

File: 17/09W
Date: 28 February 2019

RMI Pty Ltd
PO Box 583
GOONDIWINDI QLD 4390

Attention: Chris McCosker

Dear Mr McCosker

**Decision Notice – Material Change of Use
“Rural activities” – “Intensive animal industry” (32,800SCU feedlot)**

We wish to advise that on 27 February 2019 a decision was made to approve the material change of use development application for “Rural activities” – “Intensive animal industry” (32,800SCU feedlot) at:

- Lot 3 on CVN304, Lot 26 on CAR3450 and Lot 104 on CAR3455, ‘Oonavale’ 2447 Barwon Highway, Callandoon.

In accordance with the *Sustainable Planning Act 2009* (SPA), 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 33** 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 Planning Services, Mrs Ronnie McMahon, on (07) 4671 7400 or rmcmahon@grc.qld.gov.au, who will be pleased to assist.

Yours faithfully



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council

Copy to: Hayley Greenham, SMK Consultants
Via email: hayley@smk.com.au

Copy to: Peter Taylor, SMK Consultants
Via email: ptaylor@smk.com.au

Decision Notice approval

Sustainable Planning Act 2009 section 334

Council File Reference: 17/09W
Council Contact: Mrs Ronnie McMahon: LMM
Council Contact Phone: (07) 4671 7400

28 February 2019

Applicant Details: RMI Pty Ltd
PO Box 583
GOONDIWINDI QLD 4390

Attention: Chris McCosker

I acknowledge receipt of the above application, properly made on 22 January 2018 and confirm the following details:

Development Application for: *"Rural activities" – "Intensive animal industry"*
(32,800SCU feedlot)

Property Description: Lot 3 on CVN304, Lot 25 on CAR3450 and
Lot 104 on CAR3455;
'Oonavale' 2447 Barwon Highway,
Callandoon

Dear Mr McCosker,

I wish to advise that, on 27 February 2019, the above development application was:

- ☐ approved in full or;
- ☐ approved in part for the following or;
- ☒ approved in full with conditions or;
- ☐ approved in part for the following, with conditions.

The conditions of this approval are set out in **Attachment 1**. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

All conditions must be completed or bonded before the use commences.

Approval under section 331 of the SPA

This application ☐ has or ☒ has not been "deemed" to be approved under section 331 of the SPA.

1. Details of the Approval

The following approvals are given:

	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme: "Rural activities" – "Intensive animal industry" (32,800SCU feedlot)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

3. Other necessary development permits and/or compliance permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- Approval for building work under the *Building Act 1975*

4. Submissions

There was one (1) submission received about this application. The name and address of the principal submitter for the properly made submission is as follows:

Submission	Name of principal submitter	Address
1	Ray Christie	'Montego', 873 Barwon Highway, Callandoon

5. Referral Agencies

There are referral agencies for this application.

For an application involving	Name of referral agency	Address
<p>As per Schedule 7, Table 2, Item 1 (7.2.1) of the SPR:</p> <p><i>A material change of use for an environmentally relevant activity made assessable under schedule 3, part 1, table 2, item 1.</i></p>	<p>Department of Infrastructure, Local Government and Planning –</p> <p><i>Concurrence Agency</i></p>	<p>Department of Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@dsdmip.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 7, Table 3, Item 1 (7.3.1) of the SPR:</p> <p><i>Making a material change of use of premises if any part of the land—</i></p> <p><i>(a) is within 25m of a State-controlled road; or</i></p> <p><i>(b) is future State-controlled road; or</i></p> <p><i>(c) abuts a road that intersects with a State-controlled road within 100m of the land</i></p>	<p>Department of Infrastructure, Local Government and Planning –</p> <p><i>Concurrence Agency</i></p>	<p>Department of Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@dsdmip.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>
<p>As per Schedule 7, Table 3, Item 2 (7.3.2) of the SPR:</p> <p><i>An aspect of development identified in schedule 9 that—</i></p> <p><i>(a) is for a purpose mentioned in schedule 9, column 1; and</i></p> <p><i>(b) meets or exceeds the threshold—</i></p> <p><i>(ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose.</i></p>	<p>Department of Infrastructure, Local Government and Planning –</p> <p><i>Concurrence Agency</i></p>	<p>Department of Infrastructure, Local Government and Planning, Post: PO Box 825, Visit: 128 Margaret Street, TOOWOOMBA QLD 4350</p> <p>ToowoombaSARA@dsdmip.qld.gov.au</p> <p>Ph: (07) 4616 7307</p>

6. Approved Plans

The approved plans for this development approval are listed in the following table:

Drawing Number	Title	Date
16-68	Plan Showing Oonavale Feedlot Layout Plan With No Build Area	7-01-2019
16-68	Plan Showing Oonavale Feedlot Layout Plan with Catchment Area's	7-01-2019
16-68	Plan Showing Oonavale Feedlot Layout Plan	7-01-2019
16-68 Plan 3	Locality Plan Showing Proposed 32,800 Head Feedlot	8-01-2018
16-68	Oonavale Farm plan Showing Proposed Feedlot Location	8-01-2018
16-68 Plan 5	Plan Showing Q100 Flood Free Area Based on Preliminary Assessment	8-01-2018
16-68 Plan 6	Waste Utilisation Plan 1 of 2	8-01-2018
16-68 Plan 7	Waste Utilisation Plan 2 of 2	8-01-2018

The approved plans are included in **Attachment 2**.

7. When Approval Lapses if Development not Started

This approval will lapse if the use has not lawfully commenced in accordance with the following section of the SPA:

341 When approval lapses if development not started

*(1) To the extent a development approval is for a material change of use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the **relevant period**)—*

*(a) **4 years** starting the day the approval takes effect.*

Section 383 of the *Sustainable Planning Act 2009* sets out how an extension to the period of approval can be requested. Please see excerpts from the SPA attached at **Attachment 4**.

8. Appeal rights

Appeals by applicants

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

- The refusal, or refusal in part of the development application;
- Any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the SPA;
- The decision to give a preliminary approval when a development permit was applied for;
- The length of a period mentioned in section 341; of
- A deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of the SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see the SPA, Chapter 7, Part 2.

Attachment 3 includes a Rights to Appeal waiver, which if completed, will be used to process your request to waive your appeal rights to process your approval without unnecessary delay.

Attachment 4 is an extract from the SPA which details the applicant's appeal rights regarding this decision.

If you wish to discuss this matter further, please contact Council's Manager Planning Services, Mrs Ronnie McMahon, on (07) 4671 7400 or rmcmahon@grc.qld.gov.au.

Yours Sincerely



Ronnie McMahon
Manager of Planning Services
Goondiwindi Regional Council



ATTACHMENTS

Attachment 1 – Assessment Manager’s Conditions

Part 1 – Assessment Manager’s Conditions

Part 2 - Department of State Development, Manufacturing, Infrastructure and Planning – Concurrence Agency Response

Attachment 2 – Approved Plans

Attachment 3 – Rights to Appeal waiver

Attachment 4 – SPA Extracts

SPA extract on appeal rights

SPA extract on lapse dates



Attachment 1 – Assessment Manager's Conditions



Assessment Manager's Conditions

Proposed Use:	"Rural activities" <ul style="list-style-type: none"> "Intensive animal industry" (32,800SCU feedlot)
Development:	Material Change of Use – Development Permit
Applicant:	SMK Consultants for RMI Pty Ltd
Address:	'Oonavale', 2447 Barwon Highway, Callandoon
Real Property Description:	Lot 3 on CVN304, Lot 26 on CAR3450 and Lot 104 on CAR3455
Council File Reference:	17/09W

