

Dieta Salisbury 'Glenbrae'

110 Macks Road MONTO QLD 4630

15 August 2023

Mailing Address: PO Box 390, Gayndah Qld 4625 Street Address: 34-36 Capper Street, Gayndah Qld 4625

Telephone: 1300 696 272 Facsimile: (07) 4161 1425

Email: admin@northburnett.qld.gov.au Web: www.northburnett.qld.gov.au

ABN: 23 439 388 197

Our Reference: DA230039

Dear Sir / Madam

# RE: MINOR CHANGE APPLICATION FOR PIGGERY OFFICE AT 110 MACKS ROAD, MONTO; LAND DESCRIBED AS 125 ON RW143

Thank you for your Minor Change Application for Piggery Office at 110 Macks Road, Monto; land described as 125RW143 lodged with Council on 17 March 2023.

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

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

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

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

Yours sincerely,

Kim Mahoney

**General Manager – Corporate and Community** 



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### **Amended Decision Notice — Change Application**

(Given under section 83 of the Planning Act 2016)

Thank you for your change application made under *section 78* of the *Planning Act 2016* detailed below which was properly made on 17 July 2023. The North Burnett Regional Council has assessed your application and decided it as follows:

#### **Location details**

Street address: 110 Macks Road, Monto

Real property description: Lot 125 on RW143

Local government area: North Burnett Regional Council

### **Details of Original Approval**

Application for Material change of use—Intensive Animal Industry (piggery expansion from 5394 to 12,500 SPU) & Prescribed Environmentally Relevant Activity 3(c) keeping more than 8000 SPU

Date of Approval: 2 September 2019

Application number: 62/17

#### **Details of proposed development**

Application number: DA230039

Date of decision: 15 August 2023

Decision details: North Burnett Regional Council has decided to:

Make the change. These amendments are set out in schedule 1.

Changes are in **bold italics**.

The changes agreed to are:

• Update the approved plans in section 5 of the decision notice to refer to additions of a proposed site office (21m x 7.9m) in the southern complex of the premises.

#### 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*).

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

Yours sincerely,

Kim Mahoney

**General Manager – Corporate and Community** 

Schedule 1—Existing approval incorporating changes

Schedule 2—Appeal rights



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## Schedule 1 – Decision Notice incorporating approved changes

## This Decision Notice includes changes approved on — 15 August 2023 Changes are in **bold italics**

(Given under section 63 of the Planning Act 2016)

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

#### 1. Applicant's details

Name: Dieta Salisbury

Postal Address: 'Glenbrae'

110 Macks Road

Email: ben@salisburyframing.com

07 4166 1646 Phone No.: Mobile No.: 0499 661 646

#### 2. Location details

Street address: 110 Macks Road, Monto

Real property description: Lot 125 on RW143

Local government area: North Burnett Regional Council

#### 3. Decision

Application number: DA230039

Date of decision: 15 August 2023

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

Attachment 1.

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

#### 4. Details of proposed development

	Sustainable Planning Regulation 2009, Schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which SPA section 242 applies			

	Sustainable Planning Regulation 2009, Schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use for an environmentally relevant activity	Part 1, table 2, item 1		

# 5. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Plan reference	Drawing/report title	Rev	Date
8494 Fig11	Proposed Property Aerial Plan	С	06/11/18
8494 Fig04	Surrounding Land Use and Sensitive Receptors Plan	В	07/11/18
8494 Fig12.1	Proposed Southern Complex Plan – Stage 1	E	04/06/19
8494 Fig12.2	Proposed Southern Complex Plan – Stage 2	Α	04/06/19
8494 Fig13	Proposed Northern Complex Plan	D	04/06/19
-	Office Amenities Building – Site layout plan	-	-
BM7610SK01	Office Amenities Building – Plan layout	-	17/05/2022
BM7610SK02	Office Amenities Building – Roof plan	-	17/05/2022
ВМ7610SK03	Office Amenities Building – A & C axis elevation view	-	17/05/2022
BM7610SK04	Office Amenities Building – 1 & 5 axis elevation view 1-1 section view	-	17/05/2022

### 6. Referral Agencies

For	an application involving	Name of referral agency	Advice agency or concurrence agency	Address
	Schedule 7, Table 2, item 1 of the Sustainable Planning Regulation 2009—Environmentally relevant activities A material change of use for an environmentally relevant activity made assessable under schedule 3, part 1, table 2, item 1	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)	Concurrence agency	Online via the eDA / MyDAS system (refer note below) or via email to— WBBSARA@ dsdmip.qld.gov.au For assistance phone: 07 4331 5614
	Schedule 7, Table 3, item 1 of the Sustainable Planning Regulation 2009—State-controlled road Making a material change of use of premises, other than an excluded	Department of State Development, Manufacturing, Infrastructure and	Concurrence agency	Online via the MyDAS system (refer note below) or via email to—

For	an application involving	Name of referral agency	Advice agency or concurrence agency	Address
	material change of use, if any part of the land—  (a) is within 25m of a State-controlled road; or  (b) is future State-controlled road; or abuts a road that intersects with a State-controlled road within 100m of the land	Planning (DSDMIP)		WBBSARA@ dsdmip.qld.gov.au For assistance phone: 07 4331 5614
	Schedule 7, Table 3, item 2 of the  Sustainable Planning Regulation 2009— Development impacting on State transport infrastructure An aspect of development identified in Schedule 9 that—  (a) is for the purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold—  (i) For development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or for development in LGA population 2— mentioned in schedule 9, column 3 for the purpose.	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)	Concurrence agency	Online via the MyDAS system (refer note below) or via email to— WBBSARA@ dsdmip.qld.gov.au For assistance phone: 07 4331 5614
	Schedule 7, Table 3, item 15A of the Sustainable Planning Regulation 2009— A material change of use of premises, other than an excluded material change of use, if any part of the land is—  (a) within 25m of a railway or future railway land; or future railway land.	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)	Concurrence agency	Online via the MyDAS system (refer note below) or via email to— WBBSARA@ dsdmip.qld.gov.au For assistance phone: 07 4331 5614

A copy of DSDMIP's Concurrency agency response—(with condition) is included under **Attachment 3**.

### 7. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Michael Riddell	2 Edison Street, Monto	

Not properly made submissions were also received from the following submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Carmel King	Kalpowar	

#### 8. Further development permits

The following development permits and/or compliance permits are necessary to allow the development to be carried out:

- All Operational Work
- All Building Work

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

The decision is not considered to conflict with a relevant instrument.

#### 10. Conditions about infrastructure

No conditions about infrastructure have been imposed under Chapter 8 of the SPA.

#### 11. When approval lapses if development not started

Pursuant to section 341 of the SPA, this approval will lapse four (4) years from the date the approval takes effect unless the relevant period is extended.

#### 12. 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*).

A copy of the relevant appeal provisions are 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

Kim Mahoney

**General Manager – Corporate and Community** 

Enc: Attachment 1-conditions imposed by assessment manager

Attachment 2-approved plans, drawings & specifications

Attachment 3-conditions imposed by concurrence agency/s

Attachment 4-appeal rights

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## **Attachment 1 – Conditions Imposed by Assessment Manager**

#### General

- Carry out the approved development generally in accordance with the documents identified in section 2 "Approved plans, drawings and specifications" of the decision notice approval, except as modified by the conditions of this approval.
- 2) Carry out the approved development in accordance with the following unless modified by the conditions of this approval—
  - a) DSDMIP's Concurrence agency response—(with condition) dated 20 June 2019 including Department of Agriculture and Fisheries' Permit—Environmental authority Permit number: 2019-09 dated 19 June 2019;
  - b) Premise Agriculture's "Environmental Assessment and Environmental Management Plan" (16TOO-0098/1802794 Rev: B).
- 3) Where there is any conflict between conditions of this approval and details shown on the approved plans under Condition 1, the conditions prevail.
- 4) Exercise the approval and complete all associated works, including the installation or relocation of infrastructure or services, at no cost to Council.
- 5) Comply with all of the conditions of this development permit prior to the commencement of the use, and maintain compliance whilst the use continues.

#### Extent of approved use

6) Do not exceed 8000 SPU in the northern complex or 4500 SPU in the southern complex.

