



Decision Notice Approval

Planning Act Form 1 (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016 for a decision notice (approval) under section 63(2) of the Planning Act 2016

Application number:	D/52-2022	Contact:	Brendan Standen
Notice Date:	20 December 2022	Contact Number:	07 4936 8099

APPLICANT DETAILS

Name:	Mort and Co Lot Feeders Pty Ltd				
Postal address:	C/- Precinct Urban Planning PO Box 3038 TOOWOOMBA QLD 4350				
Phone no:	07 4632 2535	Mobile no:	0427 737 526	Email:	andrew@precinctplan.com.au

I acknowledge receipt of the above application on 21 April 2022 and confirm the following:

DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for Intensive Animal Industry (36,500 SCU) and Environmentally Relevant Activity 2 - Intensive Animal Feedlotting

PROPERTY DESCRIPTION

Street address:	802, 1009 and Lot 2 Thirsty Creek Road, Gogango
Real property description:	Lot 21 on PN81, Lot 3 on SP230297 and Lot 2 on RP614103, Parish of Windah

Dear Mort and Co Lot Feeders Pty Ltd

I advise that, on 13 December 2022, the above development application was:

approved in full with conditions* (refer to the conditions contained in **Attachment 1**)

*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

1. DETAILS OF THE APPROVAL

The following approvals are given:

	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Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval - Material change of use	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. CONDITIONS

This approval is subject to the conditions in Attachment 1.

3. FURTHER DEVELOPMENT PERMITS REQUIRED

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

Type of development permit required	Subject of the required development permit
Operational Works	Road Works Site Works
Building Works	
Plumbing and Drainage Works	

4. SUBMISSIONS

Properly made submissions were made in relation to the application.

There were 1,374 properly made submissions received and the submitter details are separately included in **Attachment 3**.

5. REFERRAL AGENCIES

The following Referral Agencies were activated by this application.

For an application involving	Name of agency	Role of Agency	Contact Details
ENVIRONMENTALLY RELEVANT ACTIVITIES			
<i>Schedule 10, Part 5, Division 4, Table 2 - Non-devolved environmentally relevant activities</i>			
Development application for a material change of use that is assessable development under section 8, if— (a) the environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and (b) the chief executive is not the prescribed assessment manager for the application	The chief executive of the department in which the <i>Planning Act 2016</i> is administered: State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@ds.dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700
STATE TRANSPORT INFRASTRUCTURE (Generally)			
<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in schedule 20</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— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold—	The chief executive of the department in which the <i>Planning Act 2016</i> is administered: State Development,	Concurrence	<u>In person:</u> Level 2, 209 Bolsover Street, Rockhampton City <u>Online lodgement using MyDAS2:</u> https://prod2.dev-assess.qld.gov.au/suite/ <u>Email:</u> RockhamptonSARA@ds

<p>(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</p> <p>(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</p> <p>(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</p> <p>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.</p>	<p>Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)</p>		<p>dilgp.qld.gov.au <u>Postal:</u> PO Box 113 Rockhampton Qld 4700</p>
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6. THE APPROVED PLANS

The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Property Plan (Aerial Image)	Agricultural Development Services Australia	11 July 2022	A001	Rev E
Property Plan	Agricultural Development Services Australia	11 July 2022	A002	Rev E
Concept Plan	Agricultural Development Services Australia	11 July 2022	A003	Rev E
Design Plan	Agricultural Development Services Australia	11 July 2022	A004	Rev E
Controlled Drainage Area Plan	Agricultural Development Services Australia	11 July 2022	A005	Rev E
Typical Pen Layout	Agricultural Development Services Australia	11 July 2022	A006	Rev E
Effluent Management System	Agricultural Development Services Australia	11 July 2022	A007	Rev E
Typical Basin Weir & Overflow System	Agricultural Development Services Australia	11 July 2022	A008	Rev E
Administration Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-AB-01	B