GENERAL CONDITIONS																													
1.	Approval is granted for the purpose of a Material Change of Use for: <ul style="list-style-type: none"> "Rural activities" – "Intensive animal industry" (32,800SCU feedlot) as defined in the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>. 																												
2.	All conditions must be complied with or bonded prior to the commencement of the use, unless specified in an individual condition.																												
3.	The development shall be in accordance with supporting information supplied by the applicant with the development application including the following plans: <table border="1"> <thead> <tr> <th>Drawing Number</th><th>Title</th><th>Date</th></tr> </thead> <tbody> <tr> <td>16-68</td><td>Plan Showing Oonavale Feedlot Layout Plan With No Build Area</td><td>7-01-2019</td></tr> <tr> <td>16-68</td><td>Plan Showing Oonavale Feedlot Layout Plan With Catchment Area's</td><td>7-01-2019</td></tr> <tr> <td>16-68</td><td>Plan Showing Oonavale Feedlot Layout Plan</td><td>7-01-2019</td></tr> <tr> <td>16-68 Plan 3</td><td>Locality Plan Showing Proposed 32,800 Head Feedlot</td><td>8-01-2018</td></tr> <tr> <td>16-68</td><td>Oonavale Farm Plan Showing Proposed Feedlot Location</td><td>8-01-2018</td></tr> <tr> <td>16-68 Plan 5</td><td>Plan Showing Q100 Flood Free Area Based on Preliminary Assessment</td><td>8-01-2018</td></tr> <tr> <td>16-68 Plan 6</td><td>Waste Utilisation Plan 1 of 2</td><td>8-01-2018</td></tr> <tr> <td>16-68 Plan 7</td><td>Waste Utilisation Plan 2 of 2</td><td>8-01-2018</td></tr> </tbody> </table> <p>Please note these plans are not approved Building Plans. The approved plans are included in the Decision Notice.</p>		Drawing Number	Title	Date	16-68	Plan Showing Oonavale Feedlot Layout Plan With No Build Area	7-01-2019	16-68	Plan Showing Oonavale Feedlot Layout Plan With Catchment Area's	7-01-2019	16-68	Plan Showing Oonavale Feedlot Layout Plan	7-01-2019	16-68 Plan 3	Locality Plan Showing Proposed 32,800 Head Feedlot	8-01-2018	16-68	Oonavale Farm Plan Showing Proposed Feedlot Location	8-01-2018	16-68 Plan 5	Plan Showing Q100 Flood Free Area Based on Preliminary Assessment	8-01-2018	16-68 Plan 6	Waste Utilisation Plan 1 of 2	8-01-2018	16-68 Plan 7	Waste Utilisation Plan 2 of 2	8-01-2018
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4.	<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>2006 Planning Scheme for the former Waggamba Shire Council</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>
5.	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.
6.	It is the responsibility of the developer to ensure that all requirements, legislative or otherwise, relating to this development have been carried out lawfully prior to the commencement of the use.
7.	<p>All proposed buildings/structures located within 200m of any title boundaries will require building approval under the provisions of the <i>Queensland Building Act 1975</i>, <i>Queensland Development Code Part 3.7</i> and <i>National Construction Code 2016</i>.</p> <p>Note: Office area will require provisions for disability access and amenities.</p>
	PUBLIC UTILITIES
8.	The development shall be connected to an adequate electricity supply system, at no cost to Council.
9.	A suitable fire tender vehicle or trailer is to be available on site to address any fires associated with structures or bushfires around the infrastructure and pen areas.
	ESSENTIAL SERVICES
10.	The site shall obtain a supply of water of a volume and quality appropriate for intensive animal industry purposes, including adequate supply for firefighting purposes, in accordance with relevant engineering standards to the satisfaction of Council.
	ROADS AND VEHICLES
11.	<p>All site accesses, including access to the Barwon Highway shall be provided and maintained in accordance with the submitted Traffic Impact Study, and in accordance with the Department of Transport and Main Roads requirements</p> <p>Crossovers shall be either constructed or bonded prior to the commencement of the use.</p> <p>The developer shall contact the Department of Transport and Main Roads to ensure the correct specifications are obtained for all civil works prior to commencement of any works onsite.</p>

12.	<p>All areas where vehicles regularly manoeuvre and park must be constructed to an all-weather standard in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>, to the satisfaction of and at no cost to Council.</p> <p>Car 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.</p> <p>A qualified Council Officer may inspect construction works at the request of the developer to ensure compliance with this condition.</p>
13.	<p>The existing crossing over Booberanna Creek shall be upgraded where necessary, designed and constructed in accordance with Australian Standard AS 2890.1 Parking Facilities – Off Street Car Parking and Australian Standard AS2890.2 Parking Facilities – Off Street Commercial Vehicle Facilities, to ensure the safe operation of vehicles, in particular heavy vehicles.</p>
STORMWATER	
14.	<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 discharge point in accordance with Schedule 1, Division 5: Standards for Stormwater Drainage of the <i>2006 Planning Scheme for the former Waggamba Shire Council</i>, to the satisfaction of and at no cost to 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>
15.	<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	
16.	<p>All works associated with the development must be carried out in a manner that minimizes 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 1, Division 1: Standards for Construction Activities of the <i>2006 Planning Scheme for the former Waggamba Shire Council</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.	<p>Any filling or excavation shall be undertaken in accordance with Schedule 1, Division 1: Standards for Construction Activities of the <i>2006 Planning Scheme for the former Waggamba Shire Council</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>
AVOIDING NUISANCE	
18.	<p>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, permits and approvals under the Act and all regulatory provisions and legislation shall be obtained and shall be maintained at all times while the use continues.</p>
19.	<p>At all times while the use continues, lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.</p> <p>All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties, motorists or the operational safety of the surrounding road network.</p>
20.	<p>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.</p>
21.	<p>General waste generated at the feedlot from staff and veterinary activities is to be disposed of to a Licensed disposal site or collected by an authorised waste contractor. Goondiwindi Landfill Facility is the closest site for disposal of general waste. The following waste products are excluded from this site: medical waste (sharps) and tyres. Toobeah facility is being closed and converted to a small Transfer Station with capacity for domestic waste only.</p>
22.	<p>An alternate commercial waste service to the property may be arranged with a local collection contractor who provide a front lift skip bin service in the area.</p>
23.	<p>All landfill pits for disposing cattle carcass are to be located above the Q100 flood area within the property.</p>
24.	<p>The operator shall be responsible for mitigating any complaints arising from on-site operations.</p>
25.	<p>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises.</p> <p>During construction the site must be kept in a clean and tidy state at all times.</p>
DEVELOPER'S RESPONSIBILITIES	
26.	<p>A copy of an annual operation report and logged complaints register is to be submitted to Goondiwindi Regional Council within twenty (20) working days of the report being finalised annually.</p>

27.	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.
28.	It is the developer's responsibility to ensure that any contractors and subcontractors have current, relevant and appropriate qualifications and insurances in place to carry out the works.
29.	The developer shall be responsible for meeting all costs reasonably associated with the approved development, unless there is specific agreement by other parties, including the Council, to meeting those costs.
30.	At all times while the use continues, all requirements of the conditions of the development approval must be maintained.
COMMENCEMENT OF USE	
31.	<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>
32.	<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 four (4) years of the date the development approval takes effect, in accordance with the provisions contained in section 341 & 342 of the <i>Sustainable Planning Act 2009</i>.</p> <p>Section 383 of the <i>Sustainable Planning Act 2009</i> sets out how an extension to the period of approval can be requested.</p>
33.	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 339 of the <i>Sustainable Planning Act 2009</i>.</p> <p><i>When approval lapses</i></p> <p>This approval will lapse if the use has not commenced within four (4) years of the date the development approval takes effect.</p> <p>Section 383 of the <i>Sustainable Planning Act 2009</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.

	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").
	This approval in no way authorises the clearing of native vegetation protected under the <i>Vegetation Management Act 1999</i> .
	The approved development does not authorise any deviation from the applicable Australian Standards nor from the application of any laws, including laws covering work place health and safety.



Attachment 1 - Conditions of the Approval

***Part 2 - Department of State Development,
Manufacturing, Infrastructure and
Planning – Concurrence Agency
Response***





Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0118-041518
Your reference: 17/09W

21 January 2019

Chief Executive Officer
Goondiwindi Regional Council
LMB 7
Inglewood QLD 4387

Attn: Mrs Ronnie McMahon

Dear Ronnie

Concurrence agency response—with conditions

2447 Barwon Highway, Toobeah QLD 4390

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) under section 272 of the *Sustainable Planning Act 2009* on 29 January 2018.

Applicant details

Applicant name:	RMI Pty Ltd
Applicant contact details:	PO Box 583 GOONDIWINDI QLD 4390 hayley@smk.com.au

Site details

Street address:	2447 Barwon Highway, Toobeah QLD 4390
Lot on plan:	Lot 3 on CVN304 Lot 26 on CAR3450 Lot 104 on CAR3455
Local government area:	Goondiwindi Regional Council

Application details

Proposed development:	Development permit for material change of use – intensive animal industry (32,800 standard cattle units feedlot)
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Referral triggers

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

- Referral trigger Schedule 7, Table 3, Item 1—State controlled road
- Schedule 7, Table 3, Item 2 – Development impacting on State transport infrastructure
- Schedule 7, Table 2, Item1 – Environmentally relevant activity.

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

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

Advice to the applicant

DSDMIP offers advice about the application to applicant—see Attachment 3.

Approved plans and specifications

DSDMIP requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material change of use				
Traffic Impact Assessment (amended in red)	SMK Consultants	January 2018		
Locality Plan (amended in red)	SMK Consultants	8/01/2018	16-68-Plan 3	A
Plan Showing Oonavale Feedlot Layout Plan with Catchment Areas	SMK Consultants	7 January 2019	16-68 Sheet 2 of 7	C
Plan Showing Oonavale Feedlot Layout Plan with No Build Area (amended in red)	SMK Consultants	7 January 2019	16-68 Sheet 1 of 1	

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

For further information, please contact Maria Johnson, Senior Planning Officer, SARA Darling Downs South West on 4616 7307, or email maria.johnson@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Andrew Foley
Manager (Planning)

cc: RMI Pty Ltd, hayley@smk.com.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3— Advice to the applicant
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0118-041518

Your reference: 17/09W

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
	Development permit for material change of use – intensive animal industry (32,800 standard cattle units feedlot)	
	7.3.1 – state controlled road & 7.3.2 – development impacting state transport infrastructure. Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:	
1.	The development must be generally in accordance with the Traffic Impact Assessment prepared by SMK Consultants dated January 2018, in particular: Sections: Traffic Generation and Distribution of Development Traffic (amended in red).	Prior to the commencement of use and to be maintained at all times.
2.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not reduce the flood immunity of the Barwon Highway. (c) Registered Professional Engineer of Queensland certification must be provided to DTMR, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(a) At all times. (b) At all times. (c) Prior to the commencement of use.
3.	(a) The road access location, is to be located generally in accordance with the Locality Plan, prepared by SMK Consultants, dated 8/01/2018 reference 16-68-Plan 3 and revision A (amended in red). (b) Road access works comprising Channelised Right Turn Treatment and Auxiliary Left Turn Treatment to cater for Type 1 Road Train vehicles (at the road access location) must be provided. (c) The road access works must be designed and constructed in accordance with DTMR's Road Planning and Design Manual and any other relevant standards/manuals/technical publications referenced therein.	(a) At all times. (b) and (c): Prior to the commencement of use.
	7.2.1 – Environmentally Relevant Activity—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the	

No.	Conditions	Condition timing
assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
4.	The development must be carried out generally in accordance with the following plan: Plan Showing Oonavale Feedlot Layout Plan with Catchment Area's prepared by SMK CONSULTANTS, dated 7 January 2019, JOB No.16-68, Sheet Number 2 of 7, Revision C.	At all times.
5.	The development must be carried out generally in accordance with the following plan: Plan Showing Oonavale Feedlot Layout Plan with No Build Area prepared by SMK CONSULTANTS, dated 7 January 2019, JOB No.16-68, Sheet Number 1 of 1 (amended in red).	At all times.