#### **Amenity**

- 7) Prior to stocking the northern piggery complex with more than 2700 SPU the following must take place—
  - a) all liquid waste containment structures used for the storage of piggery effluent from the northern piggery sheds are to be enclosed or covered with an impermeable cover at all times while in use; and
  - b) any effluent that is transferred from the northern site to the liquid waste containment structures located at the southern site must be conveyed in a manner that minimises the risk of contaminants causing environmental harm.
- 8) Fully contain any storage and transfer of effluent.
- 9) Establish a 20m wide vegetative/landscaping buffer to the north of the northern complex and to the south of the southern complex in accordance with Premise's *Proposed Southern Complex Plan—Stage 1 (8494 Fig12.1 Rev E)* and *Proposed Northern Complex Plan (8494 Fig13 Rev D)*. Complete the buffer to the southern complex in Stage 1.
- 10) Do not use any plant species identified as unacceptable for landscaping by Table SC6.5.5.1 of Planning scheme policy "SC6.5 Landscaping policy" for landscape screening of the complexes. This includes *Duranta erecta*.

#### **Biosecurity**

11) 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.

#### Amalgamation

12) Lodge for registration a survey plan amalgamating Lots 125, 126, 127 and 128 on RW143 and Lot 124 on RP224848 into one lot.

#### Advice to the applicant

- Carry out the approved development only when a current and relevant Environmental authority (or statutory equivalent) is also held for the applicable Environmentally relevant activity.
- Carry out the approved development only when a current and relevant Registrable Biosecurity Entity (or statutory equivalent) is also held for the keeping of the applicable number of pigs.
- Carry out the approved development in compliance with the *Biosecurity Act 2014*. The Act 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.
- Pay to Council all outstanding rates, charges or any expenses levied by Council over the land.
- 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.

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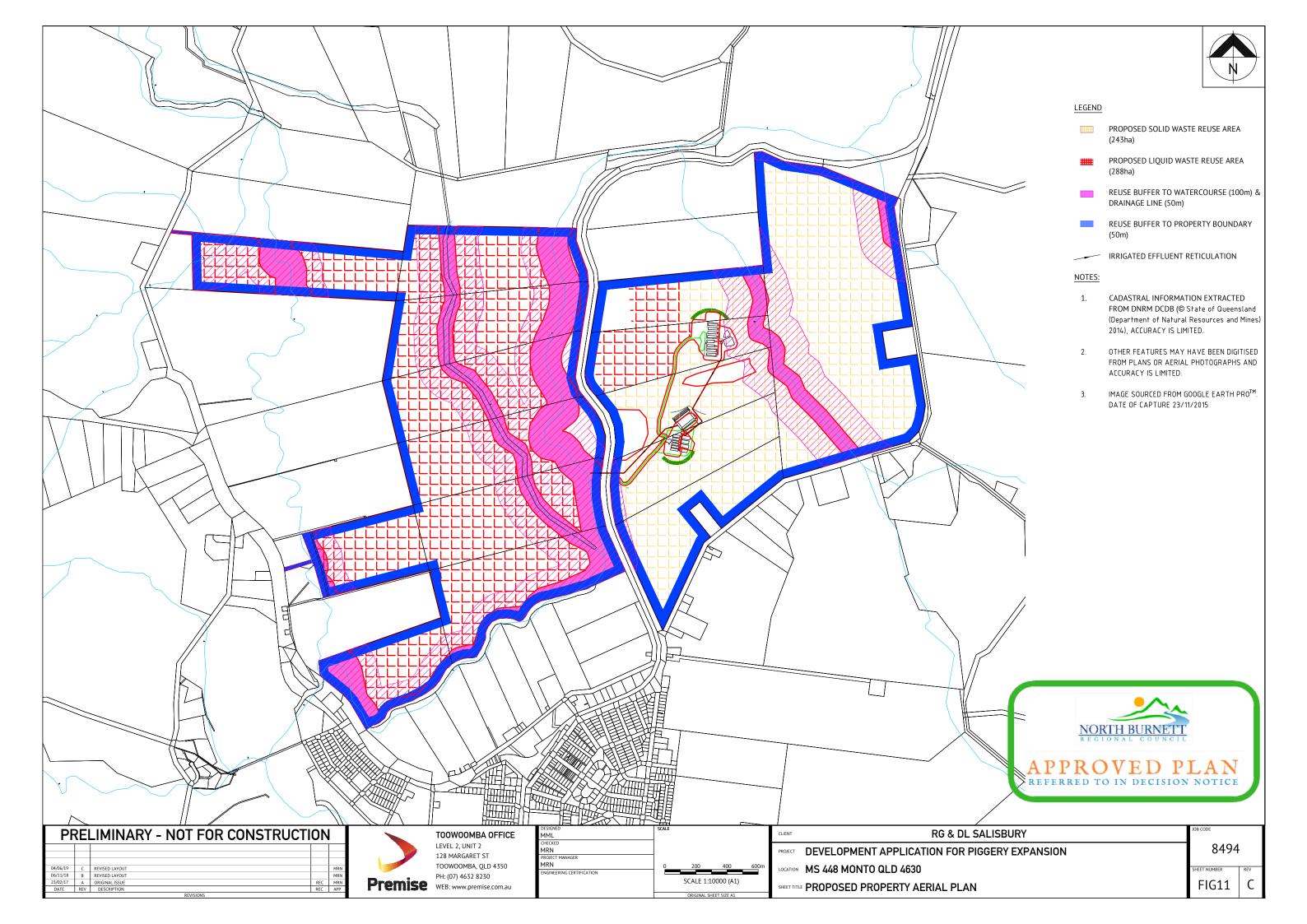
ABN: 23 439 388 197