Amenities Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-AM-01	B
Chemical Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-CB-01	B
Feed Mill & Commodity Building Proposed Plan	Mort & Co	31 March 2022	2236-MMS-FM01	B
Feed Mill & Commodity Building Proposed Elevations	Mort & Co	31 March 2022	2236-MMS-FM-02	B
Fertiliser Building Proposed Floor Plan	Mort & Co	31 March 2022	2236-MMS-FB-01	B
Fertiliser Building Proposed Elevations 1 of 2	Mort & Co	31 March 2022	2236-MMS-FB-02	B
Fertiliser Building Proposed Elevations 2 of 2	Mort & Co	31 March 2022	2236-MMS-FB-03	B
Hay Processing Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-HP-01	B
Hay Storage Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-HS-01	B
Hospital Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-HB-01	B
Site Office Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-SE-01	B
Stables Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-SB-01	B
Stables Building Proposed Elevations	Mort & Co	31 March 2022	2236-MMS-SB-02	B
Workshop Building Proposed Floor Plan	Mort & Co	31 March 2022	2236-MMS-WB-01	B
Workshop Building Proposed Elevations	Mort & Co	31 March 2022	2236-MMS-WB-02	B
Pavement Impact Assessment	RMA Engineers	24 October 2022	-	Rev 2
Traffic Impact Assessment	RMA Engineers	6 April 2022	17063	Rev 1

7. CURRENCY PERIOD FOR THE APPROVAL (s.85 of the *Planning Act*)

Stage 1 and Stage 2 must commence within six (6) years after the approval starts to have effect or the development approval will lapse.

8. STATEMENT OF REASONS

Description of the development	Material Change of Use for Intensive Animal Industry (36,500 SCU) and Environmentally Relevant Activity 2 - Intensive Animal Feedlotting	
Reasons for Decision	<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Rural Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Flood Hazard Overlay Code; • Biodiversity Overlay Code; and • Bushfire Hazard Overlay Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Rural Zone Code	<p>6.7.4.2 (2)(g)(vii)</p> <p>The proposed development does not comply with overall outcome (2)(g)(vii) because the development is for Intensive Animal Industry on land identified on the agricultural land classification (ALC) overlay map. The feedlot over Lot 21 is partially located over an area of land mapped on the ALC overlay, as are the proposed effluent utilisation areas and dryland areas over lots 2 and 3.</p> <p>Despite this, the conflict is considered low-level as the ALC overlay over Lot 21 is only a small, isolated area partially affected by the development, and the ALC overlay over lots 2 and 3 where effluent will be disposed of may be partially used for ancillary cropping, which is an activity consistent with that overlay.</p> <p>Further, the proposed development is deemed to comply with the balance of outcomes sought for intensive animal industry in the Rural Zone.</p>

		<p>Specifically, the proposal:</p> <ul style="list-style-type: none"> • Is located on a site large enough to provide appropriate buffering to sensitive land uses and townships. The nearest sensitive receptor (not owned on land forming part of this approval) to the proposed development is approximately 3.5 kilometres to the south-west. The nearest township is Gogango approximately eight (8) kilometres to the south. • Will not cause adverse impacts to sensitive land uses in relation to traffic, noise and air quality. Traffic impacts of the proposed development have been assessed by both Council and State and conditions imposed to ensure the development does not undermine the safety or efficiency of the road network. The State has also imposed conditions as part of the Environmental Authority that sets noise and air quality objectives that must be complied with. These objectives seek to remove or limit impacts on nearby sensitive receptors. • Will not cause adverse impacts on water quality. The proposed feedlot has been designed in accordance with all current standards and regulations, including Meat and Livestock (MLA) Feedlot Design and Construction Manual, the National Guidelines for Beef Cattle Feedlots in Australia and the National Beef Cattle Feedlot Environmental Code of Practice. The State has considered potential impacts on water quality as part of the application for an Environmental Authority and imposed conditions accordingly. • Will not diminish the productive capacity of other land nearby. While the proposed development does limit the ability of sensitive uses to establish nearby, it does not limit the ability of uses anticipated in Rural Zone, such as cropping, from occurring. <p>On this basis, the proposed development is a low-level conflict and on balance complies with the outcomes sought for intensive animal industry activities in the Rural Zone Code.</p>
	<p>Biodiversity Overlay Code</p>	<p>PO7</p> <p>The proposed development does not comply with AO7.1 as it will require works within a mapped waterway.</p> <p>Despite this, it is noted that:</p> <ul style="list-style-type: none"> • The Applicant will be submitting a request for a waterway determination to the State to have the mapped waterway redefined as a drainage line. • The waterway in its current form includes the characteristics of a drainage line and is unlikely to have significant environmental value. • As a State interest the waterway is mapped as being '1 – Low' for the purpose of Queensland waterways for the waterway barrier works.

