

Our Reference: MCUI/2025/4656  
CS Portal Reference: N/A  
Officer: James Leader  
Contact: 07 4688 6664  
Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

**Development Application Decision Notice**  
**APPROVAL**  
*Planning Act 2016 Section 63*

Edwards Livestock Pastoral Pty Ltd  
C/- AgDSA  
PO Box 292  
TOOWOOMBA QLD 4350

Email: [matt.norton@agdsa.com.au](mailto:matt.norton@agdsa.com.au)

28 April 2026

Dear Sir/Madam

**Location:** 48 Schulls Road, DEVON PARK QLD 4401  
**Property Description:** Lot 1 RP55546, Lot 24 RP36473, Lot 23 RP36474, Lot 24 RP36474 and Lot 2 RP55546  
**Relevant Planning Scheme:** *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use – Impact – Intensive Animal Industry and Environmentally Relevant Activity (ERA) 2(1)(b) Intensive Animal Feedlotting (keeping more than 1,000 but no more than 10,000 SCU), for the abovementioned property has been assessed and approved in full with Conditions. It is considered that the approved development generally complies with the relevant assessment benchmarks or can be conditioned to comply. The decision was made on 28 April 2026. The following provides all the relevant details:

#### Details of Approval

Development Permit – Material Change of Use – Impact – Intensive Animal Industry; and

Environmentally Relevant Activity (ERA) 2(1)(b) Intensive Animal Feedlotting (keeping more than 1,000 but no more than 10,000 SCU)

#### Referral Agencies

Concurrence Agencies Name & Address: Department of State Development, Infrastructure and Planning  
PO Box 825  
TOOWOOMBA QLD 4350

Advice Agencies Name & Address: N/A

#### Conditions and Advices

Assessment Manager's Conditions: As per attached Schedule 1

Concurrence Agency Conditions: As per attached Schedule 2

**Currency Period**

In accordance with section 85(1)(a)(ii) of the *Planning Act 2016* (Qld), this Development Approval lapses, to the extent the development is not completed, if the first material change of use under this Development Approval has not happened within six (6) years of this Development Approval starting to have effect.

**Further Development Permits Required**

- Operational Work

**Further Plans/Documents for Endorsement**

Nil

**Submissions**

Number of properly made submissions: 1 (see attached list of names and addresses)

**Rights of Appeal**

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision.

The *Planning Act 2016* is available on the Office of the Queensland Parliamentary Counsel website via:

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>.

Yours faithfully



Richard Green  
Lead Senior Planner, Planning Branch



# TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

## SCHEDULE 1

### DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

<b>APPLICATION NUMBER:</b>	MCUI/2025/4656
<b>APPLICANT:</b>	Edwards Livestock Pastoral Pty Ltd
<b>LOCATION:</b>	48 Schulls Road, DEVON PARK QLD 4401
<b>PROPERTY DESCRIPTION:</b>	Lot 1 RP55546, Lot 24 RP36473, Lot 23 RP36474, Lot 24 RP36474 and Lot 2 RP55546
<b>APPROVED USE:</b>	Intensive Animal Industry
<b>ZONING / PRECINCT:</b>	Rural Zone / 100ha Minimum Precinct

#### A. ASSESSMENT MANAGER'S CONDITIONS:

##### PLANNING

##### APPROVED USE

1. This Development Approval is for a Material Change of Use for Intensive Animal Industry for a maximum of 3,400 SCU.

##### CARRY OUT & MAINTAIN DEVELOPMENT

2. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.
3. Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a current Building Work approval.
4. The development must be maintained generally in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.