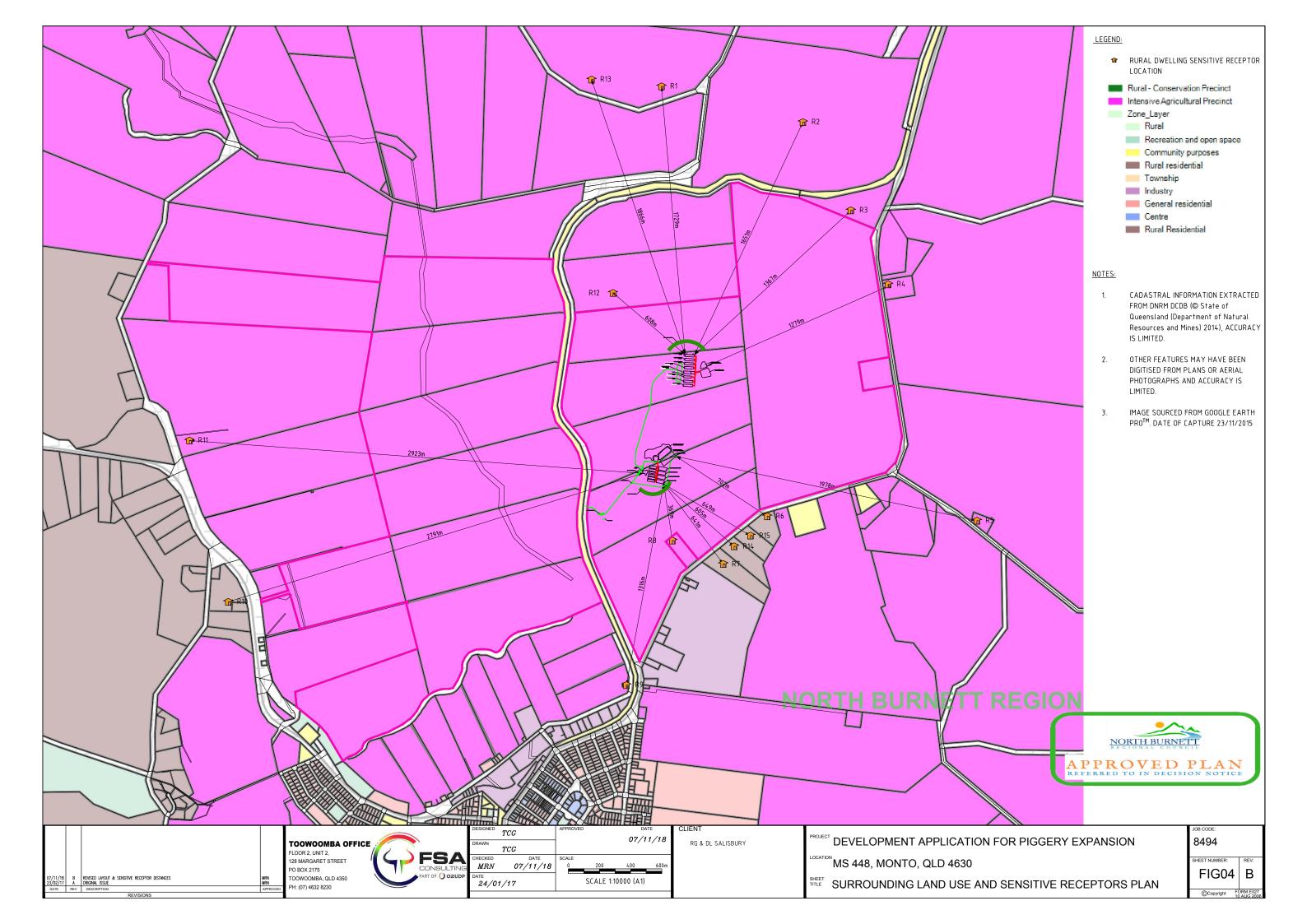
# **Attachment 2 – Approved Plans**

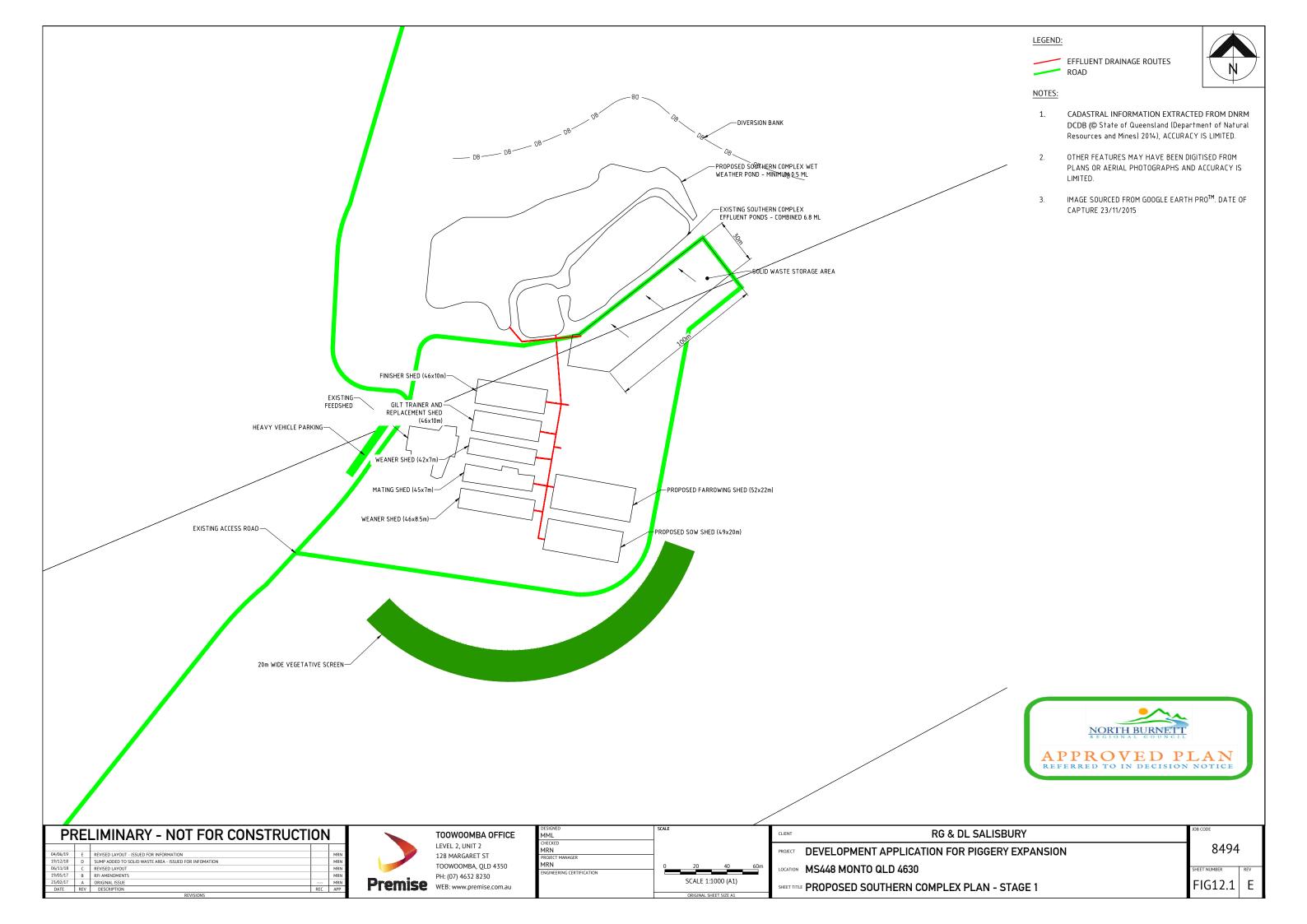
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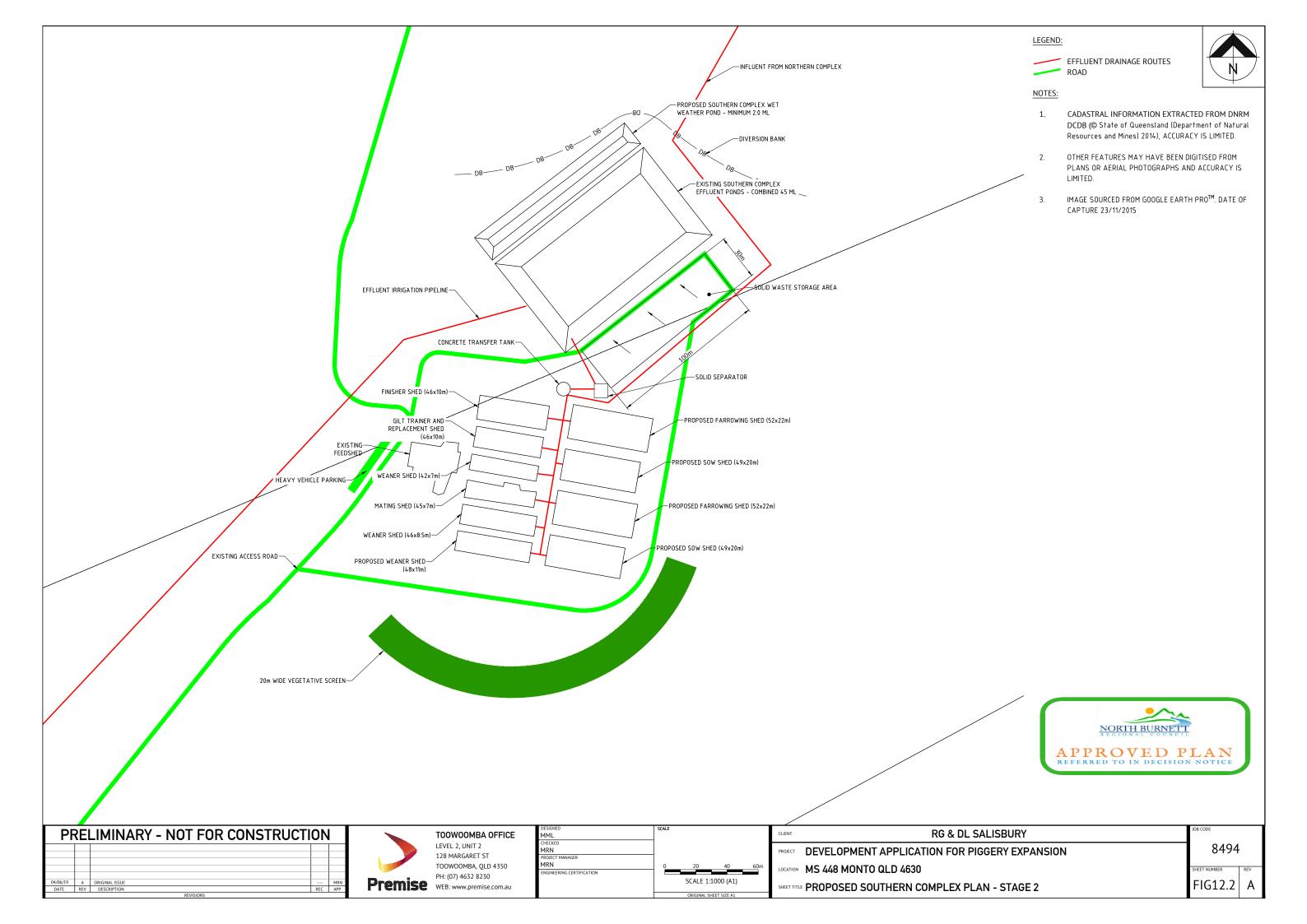
Please refer to the following pages for approved plans.

