

2 November 2021

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Web: www.northburnett.qld.gov.au
ABN: 23 439 388 197

Your Reference: Nil
Our Reference: DA210010

BCP Farming Pty Ltd
C/- AgDSA
PO Box 292
Toowoomba QLD 4350
via email: matt.norton@agdsa.com.au

Dear Sir / Madam

RE: DEVELOPMENT APPLICATION FOR DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE—INTENSIVE ANIMAL INDUSTRY (EXPANSION 20,000 TO 40,000 SPU) & ENVIRONMENTALLY RELEVANT ACTIVITY—ERA 3 (3) PIG KEEPING > 8000 SPU AT 1204 AIRPORT RD & BAILEYS RD, MULGILDIE ON LAND DESCRIBED AS LOTS 19 & 20 ON RW88.

Thank you for the above-mentioned development application lodged with the North Burnett Regional Council on 13 May 2021 and taken to be properly made on 19 May 2021.

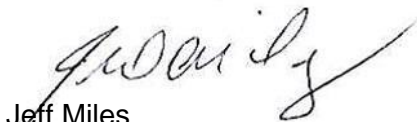
Please find attached the Decision Notice for the above-mentioned development application.

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.

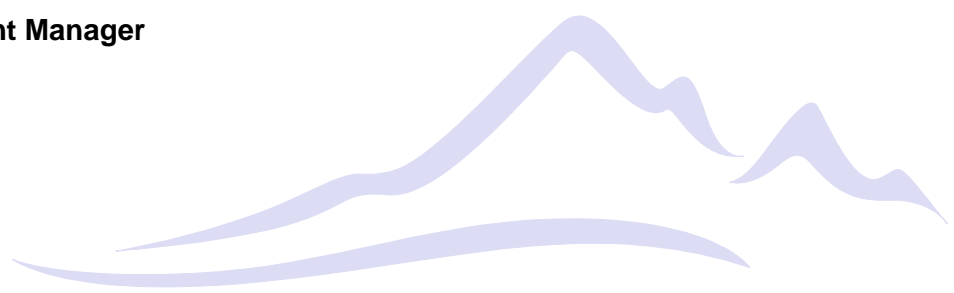
Please quote Council's application number: DA210010 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on telephone 1300 696 272.

Yours faithfully



Jeff Miles
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: BCP Farming Pty Ltd
 Postal Address: C/- AgDSA
 PO Box 292
 Toowoomba QLD 4350

Email: matt.norton@agdsa.com.au

Location details

Street address: 1204 Airport Rd & Baileys Rd, Mulgildie
 Real property description: Lots 19 & 20 on RW88
 Local government area: North Burnett Regional Council

Application details:

Application number: DA210010
 Approval sought: Material Change of Use
 Description of development proposed: Material Change of Use—Intensive animal industry (expansion 20,000 to 40,000 SPU) & Environmentally Relevant Activity—ERA 3 (3) pig keeping > 8000 SPU

Decision

Date of decision: 2 November 2021
 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"/>

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a material change of use that exceeds the threshold for development in local government area 2—stated in schedule 20, column 3.	Schedule 10, part 9, division 4	<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
Property Plan	AgDSA	23/06/2021	A001.1	C
Property Plan	AgDSA	23/06/2021	A001.2	C
Site Plan – Bailey Creek Piggery	AgDSA	23/06/2021	A002.1	C
Site Plan – Bailey Creek Piggery	AgDSA	23/06/2021	A002.2	C
Shed Plan	AgDSA	26/04/2021	A003.1	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

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 <i>Planning Regulation 2017</i> . Non-devolved environmentally relevant activities	Department of State Development, Manufacturing, Infrastructure and Planning State Assessment and Referral Agency (SARA) E: WBBSARA@dsdmip.qld.gov.au P: PO Box 979 Bundaberg QLD 4670	Concurrence
State transport corridors and future State transport corridors Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 of the <i>Planning Regulation 2017</i> .	Department of State Development, Infrastructure, Local Government and Planning State Assessment and Referral Agency (SARA)	Concurrence

Material change of use of premises near a State transport corridor or that is a future State transport corridor	E: WBBSARA@dsmip.qld.gov.au P: PO Box 979 Bundaberg QLD 4670	
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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;

- Reference: QJMN0136
- Effective Date: On the day the development approval takes effect under the *Planning Act 2016*.
- Prescribed environmentally relevant activity (ERA): ERA 3 Pig keeping (3) keeping more than 8,000 standard pig units

Conditions about infrastructure

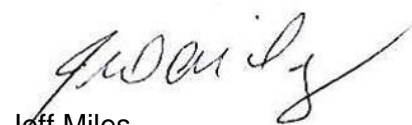
No conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*

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.