##### APPROVED PLANS

5. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this Development Approval:

**Plan No:** ELC-002, P202, Revision A1  
**Description:** Property Plan, prepared by AgDSA and dated 5 December 2025  
**Amendments:** Nil

**Plan No:** ELC-002, P204, Revision A1  
**Description:** Design Plan, prepared by AgDSA and dated 5 December 2025  
**Amendments:** Nil

**Plan No:** ELC-002, P205, Revision A1  
**Description:** Controlled Drainage Area, prepared by AgDSA and dated 5 December 2025  
**Amendments:** Nil

**Plan No:** ELC-002, P206, Revision A1  
**Description:** Typical Pen Design & Cross Section, prepared by AgDSA and dated 5 December 2025  
**Amendments:** Nil

**Plan No:** ELC-002, P207, Revision A1  
**Description:** Effluent Management, prepared by AgDSA and dated 5 December 2025  
**Amendments:** Nil

#### **APPROVED DOCUMENTS**

6. The development must be carried out generally in accordance with the Approved Documents listed below, subject to the conditions of this Development Approval

**Plan No:** Site Based Management Plan, Rev. 0  
**Description:** Site Based Management Plan, prepared by AgDSA and dated 9 July 2025  
**Amendments:** Nil

**Plan No:** Bushfire Emergency Evacuation Plan, Ver. 2  
**Description:** Bushfire Emergency Evacuation Plan, prepared by Range Environmental and dated 8 October 2025  
**Amendments:** Nil

**Document:** Silverbrook Feedlot – Schulls/Devon Park, Rev 2  
**Description:** Traffic Impact Assessment, prepared by RMA Engineers and dated 28 June 2025  
**Amendment:** Nil

#### **COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (OPERATIONAL WORK)**

7. Prepare and submit applications to Council and obtain a Development Permit for Operational Work for the following:

7.1 Bulk Earthwork (where required); and

7.2 Roadworks.

#### **AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS**

8. A legible copy of the Development Approval, including the Approved and Amended Plans and Documents bearing Council's approved stamp must be available on the subject land for inspection at all times during earthworks and construction.

#### **WORKS**

##### **ENGINEER'S CERTIFICATION AND SUPERVISION OF WORKS**

9. Plans and specifications for all works associated with earthworks, stormwater drainage, roadworks or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland – Civil (RPEQ).

10. A RPEQ must submit to Council a copy of the:

10.1 Design Certificate prior to commencement of the works; and

- 10.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
11. Any works that have been certified by an RPEQ must be carried out under the supervision of an RPEQ with all executed works being detailed on a Construction Supervision Certificate.
12. Where any condition refers to or requires an Engineer to perform a task or function, the Engineer must hold professional indemnity insurance to the value of \$2,000,000. A Certificate of Currency must be submitted to Council with any Design Certificate or Construction Supervision Certificate.

### **STORMWATER DRAINAGE**

13. All land adjoining the development must be protected from ponding or nuisance from stormwater resulting from the development for the life of the development.
14. Upstream flows must be excluded from the Controlled Drainage Area (CDA) identified within the Approved Site-Based Management Plan.
15. All stormwater which has entered the Controlled Drainage Area (CDA) must be captured and diverted to the Effluent Holding Pond identified on the Approved Plans.

### **STORMWATER DISCHARGE**

16. Stormwater from new roofed areas (including overflow pipes from rainwater tanks) is permitted to be discharged within the subject land, a minimum of 3 metres clear of any building foundations and any adjoining property boundary.
17. The act of on-site stormwater discharge must not cause erosion and scouring and must utilise appropriate control devices at outlets to prevent such erosion and scouring.
18. Stormwater must be dispersed as sheet flow.
19. Design and construction of all internal stormwater drainage works must comply with each applicable section of *Australian and New Zealand Standard AS/NZS 3500 – Plumbing and Drainage Code* and the *Queensland Urban Drainage Manual*.

### **BULK EARTHWORKS (IF REQUIRED)**

20. Where earthworks are not assessed as part of a Development Application for a Development Permit for Building Work, prior to the commencement of any earthworks on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council if required.

### **AIR QUALITY IMPACT MITIGATION**

21. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the *Air Quality Objectives* listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive place or commercial place must not be released to the atmosphere during building and operational work.
22. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated during building works do not exceed the following levels when measured at any sensitive place or commercial place:
- 22.1 Dust deposition of 133 milligrams per square metre per day, averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*.