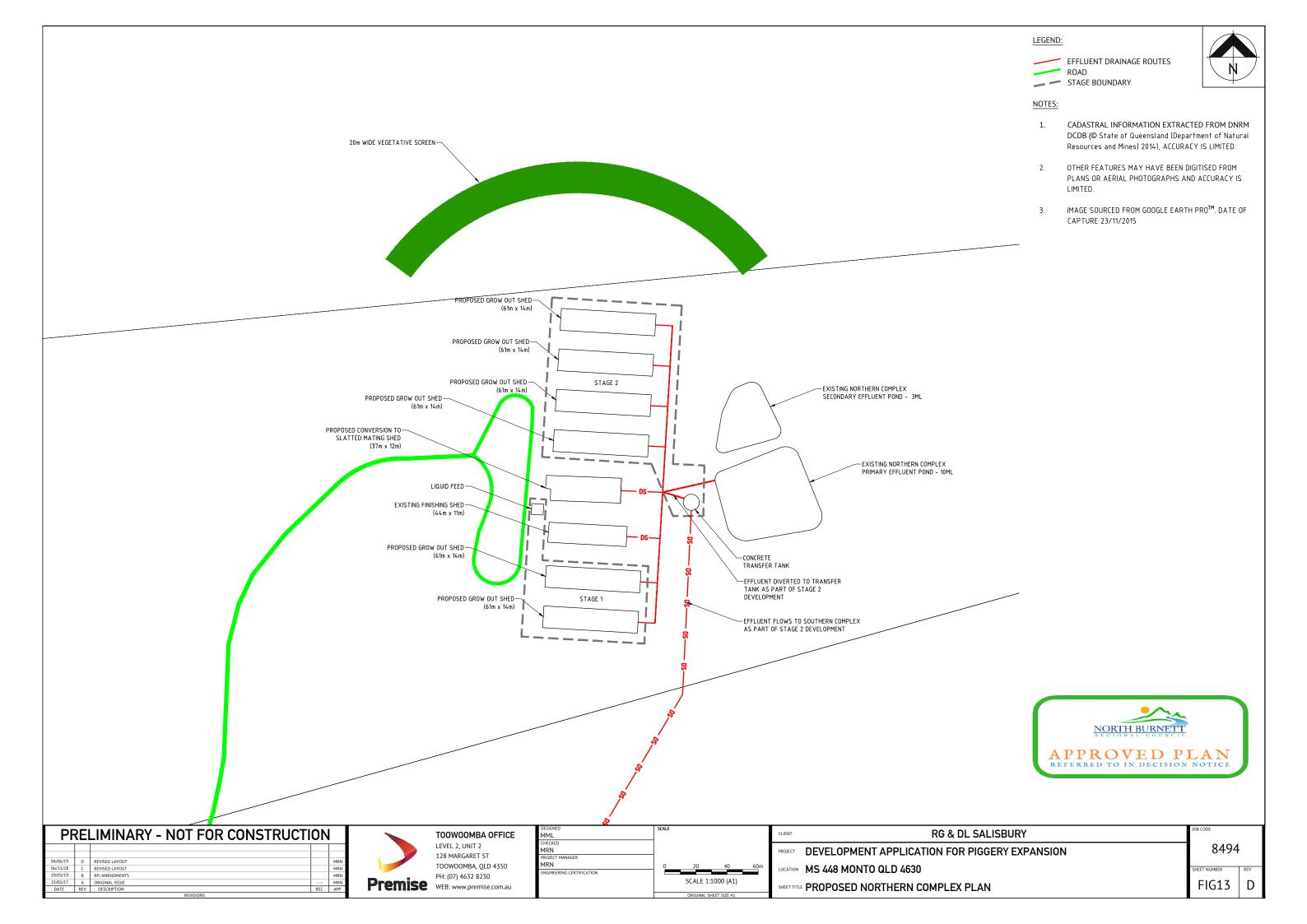










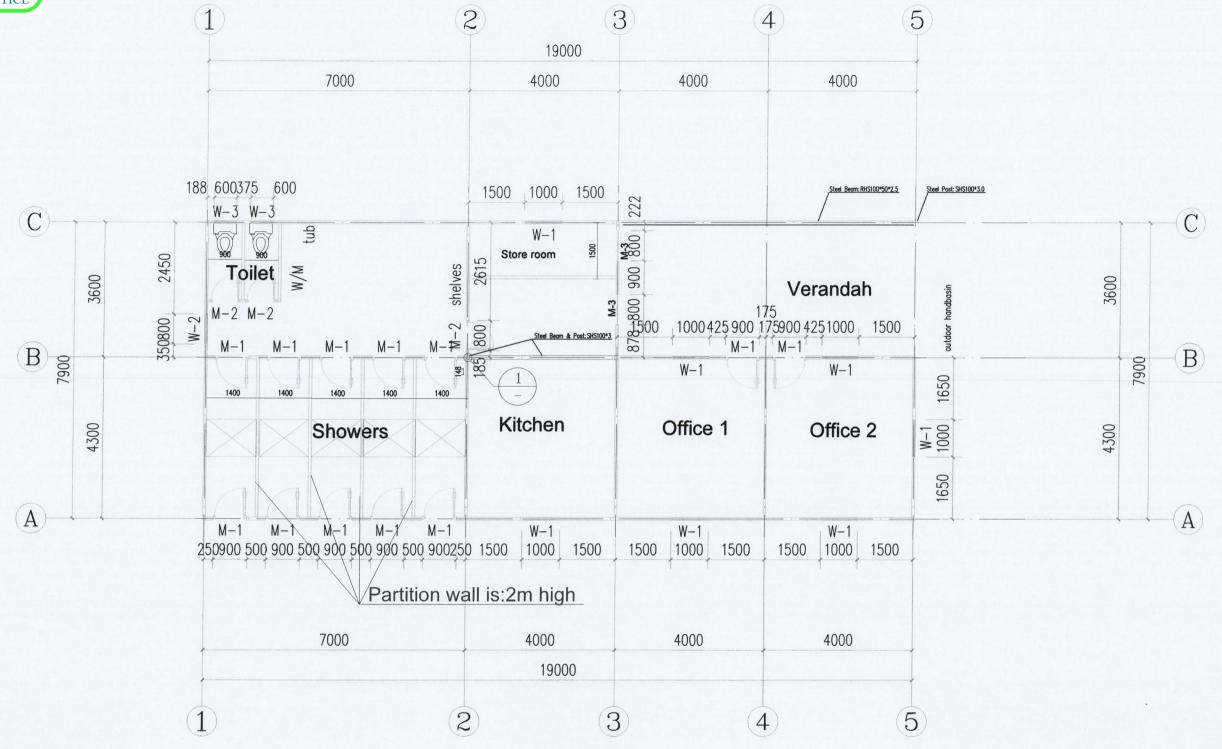




# Office Amenities Building – Site layout plan







# Window & Door List

Name	Mark	Size(mm)	Qty.
	D-1	900*2100	12
Door	D-2	800*2100	3
	D-3	800*2100	2
	W-1	1000*1000	7
Window	W-2	800*1100	1
	W-3	600*600	2

# Plan Layout

(1)

