

12 December 2018

Our Reference: 140/18

Hutchinson Grazing  
Bruce Hutchinson  
7863 Glencoe Road  
EIDSVOLD WEST QLD 4627  
via email: [tireen@westnet.com.au](mailto:tireen@westnet.com.au)

**Change to an Existing Approval**  
***Planning Act 2016***

Dear Bruce,

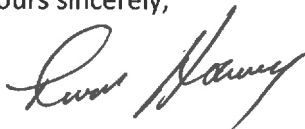
**RE: CHANGE APPLICATION—MATERIAL CHANGE OF USE FOR INTENSIVE ANIMAL INDUSTRY AND CARETAKER'S ACCOMMODATION, AND ENVIRONMENTALLY RELEVANT ACTIVITY 2—INTENSIVE ANIMAL FEEDLOTING AT 340 DERRA ROAD, DERRI DERRA ON LAND DESCRIBED AS LOT 23 ON NT55 AND LOT 48 ON NT61**

Thank you for your request under section 78 of the *Planning Act 2016* to make a change to existing approval DP1199/04, decided by Mundubbera Shire Council on 19 October 2004. On 12 December 2018, Council decided to approve your requested changes.

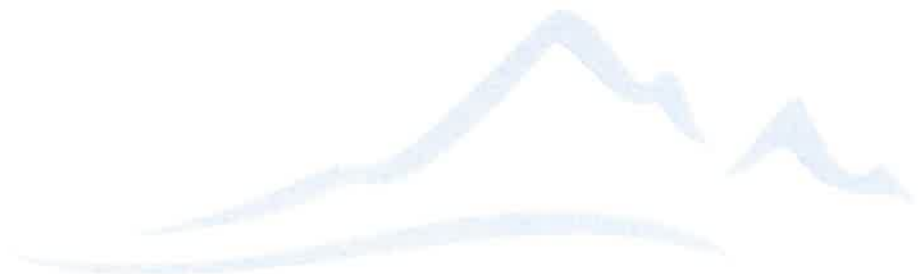
Please find attached the amended Decision Notice. This replaces the previous development approval issued.

Please quote Council's application number: 140/18 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 1300 696 272.

Yours sincerely,



 Gary Rinehart  
Chief Executive Officer



## Amended Decision notice — change application

(Given under section 83 of the Planning Act 2016)

Thank you for request under section 78 of the *Planning Act 2016*, received by the North Burnett Regional Council on 29 June 2018, to make a change to existing approval DP1199/04. The North Burnett Regional Council has assessed your application and decided it as follows:

### Location details

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Street address:	340 Derra Road DERRI DERRA QLD 4626
Real property description:	Lot 23 on NT55 and Lot 48 on NT61
Local government area:	North Burnett Regional Council

### Details of original approval

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Application for:	Material change of use—Intensive animal husbandry Environmentally relevant activity 2—Intensive animal feedlotting
Date of approval:	19 October 2004
Application number:	DP1199/04

### Details of proposed development

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Application number:	140/18
Development permit for:	Material change of use—Intensive animal industry and caretaker's accommodation Environmentally relevant activity 2—Intensive animal feedlotting

### Decision for change application

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Date of decision:	12 December 2018
Decision details:	Approved with conditions. These amendments are set out in <u>Schedule 1</u> . Changes approved are in <b>bold red</b> text.

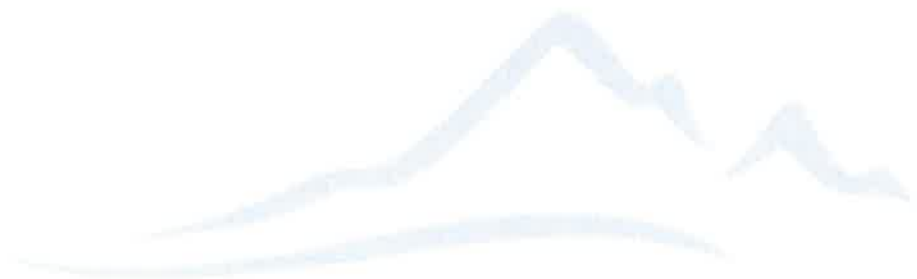
The changes agreed to are:

- Update the approved plans in section 5 of the decision notice to reflect additional stages and expanded operation;
- Amend Conditions 1, 5, 10, 14, 16, & 17;
- Delete Conditions 3, 4, 9, 11, 19, 20, and some of the Advice Notes;
- Include new Conditions 3a, 3b, 3c, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30;
- Include new advice note including biosecurity and infrastructure agreement.

### Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular

applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).



## Schedule 1 – Decision notice

### 1. Applicant details

Name: Hutchinson Grazing  
 Postal Address: 7863 Glencoe Road  
 EIDSVOLD WEST QLD 4627  
 Email: tireen@westnet.com.au

### 2. Location details

Street address: 340 Derra Road  
 DERRI DERRA QLD 4626  
 Real property description: Lot 23 on NT55 and Lot 48 on NT61  
 Local government area: North Burnett Regional Council

### 3. Decision

Application number: 140/18  
 Date of decision: 12 December 2018  
 Decision details: Approved in full subject to 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.

### 4. Details of proposed development

	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 – Material change of use		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmentally relevant activity	Schedule 10, Part 5, Division 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 5. Approved plans

Copies of the following plans are enclosed in Attachment 3.

Drawing title	Prepared by	Date	Reference no.
<i>Site plan showing existing feedlot with stage 1 extension</i>	<i>S.M.K. Consultants</i>	<i>27/8/18</i>	<i>18-156-SP1 Rev. G</i>

<i>Site plan showing stage 2 extension preliminary layout</i>	<i>S.M.K. Consultants</i>	<i>27/8/18</i>	<i>18-156-SP2 Rev. E</i>
<i>Town planning report Melbrig Feedlot – Hutchinson Grazing</i>	<i>E. Browne</i>	<i>29/6/18</i>	

## 6. Referral agencies

The referral agencies for this application are—

Name of referral agency	For an application involving
<b>Department of State Development, Manufacturing, Infrastructure and Planning</b> State Assessment and Referral Agency (SARA) E: <a href="mailto:WBBSARA@dsmip.qld.gov.au">WBBSARA@dsmip.qld.gov.au</a> P: PO Box 979 Bundaberg QLD 4670	Environmentally relevant activities—Schedule 10, Part 5, Division 3 of the <i>Planning Regulation 2017</i> .  State transport infrastructure generally—Schedule 10, Part 9, Division 4, Subdivision 2 of the <i>Planning Regulation 2017</i> .