		<ul style="list-style-type: none"> To the extent the waterway is not redefined, the Applicant will be required to submit a subsequent development application seeking a Development Permit for Operational Works for Waterway Barrier Works to the State. At this point it will be assessed to ensure it does not result in any adverse impacts. <p>On this basis, it is considered the proposed development will not ultimately conflict with PO7.</p>
Relevant Matters	Nil	
Matters raised in submissions	Issue	How matter was dealt with
	Animal welfare	<p>Submitters raised concern about the impacts of the proposed activity on animal welfare. Concerns included the high concentration of animals increasing the risk of disease, that animals would have inadequate access to their normal diet (grass) and that intensive animal industries are inconsistent with contemporary community expectations.</p> <p>There are no assessment benchmarks contained in the Planning Scheme that expressly require Council to consider animal welfare standards in the assessment of the development application. Further, the regulation of animal welfare, including the design of facilities such as feedlots and ultimate care of animals, occurs separately through legislation (<i>Animal Care and Protection Act 2001</i>) and guidelines (<i>Australian Animal Welfare Standard and Guidelines for Cattle 2016</i>) and is administered by the Department of Agriculture and Fisheries (DAF).</p>
	Pollution and environmental impacts	<p>The submitters raised concerns about the potential for pollution and adverse environmental impacts because of the proposed development. Concerns included pollution to the Fitzroy River and Great Barrier Reef (GBR) and risk of pollution from spillage or overtopping of holding and sediment ponds.</p> <p>The potential for pollution and adverse environmental impacts is minimised through the design of the proposed development and through conditions of approval, which predominantly fall under the Environmental Authority. The Feedlot Assessment Report, prepared by AgDSA, outlines measures employed to mitigate environmental impacts.</p> <p>The proposed feedlot has been designed and will be constructed such that it complies with all relevant regulatory requirements and standards. The design of the feedlot has been assessed by all relevant referral agencies including the Department of Environment and Science (DES) and DAF. Notable design methods employed to minimise the risk of adverse environmental impacts include pens being constructed with a clay liner to reduce permeability, locating the feedlot in a controlled drainage area (CDA), which ensures all clean water is diverted around the feedlot and effluent holding ponds that exceed the minimum volume beyond that required by DAF.</p> <p>Conditions imposed by the State under the</p>

		Environmental Authority also require the Applicant to undertake routine monitoring of water courses, land (where effluent is disposed of) and groundwater. There are also conditions imposed around how and where any contaminants must be released.
	Water supply	<p>Submitters raised concern the quantum of water calculated by the Applicant to be provided per 1,000 head of cattle is inadequate. The Applicant has calculated 20 megalitres (ML) of water a year per 1,000 head, where the National Guidelines for Beef Cattle Feedlots in Australia recommends 24ML.</p> <p>The Applicant calculated water usage per 1,000 head through a combination of <i>Davis, Wiedemann and Watts (2008) Quantifying the water and energy usage of individual activities within Australian feedlots – Part A report: water usage at Australian feedlots</i>, which recommends 17ML, and the abovementioned Guideline.</p> <p>The allocation of water is largely an operational matter, and ultimately the capacity of the feedlot would be throttled through the ability of the operator to access water. Notwithstanding this, it is understood water will be supplied from the Rookwood Weir under a contract that may be varied depending on feedlot requirements.</p>
	Vegetation buffering and screening	<p>The submitter raised concern about visual screening of the feedlot along the north-eastern boundary where the site adjoins the unformed road reserve.</p> <p>In response to the submission the Applicant agreed to conditions requiring vegetation screening along that boundary. Conditions of approval have been included to this effect.</p>
Matters prescribed by regulation		<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application.