1:100

Sketch # BM7610SK01
Signed: AM

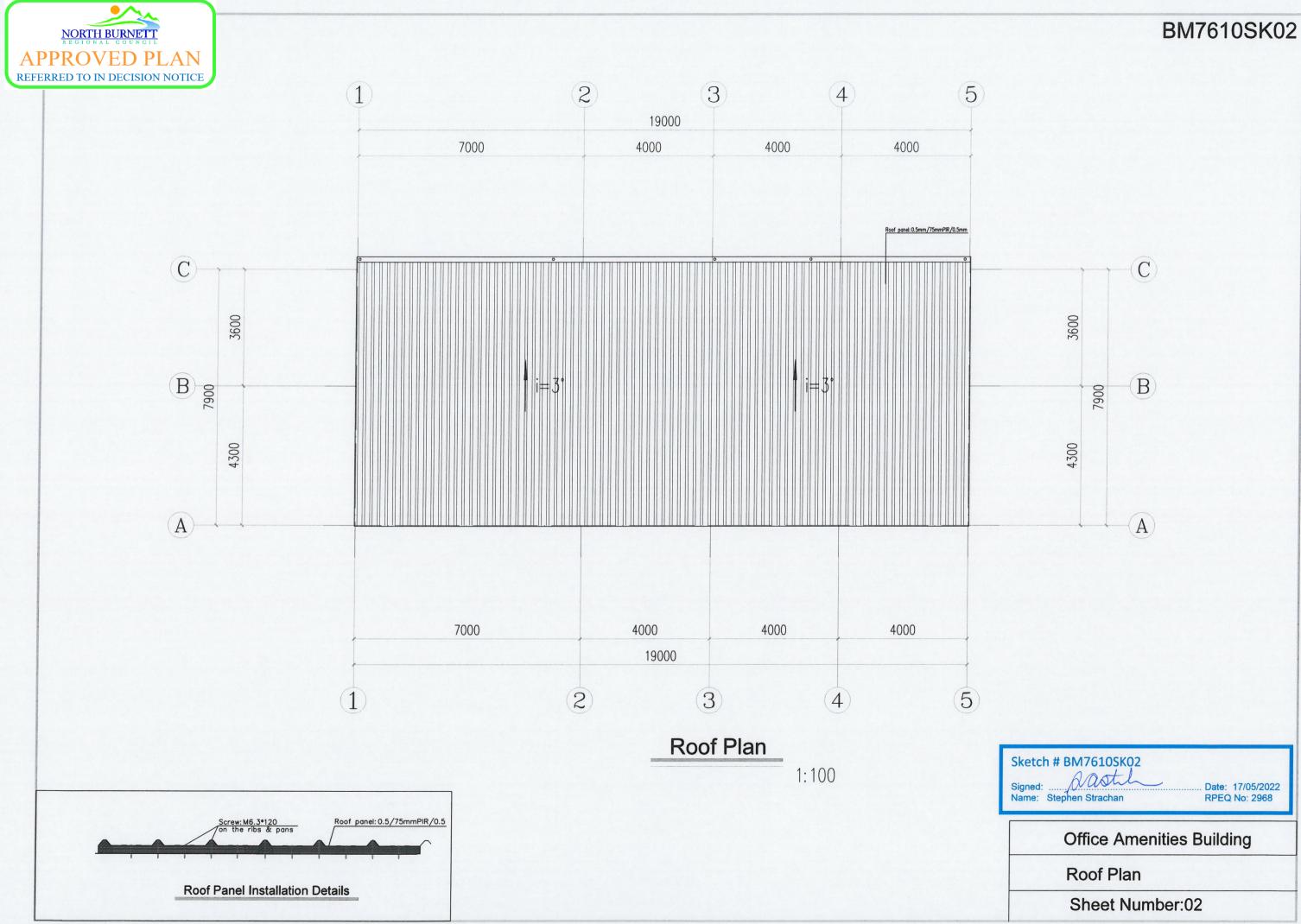
Name: Stephen Stracha

Date: 17/05/2022 RPEQ No: 2968

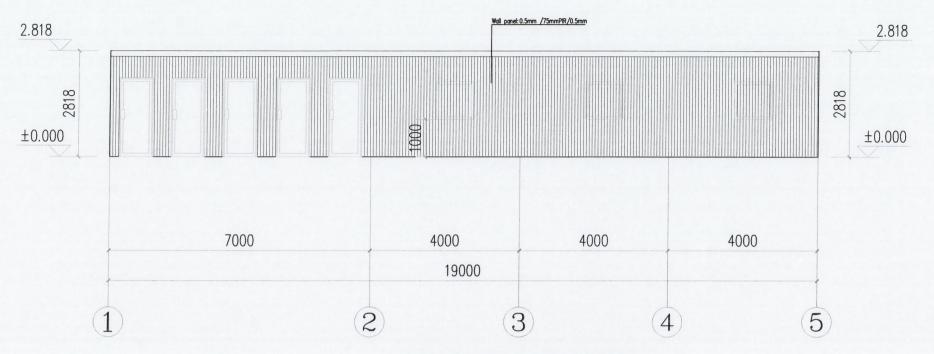
Office Amenities Building

Plan Layout

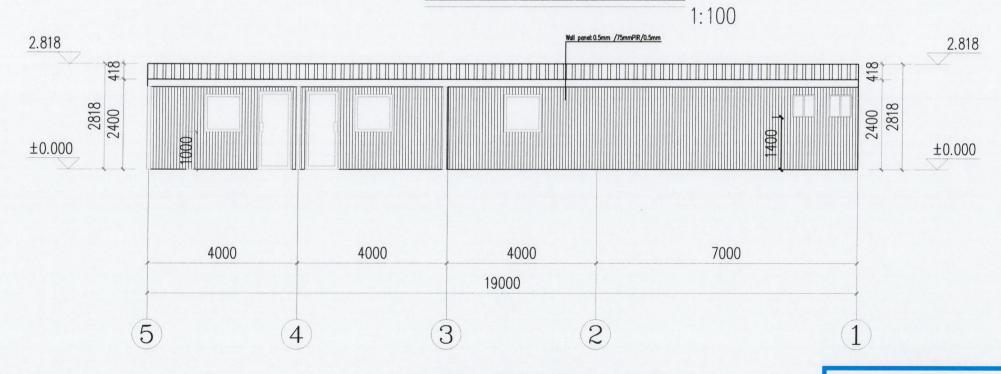
**Sheet Number:01** 







# A Axis Elevation View



# C Axis Elevation View

1:100

Sketch # BM7610SK03

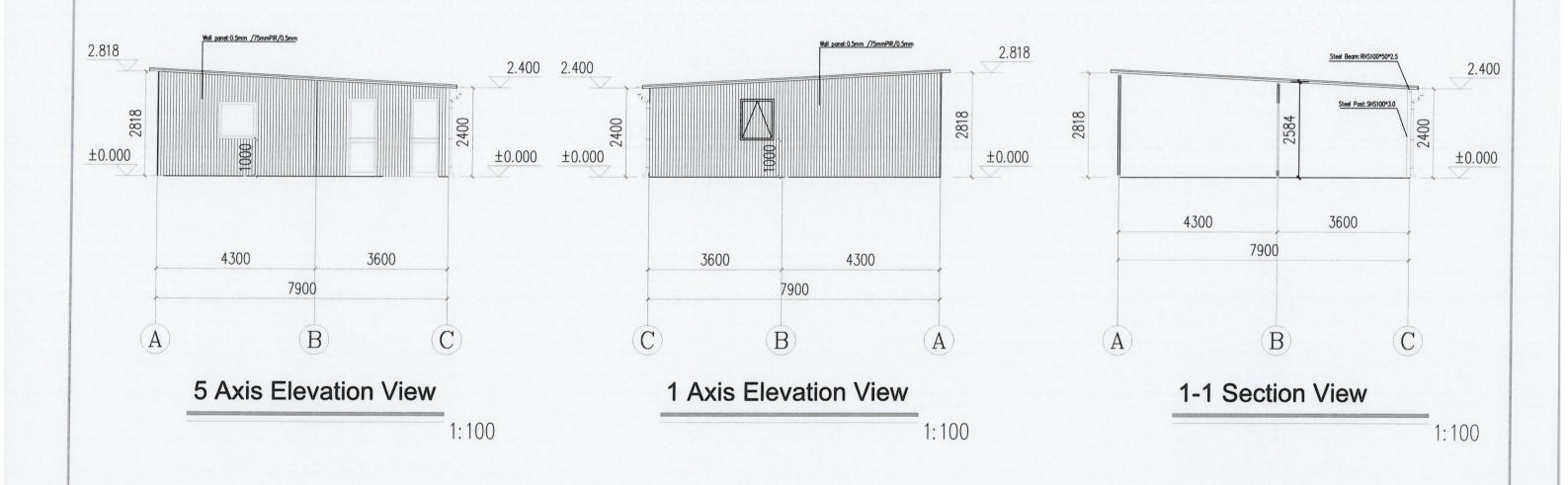
..... Date: 17/05/2022 RPEQ No: 2968

Office Amenities Building

A & C Axis Elevation View

**Sheet Number:03** 





Sketch # BM7610SK04

Name: Stephen Stracha

.. Date: 17/05/2022 RPEQ No: 2968

Office Amenities Building

1 & 5 Axis Elevation View

1-1 Section View

Sheet Number:04



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ABN: 23 439 388 197

# **Attachment 3 – Appeal Rights Planning Act 2016**

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#### Please refer to attached document or

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

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



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# **Attachment 4 – Conditions Imposed by Concurrence Agency**

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





Department of
State Development,
Manufacturing,
Infrastructure and Planning

Our reference: SDA-0517-039077

Your reference: 62/17

20 June 2019

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

Dear Mr Rinehart

#### Concurrence agency response — (with condition)

Gladstone Monto Road, Macks Road, Monto - Lot 131 on RP857504, Lot 124 on RP224848, Lots 125-128 on RW143, Lots 267, 270 and 277 on RW148, Lot 105, 271 and 280 on RW149, Lot 269 on RW629, Lot 7 on RP816992, Lot 2 on RP809458 (Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 5 May 2017.

