

MISS JESSICA REISER

Our Ref: MCU193

18 October 2021

Kooroon Pastoral Pty Ltd atf Kooroon Trust
Wal Brown (Kooroon Pastoral) / Rod Davis (RDC Engineers Pty Ltd)
"Kooroon"
290 Kooroon Road
St George QLD 4487

By email: wal.brown90@gmail.com / rod.davis@rdcengineers.com.au

Dear Wal and Rod,

Decision notice approval (amended)

(Given under section 63(2) of the *Planning Act 2016*)

The development application described below was properly made to the Balonne Shire Council on 21 May 2021.

Changes:

This decision notice replaces previous decision notice dated 22 September 2021. Changes made to the original decision notice correct a minor administrative error in the *Application details – Description of the development proposed*.

Changes made to the original decision are set out in **red** text. This amended decision notice does not change the date from which the decision notice starts to have effect.

Applicant details

Applicant name: **Kooroon Pastoral Pty Ltd atf Kooroon Trust
Wal Brown (Kooroon Pastoral) /
Rod Davis (RDC Engineers Pty Ltd)**

Applicant contact details: **"Kooroon"
290 Kooroon Road
ST George QLD 4487
Email: wal.brown90@gmail.com / rod.davis@rdcengineers.com.au**

Location details

Street address: **315 Trackers Crossing Road, St George QLD 4487**

Real property description: **Lot 1 on BLM760**

Local government area: **Balonne Shire Council**

Application details

Application number:	MCU193
Approval sought:	Development Permit
Description of the development proposed:	Development application for Material Change of Use – “Intensive Animal Industry” (10,000 Standard Sheep Units and 50,000 Standard Cattle Units) and Environmentally Relevant Activity 2(1)c and 2(2)(a) - Intensive Animal Feedlotting, and associated Operational Works
Category of assessment:	Impact Assessment
Planning scheme:	Balonne Shire Council 2019

Decision

I wish to advise that, on 16 September 2021, the above development application was **approved in full** subject to conditions by Council. (Refer to the conditions contained in **Attachment 1**)

Details of the approval

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	<i>Planning Regulation 2017</i> reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - material change of use - operational works	N/A	<input checked="" type="checkbox"/>	N/A

Further development permits

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

- Development Permit – Building Work
- Development Permit – Plumbing and Drainage works

Properly made submissions

There were 1,435 properly made submissions made in relation to the application. Refer to attachment 4.

Referral agencies for the application

The referral agencies for this application are:

For an application involving:	Name and address of referral agency:	Advise agency or concurrence agency:
<p><i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</i></p> <p><i>(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and</i></p> <p><i>(b) the development meets or exceeds the threshold—</i></p> <p><i>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose</i></p> <p><i>However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</i></p>	<p>State Assessment and Referral Agency Queensland Government PO Box 825 Toowoomba QLD 4350</p>	<p>Concurrence Agency</p>
<p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p><i>(a) are within 25m of a State transport corridor; or</i></p> <p><i>(b) are a future State transport corridor; or</i></p> <p><i>(c) are—</i></p> <p><i>(i) adjacent to a road that intersects with a State-controlled road; and</i></p> <p><i>(ii) within 100m of the intersection</i></p>	<p>State Assessment and Referral Agency Queensland Government PO Box 825 Toowoomba QLD 4350</p>	<p>Concurrence Agency</p>
<p><i>Development application for a material change of use that is assessable development under section 8, if—</i></p> <p><i>(a) the environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and</i></p> <p><i>(b) the chief executive is not the prescribed assessment manager for the application</i></p>	<p>State Assessment and Referral Agency Queensland Government PO Box 825 Toowoomba QLD 4350</p>	<p>Concurrence Agency</p>
<p><i>Development application for operational work that is assessable development under section 29, unless the chief executive is the prescribed assessment manager for the application.</i></p>	<p>State Assessment and Referral Agency Queensland Government PO Box 825 Toowoomba QLD 4350</p>	<p>Concurrence Agency</p>

Refer to Attachment 2 for conditions of approval imposed by the State Assessment and Referral Agency, Queensland Government as a result of the referral/s.

