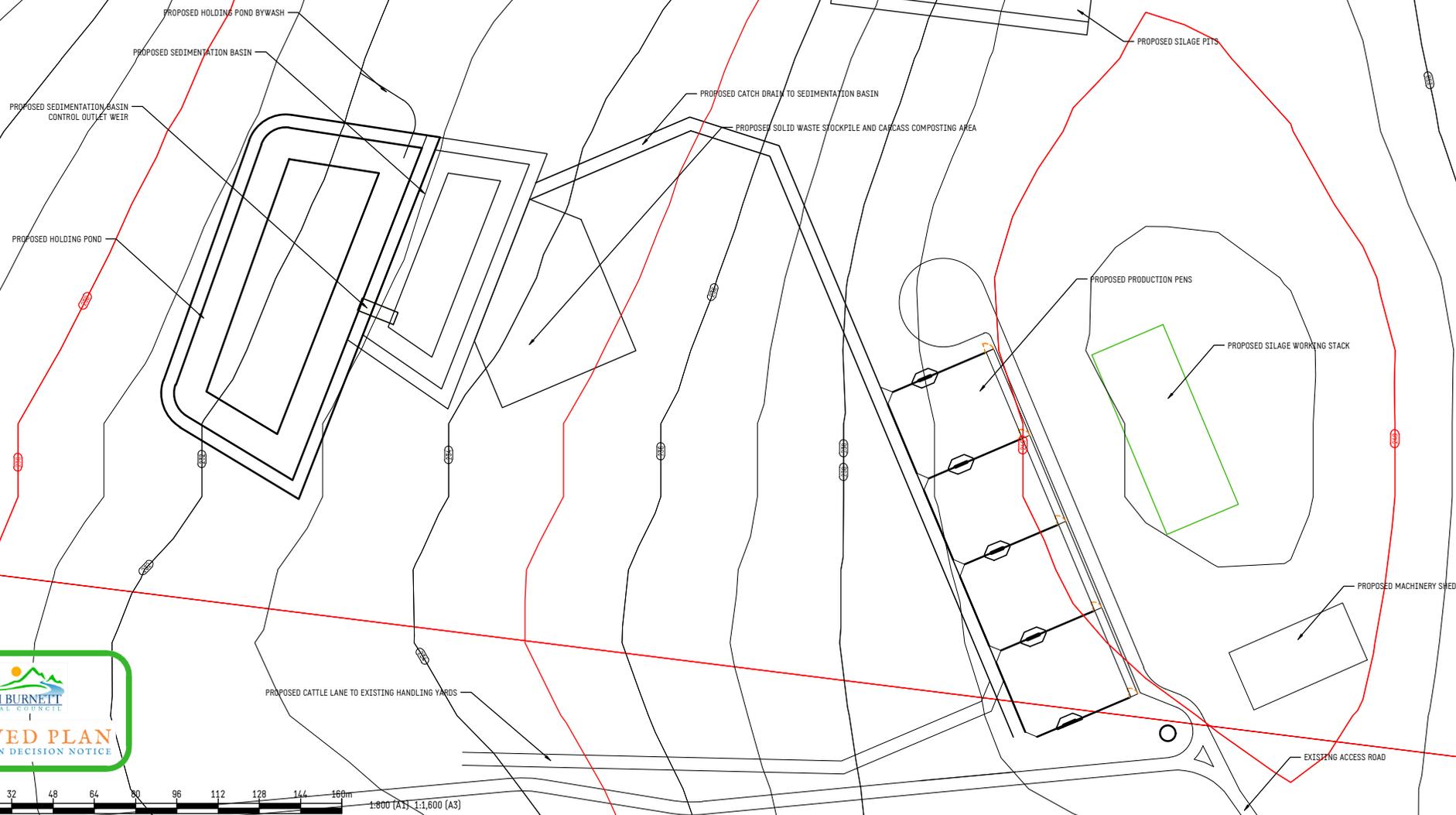
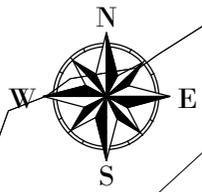
LEGEND

	SUBJECT LAND BOUNDARY
	LAND PARCEL BOUNDARY
	EFFLUENT UTILISATION AREA (~16 Ha)
	SOLID WASTE UTILISATION AREA (DRYLAND) (~25 Ha)
	SOLID WASTE UTILISATION AREA (IRRIGATED) (~75 Ha)

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REV	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:8,000 (A3)				
A	25/10/21	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD				
B	27/10/21	FINAL ISSUE FOR LOGEMENT TO NBRC	RJD	RJD	RJD	CHECKED	RJD				
						DATE	27/10/21				
						APPROVED	RJD				
						DATE	27/10/21				
REPORT REFERENCE		SUPPLIED DRAWING NUMBER		DRAWING NUMBER		REV					
FIGURE 10		A3		D1-114-00-10		B					



- LEGEND**
- SUBJECT LAND BOUNDARY
 - LAND PARCEL BOUNDARY
 - CONTOUR - MAJOR (5.0 m)
 - CONTOUR - MINOR (1.0 m)

- NOTES**
1. THIS MAP IS BASED ON DIGITAL GIS DATA FROM THE STATE OF QUEENSLAND (DEPARTMENT OF RESOURCES (DoR)) 2021 - QUEENSLAND SPATIAL CATALOGUE.
 2. CADASTRAL INFORMATION BASED ON THE STATE OF QUEENSLAND (DoR) DIGITAL CADASTRAL DATABASE (DCDB) 2021, PROVIDED BY THE QUEENSLAND SPATIAL CATALOGUE AND ACCURACY IS LIMITED.
 3. TOPOGRAPHIC PLAN EXTRACTED FROM QTOPO METADATA JANUARY 2021 AND ACCURACY IS LIMITED.
 4. IMAGE SOURCED FROM GOOGLE EARTH™. IMAGE DATE 23/11/2020.
 5. OTHER FEATURES MAY HAVE BEEN DIGITISED FROM PLANS OR AERIAL PHOTOGRAPHS AND ACCURACY IS LIMITED.

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FOR APPROVAL NOT TO BE USED FOR CONSTRUCTION PURPOSES		REV	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:1,600 (A3)	CLIENT	DJ & SA OLIVE	
A	25/10/21	DRAFT ISSUE TO CLIENT			RJD	RJD	RJD	DRAWN	RJD	PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT	
B	27/11/21	FINAL ISSUE FOR LODGEMENT TO NBRC			RJD	RJD	RJD	DATE	27/10/21	TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - STAGE 1 LAYOUT	
							CHECKED	RJD		REPORT REFERENCE	SUPPLIED DRAWING NUMBER	A3
							DATE	27/10/21		FIGURE 11	DRAWING NUMBER	D1-114-00-11
							APPROVED	RJD			REV.	B
							DATE	27/10/21				

