



Goondiwindi Customer Service Centre: (07) 4671 7400
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File: 24/11
Date: 22 July 2024

Smithfield Capital Pty Ltd ATF Smithfield Cattle Infrastructure Trust
C/- RDC Engineers Pty Ltd
Okeden Road
PROSTON QLD 4613

Attention: Jason Shearer-Smith / Rod Davis

Dear Jason and Rod

**Decision Notice –approval (with conditions)
Material Change of Use**

Lots 23 & 26 on MH80, Lots 54 & 55 on SP169191, Lot 56 on MH235, Lot 57 on SP225447, Lot 59 on SP134244, Lots 24, 102, 104 & 106 on MH143, 163 Kurumbul South Road, 1709 & 1778 Yelarbon Kurumbul Road and Wondalli-Kurumbul Road, Yelarbon

We wish to advise that on 19 July 2024 a decision was made to approve the material change of use development application for "*Intensive Animal Industry*" (Expansion of existing feedlot up to 28,750 SCU) and Environmentally Relevant Activity 2(1)(c) at Lots 23 & 26 on MH80, Lots 54 & 55 on SP169191, Lot 56 on MH235, Lot 57 on SP225447, Lot 59 on SP134244, Lots 24, 102, 104 & 106 on MH143, 163 Kurumbul South Road, 1709 & 1778 Yelarbon Kurumbul Road and Wondalli-Kurumbul Road, Yelarbon. In accordance with the *Planning Act 2016*, please find attached Council's Decision Notice for the application.

Please read the conditions carefully as these include actions which must be undertaken **prior to the commencement of the use** as well as requirements for the ongoing operation of the use.

All conditions are required to be either complied with or bonded prior to the commencement of the use. Please note **Condition 37**, which requires a letter to be submitted to Council prior to commencement of the use, outlining and demonstrating compliance with each condition.

The applicant is required to **notify Council in writing of the date of the commencement** of the use, within fourteen (14) business days of commencement.

If you require any further information, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on (07) 4671 7400 or rmcmahon@grc.qld.gov.au, who will be pleased to assist.

Yours faithfully

A handwritten signature in black ink, appearing to read 'RM McMahon', with a long horizontal flourish extending to the right.

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Decision Notice approval

Planning Act 2016 section 63

Council File Reference: 24/11
Council Contact: Mrs Ronnie McMahon
Council Contact Phone: (07) 4671 7400

22 July 2024

Applicant Details: Smithfield Capital Pty Ltd ATF Smithfield Cattle Infrastructure Trust
C/- RDC Engineers Pty Ltd
Okeden Road
PROSTON QLD 4613

Attention: Jason Shearer-Smith / Rod Davis

The development application described below was properly made to Goondiwindi Regional Council on 28 March 2024.

Applicant details

Applicant name: Smithfield Capital Pty Ltd ATF Smithfield Cattle
Infrastructure Trust
C/- RDC Engineers Pty Ltd

Applicant contact details: Attn: Jason Shearer-Smith / Rod Davis
Okeden Road, Proston Qld 4613
Ph: 0427 689 104 / 0427 629 203
E: jason@smithfieldcattleco.com /
rod.davis@rdcengineers.com.au

Application details

Application number: 24/11
Approval sought: Development Permit – Material Change of Use
Details of proposed development: *"Intensive Animal Industry"* (Expansion of existing feedlot up to 28,750 SCU) and Environmentally Relevant Activity 2(1)(c)

Location details

Street address: 163 Kurumbul South Road, 1709 & 1778 Yelarbon
Kurumbul Road and Wondalli-Kurumbul Road, Yelarbon
Real property description: Lots 23 & 26 on MH80, Lots 54 & 55 on SP169191, Lot 56 on MH235, Lot 57 on SP225447, Lot 59 on SP134244 and Lots 24, 102, 104 & 106 on MH143

Decision

Date of decision:	19 July 2024
Decision details:	Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Details of the approval

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

The following approvals are given:

	Planning Regulation 2017 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	N/A		
- building work assessable under the planning scheme		<input type="checkbox"/>	<input type="checkbox"/>
- plumbing or drainage work		<input type="checkbox"/>	<input type="checkbox"/>
- material change of use		<input checked="" type="checkbox"/>	<input type="checkbox"/>
- reconfiguring a lot		<input type="checkbox"/>	<input type="checkbox"/>
- operational work		<input type="checkbox"/>	

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

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

1. Not applicable

Properly made submissions

Properly made submissions were received from the following principal submitters:

Submitter	Address
Scott and Julie Wood	1968 Kurumbul Road YELARBON QLD 4388
Trevor & Linda Rissman Alan & Kaylee Rissman	1074 Yelarbon Kurumbul Road YELARBON QLD 4388
Amanda Holly	AnimalKIND PO Box 463 Annerley Q 4103

Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Address
<p>As per Schedule 10, Part 5, Division 4, Table 2, Item 1 (10.5.4.2.1) of the PR:</p> <p><i>Development application for a material change of use that is assessable development under section 8, if—</i></p> <p>(a) <i>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>(b) <i>the chief executive is not the prescribed assessment manager for the application</i></p>	<p>Department of Housing, Local Government, Planning and Public Works—</p> <p><i>Concurrence Agency</i></p>	<p>Department of Housing, Local Government, Planning and Public Works</p> <p>Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@dasilgp.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) of the PR:</p> <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>(a) <i>the development is for a purpose stated in schedule 20, column 1 for the aspect; and</i></p> <p>(b) <i>the development meets or exceeds the threshold—</i></p> <p>(i) <i>for development in local government area 1—stated in schedule 20, column 2 for the purpose; or</i></p> <p>(ii) <i>for development in local government area 2—stated in schedule 20, column 3 for the purpose; and</i></p> <p>(c) <i>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</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>Department of Housing, Local Government, Planning and Public Works—</p> <p><i>Concurrence Agency</i></p>	<p>Department of State Housing, Local Government, Planning and Public Works</p> <p>Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@dasilgp.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>

For an application involving	Name of referral agency	Address
<p>As per Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) of the PR: <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>(a) <i>are within 25m of a State transport corridor; or</i> (b) <i>are a future State transport corridor; or</i> (c) <i>are—</i></p> <p>(i) <i>adjacent to a road that intersects with a State-controlled road; and</i> (ii) <i>within 100m of the intersection</i></p>	<p>Department of Housing, Local Government, Planning and Public Works – Concurrence Agency</p>	<p>Department of Housing, Local Government, Planning and Public Works Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@dcdilgp.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>

Environmental authority

The development must comply with the environmental authority (Ref: 2024-06) issued for the below environmentally relevant activity.

Environmentally Relevant Activity

- ERA 2 – Intensive animal feedlotting, 1: keeping the following number of standard cattle units in a feedlot, (c) more than 10,000

Approved plans and specifications

Copies of the following plans and reports are enclosed.

Drawing Number	Title	Date
E2-111-00-06	Proposed Development – Development Layout	25/03/24
E2-111-00-07	Proposed Development – Development Complex	25/03/24
SAPPHIRE\STAGE1 \10\B	Finished Surface – North	June 2019
SAPPHIRE\STAGE1 \15\B	Sections A-A, B-B, C-C	June 2019
E2-111-00-10	Proposed Development – Waste Utilisation Areas	25/03/24
E2-111-00-11	Proposed Development – Internal Roads and Vehicle Manoeuvring	25/03/24
E2-111 SCY Sapphire TIA ViR2	Traffic and Pavement Impact Assessment for Intensive Animal Industry (Expansion of beef cattle feedlot from 19,999 SCUs to 28,750 SCUs) on the property “Sapphire”	25/03/24

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*

Rights of appeal

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 5 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>.

Attachment 4 is a Notice about decision - Statement of reasons, in accordance with section 63 (5) of the *Planning Act 2016*.

If you wish to discuss this matter further, please contact Council's Manager of Planning Services, Mrs Ronnie McMahon, on 07 4671 7400.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'RM McMahon', with a long horizontal flourish extending to the right.

Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Cc Department of Housing, Local Government,
Planning and Public Works
PO Box 825,
TOOWOOMBA QLD 4350

enc Attachment 1—Assessment manager and concurrence agency conditions
• State Assessment and Referral Agency Concurrence Agency Response dated 20 May 2024
Attachment 2—Approved Plans
Attachment 3—Notice about decision – Statement of reasons
Attachment 4—*Planning Act 2016* Extracts



ATTACHMENTS

**Attachment 1 – Assessment Manager’s Conditions
Concurrence Agency Conditions**

Attachment 2 – Approved Plans

Attachment 3 – Notice about decision - Statement of reasons

Attachment 4 – *Planning Act 2016* Extracts

Planning Act 2016 appeal provisions

Planning Act 2016 lapse dates



**Attachment 1 – Assessment Manager’s Conditions and
Concurrence Agency Conditions**



Assessment Manager's Conditions

Description:	<p><i>"Rural activities"</i></p> <ul style="list-style-type: none"> <i>"Intensive Animal Industry"</i> (Expansion of existing feedlot up to 28,750 SCU) and Environmentally Relevant Activity 2(1)(c)
Development:	Material Change of use – Development Permit
Applicant:	Smithfield Capital Pty Ltd ATF Smithfield Cattle Infrastructure Trust C/- RDC Engineers Pty Ltd
Address:	163 Kurumbul South Road, 1709 & 1778 Yelarbon Kurumbul Road and Wondalli-Kurumbul Road, Yelarbon
Real Property Description:	Lots 23 & 26 on MH80, Lots 54 & 55 on SP169191, Lot 56 on MH235, Lot 57 on SP225447, Lot 59 on SP134244 and Lots 24, 102, 104 & 106 on MH143
Council File Reference:	24/11

GENERAL CONDITIONS																									
1.	<p>Approval is granted for the purpose of a Material Change of Use for:</p> <ul style="list-style-type: none"> <i>"Rural activities"</i> – <i>"Intensive Animal Industry"</i> (Expansion of existing feedlot up to 28,750 SCU) and Environmentally Relevant Activity 2(1)(c) <p>as defined in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>.</p>																								
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.																								
3.	<p>Except where changed by conditions of this approval, the development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans:</p> <table border="1"> <thead> <tr> <th>Drawing Number</th> <th>Title</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>E2-111-00-06</td> <td>Proposed Development – Development Layout</td> <td>25/03/24</td> </tr> <tr> <td>E2-111-00-07</td> <td>Proposed Development – Development Complex</td> <td>25/03/24</td> </tr> <tr> <td>SAPPHIRE\STAGE1 \10\B</td> <td>Finished Surface – North</td> <td>June 2019</td> </tr> <tr> <td>SAPPHIRE\STAGE1 \15\B</td> <td>Sections A-A, B-B, C-C</td> <td>June 2019</td> </tr> <tr> <td>E2-111-00-10</td> <td>Proposed Development – Waste Utilisation Areas</td> <td>25/03/24</td> </tr> <tr> <td>E2-111-00-11</td> <td>Proposed Development – Internal Roads and Vehicle Manoeuvring</td> <td>25/03/24</td> </tr> <tr> <td>E2-111 SCF Sapphire TIA ViR2</td> <td>Traffic and Pavement Impact Assessment for Intensive Animal Industry (Expansion of beef cattle feedlot from 19,999 SCUs to 28,750 SCUs) on the property "Sapphire"</td> <td>25/03/24</td> </tr> </tbody> </table> <p>Please note these plans are not approved Building Plans.</p>	Drawing Number	Title	Date	E2-111-00-06	Proposed Development – Development Layout	25/03/24	E2-111-00-07	Proposed Development – Development Complex	25/03/24	SAPPHIRE\STAGE1 \10\B	Finished Surface – North	June 2019	SAPPHIRE\STAGE1 \15\B	Sections A-A, B-B, C-C	June 2019	E2-111-00-10	Proposed Development – Waste Utilisation Areas	25/03/24	E2-111-00-11	Proposed Development – Internal Roads and Vehicle Manoeuvring	25/03/24	E2-111 SCF Sapphire TIA ViR2	Traffic and Pavement Impact Assessment for Intensive Animal Industry (Expansion of beef cattle feedlot from 19,999 SCUs to 28,750 SCUs) on the property "Sapphire"	25/03/24
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<p>4.</p>	<p>Complete and maintain the approved development as follows:</p> <ul style="list-style-type: none"> (i) Generally in accordance with development approval documents; and (ii) Strictly in accordance with those parts of the approved development which have been specified in detail by Council unless Council agrees in writing that those parts will be adequately complied with by amended specifications. <p>All development shall comply with any relevant provisions in the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, Council's standard designs for applicable work and any relevant Australian Standard that applies to that type of work.</p> <p>The development approval documents are the material contained in the development application, approved plans and supporting documentation including any written and electronic correspondence between applicant, Council or any relevant Agencies during all stages of the development application assessment processes.</p>
<p>5.</p>	<p>It is the developer's responsibility to obtain all other statutory approvals required prior to commencement of any works on site and the commencement of the use.</p>
<p>PUBLIC UTILITIES</p>	
<p>6.</p>	<p>Connected to a suitable electricity and telecommunications supply systems shall be retained, at no cost to Council.</p>
<p>ESSENTIAL SERVICES</p>	
<p>7.</p>	<p>The development shall be provided with a supply of water of a volume and quality appropriate for feedlot purposes, including adequate supply for firefighting purposes, in accordance with relevant engineering standards to the satisfaction of Council.</p> <p>The site shall be connected to and maintain a potable water supply with a sufficient volume for domestic use, to the satisfaction of and at no cost to Council.</p>
<p>8.</p>	<p>The development shall remain connected to an approved onsite effluent disposal sewerage system designed in accordance with the Queensland Plumbing and Wastewater Code, to the satisfaction of and at no cost to Council.</p> <p>All sewer infrastructure (including effluent disposal areas) shall be fully located within site boundaries, to the satisfaction of and at no cost to Council.</p>