Approved plans, specifications and drawings

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

Report Reference:	Drawing Number:	Revision:	Revision Date:
Figure 2	A8-118-00-02	B	15/04/2021
Figure 4	A8-118-00-04	B	15/04/2021
Figure 5	A8-118-00-05	B	15/04/2021
Figure 6	A8-118-00-06	B	15/04/2021
Figure 7	A8-115-00-07	B	15/04/2021
Figure 8	A8-118-00-08	B	15/04/2021
Figure 9	A8-118-00-09	B	15/04/2021
Figure 10	A8-118-00-10	B	15/04/2021
Figure 11	A8-118-00-11	B	15/04/2021
Figure 12	A8-118-00-12	B	15/04/2021
Figure 13	A8-118-00-13	B	15/04/2021
Figure 14	A8-118-00-14	B	15/04/2021
Figure 15	A8-118-00-15	B	15/04/2021
Figure 16	A8-118-00-16	B	15/04/2021
Figure 17	A8-118-00-17	B	15/04/2021
Figure 18	A8-118-200-18	B	15/04/2021
Figure 19	A8-118-200-19	B	15/04/2021
Figure 20	A8-118-200-20	B	15/04/2021
Figure 21	A8-118-400-21	B	15/04/2021
Figure 22	A8-118-400-22	B	15/04/2021
Figure 23	A8-118-500-23	B	15/04/2021
Figure 24	A8-118-00-24	B	15/04/2021
Figure 25	A8-118-00-25	B	15/04/2021
Figure 26	A8-118-00-26	B	15/04/2021
Figure 27	A8-118-00-27	B	15/04/2021
Figure 28	A8-118-00-28	B	15/04/2021
Figure 29	A8-118-00-29	B	15/04/2021
Figure 30	A8-118-00-30	B	15/04/2021
Figure 31	A8-118-00-31	B	15/04/2021
Figure 35	A8-118-00-35	B	15/04/2021
Figure 2	A8-118-600-02	B	15/04/2021
Figure 3	A8-118-600-03	B	15/04/2021
Figure 2	A8-118-700-02	B	15/04/2021
Figure 3	A8-118-700-03	B	15/04/2021
Figure 4	A8-118-700-04	B	15/04/2021
Figure 5	A8-118-700-05	B	15/04/2021
Figure 6	A8-118-200-06	B	15/04/2021
Figure 7	A8-118-700-07	B	15/04/2021

Report Reference:	Drawing Number:	Revision:	Revision Date:
Figure 8	A8-118-700-08	B	15/04/2021
Figure 9	A8-118-700-09	B	15/04/2021
Figure 10	A8-118-700-10	B	15/04/2021
Figure 11	A8-118-700-11	B	15/04/2021
Figure 12	A8-118-200-12	B	15/04/2021
Figure 13	A8-118-700-13	B	15/04/2021
A8-118	Development Application Report Prepared by RDC Engineers	V1R2	15/04/2021

Currency period for the approval (s.85 of the Planning Act)

For Material Change of Use - This approval lapses if the first change of use does not happen within 6 years after the approval starts to have effect.

See also condition 5 relating to the approval lapsing under s.88 of the Planning Act if the development is not completed within 16 years.

Appeal Rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain 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*).

Appeal by an applicant

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

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

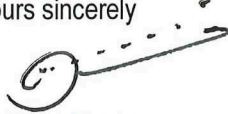
The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 3 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit:
<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

For further information please contact Jessica Reiser, Planning Officer, on 07 4624 0619 or via email council@balonne.qld.gov.au who will be pleased to assist.