## **CONSTRUCTION WASTE MANAGEMENT & STORAGE**

23. Waste generated during demolition, excavation and construction must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.
24. The on-site storage and disposal of demolition, excavation and construction waste (including the storage and disposal of night soil) must comply with the *Environmental Protection Regulation 2019*.
25. Fires are not to be lit to dispose of demolition or construction waste.
26. No demolition, excavation or construction waste is to be used as fill or buried on-site (with the exception of cut material recycled from the subject land and used on the subject land), or be used as fill or buried elsewhere, unless otherwise permitted:
  - 26.1 Elsewhere within this Development Approval;
  - 26.2 In accordance with an associated Development Permit for Operational Work;
  - 26.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
  - 26.4 In accordance with either a general or specific approval of a resource for recycling (in accordance with the End of Waste Codes) issued under the *Waste Reduction and Recycling Act 2011*; or
  - 26.5 In accordance with a written approval issued by Council under the *Environmental Protection Regulation 2019* relating to the depositing or disposal of general waste from a premises not serviced by Council.
27. Demolition, excavation and construction waste (including night soil) must not be placed or stored within the road reserve at any time.

## **CONSTRUCTION NOISE IMPACT MITIGATION**

28. Building work (as per the definition of the *Environmental Protection Act 1994*) that creates audible noise must be confined to the hours of 6:30 AM and 6:30 PM Monday to Saturday (excluding Public Holidays) unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

## **EROSION & SEDIMENT CONTROL (GENERAL)**

29. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of wind or running water must be stored clear of drainage paths and not within the road reserve at any time.
30. Measures such as sediment fences, earth berms, temporary drainage, temporary sediment basins, dewatering or stormwater filtering devices to prevent eroded material, sediment or sediment laden water from being transported to adjoining properties, roads or stormwater drainage systems must be provided.
31. Where erosion and sediment control measures have been damaged, fail or are inadequate and erosion or the release of sediment or sediment laden stormwater has occurred from the subject land or associated works, any resultant property or environmental damage or interference caused must be repaired or cleaned up within 24 hours or upon the direction of Council, at no cost to the affected parties.

32. All disturbed areas must be mulched or turfed as soon as possible during construction.

### **DAMAGE TO SERVICES & ASSETS**

33. Protect Council and public utility services and assets during construction of the development.
34. Any damage caused to existing services and assets as a result of the development works must be repaired at no cost to the asset owner in accordance with the following timing:
- 34.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
- 34.2 Where otherwise, as soon as reasonably possible, but no later than completion of the works associated with the development or prior to the commencement of use, whichever is the earlier.
35. Any repair work which includes alteration to the alignment, or the level of existing services and assets must first be referred to the relevant service authority for approval.
36. Construction, alterations, and any repairs to Council infrastructure is undertaken in accordance with Council's relevant policies and requirements at no cost to Council.

*Note: Council must be notified of any damage to water and sewer immediately on Ph: 131 872.*

### **SERVICES & UTILITIES**

#### **WATER SUPPLY**

37. The development must be provided with a potable water supply having a capacity sufficient for the use, with water quality complies with the *Australian Drinking Water Guidelines (NHMRC, 2011)*.

### **TRANSPORT, VEHICULAR ACCESS & PARKING**

#### **ROADWORKS (EXTERNAL TO DEVELOPMENT)**

38. Prior to the commencement of use, the existing Devon Park Road / Schulls Road intersection must be upgraded in accordance with the recommendations of the approved Traffic Impact Assessment listed within this Development Approval.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
39. The existing concrete pipe culvert structure at the Devon Park Road / Schulls Road intersection must be widened and rehabilitated to accommodate design vehicle manoeuvring paths.
- Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.*
40. The design and construction of all required roadworks must comply with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure (PSP No.2)*.
41. Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.
42. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.

43. Prior to the commencement of any works on the subject land, a Development Application for a Development Permit for Operational Work must be submitted to and be approved by Council for the road works.

#### **ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY**

44. All works carried out on or near roadways must be adequately signed in accordance with the *Manual for Uniform Traffic Control Devices – Part 3, Works on Roads*.

