

Our Reference: MCUI/2020/1100/A
& ERA/2020/1103/A
Contact Officer: Alice Pai
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Decision Notice
CHANGE TO A DEVELOPMENT APPROVAL
Planning Act 2016 Section 83

Ellerslie Free Range Farms Pty Ltd
C/- Property Projects Australia
PO Box 3686
TOOWOOMBA QLD 4350

Email: blake@propertyprojectsaustralia.com.au
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29 April 2026

Dear Sir,

Development Approval:	Material Change of Use – Impact – Intensive Animal Industry (Poultry); and Environmentally Relevant Activity – Poultry Farming (for more than 200,000 birds) (ERA 4 (2))
Location:	240 Turallin Road, TURALLIN QLD 4357
Property Description:	Lot 2 RP79686
Relevant Planning Scheme:	<i>Toowoomba Regional Planning Scheme 2012</i>

I refer to your application received on 15 September 2025 for a change to the development approval for Material Change of Use – Impact approved on 10 September 2020.

On the 27 April 2026, the change application was approved as per the attached Schedule. The changes are considered to be consistent with the relevant assessment benchmarks.

All deletions are identified by **bolded** strikethrough of text and all additions are identified by **bolded** text.

Rights of Appeal

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

Yours faithfully



Emily Hinchliffe
Lead Senior Planner, Planning Branch

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2020/1100/A
APPLICANT:	Ellerslie Free Range Farms Pty Ltd
LOCATION:	240 Turallin Road, TURALIN QLD 4357
PROPERTY DESCRIPTION:	Lot 2 RP79686
APPROVED USE:	Material Change of Use – Impact – Intensive Animal Industry (Poultry Farming)
ZONING / PRECINCT:	Rural Zone / 200ha 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 (Poultry Farm – maximum 840,000 birds) as follows:
 - 1.1 Stage 1 – **12 layer sheds, access roads, packhouse building, maintenance shed, machinery building, feed complex, manure pad and ponds area, and manager's residence; and ~~Egg grading floor and shed~~**
 - 1.2 Stage 2 – **Solar array, wastewater treatment plant, store building, and packhouse/warehouse. ~~Six (6) layer sheds housing 60,000 birds each (360,000 barn/cage free birds), manure pad, packhouse/amenities building, and storage shed; and~~**
 - 1.3 ~~Stage 3 – Four (4) layer sheds housing 60,000 birds each (240,000 barn/cage free birds), two (2) rearing sheds housing 120,000 pullets each (240,000 birds), amenities building, and storage shed.~~

CARRY OUT & MAINTAIN DEVELOPMENT

2. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.
3. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

4. 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 Works approval.
5. 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

6. 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: DA03~~

~~Description: Pictorial Site Plan, dated 15 July 2020 and received by Council 15 July 2020~~

~~Amendments: Nil~~

Plan No: LBD 25-0302, Rev G

Description: Site Plan, prepared by Langton Building Designs, dated 3 November 2025

Amendments: Nil

~~Plan No: DA04~~

~~Description: Area A Grading Floor Site Plan, dated 20 March 2020 and received by Council 15 July 2020~~

~~Amendments: As notated in RED~~

Plan No: LBD 25 25-0302, Rev C

Description: Master Floor Plan – Wastewater Treatment Area, prepared by Langton Building Designs, dated 3 November 2025

Amendments: Nil

~~Plan No: DA05~~

~~Description: Area B Layer Shed Site Plan, dated 15 July 2020 and received by Council 15 July 2020~~

~~Amendments: As notated in RED~~

Plan No: LBD 25 25-0302, Rev H

Description: Master Floor Plan – Laying Sheds Area, prepared by Langton Building Designs, dated 3 November 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev B

Description: Laying Shed Floor Plan, prepared by Langton Building Designs, dated 10 July 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev B

Description: Laying Shed Elevation, prepared by Langton Building Designs, dated 10 July 2025

Amendments: Nil

~~Plan No: DA06~~

~~Description: Area D Rearing Shed Site Plan, dated 20 March 2020 and received by Council 15 July 2020~~