## 7. Conditions

This approval is subject to the conditions in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

## 8. Further development permits

The following development permits are required to be obtained before the development can be carried out:

- Building work
- Operational work
- Plumbing and drainage work

## 9. Properly made submissions

One properly made submission was received. The name and address of the principal submitter is as follows:

Name of principal submitter	Address
Augustine Family	PO Box 51, Eidsvold QLD 4627

## 10. 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*.

- (1) A part of a development approval lapses at the end of the following period (the **currency period**)—

- (a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—
  - (i) the period stated for that part of the approval; or
  - (ii) if no period is stated—6 years after the approval starts to have effect;
- (b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—
  - (i) the period stated for that part of the approval; or
  - (ii) if no period is stated—4 years after the approval starts to have effect;
- (c) for any other part of the development approval—if the development does not substantially start within—

- (i) the period stated for that part of the approval; or
- (ii) if no period is stated—2 years after the approval starts to take effect.

## 11. Rights of appeal

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions is included in Attachment 2.

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

Yours faithfully

  
Gary Rinehart  
Chief Executive Officer

Enc: Attachment 1A - Conditions imposed by assessment manager  
Attachment 1B - Conditions imposed by referral agency  
Attachment 2 - Appeal rights  
Attachment 3 - Approved plans

## Attachment 1A – Conditions Imposed by Assessment Manager

### General

- 1) The subject site is to be developed in accordance with the approved ~~plan of development~~ **plans and documents identified in section 5 “Approved plans” of the decision notice approval** except where amended in accordance with conditions of this approval.
- 2) Prior to the commencement of the use pay to Council any outstanding rates, charges or expenses levied by the Council over the subject land.
- 3) ~~Carry out all work and make the material change of use in the four stages referred to in the approved plan of development and within the following currency period of this approval—~~
  - ~~before 30 months (Stage 1 & 2—Pens 1 to 10);~~
  - ~~before 3 years (Stage 3—Pens 11 to 21);~~
  - ~~before 4 years (Stage 4—Pens 22 to 27).~~
- 3a) **Develop the site in accordance with the stages identified on the Approved Plans and documents, with the stages to be developed in consecutive order of rows for each stage as identified on the plan. The Applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.**
- 3b) **Where there is any conflict between conditions to this approval and details shown on the approved plans and documents, the conditions prevail.**
- 3c) **Develop Pens in Row 6 as shown on the approved drawing “Site plan showing existing feedlot with Stage 1 extension” in the location shown only after that part of the road between Lot 23 on NT55 and Lot 48 on NT61 has been closed.**
- 4) ~~Cattle are only to be kept in the proposed feedlot structures and yards.~~
- 5) Protect and maintain all significant existing vegetation unless situated in a location approved for building or other works, **including appropriate buffers for fire breaks.**
- 6) Dust prevention measures are to be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent premises, during and after construction.
- 7) The hours of operation are restricted to between 6:30am and 6:00pm, seven days a week.
- 8) Lighting used to illuminate any areas of the premises shall be angled or shaded in such a manner so that light does not directly illuminate any premises or roadways that are not part of the site.
- 9) ~~All equipment and machinery is to be stored within buildings.~~
- 10) The maximum height of any building, **other than silos**, is not to exceed 10m measured from natural ground level to the highest point of the building.
- 11) ~~Noise generated from the use is not to exceed 5dB(A) above the average background noise levels at the boundary of the site.~~

### Car parking, access, manoeuvring areas

- 12) Prior to the commencement of the use, the applicant is to carry out the works shown on the approved drawings.



- 13) All vehicles transporting goods, materials, produce, or supplies to or from the site are to have their load fully contained to prevent the spillage or release of any material on a road reserve.
- 14) All areas on which vehicles are to be driven or parked are to be constructed **to an all-weather, dust suppressant gravel standard** and maintained so as to minimise erosion and the release of dust or sediment-laden stormwater runoff from the site.
- 15) All loading and unloading is to occur on-site, with all vehicles entering and leaving the site in a forward direction.
- 16) Access to the site from the road **Derra Road** is to be **designed and** constructed ~~to a standard satisfactory to the Council or its delegate~~ **in accordance Planning scheme policy SC6.2 Design and construction standards for non-trunk infrastructure, or an alternate design approved by the Council.**

#### **Landscaping**

- 17) Prior to the commencement of use, **provide** a landscaping plan ~~prepared by a suitably qualified person is to be prepared and submitted~~ to Council for approval. The landscaping plan is to include—
  - details of the existing vegetation to be retained on site;
  - the height and type of plant species to be used on site;
  - how unsightly aspects of the use and works are to be screened or buffered; and
  - how the manure stockpile is to be screened from the street.
- 18) Landscaped areas are to be maintained in a clean and tidy condition and achieve the purposes for such landscaping as identified in an approved the landscaping plan.

#### **~~Conditions imposed by Council and applicable to stage 4 of this approval only~~**

- ~~19) Prior to commencing any works associated with stages 3 & 4, develop and submit a traffic management plan satisfactory to the Council or its delegate. Such traffic management plan and is to—~~
  - ~~• be prepared by a suitably qualified and experienced practitioner;~~
  - ~~• identify a haul route between the site and the Mundubbera Durong Road;~~
  - ~~• assess traffic volumes directly attributable to stages 1–2 of the approved development and any other lawful activity on the subject site;~~
  - ~~• assess traffic volumes likely to result from carrying out stages 3 & 4 of the approved development;~~
  - ~~• assess the traffic safety impacts of vehicles likely to be generated by the use on other road users over the identified haul route, including for example on any school buses using such route;~~
  - ~~• assess the amenity impacts of vehicles likely to be generated by the use, including for example by dust;~~
  - ~~• report on the condition of all pavements over the identified haul route;~~
  - ~~• assess the additional maintenance costs of traffic resulting from stages 3 & 4 in excess of that for stages 1–2;~~
  - ~~• report on any works required to be carried out prior to the commencement of the use of stages 3 & 4 to lessen any traffic safety impacts or amenity impacts;~~



- ~~report on any management practices required to lessen any traffic safety impacts or amenity impacts;~~
  - ~~report on the amount due to the Council for lessening the cost impacts of additional traffic arising from stages 3 & 4 on shire roads and a payment schedule or method by which the Council can recover such amount.~~
- 20) ~~Enter into an agreement under section 3.5.34 of the *Integrated Planning Act 1997* to ensure the performance of any obligations identified under the traffic management plan prepared under condition 19) above including any payments required or identified therein. The obligations under this condition do not exceed the following—~~
- ~~25% of the costs of supplying gravel over, if required, in excess of two gradings per annum;~~
  - ~~50% of the costs of grading roads, if required, between Mundubbera-Durong Road and site access in excess of two gradings per annum.~~

#### **Construction management**

- 21) **Unless otherwise approved in writing by the assessment manager, do not undertake building work in a way that makes audible noise:**
- **On a business day or Saturday, before 6:30am or after 6:30pm; or**
  - **On any other day, at any time.**
- 22) **Complete all works, including the relocation or installation of services (electricity, telecommunications, etc.) as a result of this approval, including these conditions, at no cost to Council.**