Note: *Road or lane closures require approval from Council's Principal Engineer Road Operations, and all conditions of that approval complied with during construction of the works.*

45. Safe pedestrian access along Council's footpaths must be maintained at all times.

Note: *Should access to footpaths need to be restricted, a separate 'Temporary road or footpath closure' must be obtained from Council's Principal Engineer Road Operations, prior to the commencement of the works.*

#### **PROVISION OF VEHICULAR ACCESS**

46. The vehicle access from the subject land to Schulls Road must be provided with a minimum all-weather gravel pavement from the road edge to the property boundary. Such works must be constructed generally in accordance with any requirements identified listed within this Development Approval, or as specifically required below:

- 46.1 The vehicle access must be located as shown on the Approved Plans listed within this Development Approval;
- 46.2 The vehicle access (crossing the verge) must be constructed generally in accordance with the Institute of Public Works Engineering Australasia *Drawing RS-056 Rural Driveways*, and in accordance with *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*; and
- 46.3 The vehicle access (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of an Articulated Vehicle.

#### **ENVIRONMENT & WASTE**

##### **ACOUSTIC AMENITY - NOISE LIMITS**

47. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the *Environmental Protection (Noise) Policy 2019* when measured at any sensitive receptor.

48. Where considered warranted by Council and when requested in writing to do so, a noise investigation must be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Noise Emission Limits listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of *Australian Standard AS1055.1 Acoustics – Description and measurement of environmental noise – General procedures*.

Note: *Before investigation by the operator is required, Council completes its own consultation and preliminary investigation to confirm if a complaint is valid.*

#### **ACOUSTIC AMENITY - MECHANICAL PLANT**

49. All “refrigeration equipment”, “pumps”, “regulated devices”, and “air conditioning equipment” as defined by *the Environmental Protection Act 1994* must be designed, installed, operated and maintained to comply with the noise standards as specified within the *Environmental Protection Act 1994*.

#### **AIR QUALITY & AMENITY - AIR RELEASE LIMITS**

50. Airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* as measured at any sensitive receptor place must not be released to the atmosphere.

#### **AIR QUALITY & AMENITY - AIR RELEASE LIMITS (DUST)**

51. All reasonable and feasible avoidance and mitigation measures are employed so that dust emissions generated from activity associated with the use of the subject land do not exceed the following levels when measured at any sensitive place or commercial place:
- 51.1 Dust deposition of 133 milligrams per square metre per day averaged over 1 month, when monitored in accordance with the most recent version of *Australian Standard AS3580.10.1: Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method*.

#### **OUTDOOR LIGHTING IMPACT MITIGATION**

52. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-2019 Control of the obtrusive effects of outdoor lighting*.
53. All flood lighting must be of a type that gives no upward component of light when mounted horizontally (i.e. a full cut off luminaire).
54. Where considered warranted by Council and when requested in writing to do so, a lighting impact investigation must be undertaken to investigate a complaint of light nuisance. In such circumstances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the lighting levels listed within this Development Approval have been exceeded. The results of the investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request.

*Note: Before investigation by the operator is required, Council completes its own consultation and preliminary investigation to confirm if a complaint is valid.*

#### **STORMWATER QUALITY**

55. Contaminants or contaminated water must not be directly or indirectly released from the subject land or to the ground or groundwater at the subject land at any time except:
- 55.1 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated overland stormwater flow; and
- 55.2 Following treatment using an appropriate stormwater quality improvement device (SQID) as uncontaminated stormwater to the stormwater system.

## **WASTE MANAGEMENT (GENERAL)**

56. All waste generated on the subject land must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction and Recycling Act 2011*.

## **WASTE MANAGEMENT (REMOVAL)**

57. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 57.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*;
  - 57.2 Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver having to relocate them;
  - 57.3 General waste must be collected and removed at periods not exceeding seven (7) days;
  - 57.4 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
  - 57.5 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

## **SITE BASED ENVIRONMENTAL MANAGEMENT PLAN**

58. The approved use must be carried out in accordance with the Site Based Management Plan listed within this Development Approval.