Our reference: SDA-0118-041518

Your reference: 17/09W

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- Condition 1 is to ensure the development is carried out in accordance with the submitted traffic report submitted with the application.
- Condition 2 is to ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.
- Condition 3 is to ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- Condition 4 is to ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- Condition 5 is to mitigate the impacts from development on matters of state environmental significance.

Our reference: SDA-0118-041518

Your reference: 17/09W

Attachment 3— Advice to the applicant

General advice

1. **Road access works approval:** Under sections 62 and 33 of the *Transport Infrastructure Act 1994*, written approval is required from DTMR to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact DTMR on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland. **The road access works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.**

Our reference: SDA-0118-041518

Your reference: 17/09W

Attachment 4—Approved plans and specifications

SMK CONSULTANTS

surveying – irrigation – environmental – town planning

ABN 63 061 919 003

39 Frome Street
PO Box 774
Moree NSW 2400
Ph 02 6752 1021
Fax 02 6752 5070
Email ptaylor@smk.com.au

Other offices: Goondiwindi,
Gatton, Brisbane

TRAFFIC IMPACT ASSESSMENT

OONAVALE FEEDLOT

"OONAVALE"

GOONDIWINDI

Prepared for: RMI Pty Ltd
P.O. Box 583
Goondiwindi, Qld 4390

Prepared by: SMK Consultants
Frome Street
Moree NSW 2400

January 2018

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: SDA-0118-041518
Date: 21 January 2019

Amended in red by SARA on
21 January 2019

In accordance with Condition 1
the development is required to
be carried out in line with
relevant sections highlighted in
red.

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The Feedlot would consume approximately 410-tonne of feed ration per day when at maximum capacity. A Feedlot of this size is expected to have an occupancy rate of approximately 80-percent over a 12-month period, meaning that only 80-percent of the pens would be utilised at any one time. Annual maximum feed consumption is therefore in the order of 120,000-tonne. This ration would consist of approximately 30-40 percent grain, 40-60 percent silage/hay and the remainder being specialty ingredients such as cottonseed and feed additives. All hay and silage would be produced on the irrigated fields on Oonavale when water is available. Grain produced on Oonavale would be utilised at the Feedlot in addition to grain purchased off-farm, including neighbouring properties and grain storage facilities in Goondiwindi, Toobeah and other regional centres. All on-farm produced stock feed would be delivered to the site through internal roads. The remainder of the ration would be trucked to the site via the Barwon Highway. The volume of on-farm produce would depend on seasonal conditions and crop type grown on the property. Under extended dry conditions such as the recent drought, the Feedlot would generally close for an extended period as a result of extremely high grain prices and lack of water for irrigated cropping, lack of cattle and uneconomic feedlotting conditions.

Cattle would be placed on various rations for periods ranging between 70 and 300-days to supply cattle to various markets. The average annual throughput for the Feedlot would vary significantly from year to year and season to season. The Feedlot would obtain Ausmeat Accreditation to provide a quality assurance system as well as approval to market the cattle as grain fed.

The Feedlot would require approximately 25-35 permanent staff on a daily basis and an additional 15-20 casual staff for part-time employment for servicing, maintenance and mustering work. Additional contractors would be employed on the site for work such as manure collection from pens, fencing, cattle health, manure spreading and incorporation, trucking of grain, cattle and general site maintenance. It is intended to draw these staff from the region with an emphasis of staff from Goondiwindi and Toobeah. Goondiwindi is located approximately 32kms to the east by road and therefore the feasibility of a staff bus service has been considered rather than accommodating the staff on the property.

Staff already employed on the property would be required to operate the cattle grazing, farming and irrigation enterprises which would grow cattle and fodder for the Feedlot. Current staff are accommodated at homestead areas.

Traffic Generation

Traffic generated by the development will consist of trucks moving cattle and stock feed to and from the Feedlot, service vehicles and staff vehicles.

The Proponent intends to undertake long-term feeding of approximately half of the cattle, with an expected turn-around of 350 days. The remaining cattle will have an average turn-around of 120 days on feed. This results in the following throughput numbers:

- 16,400 SCU with a 350 day turnover = 1 lot per year.
- 16,400 SCU with a 120 day turnover = 3 lots per year.

This would result in a maximum annual turnover of 66,256 SCU. A Feedlot of this size is expected to have an occupancy rate of approximately 80-percent over a 12-month period, meaning that only 80-percent of the pens would be utilised at any one time. The expected annual turnover therefore involves approximately 53,005 SCU/year. The turnover of cattle would be undertaken on a pen-by-pen basis to achieve a constant delivery and despatch plan.

Delivery of these cattle would require approximately 576-B-double trucks per year or 1,767-single trailers. The cattle would generally be delivered to the site in a road train and despatched to eastern markets in B-double trucks. The maximum cattle truck movements to the site would therefore be in the order of 589-per year (1.6 per day) and the maximum cattle truck despatches would be 779-per year (2.1 per day). The pen system is based around approximately 200-SCU per pen. Cattle would generally be trucked in groups and therefore trucking movements would be in groups of 2 or 3 trucks. Trucking operation would occur on a 7-day per week basis.

An annual feed production of 120,000-tonne per year would involve daily production of 330-tonne. Under average weather conditions, approximately 6,000-tonne of grain and potentially 40,150 tonne of silage would be produced on the property. An additional 55,850-tonne of grain would be required in addition to 18,000-tonne of specialty ingredients. The intention is to store approximately 6,000 tonne of grain on the property with the additional grain being stored in regional silo complexes. The 18,000-tonne of other ingredients would be transported to the site from eastern production facilities such as Goondiwindi, Toowoomba and other southeast Qld areas. On an average year, approximately 73,850 tonne of feed ingredients would be trucked to the site. Trucking would occur over the whole year. Grain and cottonseed would generally be hauled in road trains. The majority of other ingredients such as molasses, and protein meals would be trucked in single trailer loads.

Manure from the Feedlot would be utilised on farm and hauled through internal roads. Hay and grain produced on the farm would be hauled on internal roads.

Table 3: Predicted Traffic Movements for Oonavale Feedlot

Traffic Source	Annual	Daily Annual Average
Cattle deliveries – Road Trains	589	1.6
Cattle Despatch – B-doubles	779	2.1
Stock feed – B-doubles	1,943	5.3
Service trucks – single trailers	260	0.7
Staff – 1 Bus and 5-cars for 5-days and 5-cars for weekend	2080	5.7

Table 4: Predicted Redirection of Traffic to Feedlot via Internal Roads for On-Farm Crops

Traffic Source	Annual	Daily Annual Average
Cotton crops to be replaced by silage crops	550	1.5
Grain crops to be diverted to the feedlot	240	0.66

Table 5: Predicted Net Additional Traffic Generated by Oonavale Feedlot

Traffic Source	Annual	Daily Annual Average
Road Trains, B-Doubles and Single trailers	3,571	9.8

Light vehicles	2080	5.7
----------------	------	-----

Table 3 indicates that average daily traffic movements to and from the property would involve approximately 9.8 trucks and 5.7 light commercial vehicles and cars. A significant proportion of cropping land on the property would be utilised to produce stock feed and therefore the truck movements associated with hauling these crops into Goondiwindi would be redirected to the Feedlot site via internal property roads. Table 3 presents predicted traffic volumes to be redirected to the Feedlot site.

Table 5 presents the net increase in traffic movements when existing on-farm production is accounted for.

Using the proportioned AADT data determined from Table 2 and predicted data in Table 5, the traffic generated by the Feedlot would result in a net increase of 2.8% of current AADT. This can be further interpreted as an increase of 5.1 % heavy traffic and 1.6 % light vehicles.

The majority of the traffic generated by the Feedlot would travel to and from Goondiwindi and therefore the AADT recorded at 6kms west of Goondiwindi would increase by 2.2% and at Goondiwindi (Station 50316) would be increased by 1.2%.

Part of the development would involve upgrading of the entrance intersection and entrance road to Main Road standards and to provide all weather access to and from the feedlot facility. The entrance intersection currently consists of a farm track off the highway that has been in place for an extended period. The road is used to haul grain from the central north part of the property and therefore receives only light farm vehicles for the majority of the year and heavy grain trucks during grain harvest periods.