#### **Vehicle movements**

- 23) **Any B-Double combination must operate in accordance with the National Class 2 Heavy Vehicle B-Double Authorisation (Notice) 2014 (No. 2).**
- 24) **All vehicles associated with the use and having a Gross Vehicle Mass exceeding 4.5 tonnes are to access the site from Mundubbera-Durong Road and Derra Road intersection directly along Derra Road.**

#### **Stormwater Drainage**

- 25) **The development must not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flows will occur, the applicant is to produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.**
- 26) **Design and construct stormwater infrastructure in accordance *SC6.2 Design and construction standards for non-trunk infrastructure*.**

#### **Waste management**

- 27) **Prior to commencing the use of Stage 1 extension as shown on the approved plans, submit for Council's approval a waste management plan that identifies solid waste streams, storage, collection, transport and strategies for waste reduction, reuse and recycling. Such plan must be in accordance with the *Waste Reduction and Recycling Act 2011* so as not to cause any unreasonable interference with the amenity to the surrounding area and to provide an acceptable level of amenity within the site.**
- 28) **All refuse storage, removal and collection methods must be in accordance with the approved waste management plan.**

## Biosecurity

- 29) Prior to commencing the use of Stage 1 extension as shown on the approved plans, submit for Council's approval a site-based biosecurity plan. Such plan is to detail what restricted matter under the *Biosecurity Act 2014* the plan relates to, the location of the restricted matter on the site, identifies invasive species pathways (i.e. livestock transport and feed), implementation of periodic surveillance program and what other actions would be undertaken to manage the restricted matter before, during and after the development.

## Rehabilitation

- 30) In the event of the approved development ceasing, undertake a rehabilitation program to ensure the land is suitable for ongoing agricultural use.

## Advice to the applicant

- ~~Approval of works (including building work) under the *Integrated Planning Act 1997* may be required prior to the commencement of those works.~~
- ~~The *Integrated Planning Act 1997* provides that, if this approval is not acted upon within a period of four (4) years this approval will lapse. Note the currency period of this approval in Council's condition number 3.~~
- The approved use must be conducted entirely and only within Lot 23 on NT55 and Lot 48 on NT61.
- ~~Unless otherwise explicitly identified, all conditions of this development permit must be completed to Council's satisfaction prior to the commencement of the 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.
- The *Biosecurity Act 2014* provides comprehensive biosecurity measures to safeguard our economy, agricultural and tourism industries, environment and way of life, from pests (e.g. wild dogs and weeds), diseases (e.g. foot-and-mouth disease) and contaminants (e.g. lead on grazing land). The act applies a general biosecurity obligation to take all reasonable and practical measures to prevent or minimise a biosecurity risk.
- Infrastructure associated with the approved development is the subject of an infrastructure agreement between the North Burnett Regional Council and the owner.

**Attachment 1B – Conditions Imposed by Referral Agency**

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**Please refer to the following pages for conditions imposed by a referral agency**



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: 1807-6298 SRA  
Your reference: 140-18

3 September 2018

North Burnett Regional Council  
PO Box 390  
GAYNDAH Qld 4625  
admin@northburnett.qld.gov.au

Attention: John Fraser

Dear Mr. Fraser

**Referral agency response—with conditions**

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 18 July 2018.

**Applicant details**

Applicant name:	Hutchinson Grazing
Applicant contact details:	7863 Glencoe Road Eidsvold West QLD 4627 emily.browne98@gmail.com

**Location details**

Street address:	Mundubbera Durong Road, and 340 Derra Road DERRI DERRA
Real property description:	Lot 23 on NT55, and Lot 48 on NT61
Local government area:	North Burnett Regional Council

**Application details**

Development permit	Change (Other) for Material Change of Use for Intensive Animal Industry (increase from 2, 632 to 10,000 Standard Cattle Units), Environmentally Relevant Activity, and Caretaker's Accommodation
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**Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.5.4.2.1 Environmentally relevant activities (only if ERA has not been devolved to a local government)
- 10.9.4.1.1.1 Infrastructure - state transport infrastructure

**Conditions**

Under section 56(1)(b)(i) of Planning Act 2016, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Advice to the applicant**

Under section 56(3) of the Act, the department offers advice about the application to the applicant—see Attachment 3.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material Change of Use</b>				
Site Plan Showing Existing Feedlot with Stage 1 Extension	SMK Consultants	27 August 2018	18-156-SP1	G
Site Plan Showing Stage 2 Extension Preliminary Layout	SMK Consultants	27 August 2018	18-156-SP2	E

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

For further information please contact Cavannah Deller, Planning Officer, on (07) 4331 5604 or via email [WBBSARA@dsdmip.qld.gov.au](mailto:WBBSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Peter Mulcahy  
Principal Planning Officer

cc Hutchinson Grazing, [emily.browne98@gmail.com](mailto:emily.browne98@gmail.com)

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Advice to the applicant  
Approved plans and specifications

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material Change of Use</b>		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – State Transport Infrastructure (Thresholds) – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The road access must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Site Plan Showing Existing Feedlot with Stage 1 Extension, prepared by SMK Consultants, dated 27 August 2018, reference 18-156-SP1, revision G</li> <li>• Site Plan Showing Stage 2 Extension Preliminary Layout, prepared by SMK Consultants, dated 27 August 2018, reference 18-156-SP2, revision E</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	<p>(a) Road works comprising an intersection upgrade must be provided at the Mundubbera Durong Road and Derra Road intersection.</p> <p>(b) The road works must be designed and constructed in accordance with Figure 4A-F1 Details of type “BAL” layout for rural sites to suit B-double operation, Appendix F – Basic Left-Turn (BAL) layouts at rural intersections, Road Planning and Design Manual 2<sup>nd</sup> Edition, prepared by Department of Transport and Main Roads.</p> <p>(c) The road works must be designed and constructed to provide a minimum seal of 23 metres on Derra Road from the western edge of pavement on Mundubbera Durong Road, in accordance with Road Planning and Design Manual 2<sup>nd</sup> Edition, prepared by Department of Transport and Main Roads, and Department of Transport and Main Roads specifications.</p>	Prior to the commencement of works for stage 2.
Schedule 10, Part 5, Division 4, Table 2, Item 1 – Environmentally Relevant Activities (Non-Devolved) – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
3.	Development authorised under this approval for Environmentally Relevant Activity 2–1(b) is limited to the area shown in Site Plan Showing Stage 2 Extension Preliminary Layout, prepared by SMK Consultants, dated 27 August 2018, reference 18-156-SP2, revision E	At all times.

## Attachment 2—Reasons for decision to impose conditions

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### The reasons for the decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development is carried out in the location and to the extent specified on the plans of development submitted with the application.
- To ensure that environmentally relevant activities (ERAs) are located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors.
- To ensure the road works on, or associated with, the State controlled road network are undertaken in accordance with applicable standards.
- To ensure the development does not create a safety hazard for users of state transport infrastructure.
- To ensure the development does not result in a worsening of the physical condition or operating performance of the State controlled road.