## **B. ADVICES:**

### **GENERAL ADVICES**

#### **INFRASTRUCTURE CHARGES**

- 1) Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

#### **OTHER LAWS & REQUIREMENTS**

- 2) This Development Approval relates to development requiring approval under the *Planning Act 2016* only. It is the approval holder's responsibility to obtain any other necessary approvals, licenses or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licenses or permits may be found on the Toowoomba Regional Council website. For information about State and Federal requirements please consult with these agencies directly.
- 3) Carrying out works on a road or interfering with the road or its operation will require a permit under *Subordinate Local Law No. 1.15 (2020)*. The application form can be found on Council's website at [www.tr.qld.gov.au](http://www.tr.qld.gov.au). For further information contact the Road Operations Branch through Council's Customer Service Centre on 131 872.
- 4) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme 2012*. No assessment has been made in respect of the provisions of the *Building Code of Australia* and/or the *Queensland Development Code*.

#### **WHEN APPROVAL STARTS TO HAVE EFFECT**

- 5) This Development Approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

#### **WHEN APPROVAL LAPSES**

- 6) This Development Approval will lapse in accordance with the provisions contained in Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this Development Approval.

#### **EQUITABLE ACCESS & FACILITIES**

- 7) The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code – Building Code of Australia (Volume 1)* as they relate to people with disabilities.

In addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- 7.1 The *Disability Discrimination Act 1992* (Cth);  
7.2 The *Anti-Discrimination Act 1991* (Qld); and  
7.3 The *Disability (Access to Premises - Buildings) Standards*.

#### **ENVIRONMENTAL HARM**

- 8) The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

#### **WATER POLLUTION**

- 9) In accordance with the *Environmental Protection Act 1994*, all sand, silt, mud, paint, cement, concrete, construction material and demolition material, and other such waste material must not be deposited or placed where it could reasonably be expected to travel into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.

#### **ABORIGINAL CULTURAL HERITAGE ACT 2003**

- 10) There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003* ("ACH Act").

The ACH Act establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the ACH Act may also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

#### **FIRE ANTS**

- 11) The State of Queensland has been declared a quarantine area for the Red Imported Fire Ant. Should this approval involve the movement of restricted items from areas of known infestation the provisions of the *Biosecurity Act 2014* apply, compliance with statutory provisions must be achieved.

#### **C. ATTACHMENTS:**

- Concurrence Agency Conditions Schedule 2
- Approved Development Plans
- Approved Documents
- Appeal provisions pursuant to the *Planning Act 2016*.

**SCHEDULE 2**

**CONCURRENCE AGENCY (CONDITIONS AND COMMENTS)**

**DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING**

SARA reference: 2507-47275 SRA  
Council reference: MCUI/2025/4656

23 December 2025

Chief Executive Officer  
Toowoomba Regional Council  
PO Box 3021  
TOOWOOMBA QLD 4350  
development@tr.qld.gov.au

Attention: James Leader

**RECEIVED**  
23/12/2025  
**TOOWOOMBA**  
**REGIONAL COUNCIL**

Dear Mr Leader

## SARA referral agency response—48 Schulls Road, Devon Park

(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 16 September 2025.

### Response

Outcome:	Referral agency response – with conditions	
Date of response:	23 December 2025	
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval	
Advice:	Advice to the applicant is in <b>Attachment 2</b>	
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>	

### Development details

Description:	Development permit	Material change of use – Intensive Animal Industry; and Environmentally Relevant Activity (ERA) 2(1)(b) Intensive Animal Feedlotting (keeping more than 1,000 but no more than 10,000 SCU)
SARA role:	Referral agency	
SARA trigger:	<ul style="list-style-type: none"> <li>Schedule 10, Part 5, Division 4, Table 2, Item 1 – Environmentally relevant activity</li> </ul>	

	<ul style="list-style-type: none"> <li>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Development impacting on state transport infrastructure (Planning Regulation 2017)</li> </ul>
SARA reference:	2507-47275 SRA
Assessment manager:	Toowoomba Regional Council
Street address:	48 Schulls Road, Devon Park
Real property description:	Lot 1 RP55546, Lot 24 RP36473, Lot 23 RP36474, Lot 24 RP36474, Lot 2 RP55546
Applicant name:	Edwards Livestock Pastoral Pty Ltd
Applicant contact details:	C/- AgDSA PO Box 292 Toowoomba QLD 4350 matt.norton@agdsa.com.au
Environmental Authority:	<p>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:</p> <ul style="list-style-type: none"> <li>Approved</li> <li>Reference: 2025-20</li> <li>Effective date: In accordance with Section 200 of the <i>Environmental Protection Act 1994</i></li> <li>Prescribed environmentally relevant activity (ERA): ERA 2 – Intensive animal feedlotting <ul style="list-style-type: none"> <li>(1) keeping the following number of standard cattle units in a feedlot – (b) more than 1,000 but not more than 10,000</li> </ul> </li> </ul> <p>If you are seeking further details about the environmental authority, please contact the Department of Primary Industries (DPI) at: <a href="mailto:livestockregulator@dpi.qld.gov.au">livestockregulator@dpi.qld.gov.au</a></p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> 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 (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Danica Clark, Senior Planner, on 3307 6175 or via email [ToowoombaSARA@dscip.qld.gov.au](mailto:ToowoombaSARA@dscip.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Gleeson', with a horizontal line extending to the right.