~~Amendments: As notated in RED~~

Plan No: DA07
Description: Pictorial Farm Entry, dated 20 March 2020 and received by Council 15 July 2020
Amendments: Nil

Plan No: ~~DA09~~
Description: ~~Construction Areas Superimposed on RVM Map, dated 20 March 2020 and received by Council 15 July 2020~~
Amendments: Nil

Plan No: ~~DA11~~
Description: ~~Area C Manure Pad Site Plan, dated 15 July 2020 and received by Council 15 July 2020~~
Amendments: Nil

Plan No: LBD 25 25-0302, Rev C
Description: Manure Pad & Ponding Plan, prepared by Langton Building Designs, dated 3 November 2025
Amendments: Nil

Plan No: ~~DA12~~
Description: ~~Pictorial Managed Plantation, dated 20 March 2020 and received by Council 15 July 2020~~
Amendments: Nil

Plan No: ~~DA13~~
Description: ~~Staging Plan – Gross Floor Areas, dated 3 July 2020 and received by Council 15 July 2020~~
Amendments: Nil

Plan No: ~~13549, S-A001.02, Revision G~~
Description: ~~Level 1 Floor Plan (Packing and Grading Floor), dated 13 February 2020 and received by Council 15 July 2020~~
Amendments: Nil

Plan No: ~~13549, S-A001.03, Revision A~~
Description: ~~Level 2 Floor Plan (Packing and Grading Floor), dated 13 February 2020 and received by Council 15 July 2020~~
Amendments: Nil

Plan No: ~~13549, S-A002.01, Revision B~~
Description: ~~Elevations (Packing and Grading Floor), dated 13 February 2020 and received by Council 15 July 2020~~
Amendments: As notated in RED

Plan No: LBD 25 25-0302, Rev F
Description: Packhouse Floor Plan, prepared by Langton Building Designs, dated 3 November 2025
Amendments: Nil

Plan No: LBD 25 25-0302, Rev F
Description: Packhouse Elevations, prepared by Langton Building Designs, dated 3 November 2025
Amendments: Nil

Plan No: ~~Unnumbered~~
Description: ~~Typical Layer Packhouse and Amenities, dated June 2020 and received by Council 15 July 2020~~
Amendments: Nil

~~Plan No: Unnumbered~~

~~Description: Typical Layer Shed, dated June 2020 and received by Council 15 July 2020~~

~~Amendments: Nil~~

~~Plan No: Unnumbered~~

~~Description: Typical Rearing Shed Amenities, dated June 2020 and received by 15 July 2020~~

~~Amendments: Nil~~

~~Plan No: Unnumbered~~

~~Description: Typical Rearing Shed, dated June 2020 and received by Council 15 July 2020~~

~~Amendments: Nil~~

Plan No: LBD 25 25-0302, Rev A

Description: Machinery Shed – Floor Plan, prepared by Langton Building Designs, dated 9 April 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev A

Description: Machinery Shed Elevations, prepared by Langton Building Designs, dated 9 April 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev G

Description: Maintenance Shed Floor Plan & Elevations, prepared by Langton Building Designs, dated 3 November 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev G

Description: Store Building – Floor Plan, prepared by Langton Building Designs, dated 3 November 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev G

Description: Store Building Elevations, prepared by Langton Building Designs, dated 3 November 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev A

Description: Feeding Complex – Floor Plan, prepared by Langton Building Designs, dated 9 April 2025

Amendments: Nil

Plan No: LBD 25 25-0302, Rev A

Description: Feeding Complex Elevations, prepared by Langton Building Designs, dated 9 April 2025