The highway at the intersection point consists of a long straight section of bitumen sealed highway with good visibility in both directions. A suitable intersection would be constructed with a bitumen seal for a distance of approximately 75m off the highway to reduce dust issues at the intersection point. Road train access would be required and therefore turning circle of the road trains would define the parameters required for the intersection. Prior to construction, a suitable plan of the intersection would be submitted to Council and Main Roads for approval.

The AADT records predict a decrease in traffic volumes for the next 5-years and a long-term increase based on annual segment growth data. Changes in traffic levels are directly related to weather condition and alternatives provided for other sources of transport and transport routes. The growth predictions are not considered to indicate a significant change in current traffic volumes.

Distribution of Development Traffic

The two major sources of heavy traffic are grain and cattle trucks. The proposed development would involve a redistribution of grain from Goondiwindi silos. At present, grain from the Goondiwindi silo storages is either hauled by truck to the Toowoomba-Brisbane market for other

Feedlots or the flour industry, or hauled by train to Brisbane for export. Some seasonal variations occur on the method of transport as a result of grain prices, Feedlot consumption, grain production in other parts of Qld and grain production in the Goondiwindi district.

Assessment of the inputs required for the Feedlot site indicates that approximately 1,943 additional truck trips would be generated from the Goondiwindi silos to the Feedlot site to haul grain and specialty ingredients. This would generate a daily average of 5 or 6 trucks per day.

The origin of cattle trucked to the Feedlot site would be variable. The Goondiwindi district is considered a major producer of cattle which are generally trucked east to processing facilities in Toowoomba, Brisbane, north-eastern NSW and onto the Darling Downs to other feedlots. The cattle will generally be derived from central to western Qld and therefore be trucked through either St George along the Barwon Highway or via Goondiwindi along the Leichhardt Highway. Allowing for the demand from eastern Feedlots, the applicant has indicated that approximately 75% of cattle will be derived from western areas and therefore be trucked east along the Barwon Highway and 25% will be trucked through Goondiwindi via the Leichhardt highway. This is equivalent to 442-trucks from the west and 147 trucks from the east per year.

All cattle processed through the feedlot will be trucked in an easterly direction from the Feedlot in B-doubles. This will generate between 2 to 3 trucks per day.

Seasonal Traffic Variations

The Feedlot would operate on a continual basis. Cattle would be received and despatched on a regular weekly basis throughout the year and therefore no seasonal variations would occur for cattle movements.

External grain and feed deliveries would occur on a continual daily basis. The storage on the site would be capable of storing grain produced on Oonavale. Daily grain and external ingredient consumption would be in the order of 70 tonnes per day which could be delivered in 3-trailers to maintain a stockpile level on the site. The storage capacity on the site would not provide an extended capability to received external grain during harvest period. External grain would be stored in major silo facilities and hauled to the site on an as needed basis to maintain storage levels. A significant proportion of grain produced in the surrounding district is hauled to Goondiwindi for storage at several major grain receival terminals and then railed to Brisbane for export. A major traffic peak occurs during the grain harvest period which occurs between October to early December for summer crops. A large proportion of summer crops grown in the district consist of cotton and sorghum. Cotton is harvested between late February and early April. The cotton modules are hauled through Goondiwindi for processing at cotton gins located on the eastern side of the town. Sorghum crops are harvested at various times through the summer with a peak occurring during February and March.



SARA ref: SDA-0118-041518

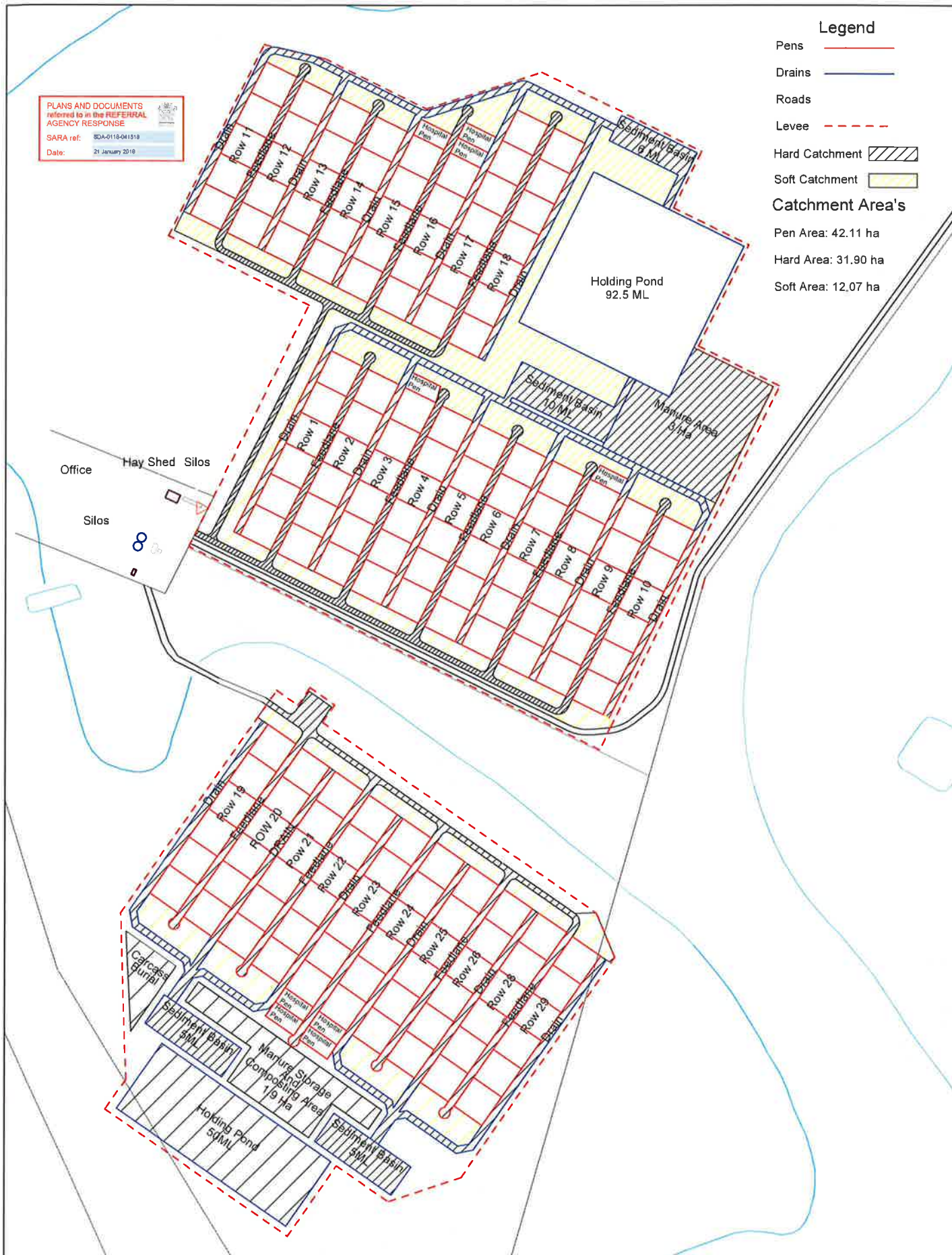
Date: 21 January 2019

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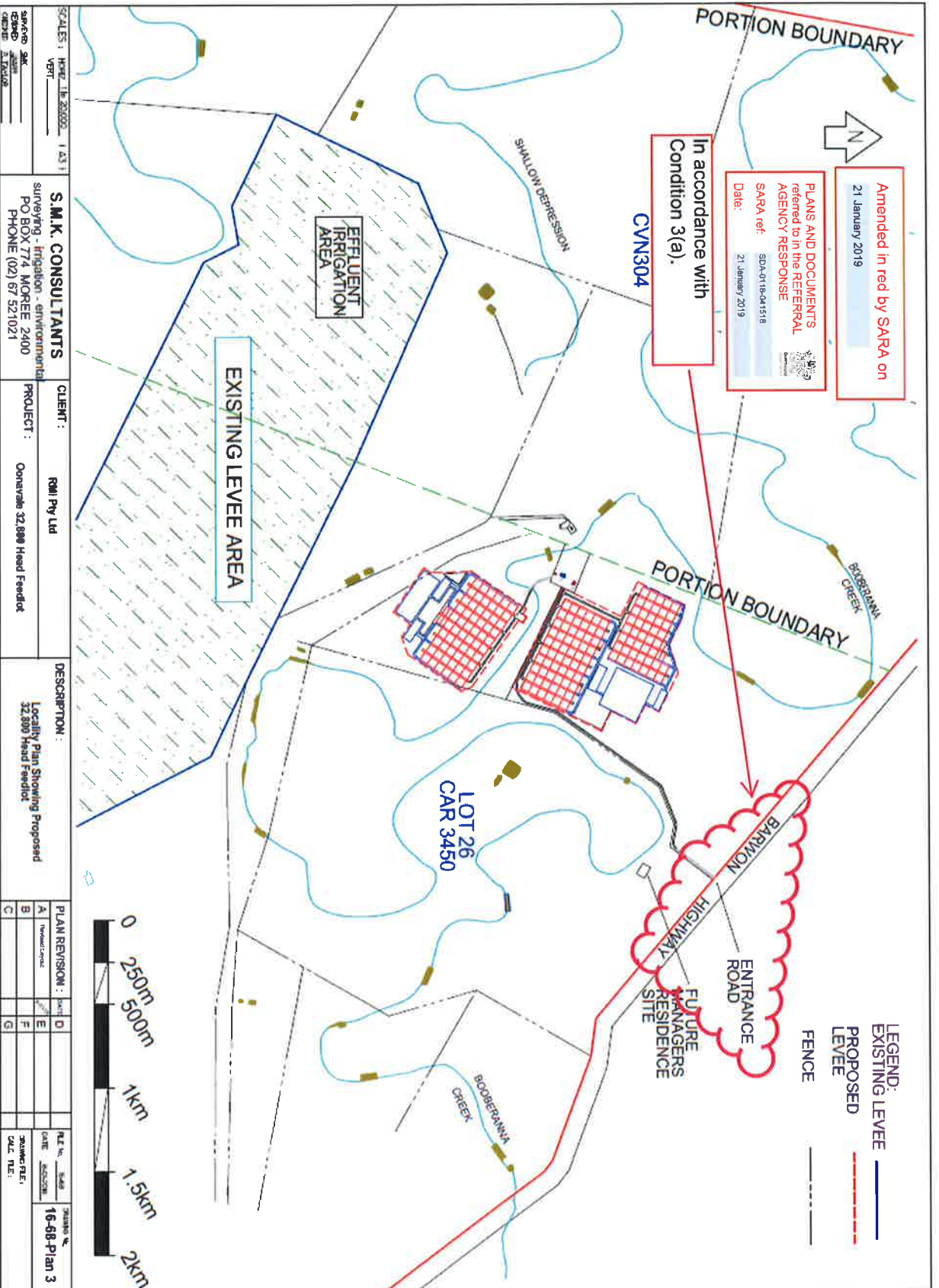
21 January 2019