ROADS AND VEHICLES	
9.	<p>The “Sapphire” accesses to Yelarbon Kurumbul Road must be maintained from the edge of the existing bitumen to the property boundary to an industrial standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region <i>Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>The “Sapphire” access to Kildonan Road and the “Thurloo” accesses to Yelarbon Kurumbul Road and Wondalli Kurumbul Road must be upgraded from the edge of the existing road surface to the property boundary to an industrial standard in accordance with Schedule 6.2.1 – Standard Drawing in Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the Goondiwindi Region <i>Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council’s Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p> <p>A qualified Council Officer may inspect construction works at the request of the development to ensure compliance with this condition.</p>
10.	<p>Heavy vehicle access to, and egress from, the feedlot must be via Kildonan Road only, except during times when Kildonan Road is closed or when using internal roads.</p> <p>Solid waste transported to “Thurloo” and “Brigalow Park” must be transported via internal access roads in accordance with the submitted Traffic and Pavement Impact Assessment. Where these internal roads cross Council maintained roads, the crossing points are to be constructed in a manor to prevent damage to the Council road to the satisfaction of Council.</p>
11.	<p>Internal roads including internal access roads to “Thurloo” and “Brigalow Park” for the transport of solid waste and areas where heavy vehicles regularly park and manoeuvre shall be constructed to an all-weather standard in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Parking and manoeuvring areas shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact Council’s Engineering Department to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite. A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
12.	<p>Truck crossing W5-22 signs shall be installed on Council controlled roads in advance of any internal road crossing in accordance with the Queensland Manual of Uniform Traffic Control Devices.</p>

STORMWATER	
13.	<p>Prior to the commencement of the use and at all times while the use continues, the site shall be adequately drained and all stormwater shall be disposed of to a legal point of discharge in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i>, to the satisfaction of and at no cost to Council.</p> <p>Any increase in volume, concentration or velocity of stormwater from the site shall be channelled to lawful points of discharge or to other storage or dispersal arrangements which all must be agreed to in writing by Council.</p> <p>There shall be no change in direction or increase in the volume, concentration or velocity in any overland flow from the site to any adjoining properties unless agreed in writing by Council and the owners of any adjoining properties affected by these changes.</p> <p>The stormwater system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of waterways.</p>
14.	<p>Stormwater shall not be allowed to pond on the site during the development process and after development has been completed unless the type and size of ponding has been agreed in writing by Council.</p> <p>No ponding, concentration or redirection of stormwater shall occur on adjoining properties unless specifically agreed to in writing by Council and the owners of any adjoining properties affected by these changes.</p>
EARTHWORKS AND EROSION CONTROL	
15.	<p>Any filling or excavation shall be undertaken in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> or to other relevant engineering standards to the satisfaction of and at no cost to Council.</p> <p>Excavation or filling within 1.5 metres of any site boundary is battered or retained by a wall that does not exceed 1 metre in height.</p>
16.	<p>All works associated with the development must be carried out in a manner that minimises erosion and controls sediment. Best practice erosion and sediment control measures shall be in place at the location of all works prior to work commencing and remain until work is completed in accordance with Schedule 6.2 – Planning Scheme Policy 1 – Land Development Standards of the <i>Goondiwindi Region Planning Scheme 2018 (Version 2)</i> to the satisfaction of and at no cost to Council.</p> <p>Control procedures are to be established to ensure sediment from the site is not deposited off site. The developer shall ensure no increase in any silt loads or contaminants in overland flow from the site during the development process and after development has been completed.</p>

17.	Any earthworks on site must be undertaken in accordance with the related Operational Works development permit (Reference: 23/38).
ENVIRONMENT	
18.	Should the feedlot, or any part of the feedlot, cease operation, rehabilitation of the site shall be carried out within three months of the cessation of activity.
19.	All existing vegetation, including any buffer areas, on site must be retained and maintained to the satisfaction of and at no cost to Council.
20.	<p>A Site Based Management Plan shall be prepared for the proposed feedlot activity, and shall address the following operation and maintenance issues:</p> <ul style="list-style-type: none"> (i) Maintenance cleaning of pen areas and drainage lines/sedimentation lagoons frequency; (ii) Indication of application rates for manure and sediment spreading onto utilisation areas and rotation and incorporation times; (iii) Register to be kept for all of the following events: <ul style="list-style-type: none"> a. Complaints received about the operation of the feedlot, including but not limited to odour, noise and dust complaints, and what actions have been undertaken by whom to investigate and resolve any confirmed issues; b. Details of any events involving effluent leaving the controlled drainage area and entering natural watercourses and actions taken to resolve this issue. (iv) Details of who will be responsible for all actions mentioned in points (i)-(iii) above. <p>The Site Based Management Plan must also include the installation, management and maintenance of at least one suitable weather station with functions capable of recording climatic wind data including wind direction and speed. The developer shall maintain a record of this data and provide it to the relevant authority, if requested to do so.</p>
21.	The development shall be designed and constructed to avoid significant adverse impacts on areas of environmental significance identified within the site.
AVOIDING NUISANCE	
22.	At all times while the use continues, the development shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> (the Act) and all relevant regulations and standards under that Act. All necessary licences under the Act shall be obtained and shall be maintained at all times while the use continues.
23.	At all times while the use continues it shall be operated in such a manner as to ensure that no nuisance shall arise to adjoining premises as a result of dust, noise, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.

24.	<p>At all times while the use continues, provision must be made on site for the collection of general refuse in covered waste containers with a capacity sufficient for the use.</p> <p>Waste receptacles shall be placed in a screened area. The site must maintain a general tidy appearance.</p>
25.	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
26.	<p>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>The site must be kept on a clean and tidy state at all times during construction.</p>
DEVELOPER'S RESPONSIBILITIES	
27.	<p>It is the developer's responsibility to ensure that potential bushfire hazards are appropriately mitigated to reflect the hazard level of the site in regard to vegetation type and proximity, slope and aspect, bushfire history, on-site environmental values, ease of maintenance and any specific implications on the development shall be submitted to Council prior to the commencement of the use.</p>
28.	<p>The developer shall ensure that vehicular access is designed to mitigate against bushfire hazard by ensuring adequate access for fire fighting and other emergency vehicles, and adequate access for the evacuation of residents and emergency personnel in an emergency situation.</p>
29.	<p>It is the developer's responsibility to ensure that the development is resilient to flood events by ensuring design and built form appropriately responds to the potential risks of flooding.</p>
30.	<p>It is the developer's responsibility to ensure that the development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential for flood damage either on-site or on other properties.</p>
31.	<p>Any alteration or damage to roads and/or public infrastructure that is attributable to the progress of works or vehicles associated with the development of the site shall be repaired to Council's satisfaction or the cost of repairs paid to Council.</p>
32.	<p>All contractors and subcontractors shall hold current, relevant and appropriate qualifications and insurances in place to carry out the works.</p>
33.	<p>All costs reasonably associated with the approved development, unless there is specific agreement by other parties to meet these costs, shall be met by the developer.</p>

34.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
COMMENCEMENT OF USE	
35.	<p>At its discretion, Council may accept bonds or other securities to ensure completion of specified development approval conditions or Council may accept cash payments for Council to undertake the necessary work to ensure completion of specified development approval conditions.</p> <p>It may be necessary for Council to use such bonds for the completion of outstanding works without a specific timeframe agreed.</p> <p>The decision to accept bonds or other securities to satisfy a condition will be that of Council, not the applicant.</p>
36.	<p>Council must be notified in writing of the date of the commencement of the use within 14 days of commencement.</p> <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes effect, in accordance with the provisions contained in section 85(i)(a) of the <i>Planning Act 2016</i>.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
37.	A letter outlining and demonstrating that conditions have been, or will be, complied with shall be submitted to Council and approved by a relevant Officer of Council prior to commencement of the use at each relevant stage. Council Officers may require a physical inspection to confirm that all conditions have been satisfied to relevant standards.
PLEASE READ CAREFULLY - NOTES AND ADVICE	
	<p><i>When approval takes effect</i></p> <p>This approval takes effect in accordance with section 85 of the <i>Planning Act 2016</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the use has not commenced within six (6) years of the date the development approval takes effect.</p> <p>Section 86 of the <i>Planning Act 2016</i> sets out how an extension to the period of approval can be requested.</p>
	It is the applicant's responsibility to obtain all statutory approvals prior to commencement of any works onsite.

	<p>This approval in no way removes the duty of care responsibility of the applicant under the <i>Aboriginal Cultural Heritage Act 2003</i>. Pursuant to Section 23(1) of the <i>Aboriginal Cultural Heritage Act 2003</i>, 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”).</p>
	<p>This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i>.</p>
	<p>The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering workplace health and safety.</p>



SARA reference: 2404-39966 SRA
 Council reference: 24/11

20 May 2024

Chief Executive Officer
 Goondiwindi Regional Council
 LMB 7
 INGLEWOOD QLD 4387
 mail@grc.qld.gov.au

Attention: Ronnie McMahon

Dear Mrs McMahon

SARA referral agency response— 163 Kurumbul South Road, 1709 and 1778 Yelarbon Kurumbul Road and Wondalli-Kurumbul Road, Yelarbon

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 11 April 2024.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	20 May 2024
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Material Change of Use – Rural activities – Intensive animal industry (Expansion of existing feedlot up to 28,750 SCU)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 5, division 4, table 2, item 1 - Environmentally relevant activities (Planning Regulation 2017)	
	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 -	

	Development impacting on state transport infrastructure (Planning Regulation 2017)
	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 - Development near a state transport corridor (Planning Regulation 2017)
SARA reference:	2404-39966 SRA
Assessment manager:	Goondiwindi Regional Council
Street address:	163 Kurumbul South Road, 1709 and 1778 Yelarbon Kurumbul Road and Wondalli-Kurumbul Road, Yelarbon
Real property description:	Lots 23 and 26 on MH80; Lots 54 and 55 on SP169191; Lot 56 on MH235; Lot 57 on SP225447; Lot 59 on SP134244; Lots 24, 102, 104 and 106 on MH143
Applicant name:	Smithfield Capital Pty Ltd (ACN 165 077 994) as trustee for the Smithfield Cattle Infrastructure Trust (ABN 18 376 696 864)
Applicant contact details:	c/- RDC Engineers Pty Ltd Okeden Road PROSTON QLD 4631 jason@smithfieldcattleco.com rod.davis@rdcengineers.com.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: 2024-06 • Effective date: In accordance with Section 200 of the <i>Environmental Protection Act 1994</i> • Prescribed environmentally relevant activity (ERA): ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – (c) more than 10,000 <p>If you are seeking further details about the environmental authority, please contact the Department of Agricultural and Fisheries (DAF) at: livestockregulator@daf.qld.gov.au.</p>
<i>Human Rights Act 2019</i> considerations:	Consideration of the <i>Human Rights Act 2019</i> sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Brittany Hughes, A/Senior Planning Officer, on (07) 4616 7332 or via email ToowoombaSARA@dcdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

cc Smithfield Capital Pty Ltd (ACN 165 077 994) as trustee for the Smithfield Cattle Infrastructure Trust (ABN 18 376 696 864), rod.davis@rdcengineers.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.
Further development permits	
2.	A development permit for operational work for taking or interfering with water, as defined under the <i>Water Act 2000</i> , may be required to be obtained before the development can be carried out. If required, the development application must be lodged or referred to the Chief Executive administering the <i>Planning Act 2016</i> . For information regarding relevant requirements, please contact the Department of Regional Development, Manufacturing and Water (DRDMW) at info@rdmw.qld.gov.au or call 13QGOV (13 74 68).

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with State code 2: Development in a railway environment, of the SDAP.

Specifically, the development:

- does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
- does not compromise the operating performance of railway corridors
- does not significantly increase the cost to the state to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors, rail transport infrastructure or other rail infrastructure.

The development complies with State code 6: Protection of state transport networks of the SDAP.

Specifically, the development:

- does not create a safety hazard for users of state transport infrastructure or public passenger services by increasing the likelihood or frequency of a fatality or serious injury
- does not result in a worsening of the physical condition or operating performance of the state transport network.

The development complies with State code 22: Environmentally relevant activities of the SDAP.

Specifically, the development:

- is located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
- is designed and located to reasonably minimise and mitigate impacts to matters of state environmental significance
- does not result in a significant residual impact on a matter of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version [3.0], as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Notice

Environmental Protection Act 1994

Decision about an application for an environmental authority

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

To:
Smithfield Services Pty Ltd
Okeden Road
PROSTON QLD 4613

Email: jason@smithfieldcattleco.com

Attention: Mr Jason Shearer Smith

Our Reference: 2024-06

Decision about an application for an environmental authority

1 Application details

The application for an environmental authority was received by the administering authority on 17 April 2024

Application reference number: 2404-39966 SRA

Land description: Lot 23 MH80, Lot 26 MH80, Lot 54 SP169191, Lot 55 SP169191, Lot 56 MH235, Lot 57 SP225447, Lot 59 SP134244, Lot 24 MH143, Lot 102 MH143 and Lot 104 MH143

Yelarbon Kurumbul Road Yelarbon Queensland

2 Decision

The administering authority has decided to approve the application.

3 Annual fee

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

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

4 Review and appeal rights

You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the relevant court. Information about your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.



Luke Boucher
Manager, Environmental Regulation

13 May 2024

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Department of Agriculture and Fisheries
Intensive Livestock Unit
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Attachments

Environmental authority 2024-06

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

Information sheet

Environmental Protection Act 1994

Internal review and appeals

This information sheet gives a summary of the process for the review of decisions and appeals to the Land Court and the Planning and Environment Court under sections 519 to 539F of the Environmental Protection Act 1994 and subordinate legislation. This information sheet replaces the two information sheets (1) Internal review and appeal to Land Court (ESR/2015/1742) and (2) Internal review and appeal to the Planning and Environment Court (ESR/2015/1572).

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Version History

Version	Effective date	Description of changes
1.00	13 August 2015	First published version of the guideline.
2.00	13 August 2015	Minor changes and references to legislation updated.
3.00	10 October 2016	Updated to reflect latest version of <i>Environmental Protection Act 1994</i> .
3.01	6 July 2017	Replaced references to the <i>Sustainable Planning Act 2009</i> with <i>Planning Act 2016</i> (commenced 3 July 2017).
3.02	13 June 2018	The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register.
4.00	01 April 2019	Update of conditions relating to financial assurance to reflect the introduction of the Mineral and Energy Resources (Financial Provisioning) Act 2018 and the subsequent changes to the Environmental Protection Act 1994.
5.00	1 November 2019	Updated for the commencement of the progressive rehabilitation and closure plan framework.
6.00	15 September 2020	Updated to reflect changes introduced by the <i>Environmental Protection and Other Legislation Amendment Act 2020</i> .
6.01	14 April 2022	Facsimile number removed.

1 Introduction

The *Environmental Protection Act 1994* (EP Act) includes provisions for the internal review and appeal of certain decisions made under the EP Act.