### Decision

- The development application is for a Change Application (Other than a Minor Change) for a Material Change of Use for Intensive Animal Industry, Caretaker's Accommodation, and Environmentally Relevant Activity.
- The concurrence agency response was issued 31 August 2018.

### Relevant Material

- Development application common material
- Information request response received 9 August 2018
- State Development Assessment Provisions Version 2.3 published by the Department of State Development, Manufacturing, Infrastructure and Planning
- National Guidelines for Beef Cattle Feedlots in Australia 3<sup>rd</sup> Edition published by Meat & Livestock Australia Limited in association with the Australian Lot Feeders' Association and the Feedlot Industry Accreditation Committee
- National Beef Cattle Feedlot Environmental Code of Practice 2<sup>nd</sup> Edition published by Meat & Livestock Australia Limited in association with the Australian Lot Feeders' Association and the Feedlot Industry Accreditation Committee
- Road Planning and Design Manual 2<sup>nd</sup> Edition published by Department of Transport and Main Roads
- *Environmental Protection Act 1994*
- Environmental Protection Regulation 2008
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules



### Attachment 3—Advice to applicant

Further Development Permits Required	
Ref.	Intersection Works
1.	<p><b>Road Works Approval</b></p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from Department of Transport and Main Roads to carry out road works on a State-controlled road. Please contact Department of Transport and Main Roads on (07) 4154 0200 or by email to <a href="mailto:bundaberg@tmr.qld.gov">bundaberg@tmr.qld.gov</a> to make an application for road works approval. This approval must be obtained prior to commencing any works on the State-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time, please contact Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

## Department of State Development, Manufacturing, Infrastructure and Planning

### Statement of reasons for application 1807-6298 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral Agency

#### Applicant details

Applicant name: Hutchinson Grazing  
Applicant contact details: 7863 Glencoe Road  
EIDSVOLD WEST QLD 4627  
emily.browne98@gmail.com

#### Location details

Street address: Mundubbera Durong Road, and 340 Derra Road DERRI DERRA  
Real property description: Lot 23 on NT55, and Lot 48 on NT61  
Local government area: North Burnett Regional Council

#### Development details

Development permit Change (Other) for Material Change of Use for Intensive Animal Industry (increase from 2, 632 to 10,000 Standard Cattle Units), Environmentally Relevant Activity, and Caretaker's Accommodation

#### Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State Code 6: Protection of State Transport Networks, State Development Assessment Provisions, Version 2.3
2. Environmentally Relevant Activity	State Code 22: Environmentally Relevant Activities, State Development Assessment Provisions, Version 2.3

#### Reasons for the department's decision

The reasons for the decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development is carried out in the location and to the extent specified on the plans of development submitted with the application.
- To ensure that environmentally relevant activities (ERAs) are located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors.
- To ensure the road works on, or associated with, the State controlled road network are undertaken in accordance with applicable standards.
- To ensure the development does not create a safety hazard for users of state transport infrastructure.

- To ensure the development does not result in a worsening of the physical condition or operating performance of the State controlled road.

#### Decision

- The development application is for a Change Application (Other than a Minor Change) for a Material Change of Use for Intensive Animal Industry, Caretaker's Accommodation, and Environmentally Relevant Activity.
- The concurrence agency response was issued 31 August 2018.

#### Relevant Material

- Development application common material
- Information request response received 9 August 2018
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- National Guidelines for Beef Cattle Feedlots in Australia 3<sup>rd</sup> Edition published by Meat & Livestock Australia Limited in association with the Australian Lot Feeders' Association and the Feedlot Industry Accreditation Committee
- National Beef Cattle Feedlot Environmental Code of Practice 2<sup>nd</sup> Edition published by Meat & Livestock Australia Limited in association with the Australian Lot Feeders' Association and the Feedlot Industry Accreditation Committee
- Road Planning and Design Manual 2<sup>nd</sup> Edition published by Department of Transport and Main Roads
- *Environmental Protection Act 1994*
- Environmental Protection Regulation 2008
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules

# Notice

## *Environmental Protection Act 1994*

### **Decision about an application for an environmental authority**

*This statutory notice is issued by the administering authority pursuant to section 198 of the Environmental Protection Act 1994 to advise you of a decision on your application for an environmental authority.*

To: BR Hutchinson  
7863 Glencoe Road  
EIDSVOLD QLD 4627

tireen@westnet.com.au

ATTN: Mr Bruce Hutchinson

Our reference: QAMD0442

### **Decision about an application for an environmental authority**

#### **1 Application details**

The application for an environmental authority was received by the administering authority on 23 July 2018.

Application reference number: QAMD0442

Land description: Lot 23 NT55 and Lot 48 NT61.

340 Derra Road  
DERRI DERRA, QLD

#### **2 Decision**

The administering authority has decided to approve the application subject to conditions including condition(s) that you have not agreed to in writing.

#### **3 Annual fee**

The first annual fee is payable within 20 business days of the effective date shown in the attached environmental authority.

The anniversary day of this environmental authority is the same day each year as the effective date. An annual return and the payment of the annual fee will be due each year on this day.

#### **4 Review and appeal rights**

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the relevant court. Information about

your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.



Signature

31 August 2018

Date

Mitchell Furness  
Manager, Environmental Regulation

*Delegate of the administering authority  
Environmental Protection Act 1994*

**Enquiries:**

Department of Agriculture and Fisheries  
Animal Industries (J Block)  
203 Tor Street  
TOOWOOMBA QLD 4350

Phone: 13 25 23  
Fax: 07 4529 4192  
Email: [livestockregulator@daf.qld.gov.au](mailto:livestockregulator@daf.qld.gov.au)

**Attachments**

Environmental authority 2018-18

Information sheet: Internal review and appeal (ESR/2015/1742)

# Permit<sup>1</sup>

## Environmental Protection Act 1994

### Environmental authority

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

**Permit<sup>1</sup> number: 2018-18**

**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.  
Payment of the annual fee will be due each year on this day.

### Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
BR Hutchinson Suitable operator reference: 702799	7863 Glencoe Road EIDSVOLD QLD 4627

### Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 2 – Intensive animal feedlotting  1 keeping the following number of standard cattle units in a feedlot –  (b) more than 1,000 but not more than 10,000	Lot 23 NT55 and Lot 48 NT61  340 Derra Road  Derri Derra QLD

### 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).

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

### 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](http://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.



31 August 2018

Mitchell Furness

Manager, Environmental Regulation

Delegate of the administering authority

*Environmental Protection Act 1994*

### **Enquiries**

Department of Agriculture and Fisheries  
Animal Industries (J Block)  
203 Tor Street  
TOOWOOMBA QLD 4350