SCALES: HORIZ 1 in 10,000 VERT LOCAL AHD MGA ZONE 55		SMK CONSULTANTS surveying - irrigation - environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021		CLIENT: RMI Pty Ltd PROJECT: "Onavale" 32,800 Head Feedlot	DESCRIPTION: Plan Showing Onavale Feedlot Layout Plan With No Build Area	PLAN REVISION: A FIRST ISSUE B C	DATE 7-01-2019	SHEET NO 1 of 1
DATUM: LOCAL AHD MGA ZONE 55		A3 Design Existing						
SURVEYED SMK CONSULTANTS DESIGNED SMK CONSULTANTS CHECKED: Paul J. Lark		Design Existing ———— ———— ————						



CLIENT: RMI Pty Ltd		PROJECT: "Oonavale" 32,800 Head Feedlot		COMPLETION: 2018-10-18		SHEET NO: 2 of 7	
SCALES: HORIZ 1 in 5,000 VERT 1 in 5,000		DATUM: LOCAL AHD MGA ZONE 55		A3		SMK CONSULTANTS surveying - irrigation - environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021	
SURVEYED: SMK CONSULTANTS		DESIGNED: SMK CONSULTANTS		CHECKED: PETER TAYLOR		CONTOUR INTERVAL	
DESCRIPTION: Plan Showing Oonavale Feedlot Layout Plan With Catchment Area's		PLAN REVISION:		DATE			
A FIRST ISSUE		8-11-2017					
B Redesign 32,800 Head		6-12-2017					
C Redesign 32,800 Head		7-01-2019					





Attachment 2 – Approved Plans






SCALES: HORIZ 1 in 10,000 VERT		A3	SMK CONSULTANTS surveying - irrigation - environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021	CLIENT: RMI Pty Ltd PROJECT: "Oonavale" 32,800 Head Feedlot	DESCRIPTION: Plan Showing Oonavale Feedlot Layout Plan With No Build Area	PLAN REVISION:		DATE	SHEET No. 1 of 1
DATUM: LOCAL AHD MGA ZONE 55						A	FIRST ISSUE	7-01-2019	
SURVEYED SMK CONSULTANTS	Design Existing					B			JOB No. 16-68
DESIGNED SMK CONSULTANTS						C			COMPUTER FILE:
CHECKED Peter Taylor									Oonavale Feedlot Redesign 32,000 Head.mxd

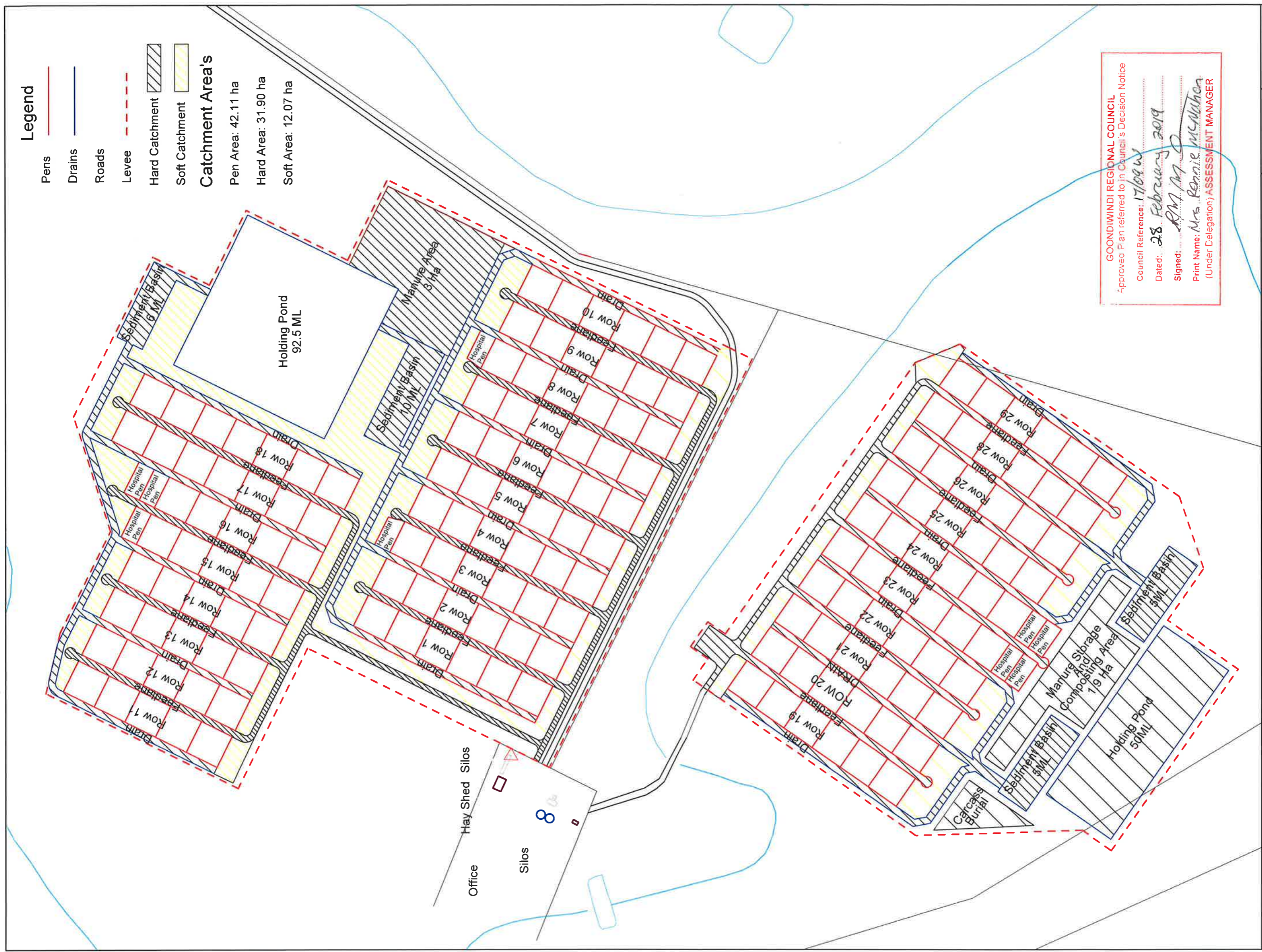
GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice

Council Reference: 17/b9w

Dated: 28 February 2019

Signed: 

Print Name: Mrs Rennie McMahon
(Under Delegation) ASSESSMENT MANAGER



CLIENT: RMI Pty Ltd		PROJECT: "Onavale" 32,800 Head Feedlot		COMPUTER FILE: Onavale Feedlot Redesign info	SHEET No: 2 of 7
SMK CONSULTANTS		DESCRIPTION:		PLAN REVISION:	
surveying - irrigation - environmental		Plan Showing Onavale Feedlot Layout Plan		A FIRST ISSUE	
PO BOX 774 MOREE 2400		With Catchment Area's		B Redesign 32,800 Head	
PHONE (02) 67 521021				C Redesign 32,800 Head	
SCALES: HORIZ 1 in 5,000		A3		DATE	
VERT 1 in 5,000				8-11-2017	
DATUM: LOCAL AHD MGA ZONE 55				6-12-2017	
SURVEYED SMK CONSULTANTS		CONTOUR		7-01-2019	
DESIGNED SMK CONSULTANTS		INTERVAL			
CHECKED PETER TAYLOR					



Legend

- Pens
- Drains
- Roads
- Levee

CLIENT: RMI Pty Ltd		PROJECT: "Onavale" 32,800 Head Feedlot		COMPUTER FILE: Onavale Feedlot Redesign.mxd	SHEET No: 1 of 7 JOB No. 16-08
SCALES: HORIZ 1 in 5,000 VERT 1 in 5,000		DESCRIPTION: SMK CONSULTANTS surveying - irrigation - environmental		PLAN REVISION:	
DATUM: LOCAL AHD MGA ZONE 55		A3		A FIRST ISSUE	
SURVEYED DESIGNED CHECKED		SMK CONSULTANTS SMK CONSULTANTS PETER TAYLOR		B Redesign 32,800 Head	
		CONTOUR INTERVAL		C Redesign 32,800 Head	
		Plan Showing Onavale Feedlot Layout Plan		DATE	
		PHONE (02) 67 521021		8-11-2017	
				6-12-2017	
				7-01-2019	