#### **Applicant details**

Applicant name: RG and DL Salisbury

C/- Premise

Applicant contact details: Level 2, Unit 2, 128 Margaret Street

Gladstone QLD 4680 adrabsch@jfp.com.au

#### Site details

Street address: Gladstone Monto Road, Macks Road QLD

Lot on plan: Lot 131 on RP857504, Lot 124 on RP224848, Lots 125-128

on RW143, Lots 267, 270 and 277 on RW148

Lot 105, 271 and 280 on RW149, Lot 269 on RW629, Lot 7

on RP816992, Lot 2 on RP809458

Local government area: North Burnett Regional Council

#### **Application details**

Proposed development: Expansion of existing piggery to 12,500SPU

#### Aspects of development and type of approval being sought

Nature of	Approval	Brief Proposal of	Level of
Development	Type	Description	Assessment
Material Change of	Development	Intensive animal industry	Impact
Use	approval	(piggery expansion from 5394 to 12,500SPU) and Prescribed Environmentally Relevant Activity 3 (c) keeping more than 8000 SPU	Assessment

#### Referral triggers

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

Referral trigger Schedule 7, Table 3, Item 2—State-transport infrastructure

Schedule 7, Table 3, Item 1—State-controlled road

Schedule 7, Table 3, Item 15A—Railways

Schedule 7, Table 2, Item 1—Environmentally relevant activity

#### **Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the condition set out in Attachment 1 must be attached to any development approval:

#### Reasons for decision to impose conditions

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

#### Approved plans

Plans referenced under conditions for this approval can be found in Attachment 3.

#### **Environmentally relevant authority approval**

Environmental authority permit number 2019-09, ERA 3 – pig keeping 3 keeping more than 8,000 standard pig units can be found as Attachment 4.

For further information, please contact Shelley Jackson, Senior Planning Officer, SARA Wide Bay Burnett on (07) 4122 0407 or email shelley.jackson@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Luke Lankowski

Manager, Planning – Wide Bay Burnett

cc: Matt Norton@premise.com.au

enc: Attachment 1—Conditions to be imposed

Attachment 2—Reasons for decision to impose conditions

Attachment 3—Approved Plans

Attachment 4—Environmentally Relevant Authority approval

Your reference: 62/17

# Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing		
Material	Change of Use			
2009, the of Agrice this dev	Environmentally Relevant Activities—Pursuant to section 255D of the <i>Sustainable Planning Act</i> 2009, the chief executive administering the Act nominates the Director-General of the Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):			
1.	The development (limited to Environmentally Relevant Activity 3, 12,500 standard pig units, 8,000 standard pig units in the northern complex and 4,500 standard pig units in the southern complex) must be carried out generally in accordance with the following plan:	At all times		
	<ul> <li>Proposed property aerial plan, prepared by Premise, figure 11, revision C, dated 04/06/19</li> <li>Proposed southern complex plan - stage 2, prepared by Premise, figure 12.2, revision A, dated 04/06/19</li> <li>Proposed northern complex plan, prepared by Premise, figure 13, revision D, dated 04/06/19.</li> </ul>			

Your reference: 62/17

### Attachment 2—Reasons for decision to impose condition

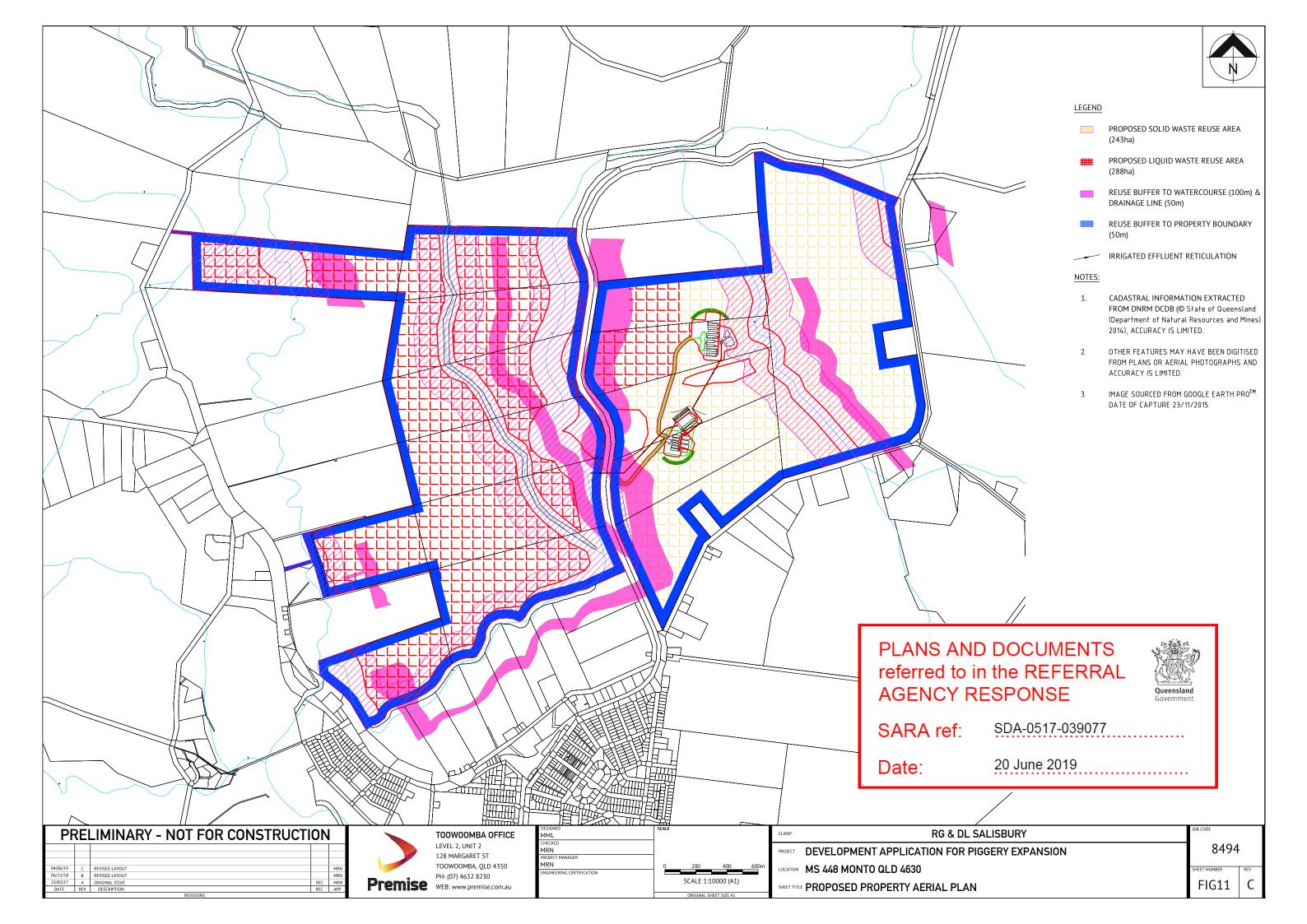
The reasons for this decision are:

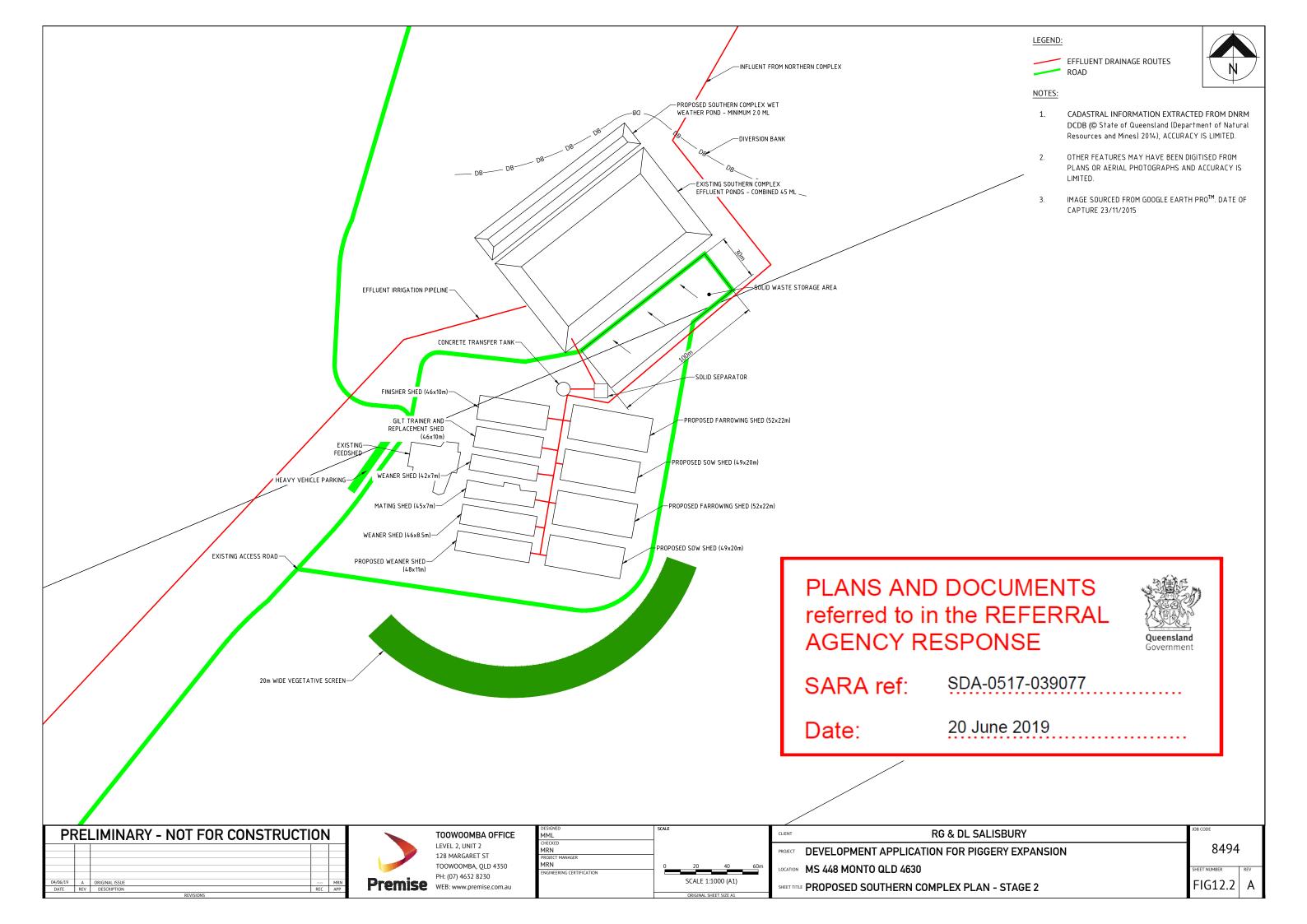
• To ensure development is carried out generally in accordance with plans