Paul Gleeson  
A/Manager

cc Edwards Livestock Pastoral Pty Ltd, C/- AgDSA, matt.norton@agdsa.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<p><b>Material change of use – Intensive Animal Industry; and Environmentally Relevant Activity (ERA) 2(1)(b) Intensive Animal Feedlotting (keeping more than 1,000 but no more than 10,000 SCU)</b></p>		
<p>Schedule 10, Part 5, Division 4, Table 2, Item 1 – Environmentally relevant activity—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Primary Industries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:</p>		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Property Plan, AgDSA, 5/12/2025, Job Code ELC-002, Sheet Number P202 and Revision A1.</li> </ul>	At all times

## Attachment 2—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 3.3). If a word remains undefined it has its ordinary meaning.
2.	<p><b>Water Act 2000:</b> The current and proposed water requirements to support the feedlot must be reviewed to ensure the current water supplies and water entitlements adequately meet the needs of the current production and proposed development. A water entitlement (for a purpose other than stock and domestic use) under the <i>Water Act 2000</i> will be required to support the feedlot as there are no existing water entitlements to meet the needs (and purpose) of current production and proposed development.</p> <p>A search on the Department of Local Government, Water and Volunteers system has shown that an application (event 637094) was made 6 November 2024 (properly made 19 May 2025) to change the location of Water Allocation 1974AP7585 to coordinates -27.39042703, 151.68915636 on Lot 24 on RP36474. A search of the title system indicates that the dealing certificate with the expiry date of 28 November 2025 has yet to be lodged. The dealing certificate needs to be lodged to the Titles Office for this dealing to be finalised. Please see Titles Queensland for more information: Home - Titles Queensland</p> <p>Options for additional water may include temporary or permanent water trading under both the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 or Water Plan (Condamine and Balonne) 2019.</p> <p>Please contact Water services Toowoomba at 1300 097 826 or <a href="mailto:waterservices.toowoomba@rdmw.qld.gov.au">waterservices.toowoomba@rdmw.qld.gov.au</a> for further information.</p>
3.	<p><b>Overland flow water:</b> Existing water storages on the properties (excluding storages for effluent runoff approved under <i>Environmental Protection Act 1994</i>) cannot be deepened or increased in size to collect more overland flow water as this would be a breach of the Water Plan (Condamine and Balonne) 2019.</p>
4.	<p><b>Additional approvals:</b> Assessable development will be triggered (under State Code 10 of the SDAP) should any of the following be required as part of the proposed development:</p> <ul style="list-style-type: none"> <li>• Operational works (e.g. effluent pond, sediment detention pond) to take overland flow for the purpose of an environmentally relevant activity;</li> <li>• Operational works to take overland flow that is contaminated agricultural runoff; and</li> <li>• Operational works to take ground</li> </ul>

## Attachment 3—Reasons for referral agency response

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

### The reasons for the SARA's decision are:

SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.3:

- State code 6: Protection of State transport networks
- State code 22: Environmentally relevant activities.