GOOONDWINDI REGIONAL COUNCIL

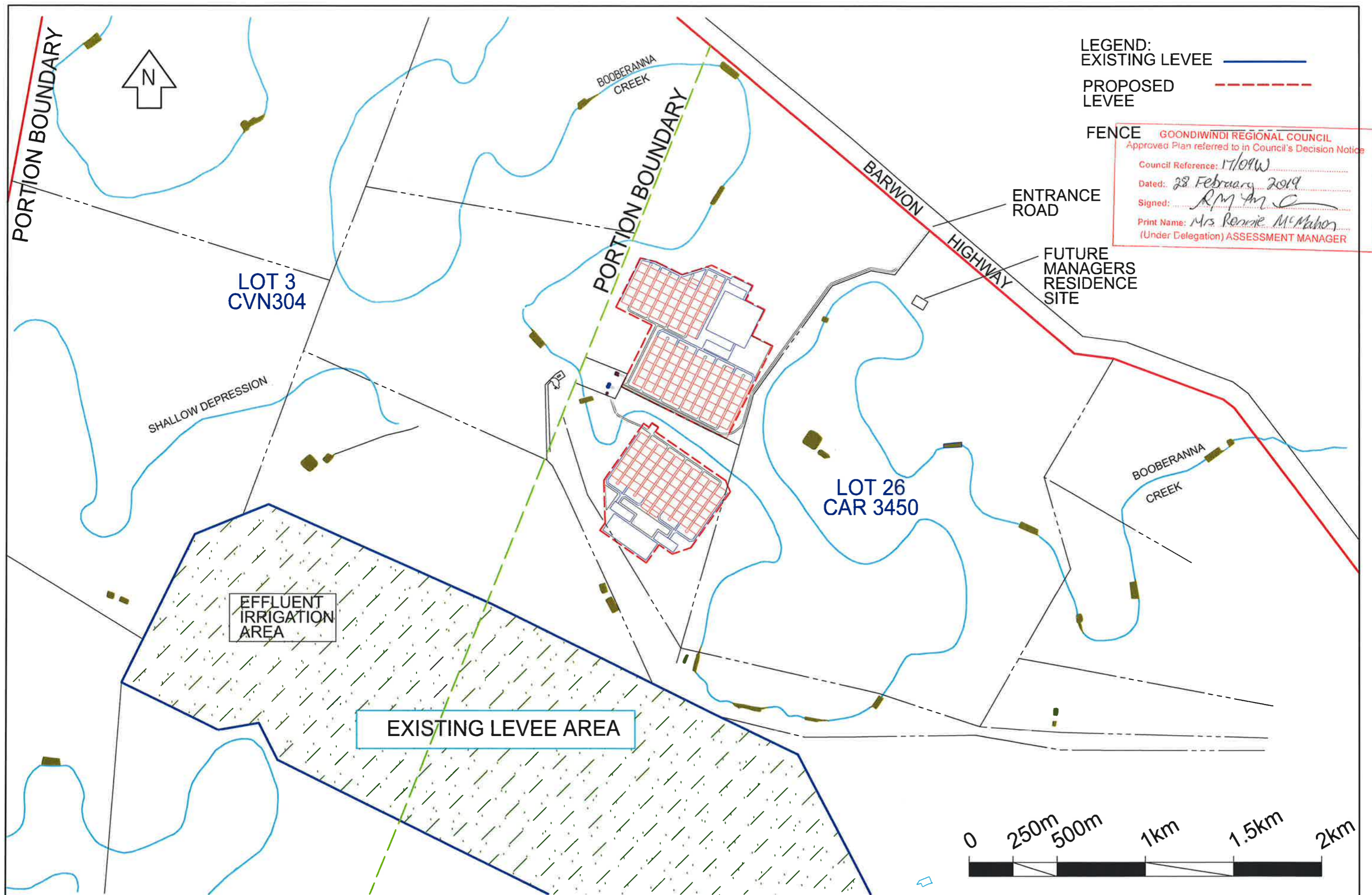
Approved Plan referred to in Council's Decision Notice

Council Reference: 170912

Dated: 28 February 2019

Signed: 

Print Name: Mrs Rennie McWhorter
(Under Delegation) ASSESSMENT MANAGER



LEGEND:
 EXISTING LEVEE ———
 PROPOSED LEVEE - - - - -

FENCE GOONDIWINDI REGIONAL COUNCIL
 Approved Plan referred to in Council's Decision Notice
 Council Reference: 17/09W
 Dated: 28 February 2019
 Signed: *R. McMahon*
 Print Name: Mrs Rennie McMahon
 (Under Delegation) ASSESSMENT MANAGER

SCALES : HORIZ 1 in 20,000 (A3)
 VERT _____

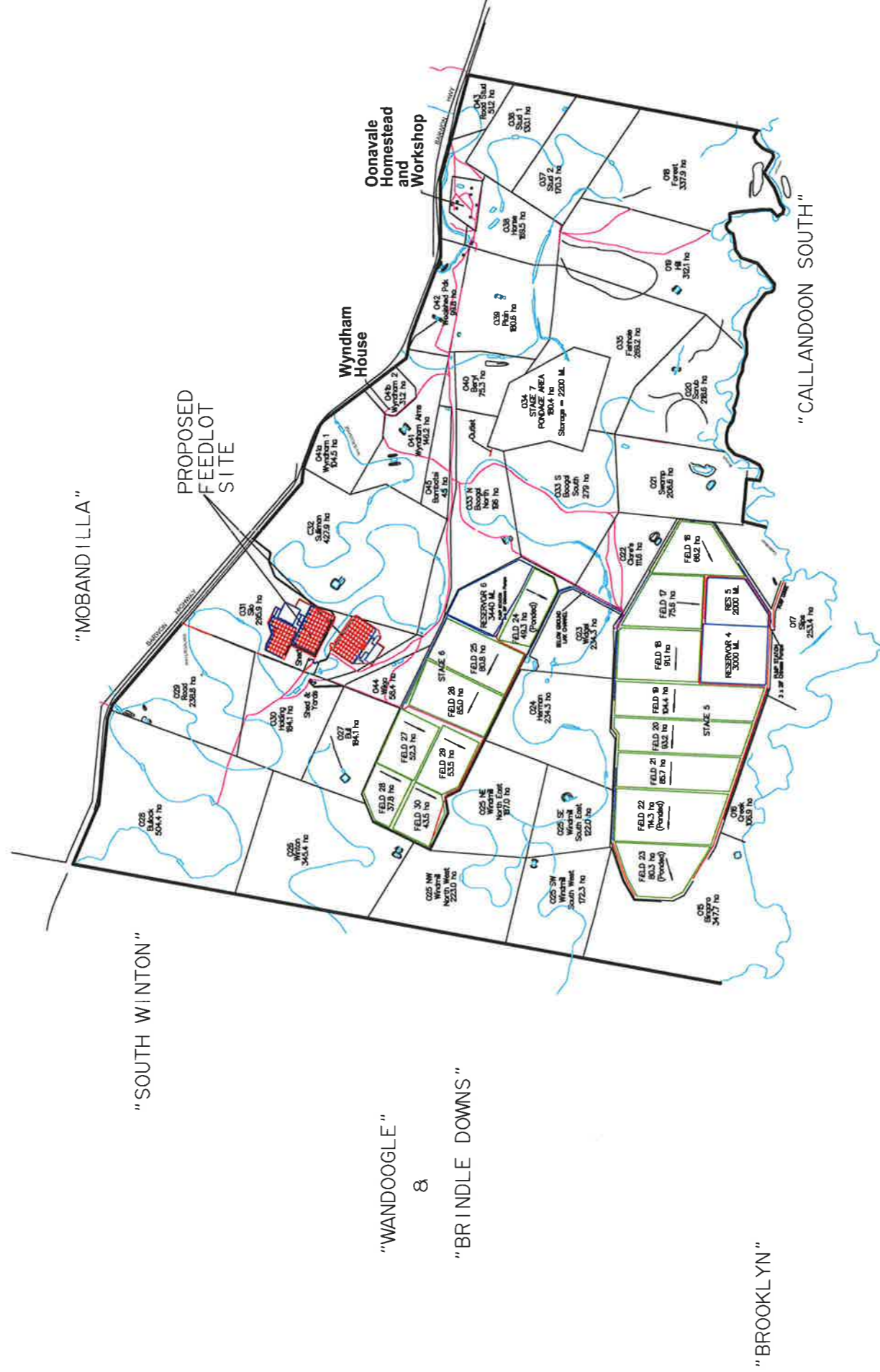
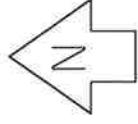
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 DESIGNED JBARR
 CHECKED P. TAYLOR

S.M.K. CONSULTANTS
 surveying - irrigation - environmental
 PO BOX 774 MOREE 2400
 PHONE (02) 67 521021