The decisions that are subject to internal review are referred to as 'original decisions' in Schedule 2 of the EP Act and subordinate legislation.

A person who is dissatisfied with an original decision made by the Department of Environment and Science (the department) may apply to have that decision internally reviewed¹. Generally, an application for a review of an original decision must be:

- made within 10 business days of the receiving a notice about the original decision or from when the department is taken to have made the decision;
- supported by enough information to enable the department to decide the review application; and
- made using the approved form Application for review of original decision (ESR/2015/1573²).

Where an application has been made for a review of an original decision, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review and any later appeal.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days of receiving the notice about the review decision. Schedule 2, Part 3 includes original decisions for internal review only.

What is the relevant court?

Land Court

Original decisions mentioned in Schedule 2, Part 1 are subject to Land Court appeal. These decisions generally relate to environmental authorities for resource activities.

The EP Act confers jurisdiction to the Land Court to hear and determine matters relating to natural resource issues, including appeals against decisions concerning the grant of mining tenures and other state land interests.

Planning and Environment Court

Original decisions mentioned in Schedule 2, Part 2 can be appealed against to the Planning and Environment Court. These decisions generally relate to environmental authorities for prescribed environmentally relevant activities.

The Planning and Environment Court is constituted by judges and hears matters including those relating to planning and development, environmental protection and management, nature conservation and heritage.

The relevant sections of Chapter 11, Part 3 of the EP Act that provide for the review of decisions and appeals are outlined below.

¹ Note: In accordance with section 521(14) internal reviews are not undertaken for an original decision to issue a clean-up notice.

² This form is available on the Queensland Government website at www.qld.gov.au, using the publication number ESR/2015/1573 as a search term.

Chapter 11—Administration, Part 3—Review of decisions and appeals

Division 1—Interpretation

Section 519 Original decisions

- (1) A decision mentioned in schedule 2 is an 'original decision'.
- (2) A decision under an environmental protection policy or regulation that the policy or regulation declares to be a decision to which this part applies is also an original decision.

Section 520 Dissatisfied person

- (1) A dissatisfied person, for an original or review decision, is—
 - (a) if the decision is about an environmental impact statement (EIS) or the EIS process for an EIS—the relevant proponent under chapter 3, part 1, for the project to which the EIS relates; or
 - (b) if the decision is about an application for an environmental authority or proposed PRCP plan for the application—the applicant; or
 - (c) if the decision is about an environmental authority, including financial assurance for the environmental authority, or a PRCP schedule—the holder of the authority or schedule; or
 - (d) if the decision is about an application for registration of a person as a suitable operator—the applicant; or
 - (e) if the decision is about a registered suitable operator—the operator; or
 - (f) if the decision is about taking action after receiving an audit report for an audit of a PRCP schedule—the holder of the schedule; or
 - (g) if the decision is to refuse an application to recognise an accreditation program for an agricultural ERA – the applicant; or
 - (h) if the decision is about a recognised accreditation program for an agricultural ERA – the owner of the program; or
 - (i) if the decision is to give an audit notice under section 322, 322A or 323—the recipient; or
 - (j) if the decision is to conduct an environmental audit or prepare an environmental report for an audit under section 326—the relevant environmental authority holder; or
 - (k) if the decision is about an environmental investigation or environmental protection order – the recipient; or
 - (l) if the decision is about a transitional environmental program—the holder of an approval for the program or person or public authority that is required to submit, or submits, the program; or
 - (m) if the decision is about a temporary emissions licence—
 - (i) the applicant for the licence; or
 - (ii) the holder of the licence; or
 - (n) if the decision is to issue a direction notice, clean-up notice or cost recovery notice—the recipient; or

- (o) if the decision is about recording particulars of land in, or removing particulars of land from, the environmental management register or contaminated land register—the land's owner; or
 - (o) if the decision is about a site management plan for contaminated land—
 - (i) the recipient for the notice to prepare or commission the site management plan, other than for a decision under section 399; and
 - (ii) the land's owner; and
 - (iii) if another person prepares or commissions the plan—the other person, other than for a decision under section 399; or
 - (p) if the decision is about erecting signs on contaminated land—the land's owner; or
 - (q) if the decision is about a disposal permit—the applicant for the permit; or
 - (r) if the decision is about an exemption under chapter 8, part 3F, division 3—the person applying for, or given, the exemption; or
 - (s) if the decision is to give a notice under section 451(1)—the person to whom the notice is given; or
 - (t) if the decision is about an application for approval as an auditor under chapter 12, part 3A, division 2—the applicant; or
 - (u) if the decision is about an auditor—the auditor; or
 - (v) if the decision is about a complaint under chapter 12, part 3A, division 5—the person who made the complaint; or
 - (w) if the decision is about a conversion application under section 695—the applicant; or
 - (x) if the decision is a decision under an environmental protection policy or a regulation that the policy or regulation declares to be a decision to which this part applies—the person declared under the policy or regulation to be a dissatisfied person for the decision.
- (2) A submitter for an application is also a dissatisfied person if the decision is about—
- (a) a site-specific application for an environmental authority for a petroleum activity; or
 - (b) an amendment application under chapter 5, part 7 for an environmental authority for a resource activity, other than a mining activity; or
 - (c) the submission of a transitional environmental program to which section 335 applies.

2 Internal review of decisions

The relevant section of the EP Act regarding the process for the internal review of original decisions is outlined below.

Division 2—Internal review of decisions

Section 521 Procedure for review

- (1) A dissatisfied person may apply for a review of an original decision.

- (2) The application must—
- (a) be made in the approved form to the administering authority within the following period (the 'review application period')—
 - (i) 10 business days¹ after the day on which the person receives notice of the original decision or the administering authority is taken to have made the decision (the 'review date');
 - (ii) the longer period the authority in special circumstances allows; and
 - (b) be supported by enough information to enable the authority to decide the application.
- (3) The administering authority must, within 5 business days after the end of the review application period or, if 2 or more applications are received in relation to the original decision, the end of the latest of the review application periods, send the following documents to the other persons who were given notice under this Act of the original decision—
- (a) notice of the application (the 'review notice');
 - (b) either-
 - (i) a copy of the application and supporting documents; or
 - (ii) details of where a copy of the application and supporting documents may be inspected or accessed.
- (4) The review notice must inform the recipient that submission on the application may be made to the administering authority within 5 business days (the 'submission period') after the day the authority sends the review notice to the recipient.
- (5) If the administering authority receives only 1 application in relation to the original decision and is satisfied the applicant has complied with subsection (2), the authority must, within the decision period—
- (a) review the original decision;
 - (b) consider any submissions properly made by a recipient of the review notice; and
 - (c) make a decision (the 'review decision') to—
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (6) If the administering authority receives 2 or more applications in relation to the original decision and is satisfied the applicants have complied with subsection (2), the authority must, within the decision period-
- (a) review the original decision; and
 - (b) consider any submissions properly made by a recipient of any of the review notices; and
 - (c) make 1 decision (also the 'review decision') in relation to the applications to-
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the administering authority considers appropriate.
- (7) The application does not stay (i.e. suspend or stop) the original decision.

Note- See part 3, division 4 in relation to stays.

- (8) The application must not be dealt with by—
- (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision.
- (9) Within 10 business days after making the review decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice under this Act of the original decision.
- (10) The notice must—
- (a) include the reasons for the review decision; and
 - (b) inform the persons of their right of appeal against the decision.
- (11) If the administering authority does not comply with subsection (5), (6) or (9), the authority is taken to have made a decision confirming the original decision.
- (12) Subsection (8) applies despite the *Acts Interpretation Act 1954*, s. 27A.
- (13) This section does not apply to an original decision made by—
- (a) for a matter, the administration and enforcement of which has been devolved to a local government—the local government itself or the chief executive officer of the local government personally; or
 - (b) for another matter—the chief executive personally.
- (14) Also, this section does not apply to an original decision to issue a clean-up notice.
- (15) In this section—
- 'decision period'*, for a review of an original decision, means—
- (a) if only 1 application is received in relation to the original decision and a submission is received within the submission period—
 - (i) 20 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (b) if only 1 application is received in relation to the original decision and no submissions are received within the submission period—
 - (i) 15 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (c) if 2 or more applications are received in relation to the original decision and a submission is received within the submission period for at least 1 of the applications—
 - (i) 20 business days after the administering authority receives the latest of the applications; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (d) if 2 or more applications are received in relation to the original decision and no submissions are received within the submission period for any of the applications—

- (i) 15 business days after the administering authority receives the latest of the applications; or
- (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides.

3 Appeals to Land Court

The relevant sections of the EP Act regarding the process for appealing against a decision to the Land Court are outlined below.

Division 3—Appeals

Subdivision 1—Appeals to Land Court

Section 523 Review decisions subject to Land Court appeal

This subdivision applies if the administering authority makes a review decision for an original decision mentioned in schedule 2, part 1.

Section 524 Right of appeal

A dissatisfied person who is dissatisfied with the review decision may appeal against the decision to the Land Court.

Section 525 Appeal period

- (1) The appeal must be started within 22 business days after the appellant receives notice of the review decision.
- (2) However, the Land Court may at any time extend the time for starting the appeal.

Section 526 Land Court mediation

- (1) Any party to the appeal may, at any time before the appeal is decided, ask the Land Court to conduct or provide mediation for the appeal.
- (2) The mediation must be conducted by the Land Court or a mediator chosen by the Land Court².

Section 527 Nature of appeal

The appeal is by way of rehearing, unaffected by the review decision.

Section 528 Land Court's powers for appeal

In deciding the appeal, the Land Court has the same powers as the administering authority.

Section 530 Decision for appeals

- (1) In deciding the appeal, the Land Court may—
 - (a) confirm the review decision; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the administering authority who made the decision, with directions the Land Court considers appropriate.
- (2) In setting aside or substituting the decision, the Land Court has the same powers as the authority unless otherwise expressly stated.
- (3) However, this part does not apply to a power exercised under subsection (2).

- (4) If the Land Court substitutes another decision, the substituted decision is taken for this Act, other than this subdivision, to be the authority's decision.

4 Appeals to the Court

The relevant sections of the EP Act regarding the process for appealing against a decision to the Court are outlined below.

Division 3—Appeals

Subdivision 2—Appeals to Court

Section 531 Who may appeal

- (1) A dissatisfied person who is dissatisfied with a review decision may appeal against the decision to the Court.
- (2) However, the following review decisions cannot be appealed against to the Court—
 - (a) a review decision to which subdivision 1³ applies;
 - (b) a review decision that relates to an original decision mentioned in Schedule 2, Part 3⁴.
- (3) The chief executive may appeal against another administering authority's decision (whether an original or review decision) to the Court.
- (4) A dissatisfied person who is dissatisfied with an original decision to which s. 521 does not apply may appeal against the decision to the Court.

Section 532 How to start appeal

- (1) An appeal is started by—
 - (a) filing written notice of appeal with the registrar of the Court; and
 - (b) complying with rules of court applicable to the appeal.
- (2) The notice of appeal must be filed—
 - (a) if the appellant is the chief executive—within 33 business days after the decision is made or taken to have been made; or
 - (b) if the appellant is not the chief executive—within 22 business days after the day the appellant receives notice of the decision or the decision is taken to have been made.
- (3) The Court may at any time extend the period for filing the notice of appeal.
- (4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Section 533 Appellant to give notice of appeal to other parties

- (1) Within 8 business days after filing the notice of appeal, the appellant must serve notice of the appeal on—
 - (a) if the appellant is the chief executive—all persons who were given notice under this Act of the original decision; or
 - (b) if the appellant is not the chief executive—the other persons who were given notice under this Act of the original decision.
- (2) The notice must inform the persons that, within 10 business days after service of the notice of appeal, they may elect to become a respondent to the appeal by filing in the Court a notice of election under rules of court.

Section 534 Persons may elect to become respondents to appeal

A person who properly files in the Court a notice of election becomes a respondent to the appeal.

Section 536 Hearing procedures

- (1) The procedure for an appeal is to be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.
- (2) An appeal is by way of rehearing, unaffected by the administering authority's decision.

Section 537 Assessors

If the judge hearing an appeal is satisfied the appeal involves a question of special knowledge and skill, the judge may appoint 1 or more assessors to help the judge in deciding the appeal.

Section 538 Appeals may be heard with planning appeals

- (1) This section applies if—
 - (a) a person appeals against an administering authority's decision (whether an original or review decision) about an application for an environmental authority for a prescribed ERA; and
 - (b) a person appeals against the assessment manager's decision under the Planning Act about a planning or development matter for the premises to which the application for the authority relates.
- (2) The Court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other has been decided.
- (3) This section applies even though the parties, or all of the parties, to the appeals are not the same.

Section 539 Powers of Court on appeal

- (1) In deciding an appeal, the Court may—
 - (a) confirm the decision appealed against; or
 - (b) vary the decision appealed against; or
 - (c) set aside the decision appealed against and make a decision in substitution for the decision set aside.

- (2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

5 Stays

Division 4 — Stays

Section 539A Stay of operation of original decisions for internal review

- (1) If an application is made for internal review of an original decision mentioned in Schedule 2, Part 1 or 2, the applicant may immediately apply for a stay of the decision to—
- (a) for an original decision mentioned in Schedule 2, Part 1—the Land Court; or
 - (b) for an original decision mentioned in Schedule 2, Part 2—the Court.
- (2) The Land Court or the Court may stay the decision only if it considers the stay is desirable having regard to the following—
- (a) the interests of any person whose interests may be affected by the granting of the stay or the stay not being granted;
 - (b) any submission made to the Land Court or the Court by the entity that made the original decision;
 - (c) the public interest.
- (3) A stay may be given on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the end of the period within which an appeal against the review decision may be started under section 525 or 532.
- (5) This section applies subject to sections 539C and 539D.
- (6) In this section—
'internal review', of an original decision, means a review of the decision under section 521.

Section 539B Stay of operation of decisions appealed against to Land Court or Court

- (1) This section applies to—
- (a) an original decision appealed against to the Court if section 521 does not apply to the decision; or
 - (b) an original decision appealed against to the Land Court or the Court if the decision is confirmed or varied by a review decision.
- (2) The Land Court or the Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- (3) A stay may be granted on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the time when the Land Court or the Court decides the appeal.
- (5) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

(6) This section applies subject to sections 539C to 539E.