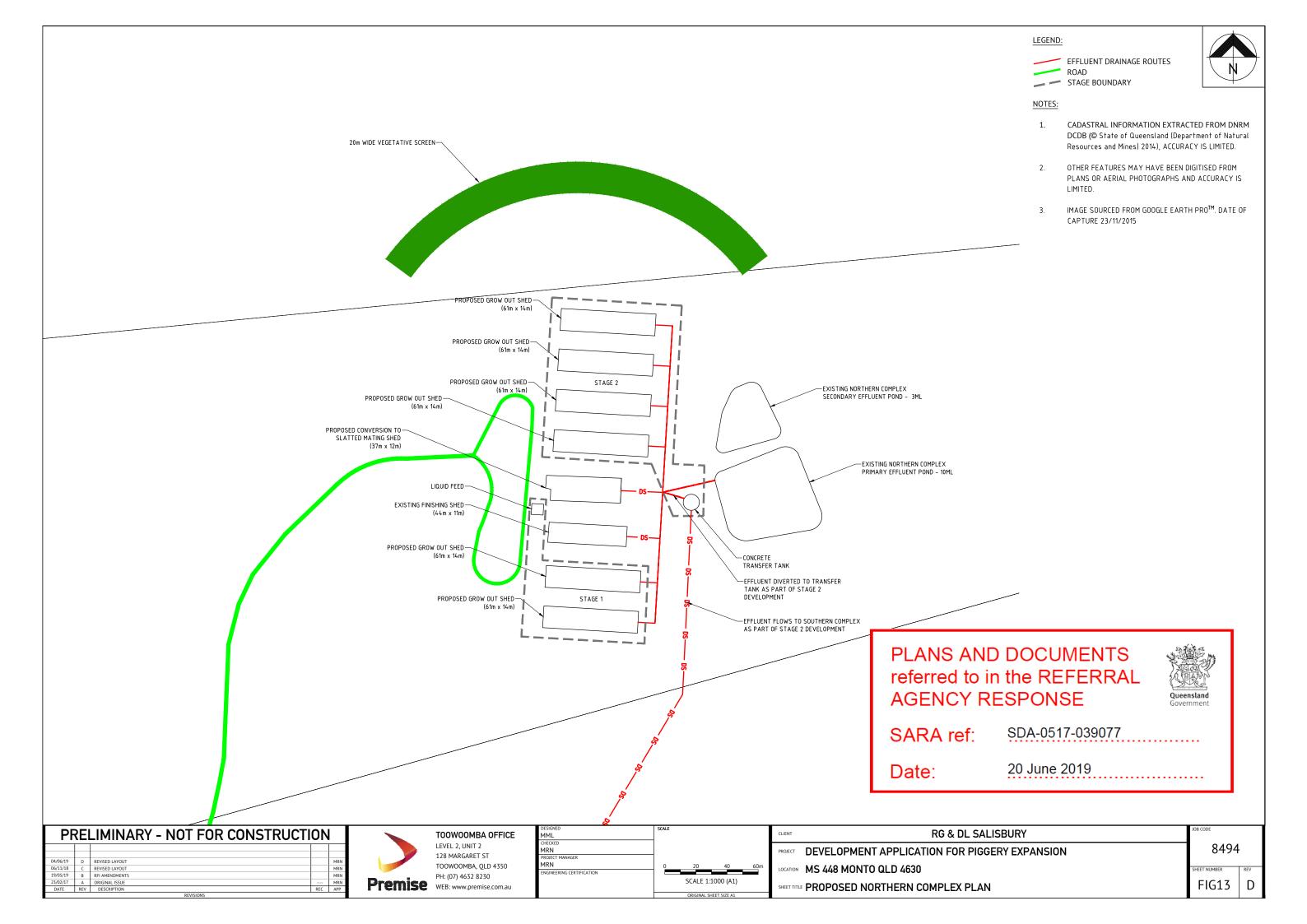
Your reference: 62/17

# Attachment 3—Approved plans

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Your reference: 62/17

# Attachment 4—Environmentally relevant activity approval

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# **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: Russ Gordon Salisbury & Dieta Leanne Salisbury "Glenbrae", MS 448 MONTO QLD 4630

Our reference: QBMN0318

## Decision about an application for an environmental authority

#### **Application details**

The application for an environmental authority was received by the administering authority on 11 May 2017. Application reference number: QBMN0318

Land description: Lot 131 Registered Plan 857504; Lot 124 Registered Plan 224848; Lots 125, 126, 127 and 128 RW143; Lots 267, 270 and 277 RW148; Lots 105, 271 and 280 RW149; Lot 269 RW629; Lot 7 Registered Plan 816992 and Lot 2 Registered Plan 809458.

"Glenbrae" 110 Macks Road

MONTO QLD

#### 2 Decision

The administering authority has decided to approve the application with conditions that you have agreed to in writing.

#### 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.



M. Furers

19 June 2019

Mitchell Furness Manager, Environmental Regulation

Delegate of the administering authority Environmental Protection Act 1994

### **Enquiries:**

Department of Agriculture and Fisheries Animal Industries 203 Tor Street TOOWOOMBA QLD 4350

Phone: 13 25 23 Fax: 07 4529 4192

Email: livestockregulator@daf.qld.gov.au

#### **Attachments**

Environmental authority 2019-09

# **Permit**

#### **Environmental Protection Act 1994**

### **Environmental authority 2019-09**

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: 2019-09

#### 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
Russ Gordon Salisbury	"Glenbrae", MS 448
Suitable operator reference: RSO001262	MONTO QLD 4630
Dieta Leanne Salisbury	
Suitable operator reference: RSO001263	

#### Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 3 — Pig Keeping  3 keeping more than 8,000 standard pig units	Lot 131 Registered Plan 857504; Lot 124 Registered Plan 224848; Lots 125, 126, 127 and 128 RW143; Lots 267, 270 and 277 RW148; Lots 105, 271 and 280 RW149; Lot 269 RW629; Lot 7 Registered Plan 816992 and Lot 2 Registered Plan 809458.  "Glenbrae" 110 Macks Road  MONTO 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).

#### 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 <a href="www.qld.gov.au">www.qld.gov.au</a>, 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.

M. Francis

19 June 2019

Mitchell Furness

Manager, Environmental Regulation

Delegate of the administering authority

Environmental Protection Act 1994

**Enquiries** 

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# **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 locations as described above must be conducted in accordance with the following site specific conditions of approval.