Yours sincerely



Matthew Magin
Chief Executive Officer

- cc. Referral Agency - State Assessment and Referral Agency
Queensland Government
PO Box 825
Toowoomba QLD 4350
- enc. Attachment 1—Assessment Manager Conditions of Approval (Maranoa Regional Council)
Attachment 2—Concurrence Agency Response
Attachment 3—Appeal Provisions
Attachment 4—Properly Made Submitters
Attachment 5—Statement of Reasons
Attachment 6—Approved Plans and Specifications

ATTACHMENT 1 – ASSESSMENT MANAGER CONDITIONS OF APPROVAL (BALONNE SHIRE COUNCIL)

Development conditions:

Conditions applicable to making the material change of use

Approved use

1. The approved development is for a Material Change of Use for “Intensive Animal Industry” (10,000 standard sheep units and 50,000 standard cattle units) and Environmentally Relevant Activity 2(1)(c) Intensive animal feed lotting, Environmentally Relevant Activity 2(2)(a); and associated operational work assessable under the planning scheme as defined in the Planning Scheme and as shown on the approved plans and documents.
2. Design, construct and operate the feedlot—
 - a. for the sheep feedlot—equivalent to or better than a Class 1 intensive in accordance with the Meat and Livestock Australia National procedures and guidelines for intensive sheep and lamb feeding systems (MLA 2011);
 - b. for the cattle feedlot—equivalent to or better than a Class 1 intensive in accordance with the Meat and Livestock Australia National guidelines for Beef Cattle Feedlots (MLA 2012); and
 - c. the Meat and Livestock Australia National Beef Cattle Feedlot Environmental Code of Practice (MLA 2012).

Approved plans and documents

3. The approved development is to be carried out in accordance with the following approved plans/documents and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

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Figure 2	A8-118-00-02	B	15/04/2021
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Figure 14	A8-118-00-14	B	15/04/2021
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Figure 27	A8-118-00-27	B	15/04/2021
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Figure 29	A8-118-00-29	B	15/04/2021
Figure 30	A8-118-00-30	B	15/04/2021
Figure 31	A8-118-00-31	B	15/04/2021
Figure 35	A8-118-00-35	B	15/04/2021
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Figure 3	A8-118-600-03	B	15/04/2021
Figure 2	A8-118-700-02	B	15/04/2021
Figure 3	A8-118-700-03	B	15/04/2021
Figure 4	A8-118-700-04	B	15/04/2021
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A8-118	Development Application Report Prepared by RDC Engineers	V1R2	15/04/2021

Development in stages

- Carry out the approved development generally in the stages as described in Table 33 in the RDC Engineers development application report A8-118 V1R2 dated 15 April 2021 and depicted in the approved drawings. All infrastructure and works reasonably associated with each stage is to be complete prior to commencing their use.
- In accordance with section 88(1) of the Planning Act 2016, this development approval to the extent it relates to development not completed, will lapse sixteen (16) years from the date of this development approval.

Shade and shelter structures

- Design and construct shade structures generally in accordance with RDC Engineers development application report A8-118 V1R2 dated 15 April 2021 sections 4.1.2.3.8 and 4.1.3.3.9.

Buffers

7. Provide and maintain the following buffers—
 - a. between solid waste utilisation areas and drainage lines and public areas—buffering not less than 25 metres wide;
 - b. between solid waste utilisation areas and the Moonie River—not less than 100 metres wide;
 - c. for effluent utilisation areas—not less than the distances set out in Table 28 in section 4.1.6.1.3 of the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021; and
 - d. between the feedlot and the Moonie Highway—retain vegetated areas.

Landscaping

8. Supplement retained vegetation with additional tree plantings along the boundaries of the site as described in section 4.1.16 of the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021.
9. Submit a plan to Balonne Shire Council's satisfaction showing the location, extent, and details of the additional tree plantings and obtain the Council's written approval prior to commencing the use.

Compliance inspection

10. All conditions relating to the establishment of the approved development must be fulfilled prior to the commencement of use of each approved stage (as applicable), unless noted in these conditions or otherwise permitted by Council.
11. Prior to the commencement of use of each approved development stage, the applicant shall contact Council to arrange a development compliance inspection.

Environmental management

12. While the use continues all activities must be managed in accordance with:
 - a. The relevant Environmental Authority issued by the Department of Agriculture and Fisheries or any subsequent Environmental Authority that is issued for the approved use; and
 - b. The Development Assessment Report prepared by RDC Engineers, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021).