Section 539C Stay of decision about financial assurance

- (1) This section applies to an application under section 539A or 539B for a stay of a decision about the amount of financial assurance required under a condition of an environmental authority.
- (2) The decision may not be stayed unless the administering authority has been given security for at least 75% of the amount of financial assurance that was decided by the administering authority.

Section 539D Stay of particular decisions if unacceptable risk of environmental harm

- (1) This section applies to an application under section 539A or 539B for a stay of a decision—
 - (a) to ask the scheme manager for a payment of costs and expenses under section 316G; or
 - (b) to make a claim on or realise an EPA assurance under section 316G; or
 - (c) to issue an environmental protection order under section 358.
- (2) The Land Court or the Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

Section 539E Stay of decision to issue clean-up notice

- (1) This section applies to an application under section 539B for a stay of a decision to issue a clean-up notice.
- (2) In deciding the application, the Court must have regard to—
 - (a) the quantity and quality of contamination of the environment that is likely to be caused if the stay is granted; and
 - (b) the proximity of the place at or from which the contamination incident is happening or happened to a place with environmental values that may be adversely affected by the contamination.

Section 539F Effect of stay of ERC decision

- (1) This section applies if 1 of the following decisions is stayed –
 - (a) an original decision that is an ERC decision;
 - (b) an original decision appealed against to the Land Court if the decision is an ERC decision that is confirmed or varied by a review decision.
- (2) Despite the stay the decision remains in effect for section 297 and the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.
- (3) However, if the holder of the environmental authority in relation to which the ERC decision has been made is required to give a surety under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, the holder is only required, during the period of the stay, to give a surety of 75% of the amount required.

6 Judicial review

Under the *Judicial Review Act 1991*, a person whose interests would be adversely affected by a decision made by the department has the right to:

- request a statement of reasons explaining a decision; and
- apply to the Supreme Court for a review of a decision if they are not satisfied with the statement of reasons for that decision.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:

15 September 2020

Enquiries:

Permit and Licence Management
Ph. 1300 130 372 (select option 4)
Ph:13 QGOV (13 74 68)
Email: palm@des.qld.gov.au

¹ Under the *Environmental Protection Act 1994* business days—'generally, does not include a day between 20 December in a year and 5 January in the following year'.

² For information on how to start the appeal, see the *Land Court Rules 2000*. For information on the conduct of the mediation, see the *Land Court Act 2000*. Information is also available on the [Land Court website](#).

³ Subdivision 1 is about appeals to the Land Court.

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

Permit

Environmental Protection Act 1994

Environmental authority 2024-06

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

Environmental authority number: 2024-06

Environmental authority takes effect on the date that your related development approval 24/11 takes effect. This is the take effect date.

Within 5 business days of the environmental authority taking effect, the administering authority must be given written notice of the occurrence. Prior to the commencement of the activity, the administering authority must be given written notice of the proposed date of commencement.

The first annual fee is payable within 20 business days of the take effect date.

The anniversary date of this environmental authority is the same day each year as the take effect date. The payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
Smithfield Services Pty Ltd Suitable operator reference: 702427	Okeden Road PROSTON QLD 4613

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – (c) more than 10,000	Lot 23 MH80, Lot 26 MH80, Lot 54 SP169191, Lot 55 SP169191, Lot 56 MH235, Lot 57 SP225447, Lot 59 SP134244, Lot 24 MH143, Lot 102 MH143 and Lot 104 MH143 Yelarbon Kurumbul Road Yelarbon Queensland

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued.

Where there is any inconsistency between that description of an ERA and the conditions stated by an

EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days) that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority – on the nominated day; or
- b) if the authority states a day or an event for it to take effect – on the stated day or when the stated event happens; or
- c) otherwise – on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

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

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



Luke Boucher
Manager, Environmental Regulation

13 May 2024

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries

Department of Agriculture and Fisheries
Intensive Livestock Unit
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Department of Agriculture and Fisheries

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the Act, and the regulations made under the Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Other permits required

This permit only provides an approval under the *Environmental Protection Act 1994*. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state-controlled roads), the Department of Natural Resources and Mines (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).

Development Approval

This permit is not a development approval under the *Planning Act 2016*. The conditions of this environmental authority are separate, and in addition to, any conditions that may be on the development approval. If a copy of this environmental authority is attached to a development approval, it is for information only, and may not be current. Please contact the Department of Agriculture and Fisheries to ensure that you have the most current version of the environmental authority relating to this site.

Conditions of environmental authority

The environmentally relevant activity conducted at the location as described above must be conducted in accordance with the following site-specific conditions of approval.

Agency interest: General								
Condition number	Condition							
G1	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.							
G2	<p>The activity must be undertaken in accordance with written procedures that:</p> <ul style="list-style-type: none"> a) identify potential risks to the environment from the activity during routine operations and emergencies; and b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and f) ensure that reviews of environmental performance are undertaken at least annually; and g) Identify risk of harm or nuisance to surrounding land uses and measures to minimise any environmental harm or nuisance; and h) Include a management plan which outlines practices that prevent or minimise the risk of environmental harm or nuisance to surrounding land uses. 							
G3	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.							
G4	<p>a) The number of cattle kept in the feedlot at any time, expressed in terms of Standard Cattle Units (SCU) must not be more than the number shown opposite the feedlot location in the table below;</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Feedlot Location</th> <th style="width: 20%;">Number of SCU</th> <th style="width: 30%;">Average stocking density across total production pen area (m²/SCU)</th> </tr> </thead> <tbody> <tr> <td>Lot 23 MH80, Lot 26 MH80, Lot 54 SP169191, Lot 55 SP169191, Lot 56 MH235, Lot 57 SP225447, Lot 59 SP134244, Lot 24 MH143, Lot 102 MH143 and Lot 104 MH143</td> <td style="text-align: center;">28,750</td> <td style="text-align: center;">13.9</td> </tr> </tbody> </table>		Feedlot Location	Number of SCU	Average stocking density across total production pen area (m ² /SCU)	Lot 23 MH80, Lot 26 MH80, Lot 54 SP169191, Lot 55 SP169191, Lot 56 MH235, Lot 57 SP225447, Lot 59 SP134244, Lot 24 MH143, Lot 102 MH143 and Lot 104 MH143	28,750	13.9
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G5	<p>The feedlot controlled drainage areas and associated facilities must be constructed generally in accordance with the following plans:</p> <ol style="list-style-type: none"> 1. SAPPHIRE FEEDLOT EXPANSION - STAGE 2, CONTROLLED DRAINAGE AREAS, Anthony Graham, Drawing number SAPPHIRE\STAGE 1\60\F, dated November 2019; and 1. DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - DEVELOPMENT LAYOUT, RDC Engineers, Drawing Number E2-111-00-06, Figure 6, dated 25/03/24; and 2. DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - DEVELOPMENT COMPLEX, RDC Engineers, Drawing Number E2-111-00-07, Figure 7, dated 25/03/24.
G6	<p>Feedlot controlled drainage areas must be constructed and maintained in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the design permeability specification of Appendix C & G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition.</p>
G7	<p>Following the completion of the proposed feedlot complex, the holder of this environmental authority shall arrange for 'as-built' surveys to be carried out to confirm the size of the feedlot complex, all associated waste management facilities, the storage volumes of all effluent treatment systems and storage ponds.</p>
G8	<p>The holder of this environmental authority must not make any material alteration to the activity which may affect the operating capacity of the activity or change the way in which the activity operates, without the prior written approval of the administering authority.</p>
Feedlot Controlled Drainage Area and Pen Management	
G9	<p>General Operating Requirements:</p> <ul style="list-style-type: none"> • Feeding out equipment shall be operated to minimise spillage; • Stock watering facilities shall be maintained to minimise overflows and spillage; • Facilities shall be managed to ensure that wastewater generated by routine water trough cleaning operations is disposed of without causing erosion or significant ponding on the pen surface; • Levee banks, diversion banks and drains shall be maintained as soon as practically possible following any damage; • Deposited sediment shall be removed from drains if the flow of liquid effluent is being impeded; • Erosion damage of feedlot drains shall be rectified as soon as practically possible.
G10	<p>Feedlot pens must be managed to:</p> <ol style="list-style-type: none"> a) minimise the amount of organic matter available for decomposition, and b) minimise the amount of water that mixes with organic matter, and c) maximise the rate of drying of wet organic matter.
G11	<p>Animal carcasses shall be disposed of so as not to cause environmental harm or nuisance.</p>

G12	Runoff storage ponds (effluent holding ponds) shall be managed to prevent over-topping. Ponds are to be managed to ensure they are generally empty. Effluent is not to be held in ponds for periods of time such that an odour nuisance may occur.
G13	Sedimentation basins shall be cleaned and maintained following the deposition of sediment.
G14	Any release of effluent from containment structures must be reported to the administering authority within 24 hours of becoming aware of the release . Records must be kept including full details of the release and any subsequent actions taken.
G15	Details (including the date and location) of the following feedlot operations are to be recorded: <ul style="list-style-type: none"> • Pen management practices described in Condition G10; and • Number and average weight of cattle introduced and removed from the premises; and • Effluent irrigation events; and • Manure utilisation events; and • Sediment basin and effluent holding pond desludging events.
G16	Feedlot controlled drainage areas must be suitably designed to be protected from a 1% AEP flood event.
Monitoring	
G17	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities certification, or an equivalent certification, for such analyses.
G18	Monitoring as described below must be undertaken when requested by the administering authority , in the manner prescribed by the administering authority . <ul style="list-style-type: none"> • Standard agronomic soil chemistry of lands the subject of this environmental authority that receive waste generated by the environmentally relevant activity; and • A chemical analysis of relevant water courses. <p>The monitoring results must be provided within 10 business days to the administering authority upon its request.</p>
G19	When required by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
G20	All records must be kept for a period of at least five years and provided to the administering authority upon request.

Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : <ul style="list-style-type: none"> a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.
A3	Feedlot liquid waste containment structures must be managed at all times to prevent or minimise odour nuisance .
A4	To prevent or minimise odour nuisance , the feedlot solid waste storage area must be managed at all times to achieve the following: <ul style="list-style-type: none"> • minimise the amount of organic matter available for decomposition; • minimise water pooling; • maximise the rate of drying of wet solids.
Agency interest: Water	
Condition number	Condition
WT1	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater .
WT2	Any release of contaminants generated by the activity to waters must not cause environmental harm .
WT3	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite.
WT4	Effluent and solid waste shall be applied to crops or pastures using a managed waste application program. The waste application program shall ensure the effluent and solid waste is applied sustainably across the whole of the available waste utilisation area. The rate and volume of effluent and solid waste applied to utilisation areas shall be such that surface pooling and runoff is kept to a practical minimum and excessive deep percolation is avoided.

Agency interest: Noise																																																													
Condition number	Condition																																																												
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .																																																												
N2	<p>Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance sensitive place or commercial place.</p> <p>Table 3 – Noise limits</p> <table border="1"> <thead> <tr> <th rowspan="2">Noise level measured in dB(A)</th> <th colspan="3">Monday to Saturday</th> <th colspan="3">Sunday and Public Holidays</th> </tr> <tr> <th>7am-6pm</th> <th>6pm-10pm</th> <th>10pm-7am</th> <th>9am-6pm</th> <th>6pm-10pm</th> <th>10pm-9am</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="6" style="text-align: center;">Noise measured at a nuisance sensitive place</td> </tr> <tr> <td>LAeq adj, 1 hr</td> <td>Background +5</td> <td>Background +3</td> <td>Background +3</td> <td>Background +5</td> <td>Background + 3</td> <td>Background + 3</td> </tr> <tr> <td>LAm_{ax}, 1 hr</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> </tr> <tr> <td></td> <td colspan="6" style="text-align: center;">Noise measured at a commercial place</td> </tr> <tr> <td>LAeq adj, 1 hr</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> <td>Background +10</td> <td>Background +8</td> <td>Background +5</td> </tr> <tr> <td>LAm_{ax}, 1 hr</td> <td>Background +15</td> <td>Background +13</td> <td>Background +10</td> <td>Background +15</td> <td>Background +13</td> <td>Background +10</td> </tr> </tbody> </table>						Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays			7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am		Noise measured at a nuisance sensitive place						LAeq adj, 1 hr	Background +5	Background +3	Background +3	Background +5	Background + 3	Background + 3	LAm _{ax} , 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5		Noise measured at a commercial place						LAeq adj, 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5	LAm _{ax} , 1 hr	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10
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Condition number	Condition																																																												
L1	Any release of contaminants generated by the activity to land must not cause environmental harm .																																																												
L2	Before applying to surrender this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.																																																												
Agency interest: Waste																																																													
Condition number	Condition																																																												
WS1	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.																																																												

WS2	Waste being treated must be lawfully treated to render it less hazardous and be fit for its intended use or disposal.
WS3	Any release or utilisation of waste products generated by the activity must not cause environmental harm .
WS4	Feedlot waste products must be applied to land in a manner that does not result in leaching or overland flow of contaminants to waters .
WS5	The rate of application of effluent and solid wastes from the activity must not exceed the rates at which the critical constituents of the wastes, that is, water, nutrients (especially nitrogen and phosphorus) and salts, are: <ul style="list-style-type: none"> (a) taken up by plants and removed from the waste utilisation areas by harvesting; (b) safely stored within the soil profile; or (c) released into the surrounding environment in an acceptable form.
WS6	Manure and sludge removed from the feedlot pens, drains, sedimentation system(s) and holding pond(s), and spilt and/or spoilt feedstuffs, shall be either: <ul style="list-style-type: none"> • stored in a manner that minimises the risk of harm to environmental values; or • exported from the feedlot property; or • applied immediately, at sustainable rates, to crop or pasture on the feedlot property.
WS7	Solid waste stockpile and composting areas shall be protected from rainfall runoff by diversion banks or drains and shall be located within a controlled drainage area .
WS8	Stockpiles of manure, sludge and spilt or spoilt feedstuff shall be managed to avoid burning, including spontaneous combustion. Any fires shall be extinguished as soon as practically possible.

END OF PERMIT

Attachments

1. SAPPHIRE FEEDLOT EXPANSION - STAGE 2, CONTROLLED DRAINAGE AREAS, Anthony Graham, Drawing number SAPPHIRE\STAGE 1\60\F, dated November 2019; and
2. DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - DEVELOPMENT LAYOUT, RDC Engineers, Drawing Number E2-111-00-06, Figure 6, dated 25/03/24; and
3. DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - DEVELOPMENT COMPLEX, RDC Engineers, Drawing Number E2-111-00-07, Figure 7, dated 25/03/24.

Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994* (the Act), its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

administering authority means the Department of Agriculture and Fisheries or its successor or predecessors.

Annual Exceedance Probability (AEP) An Annual Exceedance Probability (AEP) event is the probability of a level of flooding being equalled or exceeded, at least once, in any given year. For example, a 1% AEP, is a flood level that has a one per cent chance of occurring in any given year.

appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and/or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

background means noise, measured in the absence of the noise under investigation, as $L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period of not less than 15 minutes, using Fast response.

commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

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

delegate of the administering authority means an officer of the Department of Agriculture and Fisheries or its successor as cited by the administering authority.

disturbed areas includes areas:

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

environmental harm as defined in Chapter 1 of the Environmental Protection Act 1994.

environmental nuisance as defined in Chapter 1 of the Environmental Protection Act 1994.

environmental value as defined in Chapter 1 of the Environmental Protection Act 1994.

groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

$L_{Aeq,adj,T}$ means the adjusted A weighted equivalent continuous sound pressure level measures on fast response, adjusted for tonality and impulsiveness, during the time period T, where T is measured for a period no less than 15 minutes when the activity is causing a steady state noise, and no shorter than one hour when the approved activity is causing an intermittent noise.

land does not include **waters**.

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

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

noxious means harmful or injurious to health or physical well-being.

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

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

production pen area – means all feedlot pens excluding hospital pens and handling facilities.

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

release of a contaminant into the environment includes:

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

secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

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

- a) caretaker's accommodation; or
- b) a childcare centre; or
- c) a community care centre; or
- d) a community residence; or
- e) a detention facility; or
- f) a dual occupancy; or
- g) a dwelling house; or
- h) a dwelling unit; or
- i) an educational establishment; or
- j) a health care service; or
- k) a hospital; or
- l) a hotel, to the extent the hotel provides accommodation for tourists or travellers; or
- m) a multiple dwelling; or
- n) non-resident workforce accommodation; or
- o) a relocatable home park; or
- p) a residential care facility; or
- q) a resort complex; or
- r) a retirement facility; or
- s) rooming accommodation; or
- t) rural workers' accommodation; or
- u) short-term accommodation; or
- v) a supervised accommodation service; or
- w) a tourist park.

standard cattle unit meaning and calculation

- (1) A *standard cattle unit* is a unit of measurement based on the live weight of cattle.
- (2) The number of standard cattle units that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

Column 1	Column 2
Live weight (kg)	Number of standard cattle units
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18

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

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

you means the holder of the environmental authority.

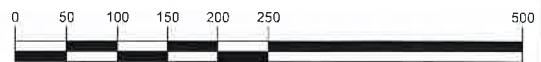
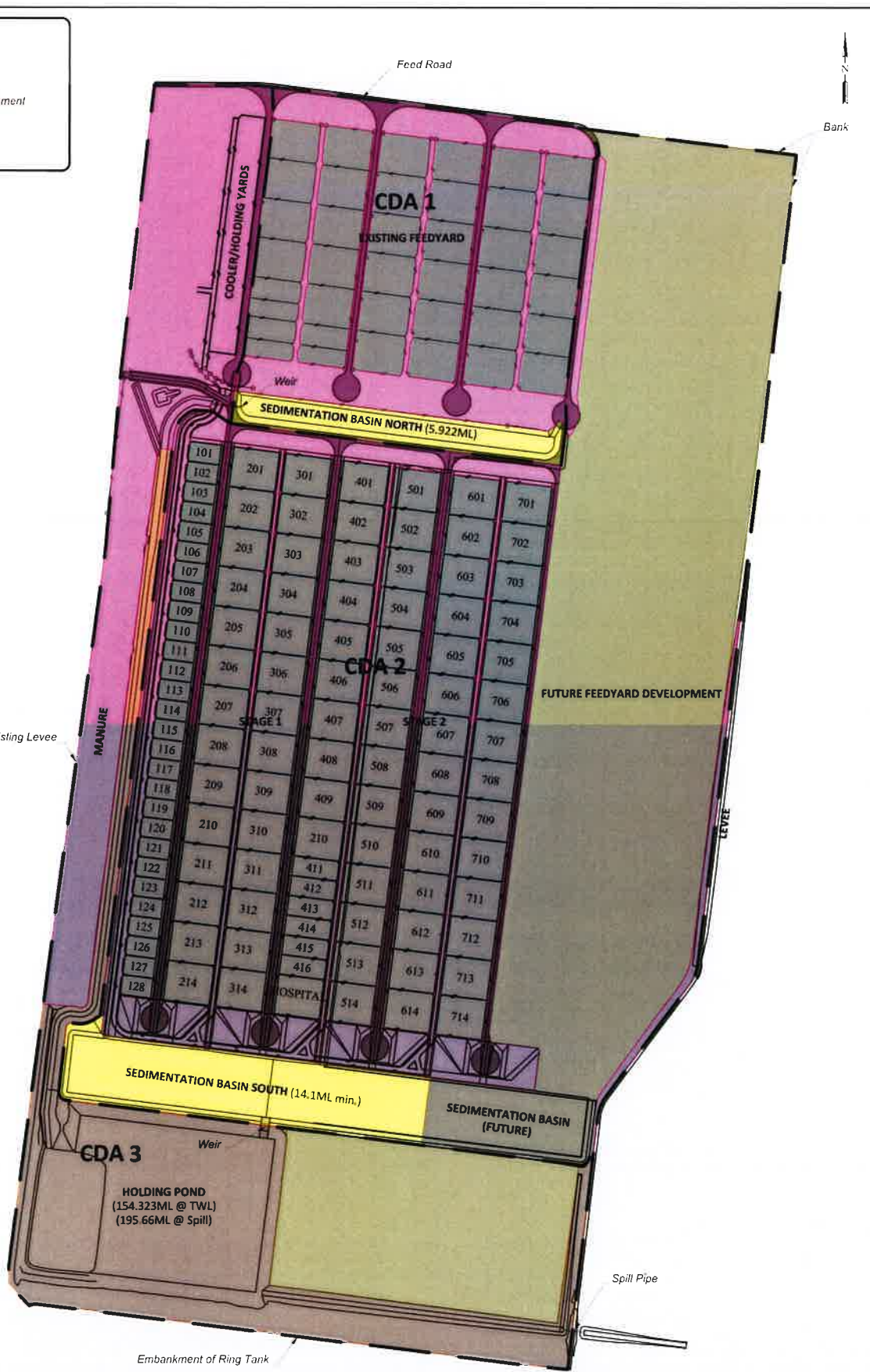
LEGEND

- Existing Fenceline
- Proposed Fenceline
- Pens
- Miscellaneous Hard Catchment
- Soft Catchment
- Sedimentation Basin
- Holding Pond

CONTROLLED DRAINAGE AREAS				
ITEM	CDA 1	CDA 2	CDA 3	TOTALS
(Ha)				
Pens	11,1217	28,8888	10,3397	40,0105
Hard Catchment	4,6737	10,7730	7,2788	25,7864
Soft Catchment	1,7316	29,7984	12,5843	37,0782
Sedimentation Basin	-	4,0374	-	5,7690
Holding Pond	-	-	-	12,5843
Total	17,5270	73,4986	30,2028	121,2284

DESIGN NOTES

Pen Gradients 3%
 Drain Gradients: Existing 0.28%
 Stage 1 0.4%
 Stage 2 0.4%



SCALE 1:5000

Project: **SAPPHIRE FEEDLOT EXPANSION - STAGE 2**

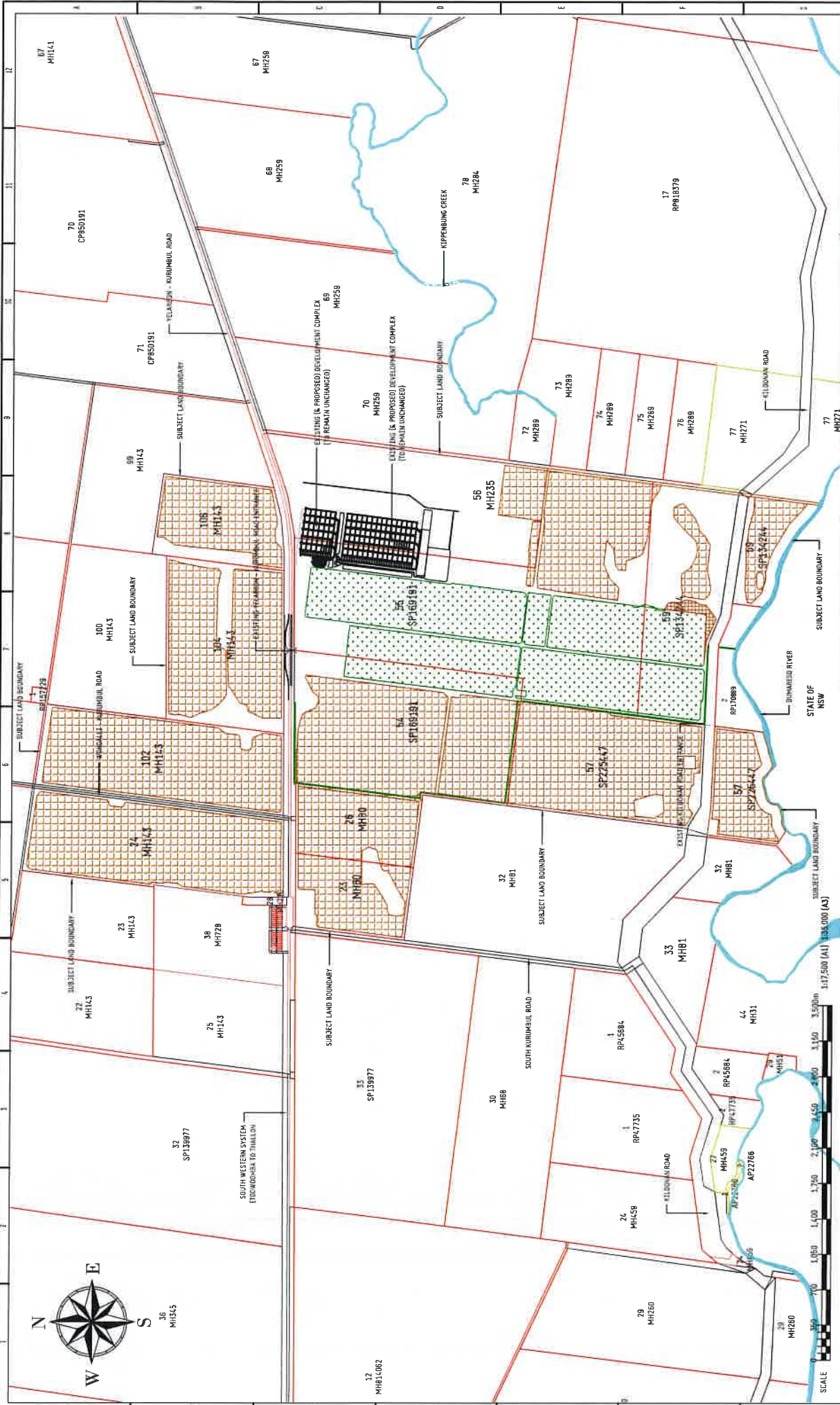
Drawing Title: **CONTROLLED DRAINAGE AREAS**

For the exclusive use of
SMITHFIELD CATTLE CO
SAPPHIRE
VIA YELARBON

ANTHONY GRAHAM
 Agricultural & Engineering Surveyor

28 Aberdeen St, BANGORVILLE (DODDWOOGEE)
 Ph: 0745 335 125 Mobile: 0419 774 336

Drawing Number: SAPPHIRE/STAGE 1/601F	Surveyed:	Drawn:	Scale: 1:5000 (A3)	Date: NOVEMBER 2015	DWG: ENVIRONMENTAL DWG	Amr/ Details	Approved Date	Amr/ Details	Approved Date
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RDC ENGINEERS

AGRICULTURAL ENVIRONMENTAL PROJECT MANAGEMENT

CLIENT: SMITHFIELD CAPITAL PTY LTD AS TRUSTEE
 PROJECT: PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT
 TITLE: DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE
 DEVELOPMENT LAYOUT
 FIGURE 6

DATE: 22/07/2024

BY: [Signature]

FOR APPROVAL

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REV	DATE	DESCRIPTION	APPROVED
1	22/07/2024	INITIAL ISSUE TO CLIENT	
2	22/07/2024	FINAL ISSUE FOR LOAD-COMMENT TO JAC AND LAM	
3	22/07/2024		
4	22/07/2024		