Agency inte	erest: General				
Condition number	Condition  Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.				
G1					
G2	Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations:				
	a) the maximum number of pigs housed in piggery sheds at the northern site must not exceed 8000 standard pig units (SPU); and				
	b) the maximum number of pigs housed in piggery sheds at the southern site must not exceed 4500 <b>SPU</b> ; and				
	c) pigs are to be housed within piggery sheds at all times.				
G3	Prior to stocking the northern piggery complex with more than 2700 SPU the following must take place:				
	<ul> <li>a) all liquid waste containment structures used for the storage of piggery effluent from the northern piggery sheds are to be enclosed or covered with an impermeable cover at all times while in use; and</li> </ul>				
	b) any effluent that is transferred from the northern site to the liquid waste containment structures located at the southern site must be conveyed in a manner that minimises the risk of contaminants causing environmental harm.				
G4	All reasonable and practicable <b>measures</b> must be taken to prevent or minimise <b>environmental harm</b> caused by the activities.				
G5	The pig keeping activity and associated facilities must be constructed generally in accordance with the following approved plans:				
	<ol> <li>Proposed property aerial plan, prepared by Premise, figure 11, revision C, dated 04/06/19; and</li> </ol>				
	2. Proposed southern complex plan - stage 2, prepared by Premise, figure 12.2, revision A, dated 04/06/19; and				
	3. Proposed northern complex plan, prepared by Premise, figure 13, revision D, dated 04/06/19.				
G6	Piggery <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 1 x 10 <sup>-9</sup> m/s. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the design permeability specification of the NEGIP (May 2018). The holder of the environmental authority is to submit compaction testing to demonstrate compliance with this specification prior to stocking the expanded facility.				
G7	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> .				

G8	The environmentally relevant activity to which this environmental authority relates must be established and operated in accordance with the NEGIP (May 2018) or subsequent versions.			
	In the event of any inconsistency between the conditions of this Environmental Authority, the NEGIP (May 2018) and the development information, the documents will prevail in the following order to the extent of the inconsistency:-			
	<ul> <li>the conditions of this Environmental Authority;</li> <li>the NEGIP (May 2018) or subsequent versions; and</li> <li>the development information.</li> </ul>			
G9	Animal carcasses shall be disposed of so as not to cause <b>environmental harm</b> or <b>nuisance</b> . Carcasses must, at all times, be covered with a minimum of 300mm of soil or organic material.			
G10	Piggery liquid waste containment structures shall be managed to prevent over-topping. The wet weather ponds are to be managed by irrigation to the designated waste utilisation areas to ensure they are generally empty.			
G11	Any <b>release</b> of liquid waste from containment structures must be reported to the <b>administering authority</b> 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.			
G12	The activity must be undertaken in accordance with written procedures that:			
	a) identify potential risks to the environment from the <b>activity</b> during routine operations and emergencies; and			
	b) establish and maintain control <b>measures</b> that minimise the potential for environmental harm; and			
	c) ensure plant, equipment and <b>measures</b> are maintained in a proper and effective condition; and			
	d) ensure plant, equipment and <b>measures</b> are operated in a proper and effective manner; and			
	e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and			
	f) ensure that reviews of environmental performance are undertaken at least annually; and			
	g) Identify risk of harm or nuisance to surrounding land uses and <b>measures</b> to minimise			
	any environmental harm or nuisance; and  h) Include a management plan which outlines practices that prevent or minimise the risk of environmental harm or nuisance to surrounding land uses.			
G13	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities certification, or an equivalent certification, for such analyses.			



### G14

An **appropriately qualified person(s)** must monitor and record all indicator(s) required by and in accordance with Table 1 – Monitoring and the associated monitoring requirements.

Table 1 - 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				
Nitrate Nitrogen (NO₃⁻ - 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	On request by the administering authority	Soil samples are to be collected from the specified depth intervals from representative sites within the waste utilisation areas.		
Electrical Conductivity (EC)	µS/cm 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m				
рН	pH units 0.0 – 0.3 m 0.5 – 0.6 m 0.9 – 1.0 m				
Groundwater					
Phosphorus (Total P)	mg/L	THE PROPERTY OF STREET,	Water samples are to be collected from the		
Ammonium- Nitrogen (NH <sub>4</sub> +-N)	mg/L	Appually	following bores:		
Electrical Conductivity (EC)	μS/cm	Annually	<ul> <li>RN 21420 located on lot 277 RW148 (Top bore), and</li> <li>RN 68146 located on lot 269 RW629</li> </ul>		
рН	pH units		(Bottom bore).		

G15

The following analyses are required for surface water samples collected from watercourses on an event basis, i.e. when runoff from the piggery and/or associated waste utilisation areas is entering a watercourse. For comparison purposes, samples are to be collected directly upstream and downstream of the point where runoff from the piggery complex or waste utilisation areas enters the watercourse:

Parameter
Total Phosphorus (Total P)
Ortho Phosphorous (Ortho P).
Sodium Adsorption Ratio (SAR).
Electrical Conductivity (EC)
pH.
Total Nitrogen or Total Kjeldahl Nitrogen (TKN)
Ammonium-Nitrogen (NH4+ – N)
Potassium (K)

G16	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 of <b>environmental nuisance</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.		
G17	For each application of liquid effluent, compost or solid waste material the following information must be recorded:  • the date of application;  • the rate of application;  • the crop or pasture;  • the stage of growth; and  • the location of the land receiving the material.		
G18	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.		
Agency int	erest: Air		
Condition number	Condition		
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place.		
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place:  a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.		
A3	Piggery liquid waste containment structures must be managed at all times to prevent or minimis odour <b>nuisance</b> .		
A4	To prevent or minimise odour <b>nuisance</b> , the piggery solid waste storage area must be managed at all times to achieve the following: <ul> <li>minimise the amount of organic matter available for decomposition;</li> <li>minimise water pooling;</li> <li>maximise the rate of drying of wet solids.</li> </ul>		
Agency inte	erest: Water		
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.
WT4	Effluent and solid waste shall be applied to crops or pastures using a managed waste application program. The waste application program shall ensure the effluent and solid waste is applied sustainably across the whole of the available waste utilisation area.
	The rate and volume of effluent and solid waste applied to utilisation areas shall be such that surface pooling and runoff is kept to a practical minimum and excessive deep percolation is avoided.

Condition Condition

number	
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.
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

# Table 3 - Noise limits

nuisance sensitive place or commercial place.

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



Agency int	erest: Land			
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.			
Agency into	erest: Waste			
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.			
WS3	Any <b>release</b> or utilisation of waste products generated by the <b>activity</b> must not cause <b>environmental harm</b> .			
WS4	The rate of application of effluent and solid wastes from the <b>activity</b> must not exceed the rates at which the critical constituents of the wastes, that is, water, nutrients (especially nitrogen and phosphorus) and salts, are:  (a) taken up by plants and removed from the waste utilisation areas by harvesting; (b) safely stored within the soil profile; or (c) released into the surrounding environment in an acceptable form.			
WS5	<ul> <li>Manure and sludge generated by the activity, shall be either:</li> <li>stored within the designated solid waste processing and composting area(s) of the piggery complex; or</li> <li>exported from the property; or</li> <li>applied immediately, at sustainable rates, to crop or pasture on the property.</li> </ul>			
WS6	Solid waste processing and composting areas shall be protected from rainfall runoff by diversion banks or drains and shall be located within a <b>controlled drainage area</b> .			

# **END OF PERMIT**



### **Attachments**

Approved Plans:

- 1. Proposed property aerial plan, prepared by Premise, figure 11, revision C, dated 04/06/19;
- 2. Proposed southern complex plan stage 2, prepared by Premise, figure 12.2, revision A, dated 04/06/19;
- 3. Proposed northern complex plan, prepared by Premise, figure 13, revision D, dated 04/06/19.

### **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.

**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 area** means an area that collects contaminated stormwater runoff or effluent and excludes clean rainfall runoff. It is typically established using a series of:

- catch drains to capture runoff from the piggery sheds and all other surfaces where piggery
  waste is stored and processed within the piggery complex, and ultimately convey that runoff
  to a treatment, collection or disposal system, and
- diversion banks or drains placed immediately upslope of the piggery complex, which are designed to divert 'clean' or uncontaminated upslope runoff around the piggery 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<sub>Aeq adj,T</sub> 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.

M. 19/6/2019

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

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

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

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

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

release of a contaminant into the environment includes:

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

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

- 1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- 2. a motel, hotel or hostel; or
- 3. a kindergarten, school, university or other educational institution; or
- 4. a medical centre or hospital; or
- 5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
- 6. a public park or garden; or
- 7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

**standard pig units (SPU)** is a unit of measurement based on types, or a combination of types and live weight, of pigs.

In the following table, the number of **standard pig units** that is equivalent to an animal of a type mentioned in column 1 is stated opposite in column 2.

Column 1	Column 2
Type of pig	Number of standard pig units
boar	1.6
gestating sow	1.6
gilt	1.8
lactating sow	2.5

In the following table, the number of **standard pig units** that is equivalent to an animal of a type mentioned in column 1 and a live weight mentioned opposite in column 2, is stated opposite the live weight in column 3.

Column 1	Column 2	Column 3
Type of pig	Live weight (kg)	Number of standard pig units
sucker	1.4 to 8	0.1
weaner	more than 8 to 25	0.5
grower	more than 25 to 55	1.0
finisher	more than 55 to 100	1.6
finisher	more than 100	1.8

Without all boar

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

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

you means the holder of the environmental authority.

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