Amendments: Nil

APPROVED DOCUMENTS

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

- Document:** ~~Unnumbered Revision 2~~
Description: Noise Impact Assessment, prepared by Matrix Acoustics, dated ~~11 June 2020~~ and received by Council ~~15 July 2020~~ 19 January 2026, received by Council 19 January 2026
Amendment: Nil
- Document:** ~~19-188, Version R1-5~~ Job: 24-175, Version R1-1
Description: Odour Impact Assessment, prepared by Astute Environmental Consulting Pty Ltd, dated ~~24 June 2020~~ and received by Council ~~15 July 2020~~ 2 September 2025, received by Council 15 September 2025
Amendment: Nil
- Document:** ~~Final 100720~~ Avondale Cage Free Layer Farm: Site Based Environmental Management Plan – Jan 2026
Description: Site Based Environmental Management Plan prepared by Integrity Ag & Environment, dated ~~10 July 2020~~ and received by Council ~~15 July 2020~~ January 2026, received by Council 27 January 2026
Amendment: Nil

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

8. Prepare and submit a Development Application for a Development Permit for Operational Work for the following:
 - 8.1 A Development Application for a Development Permit for Operational Work for Roadworks (Driveway Crossovers and External Roadworks); and
 - 8.2 Bulk Earthworks (where required).

COUNCIL APPROVAL OF PLANS, DOCUMENTS & WORKS (FOR ENDORSEMENT)

9. Prepare and submit the following documents in accordance with the conditions of this Development Approval and obtain Council's endorsement:
 - 9.1 Landscape Plan.

STAGED DEVELOPMENT

10. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans subject to and modified by any conditions of this Development Approval.
11. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the Approved Plans, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stages being complied with.
12. All stages must be completed within the currency period of this Development Approval.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

13. 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

14. Plans and specifications for all works associated with vehicular access and car parking, roadworks, earthworks or any other works required on Council infrastructure, must be prepared and certified by a Registered Professional Engineer Queensland - Civil (RPEQ).
15. A RPEQ must submit to Council a copy of the:
 - 15.1 Design Certificate prior to commencement of the works; and
 - 15.2 Construction Supervision Certificate upon completion of the works certifying that works are in accordance with the approved plans and specifications.
16. 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.
17. 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

18. All land adjoining the development must be protected from nuisance from stormwater resulting from the development for the life of the development.

STORMWATER DISCHARGE

19. 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.
20. Stormwater must be dispersed as sheet flow.
21. 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

22. 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.

AIR QUALITY IMPACT MITIGATION

- 22A. **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 work and throughout the life of this development.**
- 22B. **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:**

22B.1 Dust deposition of 120 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 beneficial use (otherwise known as a beneficial use approval) 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 6:30am and 6:30pm Monday to Saturday, and must not be carried out on Public Holidays, unless otherwise approved by Council in an endorsed Construction Environmental Management Plan.

EROSION & SEDIMENT CONTROL

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.
- 32A. **Measures such as vehicle baths, wash-down and construction matting together with dust suppressants and wraps, exposed ground and stockpile sprinkling must be put in place to minimize site vehicles tracking sediment onto adjoining streets during the course of the construction period, and to prevent dust nuisance during construction and, where applicable the ensuing 'on-maintenance' period.**

SERVICES & UTILITIES

ON-SITE WASTEWATER TREATMENT & DISPOSAL

33. The development must be provided with an on-site waste water treatment and effluent disposal system having a capacity and land application area sufficient for the use.
34. The waste water treatment and effluent disposal system must comply with *Australian Standard AS3500.2 – National Plumbing and Drainage – Sanitary Plumbing and Drainage*; and *Australian Standard AS1547:2012 – On Site Domestic-Wastewater Management* where system size is not exceeded (ref. Part 1.2.1.2 of AS1547:2012).

WATER SUPPLY

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

AMENITY & OPERATION OF USE

VISUAL AMENITY

36. All buildings, structures and fences as well as the subject land must be maintained in a clean and tidy manner at all times.

TRANSPORT, VEHICULAR ACCESS & PARKING

37. Existing roads must be widened adjacent to the site accesses to Turallin Road, as follows:

Street:	Turallin Road
Classification:	Collector Road
Construction Standard:	Basic Right Turn (BAR) type intersection treatment must be provided with a sealed shoulder opposite to both site accesses to Turallin Road in accordance with the requirements of Austroads Guide to Road Design Part 4A Unsignalised and Signalised Intersections.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016

38. The design and construction of the BAR intersection treatment works must be in accordance with *Planning Scheme Policy No. 2 – Engineering Standards – Roads and Drainage Infrastructure* (PSP No. 2).