SCALE: 1:1000

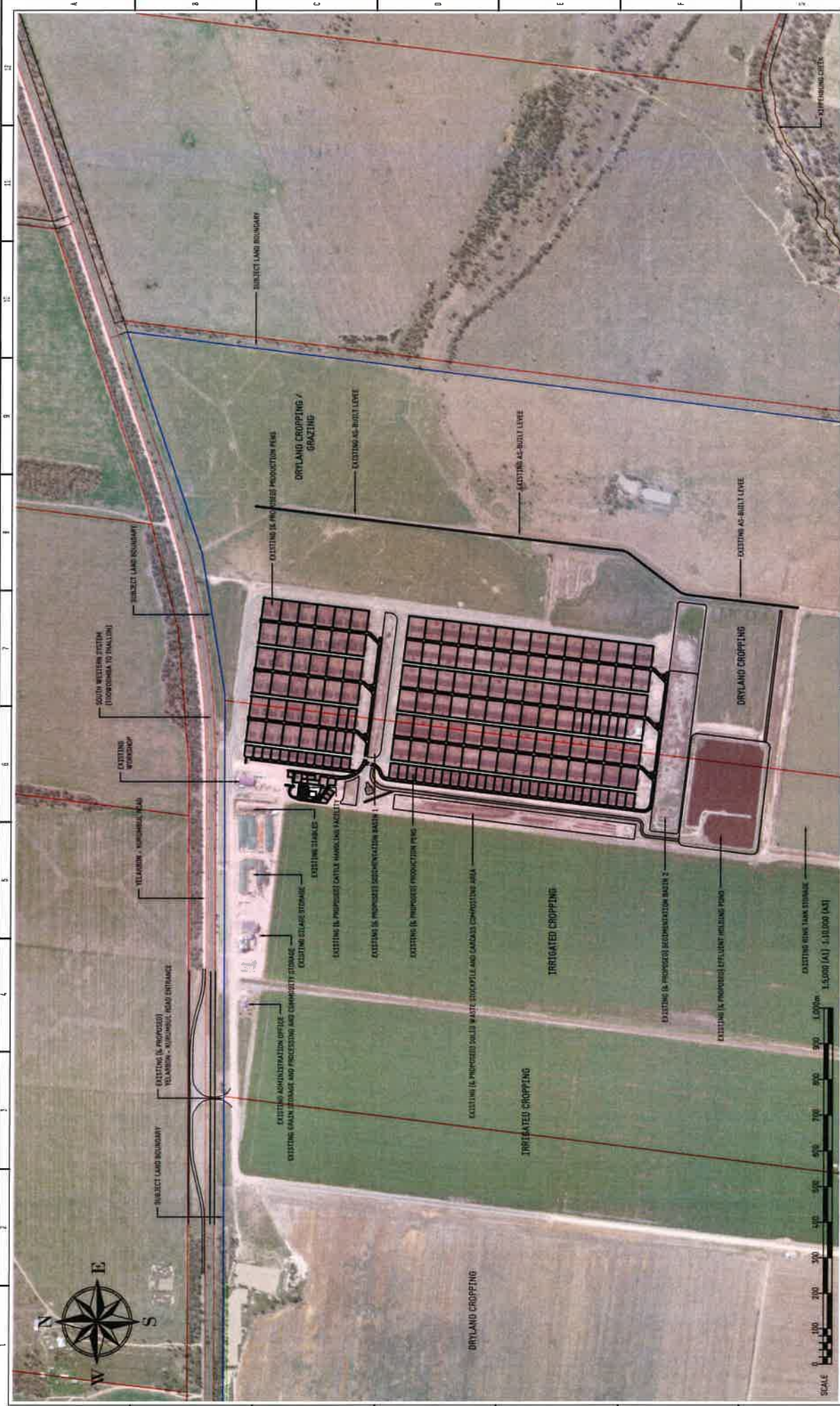
1:1000 1:2000 1:3000 1:4000 1:5000 1:6000 1:7000 1:8000 1:9000 1:10000

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LEGEND

- SUBJECT LAND BOUNDARY
- LAND PARCEL BOUNDARY

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STATUS

REV	DATE	REVISION DESCRIPTION	ISSUED BY	CHECKED BY	APPROVED BY	SCALE
A	15/06/2024	INITIAL SHEET ISSUE TO CLIENT	RDO	RDO	RDO	AS SHOWN
B	25/07/2024	FINAL ISSUE FOR LODGEMENT TO DGR AND DAHA	RDO	RDO	RDO	AS SHOWN

INTO

NO	CHECK APPROVED	SCALE	DATE
1		1:5000 (A3)	15/06/2024
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

PROJECT INFORMATION

CLIENT	PROJECT	TITLE	DATE
SMITHFIELD CAPITAL PTY LTD AS TRUSTEE	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE	25/07/2024
		PROPOSED DEVELOPMENT - DEVELOPMENT COMPLEX	25/07/2024
			25/07/2024

FIGURE 7

PROJECT INFORMATION

NO	DATE	SCALE
A3	E2-111-00-07	

RDC ENGINEERS PROJECT MANAGEMENT

AGRICULTURAL ENVIRONMENTAL ENGINEERS

ABN 57 871 98 071
 PO BOX 1727
 WOODBINE QLD 4066
 PHONE 07 5548 9900
 EMAIL info@rdce.com.au



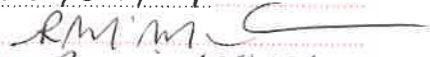
Attachment 2 – Approved Plans



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

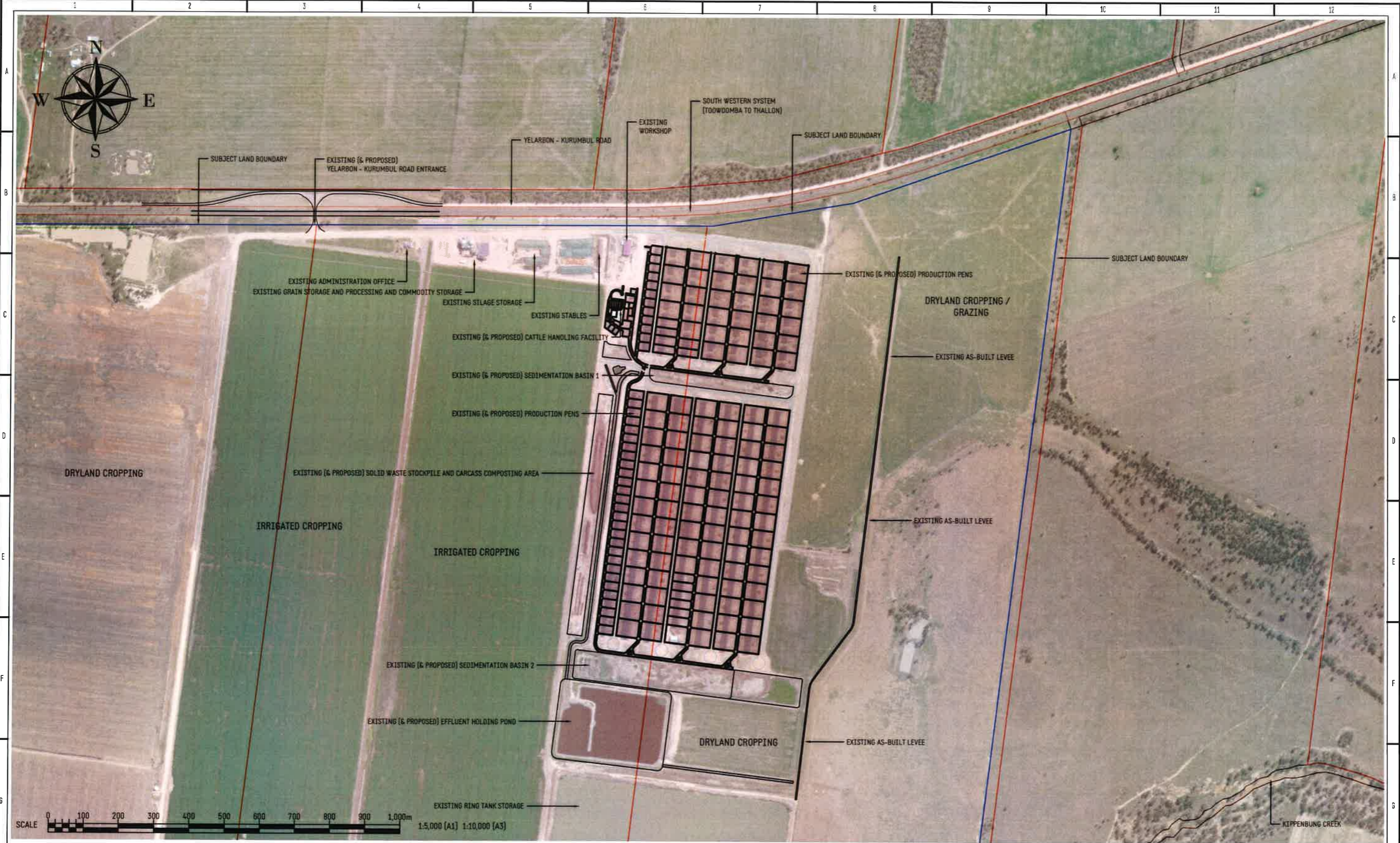
Council Reference 24/11

Dated 22/07/24

Signed 

Print Name Ronnie McMahon

(Under Delegation) ASSESSMENT MANAGER



LEGEND
 — SUBJECT LAND BOUNDARY
 — LAND PARCEL BOUNDARY

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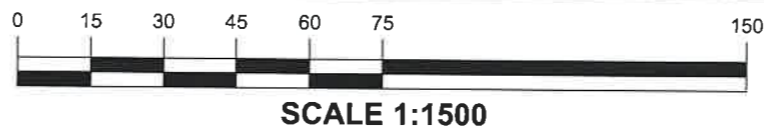
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 PO BOX 1223
 TOOWOOMBA QLD 4350
 M: 0427 829 203
 E: info@rdcengineers.com.au

REV.	DATE	REVISION DESCRIPTION	DRAWN	CHECK	APPROVED	SCALE	1:10,000 (A3)
A	05/03/24	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	DRAWN	RJD
B	25/03/24	FINAL ISSUE FOR LODGEMENT TO GRC AND SARA	RJD	RJD	RJD	DATE	25/03/2024
						CHECKED	RJD
						DATE	25/03/2024
						APPROVED	RJD
						DATE	25/03/2024

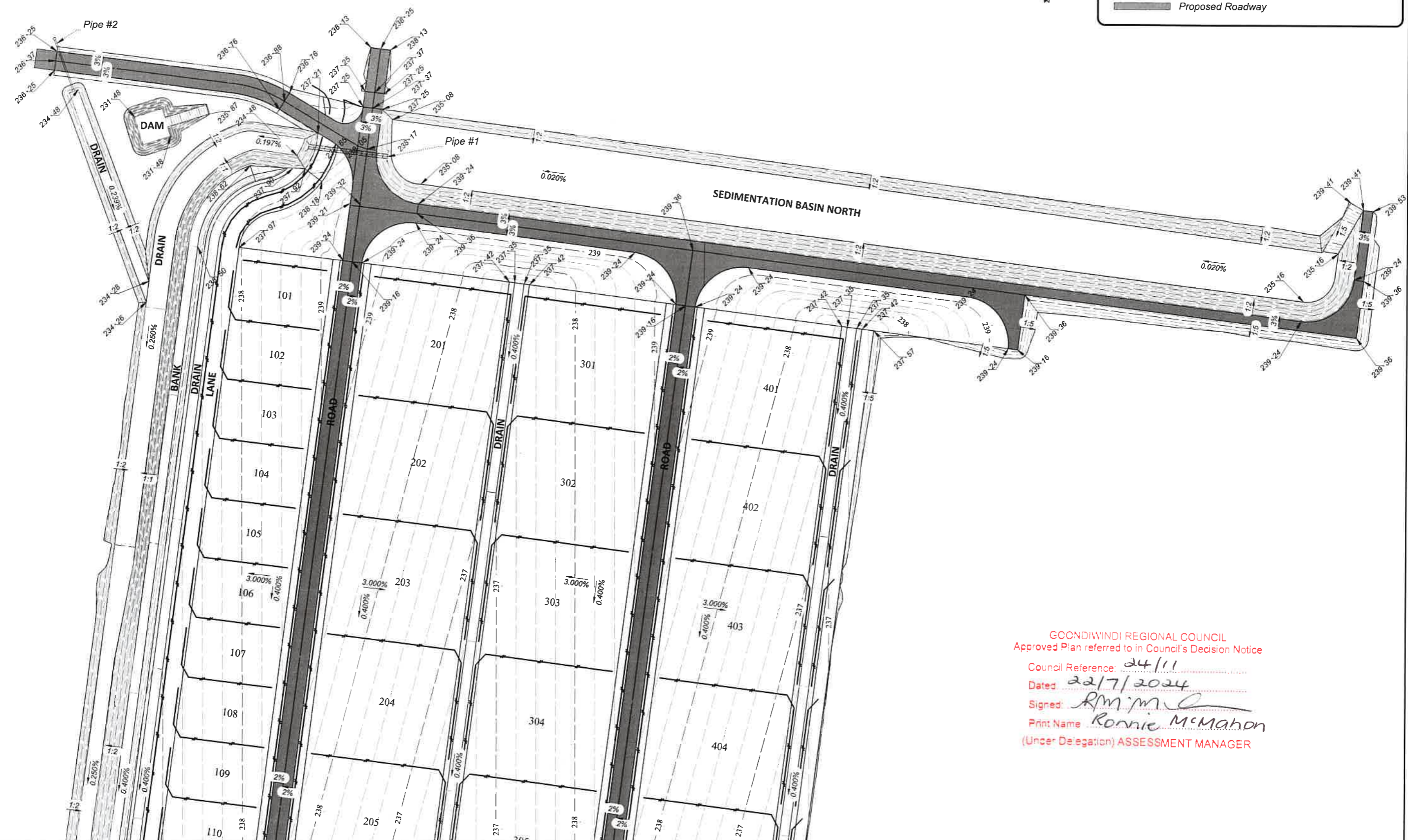
CLIENT	SMITHFIELD CAPITAL PTY LTD AS TRUSTEE		
PROJECT	PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT		
TITLE	DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - DEVELOPMENT COMPLEX		
REPORT REFERENCE	FIGURE 7	SHEET / TOTAL SHEETS	A3
DRAWING NUMBER	E2-111-00-07		

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference 24/11
Dated 22/7/2024
Signed: R.M.M.
Print Name Ronnie McMahon
(Under Delegation) ASSESSMENT MANAGER



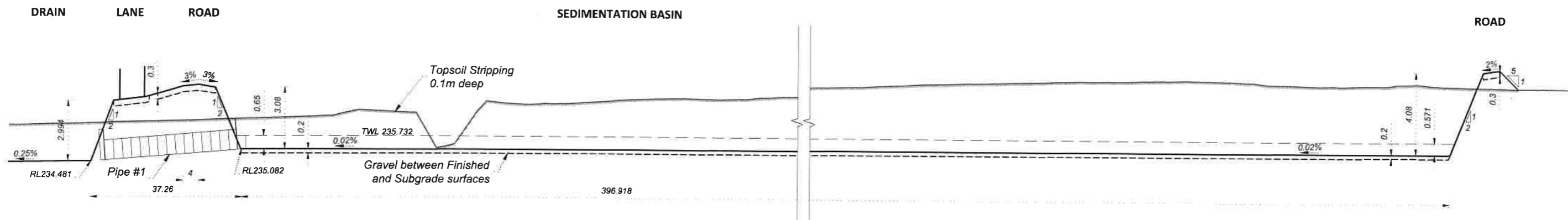
LEGEND

- Proposed Fenceline
- Finished Surface Major Contour - 1.0m Interval
- Finished Surface Minor Contour - 0.25m Interval
- Proposed Roadway