Biosecurity plan

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

Development works

14. Carry out the approved operational work generally in accordance with the steps and descriptions in the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021—sections to 4.2.3, 4.2.4 and 4.2.5.
15. During construction of the development, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work

shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are always in place.

16. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

Applicable Standards

17. All works must comply with:
 - a. the development approval conditions;
 - b. any relevant provisions in the Planning Scheme;
 - c. any relevant standards, drawings or specifications by the Institute of Public Works Engineering Australasia Queensland Division;
 - d. any relevant Australian Standard that applies to that type of work; and
 - e. any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Site maintenance

18. The development (including parking, access and other external spaces) shall be maintained in accordance with the Approved plans and documents referenced in Condition 4, subject to and modified by any conditions of this approval.
19. The area and its surrounds must be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.

Access, internal access roads, parking and manoeuvring

20. No vehicles associated with the approved use are to ingress or egress the site via frontages to Ula Ula Road or Trackers Crossing Road.
21. All weather internal vehicle access shall be provided for traffic movements within the development site area, including—
 - a. access between the facility and the Moonie Highway—minimum width of 8 metres to accommodate Road Trains, B-Doubles, semi trailers, and body trucks generally following the alignment shown in the approved plans;
 - b. sufficient on-site car parking to accommodate employees and visitors;
 - c. generally—incorporate adequate road width, turning radii, drainage, all-weather surface, and adequate site distance; and
 - d. sufficient on-site manoeuvring to allow all vehicles to enter and leave the site in forward direction.

Water supply

22. The development must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance, fire-fighting purposes and also a potable water supply sufficient to meet the needs of staff and visitors to the site.

Sewage management

23. Design, install, operate and maintain an on-site sewage management system that—
 - a. prevents a risk to public health;
 - b. prevents environmental damage, including to land, soil, groundwater and surface water; and
 - c. protects community amenity.
24. Obtain all relevant approvals for the sewage treatment system from Balonne Shire Council.

Electricity

25. Extend and upgrade electricity supply to service the electricity demand of approved facilities, including office, weighbridge, feed storage and processing, water pumping, lighting, and ancillary services. Such upgrade could be by way of extension of reticulated services or generation on the site.

Emergency events

26. A Bushfire Hazard Management Plan, having regard to the site characteristics and management procedures in the event of a bushfire, shall be prepared prior to the commencement of use. The owner and/or operator, staff and visitors to the site shall be made aware of the Bushfire Hazard Management Plan, its content, and the procedures that need to be followed in the case of a bushfire event.

Note: A copy of the Bushfire Hazard Management Plans must be made available during any compliance inspection carried out by Council.

Hazardous materials

27. Limit the storage of hazardous materials as described in section 4.3.12 of the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021.

Advertising signage

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

Note: Signage is limited to the necessary contact information and must not impact upon the visual amenity of the locality.

29. Any proposed advertising signage in addition to that identified in the approved development plans, is subject to further development approval unless complaint with the requirements for "Accepted development" or "Accepted development subject to requirements" identified in the planning scheme in force at the time.

30. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach into adjoining properties or roads.

No cost to Council

31. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development, survey, registration, document lodgement, easement documentation preparation and plan sealing.

Latest versions

32. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions, and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

Application documentation

33. It is the developer's responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice, Approved Plans and Approved Documents bearing 'Council Approval'.

Conditions applicable to carrying out operational works (earthworks)

Avoiding nuisance

34. In accordance with section 4.2.11 of the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021, carry out construction activity—
- a. only between 6:30 am and 6:30 pm Monday to Friday and between 7 am and 5 pm on Saturdays and Sundays, except on public holidays when no construction activity is to occur on the site;
 - b. at other times for—
 - i. delivery of oversized plan or structures requiring special arrangements to transport along public roads
 - ii. emergency work;
 - iii. maintenance and repair of public infrastructure.
35. No nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time during or after the establishment of the approved development.

Note: Refer to the *Environmental Protection Regulation 2019* for acceptable emission levels.