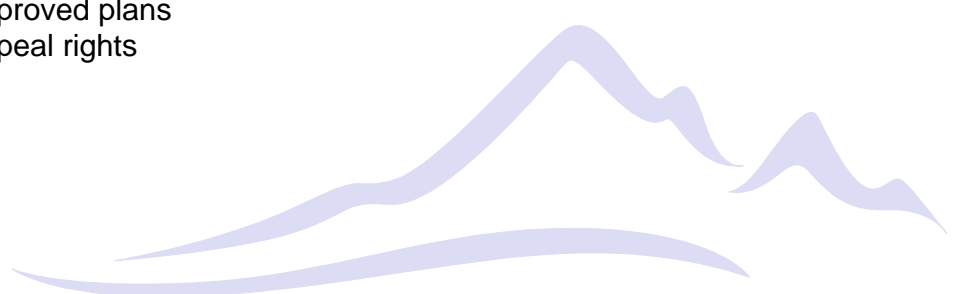
Yours faithfully



Jeff Miles

Planning & Environment Manager

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



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) 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) any relevant standards, drawings or specifications by the Institute of Public Works Engineering Australasia Queensland Division;
 - c) any relevant Australian Standard that applies to that type of work;
 - d) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
 - e) the development approval conditions; and
 - f) The Development Assessment Report prepared by AgDSA, reference BCP-001 (dated 4 April 2021).

Amenity and Nuisance

- 6) New buildings must be separated from adjoining sensitive uses and roads in accordance with the National Environmental Guidelines for Piggeries 2nd Edition (revised) 2010.
- 7) 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

- 8) 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.

- 9) 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.
- 10) Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.

Erosion and sediment control

- 11) 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.
- 12) 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

- 13) 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.
- 14) 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.
- 15) 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.
- 16) Extend and upgrade electricity supply to service the electricity demand of approved facilities. Such upgrade/s could be by way of extension of reticulated services or generation on the site. All electrical works must meet the design, construction and operational standards of the current service provider.
- 17) 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.
- 18) 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.

Vehicle access, parking, and manoeuvring

- 19) Construct a new sealed access to the approved development between the road boundary and Airport Road in accordance with the North Burnett Regional Planning Scheme Policy SC6.2 *Design and construction standards for non-trunk infrastructure works*.
- 20) All weather internal vehicle access shall be provided for traffic movements within the development site area, including—
 - a) access between the facility and the Airport Road—minimum width of 8 metres to accommodate Road Trains, B-Doubles, semi trailers, and body trucks generally following the alignment shown in the approved plans;
 - 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.
- 21) Do not permit vehicles to cross between Baileys Road and the site.
- 22) Design and construct loading, unloading and set down areas in accordance with AS2890.2 *Parking facilities—Off-street commercial vehicle facilities*.

Hazard management

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

Waste management

- 24) 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.
- 25) 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

- 26) 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

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

Landscaping

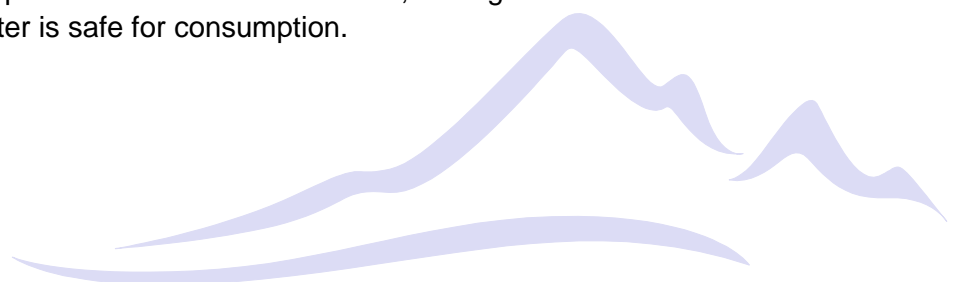
- 29) Vegetation clearing and removal from the site is limited to the approved building area to facilitate the approved use and works.

Lighting

- 30) 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

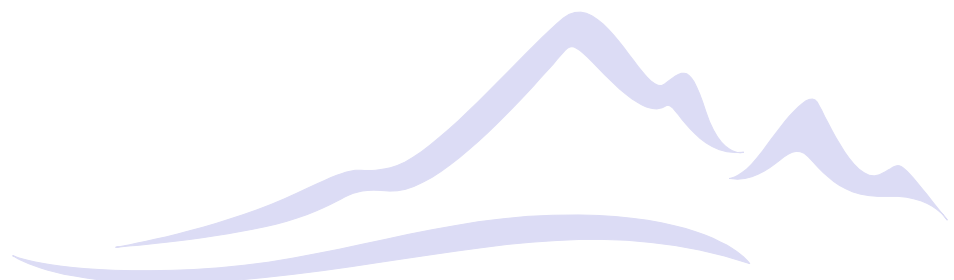
- This approval relates to development requiring approval under the *Planning Act 2016* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Commonwealth legislation or council local law, prior to carrying out the development. 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.
- 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

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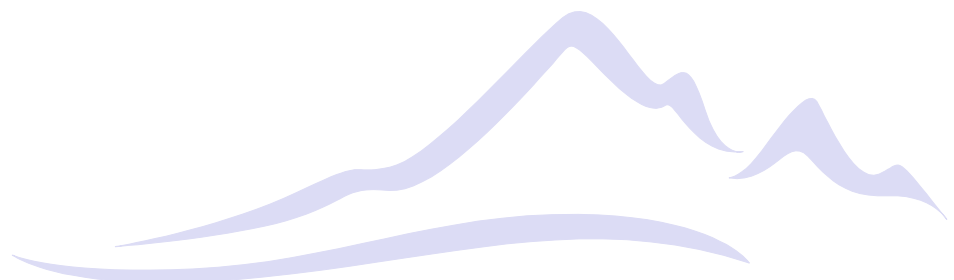
**Please refer to the following pages for the conditions imposed
by the Concurrence Agency.**



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>