The development complies with the assessment benchmarks of the SDAP in that the development:

- does not adversely impact the structural integrity or physical condition of the state transport infrastructure
- does not adversely impact the function and efficiency of state transport infrastructure
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not create a safety hazard for users of a state-controlled road
- is suitably located and designed to avoid or mitigate environmental harm to the environment
- 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 avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## Attachment 4—Representations about a referral agency response provisions

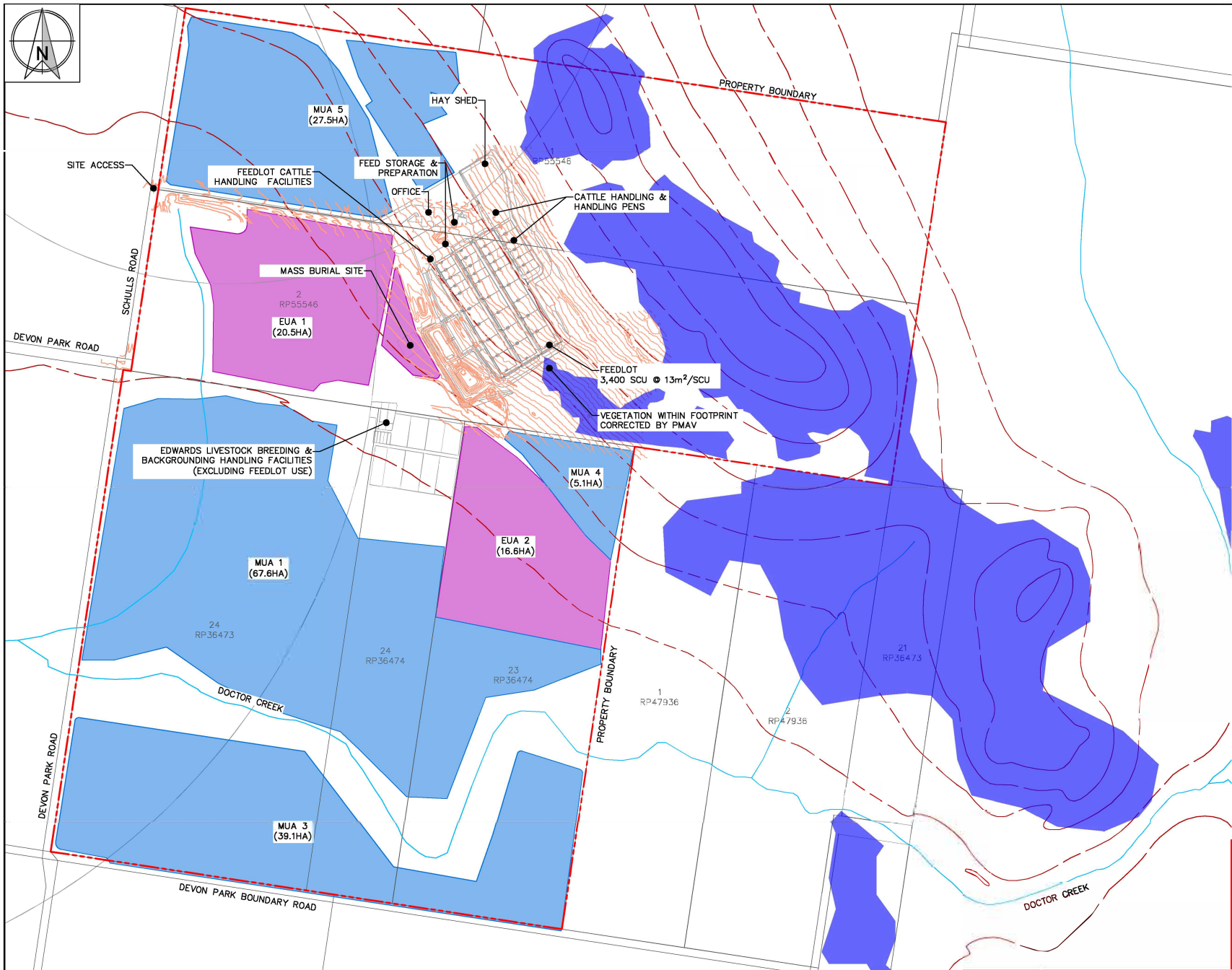
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## **Attachment 5—Documents referenced in conditions**