9. 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*. 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 2 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

10. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.


Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.

Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

11. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 20 December 2022
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C/C State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) - RockhamptonSARA@dsdilgp.qld.gov.au

Attachment 1 – Conditions of the approval

Part 1 – Conditions imposed by the assessment manager [Note: where a condition is imposed about infrastructure under Chapter 4 of the *Planning Act 2016*, the relevant provision of the Act under which this condition was imposed must be specified.]

Part 2 – Conditions required by the referral agency response

Attachment 2 – Extract on appeal rights

Attachment 3 – Submitter details

1.0 ADMINISTRATION

- 1.1 The owner and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Site Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 The approved development is for a beef cattle feedlot with a maximum capacity of 36,500 Standard Cattle Units (SCU).
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Property Plan (Aerial Image)	Agricultural Development Services Australia	11 July 2022	A001	Rev E
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Hay Storage Building Proposed Plan & Elevations	Mort & Co	31 March 2022	2236-MMS-HS-01	B
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Workshop Building Proposed Floor Plan	Mort & Co	31 March 2022	2236-MMS-WB-01	B
Workshop Building Proposed Elevations	Mort & Co	31 March 2022	2236-MMS-WB-02	B
Pavement Impact Assessment	RMA Engineers	24 October 2022	-	Rev 2
Traffic Impact Assessment	RMA Engineers	6 April 2022	17063	Rev 1

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Stage 1 – Capacity of 22,870 SCU (63% of total capacity)

3.1.2 Stage 2 – Capacity of 13,630 SCU (37% of total capacity)

The stages are not required to be undertaken in chronological order.

3.2 Stage 1 and Stage 2 must commence within six (6) years after the approval starts to have effect or the development approval will lapse.

3.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

4.0 ROAD WORKS

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

4.3 The Owner must pay an annual maintenance contribution of \$8.97 per B-Double movement and \$11.80 per A-Double movement. Each payment amount relates to an in and an out movement combined. Details of the number of movements must be provided to Council to inform the annual contribution amount. The maintenance contribution amounts identified above are relevant for the September 2022 quarter (All Groups Brisbane 130.2). These amounts will be recalculated in future years adjusted each year by the Consumer Price Index (All Groups Brisbane).

4.4 The localised road widening to Third Street and Thirsty Creek Road shown in the Traffic Impact Assessment by RMA Engineers dated 6 April 2022 must be completed prior to commencement of the use. The widening must accommodate the swept path of a 36-metre-long A-Double Type 1 road train without crossing the road centre-line.

4.5 A Dilapidation Report (or applicable Culvert Inspection Report) must be carried out for the large cross-drainage structure on Thirsty Creek Road at Chainage 2.9km. The initial assessment must be carried out post-construction and prior to commencement of the use for the initial stage, with the follow-up assessment to be performed twenty-four (24) months after the commencement of the use for the initial stage. Any required upgrades or repairs that are identified must be carried out at the full cost of the Owner within six (6) months of the date of the report.

4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

5.0 WATER WORKS

5.1 Construct, retain and maintain the water pipeline providing water to the proposed feedlot property (Lot 21 on PN81) generally in accordance with the approved plans (refer Condition 2.1).

5.2 The water pipeline linking Lot 2 on RP614103 and Lot 3 on SP230297 (effluent irrigation properties) and the proposed feedlot property (Lot 21 on PN81) (*“the referenced properties”*) must be wholly located within the referenced properties and/or Thirsty Creek Road reserve. In the circumstance that detailed design of the water pipeline alignment results in a variation to the pipeline alignment that means it must traverse any other freehold land other than the referenced properties, the water pipeline alignment must be secured via an easement, licence or other suitable agreement between the development proponent and the affected land-owner(s) prior to commencement of the use.