39. 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.
40. All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.
41. Verge widths, street reserve widths, intersection treatment, provision of parking and speed control devices must comply with Council's requirements in PSP No. 2.
42. 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

43. 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.

44. 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

45. The vehicle accesses from the subject land to Turallin Road must be sealed from the edge of the existing bitumen seal to the property boundary. The accesses must be designed by a Registered Professional Engineer Queensland (RPEQ) – Civil and must include the provision of adequate access width and flares to suit the proposed entry and exit manoeuvres. Such works must be constructed generally in accordance with any requirements as specifically required below:
 - 45.1 The vehicle accesses must be located as shown on the Approved Plans listed within this Development Approval, subject to a Development Application for a Development Permit for Operational Work for Driveway Crossovers;
 - 45.2 The vehicle accesses (crossing the verge) must be constructed generally in accordance Council's requirements and *Australian Standard AS 2890 – Parking Facilities (Part 1 and as relevant Part 2)*;
 - 45.3 The vehicle access (crossing of the verge) must align neatly on both sides with the verge with a maximum cross fall of 2.5%;
 - 45.4 Any necessary relocation of all existing services clear of the vehicle accesses (crossing of the verge) must be undertaken. All relevant service authorities must be contacted and their requirements complied with in relation to these works;
 - 45.5 The vehicle accesses must extend into the subject land generally in accordance with the Approved Plans listed within this Development Approval; and
 - 45.6 The vehicle access (crossing of the verge) must include suitable tapers and flares to accommodate the required turning paths of an Articulated Vehicle.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

REMOVAL AND REINSTATEMENT OF EXISTING VEHICLE ACCESS TO FARMHOUSE

46. Remove and reinstate the existing vehicle accesses in Turallin Road adjacent to the subject land as shown on the Approved Plans. The works must include, but are not limited to the following:
- 46.1 Removal of the existing vehicle accesses; and
 - 46.2 Reinstatement of the road verge to the satisfaction of Council.

Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

47. The premises must be provided with a minimum total of 75 on-site car parking spaces (~~40~~ **35** (including ~~two (2)~~ **one (1)** spaces for persons with a disability) in Stage 1 of the development, ~~27~~ **40** (including ~~one (1)~~ **two (2)** space for persons with a disability) in Stage 2 of the development ~~and eight (8) (including one (1) space for persons with a disability) in Stage 3 of the development~~) together with standing and manoeuvring for an Articulated Vehicle. Car parking and manoeuvring areas must be:
- 47.1 As a minimum, provided with an all-weather gravel surface;
 - 47.2 Accessible and available to staff during approved hours of operation;
 - 47.3 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring;
 - 47.4 Car parking areas must be delineated (pavement markers or similar) to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme and Australian Standard AS2890 – Parking Facilities*;
 - 47.5 Designed and constructed to meet the requirements of *Australian Standard AS2890 – Parking Facilities*;
 - 47.6 Designed to ensure any persons with a disability car parking spaces are located in close proximity to a primary building entrance and meet the requirements of *Australian Standards AS2890.1 Clause 2.4.5 (1.3m high bollards), AS1428.1 and AS2890.6:2009*;
 - 47.7 Provided with signage that indicates the location of parking areas and the proposed flow of traffic through the subject land; and
 - 47.8 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

INTERNAL ROADS AND CARPARKING AREAS

48. Internal roads and car parking areas must be constructed to create a gravel hardstand being of a coarse gravel graded at between 16 – 32 millimetres in diameter; a medium gravel graded at between 8 – 16 millimetres in diameter; or a fine gravel graded at 4 – 8 millimetres in diameter. Where a medium or fine gravel is utilised the gravel must be treated with a dust suppressant product prior to the commencement of use and on an as needs basis thereafter.

ACCESS FOR PEOPLE WITH DISABILITIES

49. Access must be provided for people with disabilities in accordance with *Australian Standard AS1428.1: Design for Access and Mobility* by means of an unimpeded continuous path of travel from any disabled access car parking bay to all parts of the development that are normally open to the public.