36. Dust emanating from the approved intensive animal industry (feedlot) operations (including feedlot areas and internal access road) onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.
37. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
38. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties and comply with Australian Standard AS1158.1.1 (1997 – Road Lighting) and AS4282 (1997 – Control of the Obtrusive Effects of Outdoor Lighting).

Note: The Queensland Government *Environmental Protection Act 1994* includes controls for light nuisances.

Construction Environmental Management Plan

39. In accordance with section 4.2.20 of the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021, before site preparation and construction work, prepare a Construction Environmental Management Plan to mitigate potential environmental impacts associated with construction activities—to protect the environment, the community and workers.
40. Implement the Construction Environmental Management Plan while carrying out construction activity on the site.

Stormwater and drainage

41. Prior to the commencement of any works onsite submit to Council a Stormwater Management Plan including all necessary engineering calculations approved by an RPEQ.
42. Stormwater is to be managed in accordance with the Stormwater Management Plan referred to in these approval conditions and the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021.
43. Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding is to be created within the vicinity of the development.
44. There shall be no increases in any silt loads or contaminants in any overland flow from the site being developed, or into creeks or roadways, either during the development process or after the development has been completed.
45. The holder of the development approval must ensure that the use is conducted in a manner that the Feedlot activities do not cause contamination of groundwater or stormwater runoff.
46. Stockpiles of material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
47. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard, including hazard to passing traffic.

Earthworks—for construction drawings

48. Prior to commencing any onsite work, submit 'for construction' drawings to the Balonne Shire Council in relation to excavation and filling.
49. The 'for construction' drawings are to provide suitable engineering detail and be signed by an RPEQ, as required by the *Professional Engineers Act 2002*.
50. The 'for construction' drawings required by these approval conditions⁴⁸ above form part of the approved drawings under this development permit.
51. All earthworks for the development shall be undertaken in accordance with the approved plans.

Erosion and sediment control

52. Prior to the commencement of any construction works onsite submit to Balonne Shire Council an Erosion and Sediment Control Plan approved by an RPEQ.
53. Manage erosion and sediment in accordance with:
 - a. the approved Erosion and Sediment Control plan required by these approval conditions;
 - b. the Development Assessment Report prepared by RDC Engineers, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021; and
 - c. the recommendations contained within the Environment Protection Agency's (EPA) – Guideline – EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control and International Erosion Control Association's (IECA) – Best Practice Erosion & Sediment Control'.
54. Provide a dedicated sedimentation system comprising a sedimentation basin for each controlled draining area depicted in the approved plans and meeting the design specifications in section 4.1.4.1 of the RDC Engineers application report, reference A8-118-KP-IAI-DA-20210426 V1R1 dated 15 April 2021.

Vegetation removal

55. Vegetation clearing and removal from the site is limited to the area within the approved development footprint to facilitate the approved use and works.

General advice:

- i. The relevant planning scheme for this development is the *Balonne Shire Planning Scheme 2019* (commenced 10 January 2020). All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- ii. The approved development is an Environmentally Relevant Activity and requires an Environmental Authority to be issued by the Department of Agriculture and Fisheries prior to the commencement of use and must remain current while the use continues. All references to the 'Environmental Authority' within these conditions refer to the Environmental Authority for this approved use.
- iii. The related Environmental Authority is Permit number 2021-10:
 - a. ERA 2 Intensive animal feedlotting—keeping the following number of standard cattle units in a feedlot—more than 10,000; and
 - b. ERA 2 Intensive animal feedlotting—keeping the following number of sheep units in a feedlot—more than 1,000 but not more 10,000.
- iv. All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- v. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.

- vi. The land use rating category for the site may change upon commencement of any approved use on the site.
- vii. It is the responsibility of the developer to obtain all necessary permits and approvals associated with the development of the site and submit all necessary plans and policies to the relevant authorities for the approved use.
- viii. The movement of stock in and out of the site must comply with the National Heavy Vehicle Regulator (NHVR) for permitted use of the road network. Refer to www.nhvr.gov.au
- ix. All persons involved in the operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- x. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved operations on the site may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.
- xi. This development approval has been issued during a COVID-19 applicable event declared under 275F of the Planning Act 2016. The period for undertaking the approved development may be subject to an extension of time under section 275R of the Planning Act 2016.