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**LEGEND**

- - - - - PROPERTY BOUNDARY
- CADASTRAL BOUNDARY
- - - - - CONTOUR EXISTING (5.0m INTERVAL)
- ~~~~~ MAPPED STREAM ORDER
- REGULATED VEGETATION – CAT B
- MANURE REUSE AREA (139.3 HA)
- EFFLUENT REUSE AREA (37.1 HA)
- FEEDLOT INFRASTRUCTURE

- NOTES:**
1. CADASTRAL BOUNDARIES, REGULATED VEGETATION & WATERCOURSE DATA LAYERS HAVE BEEN SOURCED FROM QSPATIAL DATA EXTRACTED 16/06/2023.
  2. EXISTING CONTOUR DATA OBTAINED FROM THE ELVIS PLATFORM OF PUBLICLY AVAILABLE LIDAR.
  3. FEATURES MAY HAVE BEEN DIGITISED FROM PLANS OR AERIAL PHOTOGRAPHS AND ACCURACY IS LIMITED.
  4. EFFLUENT RUNOFF
    - 4.1. ALL RUNOFF FROM THE CONVENTIONAL PRODUCTION, CATTLE HANDLING, ARRIVALS & DISPATCH PENS AND THE MANURE PAD IS TO BE MANAGED IN THE SEDIMENT BASIN AND EFFLUENT HOLDING POND.
  5. THE REQUIRED SEDIMENTATION BASIN & DETENTION POND CAPACITIES HAVE BEEN DETERMINED IN ACCORDANCE WITH THE QLD DAF FEEDLOT GUIDELINES. THE INPUT DATA USED FOR THE SPREADSHEET CALCULATIONS IS CONSISTENT WITH THE CATCHMENT DETAILS PROVIDED IN P205.1 & P205.2 – CATCHMENT PLAN (ELC-002).

- SITE EXPANSION:**
1. STAGE 1: 2,280 SCU (2 ROWS)
    - 1.1. STOCKING DENSITY OF 13.0m²/SCU
    - 1.2. EXPANSION OF FEED STORAGE
  2. STAGE 2: 1,140 SCU (1 ROW)
    - 2.1. STOCKING DENSITY OF 13.0m²/SCU

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2507-47275 SRA .....  
 Date: 23 December 2025 .....



CLIENT  
EDWARDS LIVESTOCK COMPANY PTY LTD

PROJECT  
SILVERBROOK FEEDLOT

LOCATION  
2 SCHULLS ROAD, DEVON PARK QLD 4401

SHEET TITLE  
PROPERTY PLAN

**AgDSA**  
AGRICULTURAL DEVELOPMENT SERVICES AUSTRALIA

PO BOX 292  
TOOWOOMBA QLD 4350  
PH: +61 473 171 987  
E: contact@gagdsa.com.au

SCALE

0 100 200 300m

SCALE 1:5,000 (A1) 1:10,000 (A3)

EDWARDS LIVESTOCK COMPANY PTY LTD

DESIGNED TJS	FOR APPROVAL ONLY			JOB CODE ELC-002
CHECKED MRN				SHEET NUMBER P202
PROJECT MANAGER MRN	5/12/2025	A1	ORIGINAL ISSUE FOR APPROVAL ONLY	CURRENT REVISION A1
	DATE	REV	DESCRIPTION	REVISIONS

# 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.

**List of Submitters:-**

Judith A Schull and Christopher Schull  
Unit 70  
Rosemount  
620 Seventeen Mile Rocks Road  
SINNAMON PARK QLD 4073

## Chapter 6, Part 1 of the Planning Act 2016 Appeal rights

### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- either a tribunal or the P&E Court; or
  - only a tribunal; or
  - only the P&E Court; and
- (b) the person—
- who may appeal a matter (the **appellant**); and
  - who is a respondent in an appeal of the matter; and
  - who is a co-respondent in an appeal of the matter; and
  - who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
- for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - otherwise—20 business days after the day the notice is given; or
- (g) 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—
- the establishment cost of trunk infrastructure identified in a LGIP; or
  - the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- is in the approved form; and
  - succinctly states the grounds of the appeal.
- (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
- if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2) 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—
- conduct engaged in for the purpose of making a decision; and
  - other conduct that relates to the making of a decision; and
  - the making of a decision or the failure to make a decision; and
  - a purported decision; and
  - a deemed refusal.

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

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