Note: A Works in Road Reserve Permit will be required for any construction works within Council’s road reserve.

5.3 On-site water supply for domestic and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. The on-site sewerage treatment and disposal area must not be located within an existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 6.4 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 6.5 The effluent pipeline between the feedlot storage areas and the irrigation areas must be constructed generally in accordance with the approved plans.

Note: A Works in Road Reserve Permit will be required for any construction works within Council's Road reserve.

7.0 STORMWATER WORKS

- 7.1 Stormwater runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 9.2 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

10.0 VEGETATION BUFFER

- 10.1 Submit to Council for approval, prior to commencement of use, a Vegetation Screening Plan prepared by a suitably qualified person that:

- 10.1.1 Identifies areas around the boundaries of, and/or pens and supporting infrastructure within, Lot 21 on PN81 that will provide suitable vegetation screening of the development from adjoining lots and road reserve.
- 10.1.2 Includes as a minimum:
- (a) The location, size and species of existing vegetation within the screening areas.
 - (b) Vegetation to be retained and removed within the screening areas.
 - (c) The indicative location, number, size and species of vegetation proposed within the screening areas.
- 10.2 The approved Vegetation Screening Plan must be implemented prior to commencement of use.
- 10.3 The vegetation within the screening areas must be subject to:
- 10.3.1 a watering and maintenance plan during the establishment phase; and
 - 10.3.2 an ongoing maintenance and replanting programme.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 14.0 ENVIRONMENTAL
- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.

15.0 OPERATING PROCEDURES

- 15.1 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 15.3 All waste storage areas must be:
- 15.3.1 kept in a clean and tidy condition; and
 - 15.3.2 maintained in accordance with *Environmental Protection Regulation 2019*.

16.0 CONTINGENCY PLAN

- 16.1 Prepare and keep on-site for inspection a Contingency Plan that demonstrates the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan should also include details of how and where the irrigation equipment will be relocated prior to a flood event. The principles of the Contingency Plan will be entered against Lot 2 on RP614103 and Lot 3 on SP230297 as a property note.

Note: Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.

It is the responsibility of the owner or occupier of the land from time to time to implement the Contingency Plan during a flood event or if there is a risk of flooding near the land.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council’s Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.

NOTE 4. General Safety of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5. Property Note (Contingency Plan)

A complete copy of the Development Approval and any documents conditioned by this development approval (including the Contingency Plan or an updated Contingency

Plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

NOTE 7. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.



Attachment 1 – Part 2
Referral Agency Conditions – State
Development, Infrastructure, Local
Government and Planning (State
Assessment and Referral Agency
Department) *Planning Act 2016*

The following is an extract from the *Planning Act 2016* (Chapter 6)

Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- matters that may be appealed to—
 - either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
 - the person—
 - who may appeal a matter (the **appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - 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—
- for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency or
 - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - 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
 - for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - 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
 - 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—
- the adopted charge itself; or
 - for a decision about an offset or refund—
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - is in the approved form; and
 - succinctly states the grounds of the appeal.
- The notice of appeal must be accompanied by the required fee.
- 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—

- the respondent for the appeal; and
 - each co-respondent for the appeal; and
 - for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - for an appeal to the P&E Court—the chief executive; and
 - for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - 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) 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.

231 Other appeals

- 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.
- The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- 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.
- In this section— **decision** includes—
 - conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or the failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

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

- is final and conclusive; and
- 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
- is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- 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.

Schedule 1

Appeals section 229

1 Appeal rights and parties to appeals

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

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ol style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
<p>4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) There was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p>5. Conversion applications An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
<p>6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2			
Appeals to the P&E Court only			
<p>1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-

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

<p>2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval that required impact assessment; or (b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>3. Eligible submitter and eligible advice agency appeals An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or the change application, for the development approval, that required impact assessment; or (b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p>4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p>5. Registered premises</p>			

Table 2 Appeals to the P&E Court only			
An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

Table 3 Appeals to the tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)

Table 3			
Appeals to the tribunal only			
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-



Attachment 3 – Submitter Details