Phone: 13 25 23

Fax: 07 4529 4192

Email: [livestockregulator@daf.qld.gov.au](mailto: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 <b>administering authority</b> as soon as practicable within 24 hours of becoming aware of the breach. <b>Records</b> must be kept including full details of the breach and any subsequent actions taken.							
G2	<p>a) The number of cattle kept in the feedlot at any time, expressed in terms of <b>Standard Cattle Units (SCU)</b> 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><tr><th>Feedlot Location</th><th>Number of SCU</th><th>Minimum Pen Area (m<sup>2</sup> per SCU)</th></tr><tr><td>Lot 23 NT55, 340 Derra Road, Derri Derra</td><td>10,000</td><td>12</td></tr></table>		Feedlot Location	Number of SCU	Minimum Pen Area (m <sup>2</sup> per SCU)	Lot 23 NT55, 340 Derra Road, Derri Derra	10,000	12
Feedlot Location	Number of SCU	Minimum Pen Area (m <sup>2</sup> per SCU)						
Lot 23 NT55, 340 Derra Road, Derri Derra	10,000	12						
G3	<p>The feedlot <b>controlled drainage area</b> and associated facilities must be constructed generally in accordance with the plan:</p> <p>1. SITE PLAN SHOWING STAGE 2 EXTENSION PRELIMINARY LAYOUT, prepared by SMK Consultants, Drawing Number: 18-156-SP2, Revision E, amended 27-08-18.</p>							
G4	<p>The environmentally relevant activity will include the following effluent holding ponds:</p> <p>a) existing effluent pond with a minimum working capacity of at least <b>12.6ML</b>; and</p> <p>b) stage 1 effluent pond with a working capacity of at least <b>20ML</b>; and</p> <p>c) stage 2 effluent pond with a working capacity of at least <b>40ML</b>.</p>							
G5	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 <b>administering authority</b> , prior to stocking each stage of the expanded feedlot controlled drainage area.							
G6	Any <b>release</b> of effluent from containment structures must be reported to the <b>administering authority</b> as soon as practicable within 24 hours of becoming aware of the <b>release</b> . <b>Records</b> must be kept including full details of the <b>release</b> and any subsequent actions taken.							
G7	All reasonable and practicable <b>measures</b> must be taken to prevent or minimise <b>environmental harm</b> caused by the activities.							
G8	The holder of this environmental authority must not make any material alteration to the <b>activity</b> which may affect the operating capacity of the <b>activity</b> or change the way in which the <b>activity</b> operates, without the prior written approval of the <b>administering authority</b> .							

*M. J. H. Jones*  
31/8/2018

<b>G9</b>	<p>The <b>activity</b> must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> <li>a) identify potential risks to the environment from the <b>activity</b> during routine operations and emergencies; and</li> <li>b) establish and maintain control <b>measures</b> that minimise the potential for environmental harm; and</li> <li>c) ensure plant, equipment and <b>measures</b> are maintained in a proper and effective condition; and</li> <li>d) ensure plant, equipment and <b>measures</b> are operated in a proper and effective manner; and</li> <li>e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and</li> <li>f) ensure that reviews of environmental performance are undertaken at least annually; and</li> <li>g) Identify risk of harm or nuisance to surrounding land uses and <b>measures</b> to minimise any environmental harm or nuisance; and</li> <li>h) Include a management plan which outlines practices that prevent or minimise the risk of environmental harm or nuisance to surrounding land uses.</li> </ul>
<b>G10</b>	All <b>records</b> must be kept for a period of at least five years and provided to the <b>administering authority</b> upon request.
<b>G11</b>	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities ( <b>NATA</b> ) certification, or an equivalent certification, for such analyses.
<b>G12</b>	A <b>receiving environment monitoring program</b> must be designed and implemented to monitor the effects of the <b>activity</b> on soils, <b>groundwater</b> and <b>waters</b> within or adjacent to the waste utilisation areas.
<b>G13</b>	<p>A <b>receiving environment monitoring program</b> must be implemented that includes at least the following:</p> <ul style="list-style-type: none"> <li>a) initial monitoring of soil chemistry within the waste utilisation areas to obtain background chemistry in accord with Table 1 – Soil Monitoring below; and</li> <li>b) establish threshold levels for nutrients in the soils within the waste utilisation areas that trigger the remediation measures required by condition G13 (d) below to be undertaken; and</li> <li>c) periodic monitoring of soil chemistry within the waste utilisation areas in accord with Table 1 – Soil Monitoring; and</li> <li>d) describe all remediation measures that will be employed to ensure that contaminants generated by the <b>activity</b> do not cause environmental harm.</li> </ul>

*M. F. Peters*  
31/10/2018

Table 1 – Soil Monitoring			
Indicator(s)	Measurement (units) and depth intervals	Minimum frequency	Monitoring location
Land			
Colwell Phosphorus (Colwell P)	mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m	Every three (3) years	Soil samples are to be collected from the specified depth intervals from representative sites within the waste utilisation area.
Nitrate Nitrogen (NO <sub>3</sub> <sup>-</sup> - N)	mg/L 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m		
Exchangeable Sodium Percentage (ESP)	SAR 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m		
Electrical Conductivity (EC)	µS/cm 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m		
pH	pH units 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m		
G14	When required by the <b>administering authority</b> , monitoring must be undertaken in the manner prescribed by the <b>administering authority</b> to investigate a complaint or likelihood of <b>environmental harm</b> arising from the <b>activity</b> . The monitoring results must be provided within 10 business days to the <b>administering authority</b> upon its request.		
G15	Feedlot pens must be managed to:  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.		
G16	Feedlot <b>controlled drainage areas</b> 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 carry out compaction testing to demonstrate compliance with this specification.		
G17	The holder of the environmental authority must submit to the <b>administering authority</b> evidence that the expanded feedlot pens, effluent holding ponds, sediment basins and manure and carcass processing areas have been constructed in accord with the design permeability specification of Appendix C & G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition prior to stocking the expanded feedlot controlled drainage area.		
G18	Animal carcasses shall be disposed of so as not to cause <b>environmental harm</b> or <b>nuisance</b> .		
G19	Feedlot <b>controlled drainage areas</b> must be suitably designed to be protected from a 1% AEP flood event.		
Agency interest: Air			

*M. J. Jones*  
31/10/2017

Condition number	Condition
A1	Odours or airborne contaminants must not cause <b>environmental nuisance</b> to any <b>sensitive place</b> or <b>commercial place</b> .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any <b>sensitive place</b> or <b>commercial place</b> : <ul style="list-style-type: none"> <li>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</li> <li>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 <b>administering authority</b>.</li> </ul>
<b>Agency interest: Water</b>	
Condition number	Condition
WT1	Contaminants must not be released to <b>groundwater</b> or at a location where they are likely to release to <b>groundwater</b> .
WT2	Any <b>release</b> of contaminants generated by the <b>activity</b> to <b>waters</b> must not cause <b>environmental harm</b> .
WT3	The stormwater runoff from <b>disturbed areas</b> must be managed to minimise the release of contaminants offsite.
<b>Agency interest: Land</b>	
Condition number	Condition
L1	Any <b>release</b> of contaminants generated by the <b>activity</b> to <b>land</b> must not cause <b>environmental harm</b> .
L2	Before applying to surrender this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.
<b>Agency interest: Waste</b>	
Condition number	Condition
WS1	All waste generated in carrying out the <b>activity</b> 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.