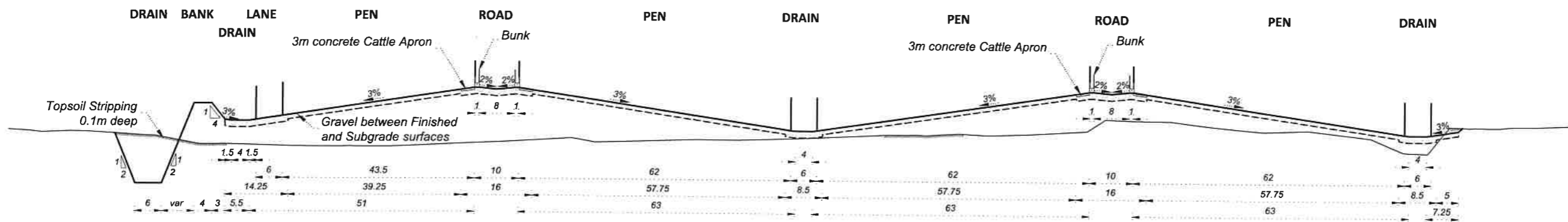


GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 24/11
 Dated: 22/7/2024
 Signed: *R.M. McMahon*
 Print Name: Ronnie McMahon
 (Under Delegation) ASSESSMENT MANAGER

Project: SAPPHIRE FEEDLOT EXPANSION - STAGE 1	For the exclusive use of SMITHFIELD CATTLE CO. SAPPHIRE VIA YELARBON		ANTHONY GRAHAM Agricultural & Engineering Surveyor 28 Aberdeen St. RANGEVILLE (TOOWOOMBA) Ph. 0746 356 126 Mobile 0419 774 256	Drawing Number : SAPPHIRE/STAGE 1/1101B Horizontal Datum : MGA94 ZONE 56 Vertical Datum : AHD Surveved: _____ Drawn: _____ Scale : 1:1500 (A3) Date : JUNE 2019 DWG : EARTHWORKS.DWG
Drawing Title: FINISHED SURFACE - NORTH		Amdl: _____ Details: _____ Approved Date: _____		

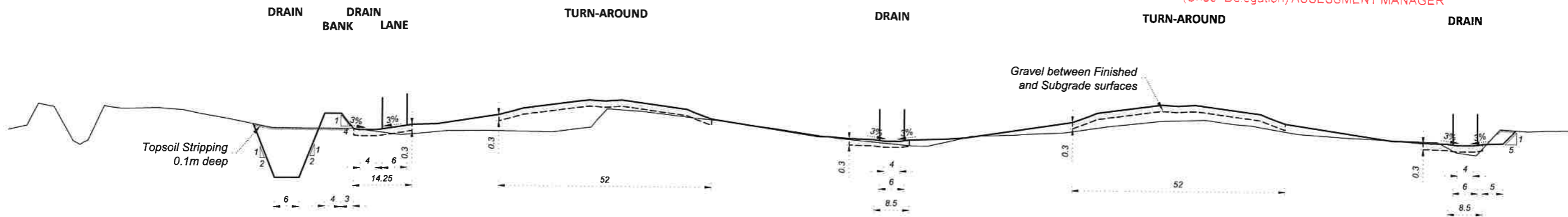


SECTION A-A
Vertical Exaggeration 5x



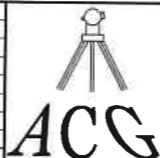
SECTION B-B
Vertical Exaggeration 5x

GOONDIWINDI REGIONAL COUNCIL
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 Council Reference: 24/11
 Dated: 22/07/2024
 Signed: *RM McMahon*
 Print Name: Ronnic McMahon
 (Under Delegation) ASSESSMENT MANAGER



SECTION C-C
Vertical Exaggeration 5x

Project: SAPPHIRE FEEDLOT EXPANSION - STAGE 1	For the exclusive use of SMITHFIELD CATTLE CO. SAPPHIRE VIA YELARBON					ANTHONY GRAHAM Agricultural & Engineering Surveyor 28 Aberdeen St. RANGEVILLE (TOOWOOMBA) Ph. 0746 356 126 Mobile 0419 774 256	Drawing Number : SAPPHIRE/STAGE 1/151B Horizontal Datum : MGA94 ZONE 56 Vertical Datum : AHD
Drawing Title: SECTIONS A-A, B-B, C-C		Amdt/	Details	Approved/	Date		Surveyed: Drawn: Scale : 1:1000 (A3) Date : JUNE 2019 DWG : EARTHWORKS DWG



DATE PLOTTED: 18 March 2024 BY: RDC Engineers Pty Ltd
 FILE NAME: E2-111-00-MASTERPLAN-20230308_v6.dwg
 FILE PATH: C:\RDC Engineers\Projects\E2-111 Smithfield Cattle Feeders\DAOS - ACAD MasterPlan\05.1 Drawings - CURRENT FILE NAME E2-111-00-MASTERPLAN-20230308_v6.dwg



LEGEND

- SUBJECT LAND BOUNDARY
- LAND PARCEL BOUNDARY
- EFFLUENT UTILISATION AREA
- SOLID WASTE UTILISATION AREA
- TERMINAL POND CATCHMENT BOUNDARY

NOTES

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A	05/03/24	DRAFT ISSUE TO CLIENT	RJD	RJD	RJD	1:25,000 (A3)
B	18/03/24	FINAL ISSUE FOR LOBBING TO GRC AND SARA	RJD	RJD	RJD	1:25,000 (A3)

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AGRICULTURAL ENVIRONMENTAL PROJECT MANAGEMENT

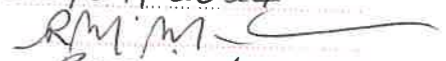
ABN 57 627 163 071
 PO BOX 1223
 TOOWOOMBA QLD 4350
 M. 0427 828 203
 E. info@rdcengineers.com.au

CLIENT		SMITHFIELD CATTLE COMPANY PTY LTD	
PROJECT		PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT	
TITLE		DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - WASTE UTILISATION AREAS	
REPORT REFERENCE	SUPPLIED DRAWING NUMBER	DRAWING NUMBER	REV.
FIGURE 10	A3	E2-111-00-10	B

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 24/11

Dated: 22/07/2024

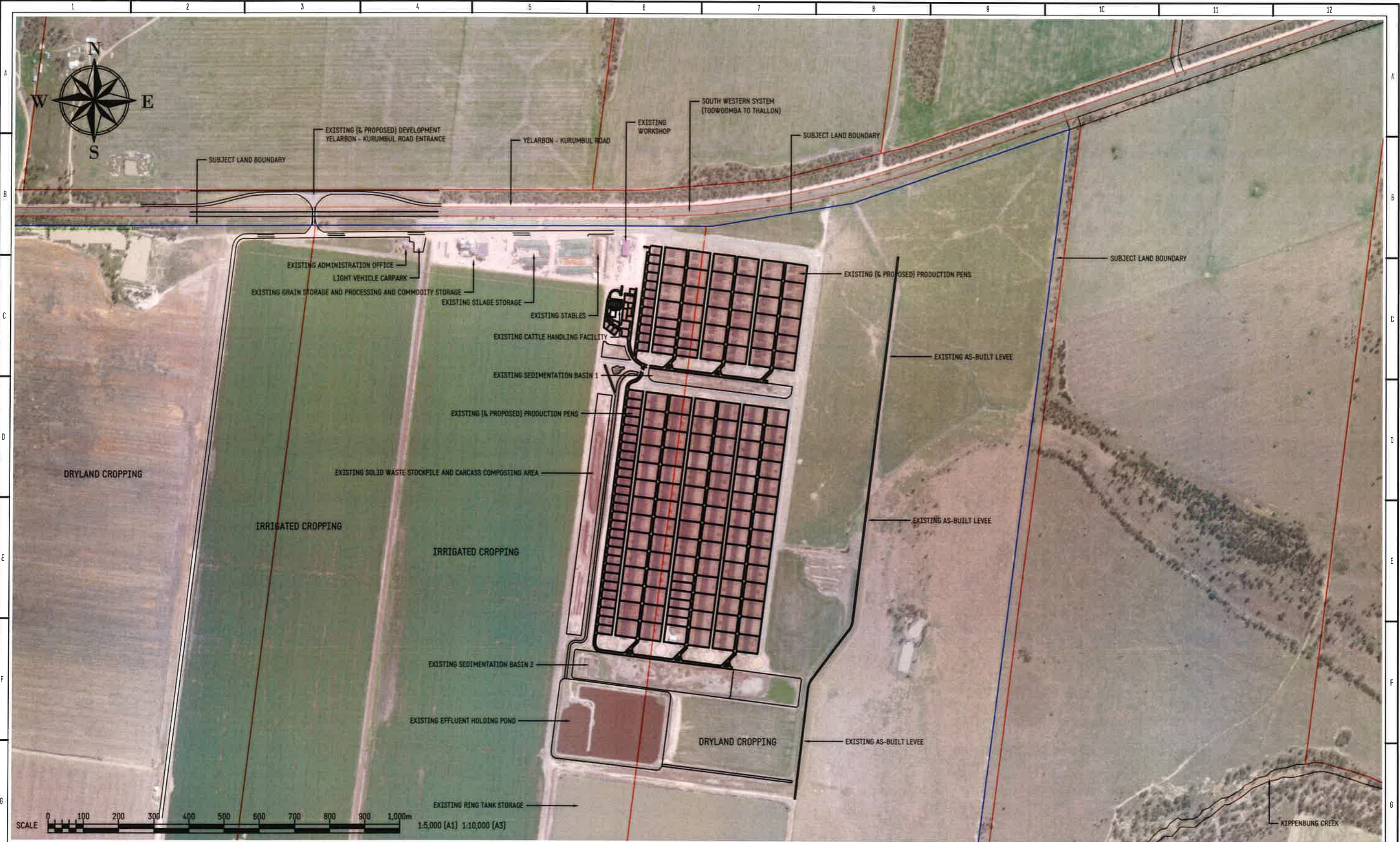
Signed: 

Print Name: Ronnie McMahon

Under Delegation: ASSESSMENT MANAGER

DATE PLOTTED: 19 March 2024 BY: RDC Engineers Pty Ltd

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LEGEND
 — SUBJECT LAND BOUNDARY
 — LAND PARCEL BOUNDARY

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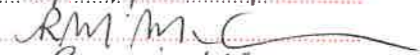
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B	18/03/24	FINAL ISSUE FOR LODGEMENT TO GRC AND SARA	RJD	RJD	RJD	DATE	18/03/2024
						CHECKED	RJD
						DATE	18/03/2024
						APPROVED	RJD
						DATE	18/03/2024

CLIENT SMITHFIELD CAPITAL PTY LTD AS TRUSTEE
PROJECT PROPOSED INTENSIVE ANIMAL INDUSTRY DEVELOPMENT
TITLE DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE PROPOSED DEVELOPMENT - INTERNAL ROADS AND VEHICLE MANOEUVRING
FIGURE REFERENCE FIGURE 11
DRAWING NUMBER A3
DRAWING NUMBER E2-111-00-11
REV. B

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 24/11

Dated: 22/07/2024

Signed: 

Print Name: Ronnie McMahon

(Under Delegation) ASSESSMENT MANAGER

**Traffic and Pavement Impact
Assessment for
Intensive Animal Industry
(Expansion of beef cattle feedlot
from 19,999 SCUs to 28,750 SCUs)
on the property "Sapphire"**

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 24/11

Dated: 22/07/2024

Signed: *Ronnie McMahon*

Print Name: Ronnie McMahon

(Under Delegation) ASSESSMENT MANAGER

"Sapphire"
3003 Kildonan Road
Yelarbon QLD 4388



SMITHFIELD

— CATTLE COMPANY —

SINCE 1928 AUSTRALIA

**Smithfield Capital Pty Ltd as trustee for
Smithfield Cattle Infrastructure Trust
Okeden Road
PROSTON QLD 4613**

[March 2024]

RDC
ENGINEERS

AGRICULTURAL
ENVIRONMENTAL
PROJECT MANAGEMENT

PO Box 1223
TOOWOOMBA QLD 4350

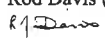
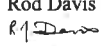

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DOCUMENT INFORMATION RECORD

Project details

Client name:	Smithfield Capital Pty Ltd (ACN 165 077 994) as trustee for the Smithfield Cattle Infrastructure Trust (ABN 18 376 696 864)
Project:	Proposed expansion of Sapphire feedlot
Project No:	E2-111

Document control

Document title:	Traffic and Pavement Impact Assessment for Intensive Animal Industry (Expansion of beef cattle feedlot from 19,999 SCUs to 28,750 SCUs) on the property "Sapphire"		
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Revision history

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V1R1	05/03/2024	Draft for client review	Rod Davis	Rod Davis	Rod Davis
V1R2	25/03/2024	Final for lodgement to GRC / SARA	Rod Davis	Rod Davis	Rod Davis

Distribution

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V1R1	Smithfield Capital Pty Ltd as trustee for the Smithfield Cattle Infrastructure Trust	Electronic	-
V1R2	Smithfield Capital Pty Ltd as trustee / GRC / SARA	Electronic	-

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Attachment 3 – Notice about decision - Statement of reasons



Notice about decision - Statement of reasons

The following information is provided in accordance with section 63 (5) of the Planning Act 2016 and must be published on the assessment managers website.

The development application for "Intensive Animal Industry" (Expansion of existing feedlot up to 28,750 SCU) and Environmentally Relevant Activity 2(1)(c)

24/11

163 Kurumbul South Road, 1709 & 1778 Yelarbon Kurumbul Road and Wondalli-Kurumbul Road, Yelarbon

Lots 23 & 26 on MH80, Lots 54 & 55 on SP169191, Lot 56 on MH235, Lot 57 on SP225447, Lot 59 on SP134244 and Lots 24, 102, 104 & 106 on MH143

On 19 July 2024, the above development application was:

- approved in full or
- approved in part for _____ or
- approved in full with conditions or
- approved in part for _____, with conditions or
- refused.

1. Reasons for the decision

The reasons for this decision are:

- Having regard to the relevant criteria in the *Goondiwindi Region Planning Scheme 2018 (Version 2)*, the proposed development adequately satisfied the relevant criteria, and was approved subject to appropriate, relevant and reasonable conditions.

2. Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Strategic Framework	Elements 1-7
Rural Zone Code	Purpose PO1-PO5
Rural Activities Code	Purpose PO7-PO8
Transport and Infrastructure Code	PO1-PO15
Natural Resources Overlay Code	PO5-PO8
Biodiversity Areas Overlay Code	PO1-PO3
Bushfire Hazard Overlay Code	PO1-PO8
Flood Hazard Overlay Code	PO1-PO4

3. Compliance with benchmarks

The proposed development complies with all relevant assessment benchmarks within the *Goondiwindi Region Planning Scheme 2018 (Version 2)*.