ATTACHMENT 2 – STATE ASSESSMENT AND REFERRAL AGENCY, QUEENSLAND GOVERNMENT
CONCURRENCE AGENCY RESPONSE

ATTACHMENT 3 – PLANNING ACT EXTRACT APPEAL RIGHTS

Chapter 6 Dispute resolution Part 1 Appeal rights

228 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.

229 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
 - (d) schedule 1, table 1, item 1—each principal submitter for
 - (e) the development application; and
 - (f) for an appeal about a change application under
 - (g) schedule 1, table 1, item 2—each principal submitter for
 - (h) the change application; and
 - (i) each person who may elect to become a co-respondent
 - (j) for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (k) for an appeal to the P&E Court—the chief executive; and
 - (l) 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.

230 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

231 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Attachment 4 — Properly Made Submitters

ATTACHMENT 5 — STATEMENT OF REASONS

The following information is provided in accordance with section 63 of the *Planning Act 2016*.

<p>Description of development</p>	<p>Development application for a material change of use – ‘Intensive animal industry’ (10,000 standard sheep units and 50,000 standard cattle units) and Environmentally Relevant Activity 2(1)(c) Intensive animal feed lotting, Environmentally Relevant Activity 2(2)(a); and associated operational work assessable under the planning scheme</p>
<p>Assessment benchmarks</p>	<p>The assessment manager assessed the application against the following—</p> <ul style="list-style-type: none"> • the Darling Downs Regional Plan; • the Maranoa-Balonne Regional Plan; • the State Planning Policy; • the Planning Scheme, including Strategic framework, Rural zone code, General development code, Operational works code, and Flood hazard overlay code.
<p>Relevant matters</p>	<p>The assessment manager has had regard to the matters prescribed under the <i>Planning Regulation 2017</i> for impact assessment.</p> <p>There are no other relevant matters under section 45(5)(b) of the <i>Planning Act 2016</i>. The application presents a comprehensive discussion of the issues, and all relevant matters are therefore part of the ‘common material’ that the assessment manager is to have regard to under section 45(5)(a)(ii).</p> <p>The following were considered not to be relevant matters for determining the application—</p> <ol style="list-style-type: none"> (1) matters that are not planning scheme considerations, including property devaluation; (2) matters for which other legislation or jurisdictions apply, including animal welfare and biosecurity; (3) matters that the State Assessment and Referral Agency have considered in providing a conditioned response, including impacts on State-controlled roads, environmental effects, water contamination, biodiversity, potential impacts of odours.
<p>Matters raised in submissions</p>	<ul style="list-style-type: none"> • Water usage excessive • Animal welfare • Adverse impacts on the natural environment • Not an economic benefit • Light emission excessive • Odour emissions offensive • Traffic impacts • Biosecurity risk • Property devaluation • Construction impacts • Inconsistent with values of Balonne Shire

	<ul style="list-style-type: none"> • Adverse amenity impacts • Traditional owners not consulted • Greenhouse gas emissions and climate change
<p>Reasons for the decision</p>	<ul style="list-style-type: none"> • The proposal is consistent with the expectations of the regional plans that there be additional intensive animal industries to support agriculture. • In general terms, the planning scheme supports feedlots in the Rural zone. • The proposed development avoids or minimises adverse effects on the natural environment, noting the conditional response from SARA. • The proposal incorporates adequate separation or buffering. • While a significant development project upon completion, the facility would be set back more than 800 metres from the Moonie Highway and most of it would be screened by remnant vegetation. • Potential releases from the use could be adequately managed, having regard to the SARA response and the State issuing an Environmental Authority. • There would be no adverse effect on any Balonne Shire infrastructure, assets, or services. • There would be relatively little impact on the amenity or character of the locality, considering the separation from other uses and proposed buffering. • The proposed development avoids areas subject to natural hazards. • The proposal aligns with outcomes sought by the regional plans.

ATTACHMENT 6 — APPROVED PLANS AND SPECIFICATIONS