*M. J. Evans*  
3/8/2018

WS3	Any <b>release</b> or utilisation of waste products generated by the <b>activity</b> must not cause <b>environmental harm</b> .																																																							
WS4	Feedlot waste products must be applied to land in a manner that does not result in leaching or overland flow of contaminants to <b>waters</b> .																																																							
Agency interest: Noise																																																								
Condition number	Condition																																																							
N1	Noise generated by the <b>activity</b> must not cause <b>environmental nuisance</b> to any <b>sensitive place</b> or <b>commercial place</b> .																																																							
N2	Noise from the <b>activity</b> must not include <b>substantial low frequency noise</b> components and must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance <b>sensitive place</b> or <b>commercial place</b> .  Table 3 – Noise limits <table><tr><th rowspan="2">Noise level measured in dB(A)</th><th colspan="3">Monday to Saturday</th><th colspan="3">Sunday and Public Holidays</th></tr><tr><th>7am-6pm</th><th>6pm-10pm</th><th>10pm-7am</th><th>9am-6pm</th><th>6pm-10pm</th><th>10pm-9am</th></tr><tr><td colspan="7">Noise measured at a nuisance sensitive place</td></tr><tr><td>LAeq adj, 1 hr</td><td>Background +5</td><td>Background +3</td><td>Background +3</td><td>Background +5</td><td>Background + 3</td><td>Background + 3</td></tr><tr><td>LAmx, 1 hr</td><td>Background +10</td><td>Background +8</td><td>Background +5</td><td>Background +10</td><td>Background +8</td><td>Background +5</td></tr><tr><td colspan="7">Noise measured at a commercial place</td></tr><tr><td>LAeq adj, 1 hr</td><td>Background +10</td><td>Background +8</td><td>Background +5</td><td>Background +10</td><td>Background +8</td><td>Background +5</td></tr><tr><td>LAmx, 1 hr</td><td>Background +15</td><td>Background +13</td><td>Background +10</td><td>Background +15</td><td>Background +13</td><td>Background +10</td></tr></table>	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							LAeq adj, 1 hr	Background +5	Background +3	Background +3	Background +5	Background + 3	Background + 3	LAmx, 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5	Noise measured at a commercial place							LAeq adj, 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5	LAmx, 1 hr	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10
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## END OF PERMIT

### Attachments

1. SITE PLAN SHOWING STAGE 2 EXTENSION PRELIMINARY LAYOUT, prepared by SMK Consultants, Drawing Number: 18-156-SP2, Revision E, amended 27-08-18.

*H. J. Jones*  
3/8/2018

## 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.

**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.

**controlled drainage areas** means a self-contained catchment surrounding those parts of the feedlot complex from which uncontrolled stormwater runoff would constitute an environmental hazard. It is typically established using a series of:

- catch drains to capture runoff from the feedlot pens and all other surfaces within the feedlot complex, and ultimately convey that runoff to a treatment, collection or disposal system, and
- diversion banks or drains placed immediately upslope of the feedlot complex, which are designed to divert 'clean' or uncontaminated upslope runoff around the feedlot complex.

**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.

**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**.

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

4.7.2018  
31/8/2018



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

**NATA** means National Association of Testing Authorities.

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

**receiving environment monitoring program** means a monitoring program designed to monitor and assess the potential impacts of controlled and/or uncontrolled releases of contaminants to the environment from the activity.

**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.

*M. J. Thomas*  
31/8/2008

### 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.

*Handwritten signature and date:*  
A. Ferguson  
31/10/2018



M. J. Jones  
3/19/2011

SCALES: HORIZ 1 in 4000 VERT 1 in 1000		(A3)		<b>S.M.K. CONSULTANTS</b> surveying - irrigation - environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021		<b>CLIENT:</b> MELBRIG FEEDLOT		<b>DESCRIPTION:</b> SITE PLAN SHOWING STAGE 2 EXTENSION PRELIMINARY LAYOUT		PLAN REVISION: DATE D A PRELIMINARY PLAN FOR DISCUSSION B Print Release C COAs		COAs Comments:		REF No. 18-156 DATE 06-05-2018		DRAWING No. 18-156-SP2	
DATUM: Approximate Mean Sea Level		SURVEYED BY: J.S. Snyders DESIGNED BY: A. Snyders CHECKED BY: J. Taylor		DRAWING FILE: Melbbrig Feedlot.dwg CALC. FILE: N/A survey data files													

# 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 539 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 (EM1157) and (2) Internal review and appeal to the Planning and Environment Court (ESR/2015/1572).*

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## 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 Heritage Protection (the department) may apply to have that decision internally reviewed<sup>1</sup>. 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;
- be supported by enough information to enable the department to decide the review application; and
- be made using the approved form Application for review of original decision (ESR/2015/1573<sup>2</sup>).

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.

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<sup>1</sup> Note: In accordance with section 521(13) internal reviews are not undertaken for an original decision to issue a clean-up notice.

<sup>2</sup> This form is available on the Queensland Government website at [www.qld.gov.au](http://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 to refuse to accredit an Environmental Risk Management Plan (ERMP)—the person who submitted it; or
  - (c) if the decision is about an application for an environmental authority—the applicant; or
  - (d) if the decision is about an environmental authority, including financial assurance for an authority—the holder of the authority; or
  - (e) if the decision is about an application for registration of a person as a suitable operator—the applicant; or
  - (f) if the decision is about a registered suitable operator—the operator; or
  - (g) if the decision is to give an audit notice under section 322 or 323—the recipient; or
  - (h) 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
  - (i) if the decision is about an ERMP direction, environmental investigation or environmental protection order—the recipient; or
  - (j) 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
  - (ja) if the decision is about a temporary emissions licence—
    - (i) the applicant for the licence; or
    - (ii) the holder of the licence; or
  - (k) if the decision is to issue a direction notice, clean-up notice or cost recovery notice—the recipient; or
  - (l) 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 sections of the EP Act regarding the process for the internal review of original decisions are 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—
    - (i) 10 business days<sup>1</sup> 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'); or
    - (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) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
  - (a) notice of the application (the 'review notice');
  - (b) a copy of the application and supporting documents.
- (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 application is made to the authority.
- (5) If the administering authority is satisfied the applicant has complied with subsections (2) and (3), 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) The application does not stay (i.e. suspend or stop) the original decision.
- (7) 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.
- (8) 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 of the original decision.
- (9) The notice must—
  - (a) include the reasons for the review decision; and
  - (b) inform the persons of their right of appeal against the decision.
- (10) If the administering authority does not comply with subsection (5) or (8), the authority is taken to have made a decision confirming the original decision.
- (11) Subsection (7) applies despite the *Acts Interpretation Act 1954*, s. 27A.
- (12) 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.
- (13) Also, this section does not apply to an original decision to issue a clean-up notice.
- (14) In this section—
  - 'decision period' means—
    - (a) if a submission is received within the submission period—15 business days after the administering authority receives the application; or

- (b) if no submissions are received within the submission period—10 business days after the administering authority receives the application.