4. Relevant matters for impact assessable development

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters to the assessment of the development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
The proposed feedlot further strengthens rural production, which aligns with the major economic contributors of the region	Strategic Framework – Element 5	<input checked="" type="checkbox"/> assessed against <input type="checkbox"/> had regard to
Environmental Authority issued for the use	N/A	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to

5. Matters raised in submissions for impact assessable development

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>Odour Impacts</p> <ul style="list-style-type: none"> Very high smell now, extension will mean that it is only going to get stronger. 	<p>The application states that the development meets all required separation distances in relevant National Guidelines and the <i>Goondiwindi Planning Scheme 2018 (Version 2)</i>. Further, an Environmental Authority has been issued by DAF approving the development. Conditions will be applied to ensure odour emissions are managed in accordance with all relevant legislation and standards.</p>
<p>Groundwater</p> <ul style="list-style-type: none"> The more they use the lower the level will become. Unfair on everyone on the bore line Reliability of bore water has been an issue prior to feedlot existence 	<p>The applicant has both groundwater and surface water allocations available. It is the jurisdiction of the Department of Resources to consider the appropriateness of water allocations. It is critical for the development that a suitable water supply is available.</p> <p>The development will be conditioned to be adequately supplied with water.</p>
<p>Biodiversity</p> <ul style="list-style-type: none"> Wild green budgies used to use the tree corridor from Sapphire from vegetation removal. 	<p>The applicant states that "<i>Comparison of historical imagery from 1997 (QImagery) and 2023 (GE) indicates that apart from the clearing on the northern side of Yelarbon Kurumbul Road at the site entrance, generally vegetation patterns between the existing development and Kurumbul siding are very similar and appear to be denser.</i>"</p> <p>Vegetation clearing is separately regulated. An advice note is included in all approvals stating that no regulated vegetation clearing is permitted under this approval.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>Flood</p> <ul style="list-style-type: none"> Waste going onto paddocks will get carried into the river system during floods. Nearly the entire property is designated as flood hazard areas. Nearby wetlands placed at unacceptable risk of pollution from runoff. 	<p>The applicant states that “soil and manure testing is undertaken prior to application to ensure that the nutrients contained within the manure are applied in accordance with the requirements of the proceeding crop to be grown and to ensure sustainability and to avoid overloading the soils with nutrients. The use of organic fertilisers is a substitute for inorganic/synthetic fertilisers which would otherwise be used for plant nutrition.”</p> <p>The existing levee and approved extension are designed to prevent flood impacts on the feedlot infrastructure.</p>
<p>Effluent Spills</p> <ul style="list-style-type: none"> Increase in feedlot capacity without also increasing effluent pond capacity. Too risky to approve expansion without appropriate increase. 	<p>The applicant states that “the sedimentation basin and effluent holding pond have been designed and constructed in accordance with relevant beef cattle feedlot guidelines (MLA, 2012).”</p> <p>The Environmental Authority issued by the Department of Agriculture and Fisheries regulates effluent disposal design.</p>
<p>Aerial Spraying</p> <ul style="list-style-type: none"> Crop dusters going over our houses with drift from the spray 	<p>The applicant states that the use of aerial application has only been undertaken when ground conditions were too wet to apply these chemicals via land methods.</p> <p>Aerial spraying is not directly associated with the feedlot use and not regulated as part of this approval.</p>
<p>Animal cruelty & animal welfare</p> <ul style="list-style-type: none"> The intensive animal industry is cruel in the treatment of animals Australian public’s view on how farm animals should be treated has advanced to the point where they expect to see more effective regulation 	<p>Animal welfare is not a planning consideration.</p>

6. Matters prescribed by Regulation



Attachment 4 – *Planning Act 2016 Extracts*



**EXTRACT FROM PLANNING ACT 2016
RELATING TO APPEAL RIGHTS**

Chapter 6 Dispute Resolution, Part 1 Appeal Rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

(a) matters that may be appealed to—

- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and

(b) the person—

- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and
- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the

deemed approval notice to the assessment manager; or

- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

(a) the adopted charge itself; or

(b) for a decision about an offset or refund—

(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—

(a) is in the approved form; and

(b) succinctly states the grounds of the appeal.

(2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—

(a) the respondent for the appeal; and

(b) each co-respondent for the appeal; and

(c) for an appeal about a development application under schedule 1, table 1, item 1—each

principal submitter for the development application; and

- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 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.

232 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.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the appointer) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and

(ii) to apply the principles of natural justice; and

(iii) to analyse complex technical issues; and

(iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

(2) The appointer may—

(a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice; and

(b) reappoint a referee, by notice, for further terms of not more than 3 years.

(3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.

(4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.

(5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.

(6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.

(7) In this section—

appointment notice means—

(a) if the Minister gives the notice—a gazette notice; or

(b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

234 Referee with conflict of interest

(1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—

(a) the tribunal is to hear a matter about premises—

(i) the referee owns; or

(ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or

(iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or

(iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;

(b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.

(2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.

(3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.

(4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

235 Establishing development tribunal

(1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.

(2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.

(3) The chief executive must appoint a referee as the chairperson for each tribunal.

(4) A regulation may specify the qualifications or experience required for particular proceedings.

(5) After a tribunal is established, the tribunal's membership must not be changed.

236 Remuneration

A tribunal member must be paid the remuneration the Governor in Council decides.

237 Tribunal proceedings

- (1) *A tribunal must ensure all persons before the tribunal are afforded natural justice.*
- (2) *A tribunal must make its decisions in a timely way.*
- (3) *A tribunal may—*
 - (a) *conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and*
 - (b) *sit at the times and places the tribunal decides; and*
 - (c) *hear an appeal and application for a declaration together; and*
 - (d) *hear 2 or more appeals or applications for a declaration together.*
- (4) *A regulation may provide for—*
 - (a) *the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or*
 - (b) *the required fee for tribunal proceedings.*

238 Registrar and other officers

- (1) *The chief executive may, by gazette notice, appoint—*
 - (a) *a registrar; and*
 - (b) *other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.*
- (2) *A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.*

Division 2 Applications for declarations

239 Starting proceedings for declarations

- (1) *A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.*
- (2) *The application must be accompanied by the required fee.*

240 Application for declaration about making of development application

- (1) *The following persons may start proceedings for a declaration about whether a development application is properly made—*
 - (a) *the applicant;*
 - (b) *the assessment manager.*
- (2) *However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.*
- (3) *The proceedings must be started by—*
 - (a) *the applicant within 20 business days after receiving notice from the assessment manager, under the development assessment rules, that the development application is not properly made; or*
 - (b) *the assessment manager within 10 business days after receiving the development application.*
- (4) *The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.*
- (5) *In this section—*

respondent means—

- (a) *if the applicant started the proceedings—the assessment manager; or*
- (b) *if the assessment manager started the proceedings—the applicant.*

241 Application for declaration about change to development approval

- (1) *This section applies to a change application for a development approval if—*
 - (a) *the approval is for a material change of use of premises that involves the use of a classified building; and*
 - (b) *the responsible entity for the change application is not the P&E Court.*
- (2) *The applicant, or responsible entity, for the change application may start proceedings for a*

declaration about whether the proposed change to the approval is a minor change.

(3) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.

(4) In this section—

respondent means—

(a) if the applicant started the proceedings—the responsible entity; or

(b) if the responsible entity started the proceedings—the applicant.

Division 3 Tribunal proceedings for appeals and declarations

242 Action when proceedings start

If a document starting tribunal proceedings is filed with the registrar within the period required under this Act, and is accompanied by the required fee, the chief executive must—

(a) establish a tribunal for the proceedings; and

(b) appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and

(c) give notice of the establishment of the tribunal to each party to the proceedings.

243 Chief executive excusing noncompliance

(1) This section applies if—

(a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and

(b) the document does not comply with any requirement under this Act for validly starting the proceedings.

(2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).

(3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect,

because of the noncompliance, to the person who filed the document.

(4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.

(5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

244 Ending tribunal proceedings or establishing new tribunal

(1) The chief executive may decide not to establish a tribunal when a document starting tribunal proceedings is filed, if the chief executive considers it is not reasonably practicable to establish a tribunal.

Examples of when it is not reasonably practicable to establish a tribunal—

• there are no qualified referees or insufficient qualified referees because of a conflict of interest

• the referees who are available will not be able to decide the proceedings in a timely way

(2) If the chief executive considers a tribunal established for tribunal proceedings—

(a) does not have the expertise to hear or decide the proceedings; or

(b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example); the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.

(3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.

(4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.

(5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief

executive gives the decision notice to the party who started the proceedings.

- (6) The decision notice must state the effect of subsection (5).

245 Refunding fees

The chief executive may, but need not, refund all or part of the fee paid to start proceedings if the chief executive decides under section 244—

- (a) not to establish a tribunal; or
(b) to end the proceedings.

246 Further material for tribunal proceedings

- (1) The registrar may, at any time, ask a person to give the registrar any information that the registrar reasonably requires for the proceedings.

Examples of information that the registrar may require—

- material about the proceedings (plans, for example)
 - information to help the chief executive decide whether to excuse noncompliance under section 243
 - for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.
- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

247 Representation of Minister if State interest involved

If, before tribunal proceedings are decided, the Minister decides the proceedings involve a State interest, the Minister may be represented in the proceedings.

248 Representation of parties at hearing

A party to tribunal proceedings may appear—

- (a) in person; or
(b) by an agent who is not a lawyer.

249 Conduct of tribunal proceedings

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.

- (2) The tribunal may decide the proceedings on submissions if the parties agree.

- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.

- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.

- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—

- (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or

- (b) for proceedings to be decided by hearing—the person, or the person's agent, does not appear at the hearing.

- (6) When hearing proceedings, the tribunal—

- (a) need not proceed in a formal way; and

- (b) is not bound by the rules of evidence; and

- (c) may inform itself in the way it considers appropriate; and

- (d) may seek the views of any person; and

- (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and

- (f) may prohibit or regulate questioning in the hearing.

- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

250 Tribunal directions or orders

A tribunal may, at any time during tribunal proceedings, make any direction or order that the tribunal considers appropriate.

Examples of directions—

- a direction to an applicant about how to make their development application comply with this Act

- a direction to an assessment manager to assess a development application, even though the referral agency's response to the assessment manager was to refuse the application

251 Matters tribunal may consider

(1) This section applies to tribunal proceedings about—

(a) a development application or change application; or

(b) an application or request (however called) under the Building Act or the Plumbing and Drainage Act.

(2) The tribunal must decide the proceedings based on the laws in effect when—

(a) the application or request was properly made; or

(b) if the application or request was not required to be properly made—the application or request was made.

(3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.

252 Deciding no jurisdiction for tribunal proceedings

(1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—

(a) on the tribunal's initiative; or

(b) on the application of a party.

(2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.

(3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.

(4) The decision notice must state the effect of subsection (3).

(5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

253 Conduct of appeals

(1) This section applies to an appeal to a tribunal.

(2) Generally, the appellant must establish the appeal should be upheld.

(3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.

(4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.

(5) However, the tribunal may, but need not, consider—

(a) other evidence presented by a party to the appeal with leave of the tribunal; or

(b) any information provided under section 246.

254 Deciding appeals to tribunal

(1) This section applies to an appeal to a tribunal against a decision.

(2) The tribunal must decide the appeal by—

(a) confirming the decision; or

(b) changing the decision; or

(c) replacing the decision with another decision; or

(d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or

(e) for a deemed refusal of an application—

(i) ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or

(ii) deciding the application.

(3) However, the tribunal must not make a change, other than a minor change, to a development application.

(4) The tribunal's decision takes the place of the decision appealed against.

(5) The tribunal's decision starts to have effect—

(a) if a party does not appeal the decision—at the end of the appeal period for the decision; or

(b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

255 Notice of tribunal's decision

A tribunal must give a decision notice about the tribunal's decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

256 No costs orders

A tribunal must not make any order as to costs.

257 Recipient's notice of compliance with direction or order

If a tribunal directs or orders a party to do something, the party must notify the registrar when the thing is done.

258 Tribunal may extend period to take action

(1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.

(2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

259 Publication of tribunal decisions

The registrar must publish tribunal decisions under the arrangements, and in the way, that the chief executive decides.

Schedule 1 Appeals

section 229

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 the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or

(h) a decision to give an enforcement notice—

(i) in relation to a matter under paragraphs (a) to (g); or

(ii) under the Plumbing and Drainage Act; or

(i) an infrastructure charges notice; or

(j) the refusal, or deemed refusal, of a conversion application; or

(l) a matter prescribed by regulation.

(3) Also, table 1 does not apply to a tribunal if the matter involves—

(a) for a matter in subsection (2)(a) to (d)—

(i) a development approval for which the development application required impact assessment; and

(ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or

(b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

(4) Table 2 states the matters that may be appealed only to the P&E Court.

(5) Table 3 states the matters that may be appealed only to the tribunal.

(6) In each table—

(a) column 1 states the appellant in the appeal; and

(b) column 2 states the respondent in the appeal; and

(c) column 3 states the co-respondent (if any) in the appeal; and

(d) column 4 states the co-respondents by election (if any) in the appeal.

(7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

(8) In this section—

storey see the Building Code, part A1.1.

Table 1

Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than a development application called in by the

Minister, an appeal may be made against—

(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.

**EXTRACT FROM THE *PLANNING ACT 2016*
RELATING TO LAPSE DATES**

***Division 4 Lapsing of and extending
development approvals***

85 Lapsing of approval at end of current period

- (1) *A part of a development approval lapses at the end of the following period (the **currency period**)—*
- (a) *for any part of the development approval relating to a material change of use—if the first change of use does not happen within—*
 - (i) *the period stated for that part of the approval; or*
 - (ii) *if no period is stated—6 years after the approval starts to have effect;*
 - (b) *for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—*
 - (i) *the period stated for that part of the approval; or*
 - (ii) *if no period is stated—4 years after the approval starts to have effect;*
 - (c) *for any other part of the development approval if the development does not substantially start within—*
 - (i) *the period stated for that part of the approval; or*
 - (ii) *if no period is stated—2 years after the approval starts to take effect.*
- (2) *If part of a development approval lapses, any monetary security given for that part of the approval must be released.*