CLIENT : RMI Pty Ltd
 PROJECT : Oonavale 32,800 Head Feedlot

DESCRIPTION :
 Locality Plan Showing Proposed
 32,800 Head Feedlot

PLAN REVISION :		DATE	D	FILE No.	DRAWING No.
A	Revised Layout	8-01-18	E	16-68	16-68-Plan 3
B			F	DATE 8-01-2018	
C			G	DRAWING FILE :	
				CALC. FILE :	



"Gubbagunyah"

GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 1789W
Dated: 28 February 2019
Signed: RM
Print Name: Mrs. Kennie McWhorter
(Under Delegation) ASSESSMENT MANAGER

SUMMARY	
IRRIGATION	Area (ha) 1,113.0
DRYLAND	
GRAZING	7,209.1



- LEGEND
- Fenceline
 - Farm Boundary
 - Streams
 - Levee Bank
 - Fields (Irrigation)
 - Reservoirs
 - Tail Water Returns
 - Channels
 - Buildings
 - Tracks/Roads

PLAN REVISION :		DATE	D	FILE No.	16-68	DRAWING No.	16-68-Plan 4
A	Revised Layout	8-10-18	E	DATE	8-01-18		
B			F				
C			G				

SCALES : HORIZ 1 in 100,000 (A3)
VERT

S.M.K. CONSULTANTS
surveying - irrigation - environmental
PO BOX 774 MOREE 2400
PHONE (02) 67 521021

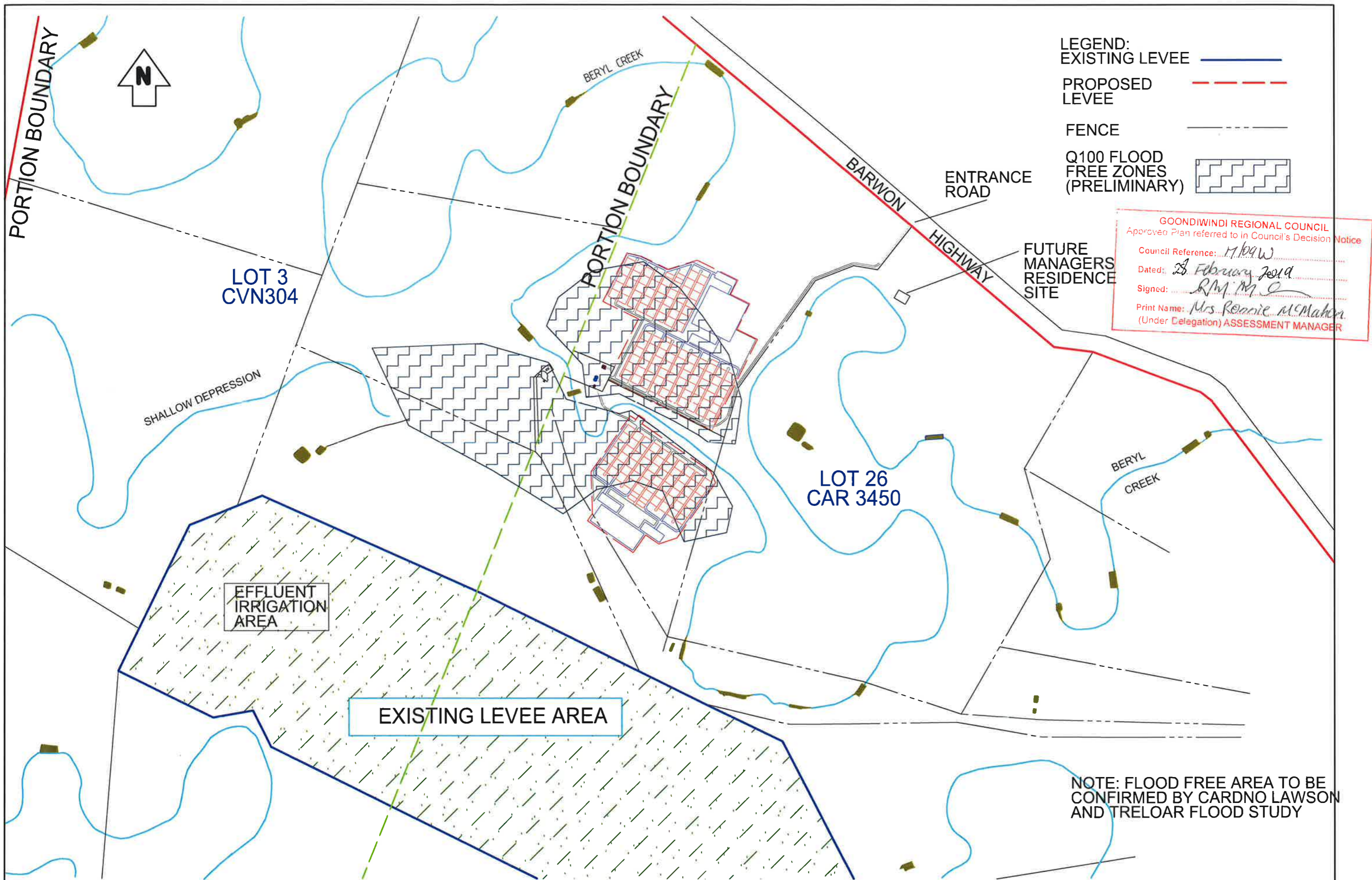
CLIENT : RMI Pty Ltd

DESCRIPTION :

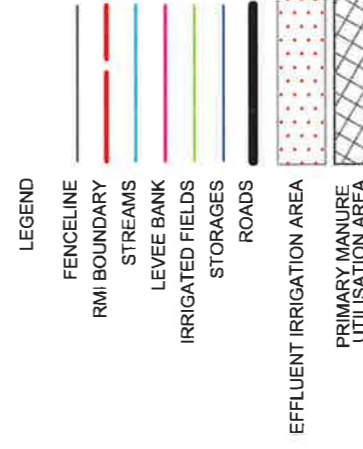
PROJECT : Oonavale 32,800 Head Feedlot

Oonavale Farm Plan
Showing Proposed Feedlot Location

SURVEYED SMK
DESIGNED JBARR
CHECKED P. TAYLOR



SCALES : HORIZ <u>1 in 20,000</u> (A3) VERT _____		S.M.K. CONSULTANTS surveying - irrigation - environmental PO BOX 774 MOREE 2400 PHONE (02) 67 521021	CLIENT : RMI Pty Ltd	DESCRIPTION : Plan Showing Q100 Flood Free Area Based on Preliminary Assessment	PLAN REVISION : DATE D				FILE No. <u>16-68</u>	DRAWING No.
SURVEYED <u>SMK</u> DESIGNED <u>JBARR</u> CHECKED <u>P. TAYLOR</u>			PROJECT : Oonavale 32,800 Head Feedlot		A Revised Design <u>8-01-18</u> E		DATE <u>8-01-2018</u>	16-68-Plan 5		
				B		F	DRAWING FILE :			
				C		G	CALC. FILE :			



PLAN REVISION :		DATE	D				DRAWING No.
A		10-8	E				FILE No. 16-68 DATE 8-01-2018
B			F				DRAWING FILE : CALC. FILE :
C			G				

SCALES : HORIZ 1 in 70,000 (A3)
VERT

SURVEYED	JBARR
DESIGNED	JBARR
CHECKED	P. TAYLOR

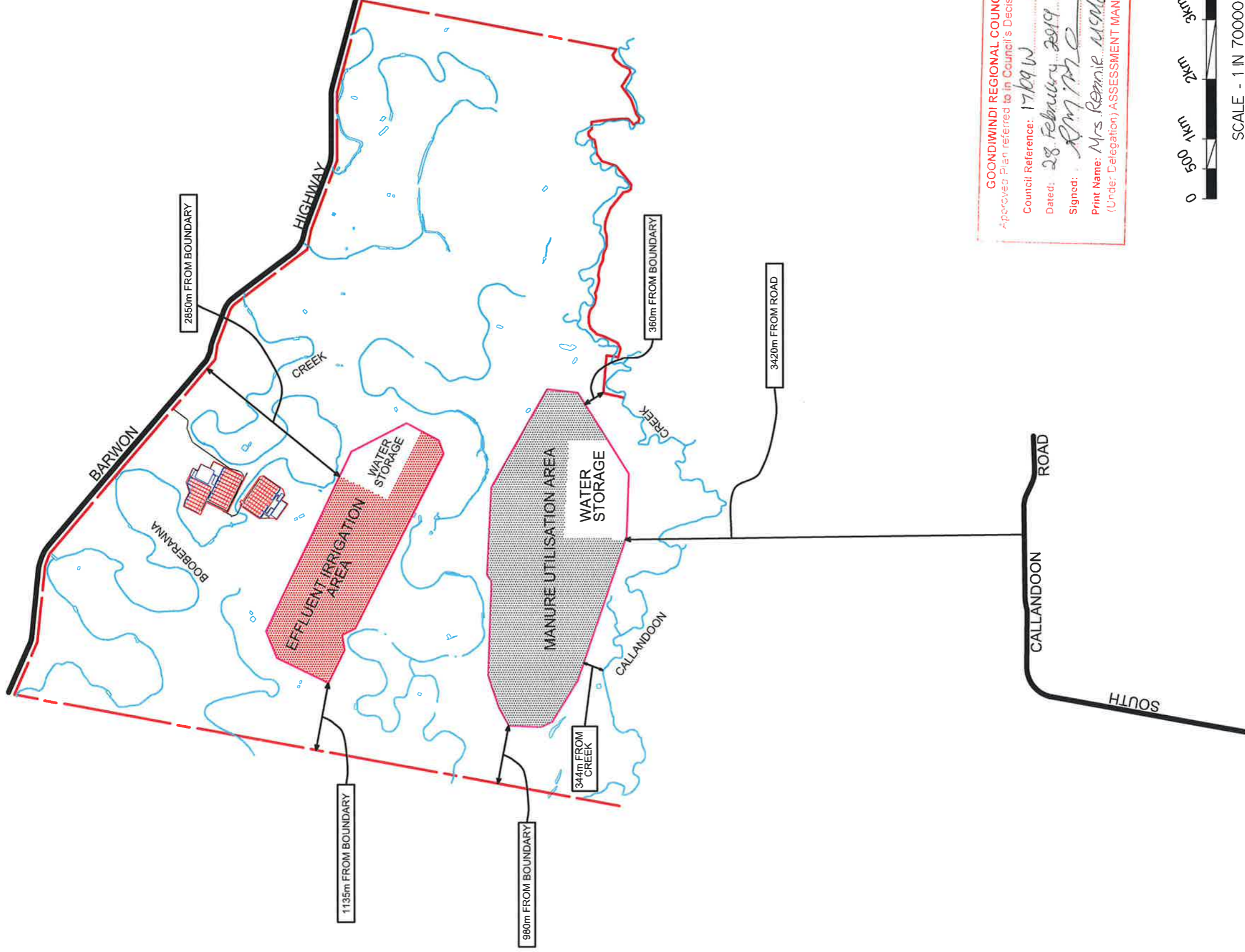
S.M.K. CONSULTANTS
surveying - irrigation - environmental
PO BOX 774 MOREE 2400
PHONE (02) 67 521021