**Section 522 Stay of operation of particular original decisions**

- (1) If an application is made for 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 to secure the effectiveness of the review and any later appeal to the Land Court or the Court.
- (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 time when the administering authority reviews the decision and any later period the Land Court or the Court allows the applicant to enable the applicant to appeal against the review decision.
- (5) This section applies subject to sections 522A and 522B.

**Section 522A Stay of decision about financial assurance**

- (1) This section applies to an application under section 522 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 522B Stay of decision to issue environmental protection order**

- (1) This section applies to an application under section 522 for a stay of a decision to issue an environmental protection order.
- (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.

### 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 an original decision mentioned in schedule 2, part 1.

**Section 524 Right of appeal**

A dissatisfied person who is dissatisfied with the 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 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 Court<sup>2</sup>.

**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 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 1<sup>3</sup> applies;
  - (b) a review decision that relates to an original decision mentioned in Schedule 2, Part 3<sup>4</sup>.
- (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 of the original decision; or
  - (b) if the appellant is not the chief executive—the other persons who were given notice 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 535 Stay of operation of decisions**

- (1) The Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- (2) A stay may be granted on conditions the Court considers appropriate and has effect for the period stated by the Court.
- (3) The period of a stay must not extend past the time when the Court decides the appeal.
- (4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.
- (5) This section applies subject to sections 535A to 535C.

**Section 535A Stay of decision to issue clean-up notice**

- (1) This section applies to an application under section 535 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 535B Stay of decision about financial assurance***

- (1) This section applies to an application under section 535 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 535C Stay of decision to issue environmental protection order***

- (1) This section applies to an application under section 535 for a stay of a decision to issue an environmental protection order.
- (2) 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 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)—
    - i. to refuse to accredit an ERMP; or
    - ii. 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 2016* about a planning or development matter for the premises to which the ERMP or 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) one 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 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 Heritage Protection should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

**Approved:**  
5 July 2017

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<sup>1</sup> 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'.

<sup>2</sup> 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 at [www.landcourt.qld.gov.au](http://www.landcourt.qld.gov.au).

<sup>3</sup> Subdivision 1 is about appeals to the Land Court.

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

## Attachment 2 – Appeal Rights Planning Act 2016

### CHAPTER 6, PART 1 APPEAL RIGHTS

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note — See the P&E Court Act for the court's power to extend the appeal period.*
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

#### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



## SCHEDULE 1 APPEALS

### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
    - (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
  - (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—  
**storey** see the Building Code, part A1.1.

**Extract of Schedule 1 of the Planning Act 2016**

<p align="center"><b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b></p>			
<p><b>1. Development applications</b> An appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ul style="list-style-type: none"> <li>1 A concurrence agency that is not a co-respondent</li> <li>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3 Any eligible advice agency for the application</li> <li>4 Any eligible submitter for the application</li> </ul>
<p><b>2. Change applications</b> For a change application other than a change application made to the P&amp;E Court or called in by the Minister, an appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the responsible entity's decision on the change application; or</li> <li>(b) a deemed refusal of the change application.</li> </ul>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ul style="list-style-type: none"> <li>1 The applicant</li> <li>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</li> </ul>	The responsible entity	If an affected entity starts the appeal—the applicant	<ul style="list-style-type: none"> <li>1 A concurrence agency for the development application</li> <li>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3 A private certifier for the development application</li> <li>4 Any eligible advice agency for the change application</li> <li>5 Any eligible submitter for the change application</li> </ul>
<p><b>3. Extension applications</b> For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the assessment manager's decision on the extension application; or</li> <li>(b) a deemed refusal of the extension application.</li> </ul>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ul style="list-style-type: none"> <li>1 The applicant</li> <li>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</li> </ul>	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<p><b>4. Infrastructure charges notices</b> An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <ul style="list-style-type: none"> <li>(a) the notice involved an error relating to— <ul style="list-style-type: none"> <li>(i) the application of the relevant adopted charge; or</li> </ul> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> <li>• the incorrect application of gross floor area for a non-residential development</li> <li>• applying an incorrect 'use category', under a regulation, to the development</li> </ul> <ul style="list-style-type: none"> <li>(ii) the working out of extra demand, for section 120; or</li> <li>(iii) an offset or refund; or</li> </ul> </li> <li>(b) there was no decision about an offset or refund; or</li> <li>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</li> <li>(d) for an appeal to the P&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</li> </ul>			

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<b>5. Conversion applications</b> An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—

**Table 2**  
**Appeals to the P&E Court only**

<b>1. Appeals from tribunal</b> An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<b>2. Eligible submitter appeals</b> For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application	1. For a development application—the assessment manager 2. For a change application—the responsible entity	1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<b>3. Eligible submitter and eligible advice agency appeals</b> For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application 3. An eligible advice agency for the development application or change application	1. For a development application—the assessment manager 2. For a change application—the responsible entity	1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

<b>Table 3</b> <b>Appeals to a tribunal only</b>			
<b>1. Building advisory agency appeals</b> An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
<b>Column 1</b> Appellant	<b>Column 2</b> Respondent	<b>Column 3</b> Co-respondent (if any)	<b>Column 4</b> Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval. 2 A private certifier for the development application related to the approval
<b>2. Inspection of building work</b> An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
<b>Column 1</b> Appellant	<b>Column 2</b> Respondent	<b>Column 3</b> Co-respondent (if any)	<b>Column 4</b> Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision.	—	—
<b>3. Certain decisions under the Building Act and the Plumbing and Drainage Act</b> An appeal may be made against— <ul style="list-style-type: none"> <li>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</li> <li>(b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act.</li> </ul>			
<b>Column 1</b> Appellant	<b>Column 2</b> Respondent	<b>Column 3</b> Co-respondent (if any)	<b>Column 4</b> Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision.	The person who made the decision	—	—
<b>4. Local government failure to decide application under the Building Act</b> An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			
<b>Column 1</b> Appellant	<b>Column 2</b> Respondent	<b>Column 3</b> Co-respondent (if any)	<b>Column 4</b> Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—

### **Attachment 3 – Approved Plans**

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**Intentionally left blank**

**Please refer to the following pages for approved plans**



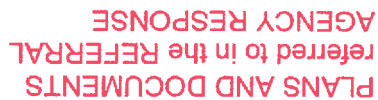
PROPOSED PENS  
PEN SIZE 25M WIDE BY 40M DEEP  
DESIGN PEN CAPACITY - 80 HEAD AT 12.5 SQ.M PER HEAD  
TOTAL NUMBER OF NEW PENS - 24  
NEW PEN SPACE - 24,000 SQ.M  
PROPOSED PEN CAPACITY - 1920 HEAD  
STAGE 1 TOTAL CAPACITY - 4226 HEAD