CLIENT : RMI Pty Ltd

PROJECT : **Oonavale 32,800 Head Feedlot**

DESCRIPTION :

Waste Utilisation Plan 1 of 2



GOONDIWINDI REGIONAL COUNCIL
Approved Plan referred to in Council's Decision Notice
Council Reference: 1769 W
Dated: 28 February 2019
Signed: RM 17/19
Print Name: Mrs. Rennie McElabon
(Under Delegation) ASSESSMENT MANAGER

PLAN REVISION :		DATE	D
A		10-8	E
B			F
C			G

FILE No.	16-68
DATE	8-01-2018
DRAWING FILE :	
CALC. FILE :	

DRAWING No.
16-68-Plan 7

SCALES : HORZ 1 in 70000 (A3)
VERT _____

SURVEYED J.BARR
DESIGNED J.BARR
CHECKED P.TAYLOR

S.M.K. CONSULTANTS
surveying - irrigation - environmental
PO BOX 774 MOREE 2400
PHONE (02) 67 521021

CLIENT : **RMI Pty Ltd**
PROJECT : **Oonavale 32,800 Head Feedlot**

DESCRIPTION :
Waste Utilisation Plan 2 of 2



Attachment 3 – Rights to Appeal waiver



Attachment 3: Rights of Appeal Waiver

Sustainable Planning Act 2009
Rights of Appeal Waiver

Purpose of this form: *This form will be used to process your request to waive your appeal rights to process your approval without unnecessary delay.*

Applicant:	
File Number:	
Property Address:	

This is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waive my/our appeal rights available under the *Sustainable Planning Act 2009*.

Name		Name	
Signature		Signature	
Date		Date	

Please return this form to:

Fax: (07) 4671 7433

Post: LMB 7, Inglewood QLD 4387

Email: mail@grc.qld.gov.au

In person: Council Chambers, 4 McLean Street, Goondiwindi QLD 4390
Goondiwindi Civic Centre, 100 Marshall Street, Goondiwindi QLD 4390
Inglewood Customer Service Centre, 18 Elizabeth Street, Inglewood QLD 4387
Texas Customer Service Centre, High Street, Texas QLD 4385

Privacy Statement

This information collected on this Form will be used by the Goondiwindi Regional Council in accordance with the processing and assessment of your application. Your personal details will not be disclosed for a purpose outside of Council policy, except where required by legislation (including the *Information Privacy Act 2009*) or as required by the Queensland State Government. This information **may** be stored in the Council database.



**Attachment 4 – *Sustainable Planning Act 2009*
Extracts**



**EXTRACT FROM SUSTAINABLE PLANNING ACT 2009
RELATING TO APPEAL RIGHTS**

**Division 8 Appeals to court relating to
development applications and approvals**

461 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

- (a) the giving of a development approval;
- (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or
- (b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

**463 Additional and extended appeal rights for
submitters for particular development
applications**

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

- (a) development for an aquacultural ERA; or
- (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

(a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;

(b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

468 Appeals against decision on request for compliance assessment

(1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the notice is given to the person.

469 Appeals against condition imposed on compliance permit or certificate

(1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.

(2) The appeal must be started within 20 business days after the day the compliance

470 Appeals against particular decisions about compliance assessment

(1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice—

(a) a notice of a decision on a request to change or withdraw an action notice;

(b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.

(2) The appeal must be started within 20 business days after the day the notice is given to the person.

478 Appeals about infrastructure charges notice

(1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.

(2) However, the appeal may be made only on 1 or more of the following grounds—

(a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;

(b) the decision involved an error relating to—

(i) the application of the relevant adopted charge; or

(ii) the working out, for section 636, of additional demand; or

(iii) an offset or refund;

(c) there was no decision about an offset or refund;

Examples of possible errors in applying an adopted charge—

• the incorrect application of gross floor area for a non-residential development

• applying an incorrect 'use category' under an SPRP (adopted charges) to the development

(d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.

(3) To remove any doubt, it is declared that the appeal must not be about—

(a) the adopted charge itself; or

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

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

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

(4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

481 How appeals to the court are started

(1) An appeal is started by lodging written notice of appeal with the registrar of the court.

(2) The notice of appeal must state the grounds of the appeal.

(3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

(4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

490 Lodging appeal stops particular actions

(1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.

(2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.

(3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

EXTRACT FROM SUSTAINABLE PLANNING ACT 2009
RELATING TO LAPSE DATES

341 When approval lapses if development not started

(1) To the extent a development approval is for a material change of use of premises, the approval lapses if the first change of use under the approval does not start within the following period (the **relevant period**)—

- (a) 4 years starting the day the approval takes effect;
- (b) if the approval states a different period from when the approval takes effect—the stated period.

(2) To the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the local government within the following period (also the **relevant period**)—

- (a) for reconfiguration not requiring operational works—2 years starting the day the approval takes effect;
- (b) for reconfiguration requiring operational works—4 years starting the day the approval takes effect;
- (c) if the approval states a different period from when the approval takes effect—the stated period.

(3) To the extent a development approval is for development other than a material change of use of premises or reconfiguring a lot, the approval lapses if the development does not substantially start within the following period (also the **relevant period**)—

- (a) 2 years starting the day the approval takes effect;
- (b) if the approval states a different period from when the approval takes effect—the stated period.

(4) Despite subsections (1) and (2), if there are 1 or more related approvals for a development approval mentioned in subsection (1) or (2), the relevant period is taken to have started on the day the latest related approval takes effect.

(5) If a monetary security has been given in relation to any development approval, the security must be released if the approval lapses under this section.

(6) The lapsing of a development approval for a material change of use of premises or reconfiguring a lot does not cause an approval mentioned in subsection (3) to lapse.

(7) In this section— **related approval**, for a development approval for a material change of use of premises (the **earlier approval**), means—

(a) the first development approval for a development application made to a local government or private certifier, or first compliance permit for a request for compliance assessment made to a local government or entity nominated by a local government, within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—a development permit or compliance permit for the material change of use of premises; or

(ii) to the extent the earlier approval is a development permit or a preliminary approval for development mentioned in section 242(3)(a)(i) or (ii)—a development permit or compliance permit for building work or operational work necessary for the material change of use of premises to take place; and

(b) each further development permit, for a development application made to a local government or private certifier within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place; and

(c) each further compliance permit, for a request for compliance assessment made to a local government or entity nominated by a local government within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place.

related approval, for a development approval for reconfiguring a lot (also the **earlier approval**), means—

(a) the first development permit for a development application made to a local government, or first compliance permit for a request for compliance assessment made to a local government or entity nominated by a local government, within 2 years of the start of the relevant period, that is—

(i) to the extent the earlier approval is a preliminary approval—for the reconfiguration; or

(ii) to the extent the earlier approval is a development permit for reconfiguring a lot—for operational work related to the reconfiguration; and

(b) each further development permit, for a development application made to a local government within 2 years of the day the last related approval takes effect, that is for operational work related to the reconfiguration; and

(c) each further compliance permit, for a request for compliance assessment made to a local government or entity nominated by a local government within 2 years of

the day the last related approval takes effect, that is for operational work related to the reconfiguration.

342 When approval lapses if development started but not completed—general

(1) Subsection (2) applies if—

(a) a condition requires assessable development, or an aspect of assessable development, to be completed within a particular time; and

(b) the assessable development, or aspect, is started but not completed within the time.

(2) The approval, to the extent it relates to the assessable development or aspect not completed, lapses.

(3) However, even though the approval has lapsed, any security paid under a condition mentioned in section 346(1)(f) may be used in a way stated by the approval, including, for example, to finish the development.

(4) This section does not apply to a preliminary approval to which section 242 applies.