**SARA ref:** 1807-6298 SRA  
**Date:** 3 September 2018



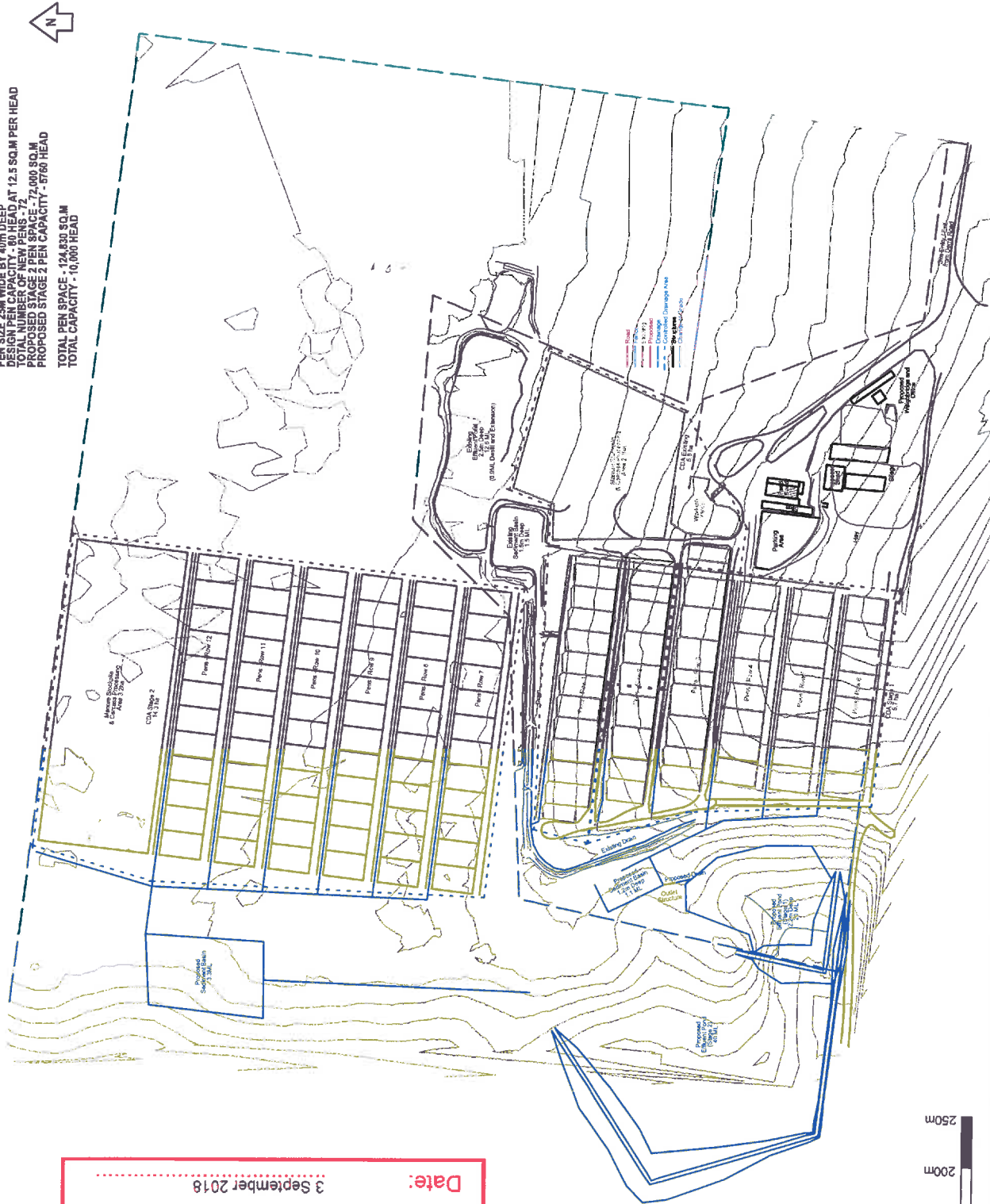
8m ROAD  
6m LANEWAY  
40m DEEP PEN  
8m ROAD  
6m LANE  
40m PEN  
8m ROAD  
6m LANE  
40m PEN  
8m ROAD

SCALES: HORIZ. 1 in 2500 VERT. 1 in _____		(A3)	<b>S.M.K. CONSULTANTS</b> surveying - irrigation - environmental PO BOX 774, MOREE 2400 PHONE (02) 67 521021		<b>CLIENT:</b> MELBRIG FEEDLOT <b>PROJECT:</b> FEEDLOT EXTENSION PROPOSAL		<b>DESCRIPTION:</b> SITE PLAN SHOWING EXISTING FEEDLOT WITH STAGE 1 EXTENSION		<b>PLAN REVISION:</b>		DRAWING No. <b>18-156-SP1</b>	
DRAWN: <i>Agnesmaria MGA</i> SURVEYED: <i>AGS Surveyors</i> DESIGNED: <i>A. Benady</i> CHECKED: <i>P. Taylor</i>							DATE: 05-08-2010 FILE No. 18-156		DATED: 05-08-2010 FILE No. 18-156		DRAWING FILE: Melbourne Feedlot CALC. FILE: Melbourne Feedlot	



1807-6298 SRA

3 September 2018



PROPOSED PENS  
PEN SIZE 25M WIDE BY 40M DEEP  
DESIGN PEN CAPACITY - 80 HEAD AT 12.5 SQ.M PER HEAD  
TOTAL NUMBER OF NEW PENS - 72  
PROPOSED STAGE 2 PEN SPACE - 72,000 SQ.M  
PROPOSED STAGE 2 PEN CAPACITY - 5760 HEAD  
TOTAL PEN SPACE - 124,830 SQ.M  
TOTAL CAPACITY - 10,000 HEAD

SCALES: HORIZ 1 in 4000 VERT 1 in Contour DATUM: Approximate MSLA SURVEYED: JES Surverney DESIGNED: A. Lowmyer CHECKED: P. Taylor		(AS)		<b>S.M.K. CONSULTANTS</b> surveying - irrigation - environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021		<b>CLIENT:</b> MELBRIG FEEDLOT <b>PROJECT:</b> FEEDLOT EXTENSION PROPOSAL		<b>DESCRIPTION:</b> SITE PLAN SHOWING STAGE 2 EXTENSION PRELIMINARY LAYOUT		<b>PLAN REVISION:</b> A. PRELIMINARY PLAN FOR DISCUSSION B. Final Release C. CDAs		DATE: <input type="text"/> CDAs: <input type="text"/> APPROVED: <input type="text"/>		DRAWING FILE: Macrodonell Feedlot.vcd CALC. FILE: P:\manny\colled.asx	
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