ENVIRONMENT & WASTE

ACOUSTIC AMENITY – NOISE LIMITS

50. Noise from activity associated with the use of the subject land must not exceed the noise limits noted within the Approved Noise Impact Assessment or an Environmental Authority for the activity when measured at any sensitive receptors.
51. 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*.

AIR QUALITY & AMENITY - AIR RELEASE LIMITS

- 51A. 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 receptor place must not be released to the atmosphere.

AIR QUALITY & AMENITY – AIR RELEASE LIMITS (DUST AND PARTICULATE MATTER)

52. ~~Dust and Particulate Matter emitted from activity associated with the use of the subject land must not exceed the Air Quality Objectives listed in the *Environmental Protection (Air) Policy 2019* when measured at any sensitive receptor, unless otherwise specified in an Environmental Authority for the activity.~~

All reasonable and feasible avoidance and mitigation measures are employed so that dust and particulate matter 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:

- 52.1 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*.
- 52.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM₁₀) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time, for no more than 5 exceedances recorded each year, when monitored in accordance with the most recent version of either:
- i) *Australian Standard AS3580.9.6: Methods for sampling and analysis of ambient air—Determination of suspended particulate matter - PM₁₀ high volume sampler with size-selective inlet – Gravimetric method; or*

ii) ***Australian Standard AS3580.9.9: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM₁₀ low volume sampler -Gravimetric method.***

53. Where considered warranted by Council and when requested in writing to do so, an air quality investigation must be undertaken to investigate a complaint of air pollution, odour or dust nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Air Release 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.

ODOUR

54. Odour from activity emitted from the activity associated with the use of the subject land must not exceed the Air Quality Objectives listed in the *Environment Protection (Air) Policy 2019* when measured at any sensitive receptor, unless otherwise specified in the Approved Odour Impact Assessment or an Environmental Authority for the activity.
55. Where considered warranted by Council and when requested in writing to do so, an odour investigation must be undertaken to investigate a complaint of odour nuisance. In such circumstances, a qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the odour 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.

OUTDOOR LIGHTING IMPACT MITIGATION

56. Outdoor lighting associated with the use must be designed, sited, and installed to comply with the relevant parameters of *Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting*.
57. 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).
58. 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.

WASTE MANAGEMENT (GENERAL)

59. 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 (BIN PROVISION & STORAGE)

60. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:
- 60.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection.

WASTE MANAGEMENT (REMOVAL)

61. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:
- 61.1 Disposal of waste generated must be undertaken in accordance with the *Environmental Protection Regulation 2019*.

SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

62. The approved use must be carried out in accordance with the Approved Site Based Environmental Management Plan listed within this Development Approval.
63. The Approved Site Based Environmental Management Plan must be implemented, maintained and where necessary, modified with submission to Council for endorsement of proposed changes, to maintain compliance with the requirements of this Development Approval at all times.

STORAGE OF LIQUID CHEMICALS

64. All liquid chemicals (including flammable liquids, agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with *Australian Standards AS1940 – The storage and handling of flammable and combustible liquids* and *AS 2507 – The storage and Handling of Agricultural and Veterinary Chemicals*.

LANDSCAPE SCREENING

65. A ~~30~~-10m wide plantation screening buffer must be planted and established in those locations as shown on the Approved Plans and as required by each stage of the development as relevant.
66. Unless otherwise approved by Council, the plantation screening buffer must achieve a minimum height of five (5) metres within five (5) years of planting, and a minimum height of eight (8) metres within ten (10) years of planting.

Note: For clarity, for compliance with this condition to be achieved, 75% of the upper canopy layer species must achieve the minimum height of five (5) metres within five (5) years of planting when measured over representative 100m transects.

67. Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement, a Landscape Plan prepared by a suitably qualified person detailing the landscaping/plantation areas shown on all Approved Plans that details in particular:
- 67.1 Landscaping as required by the conditions of this Development approval;
- 67.2 A Plant Plan and Schedule;
- 67.3 The typical planting detail including preparation, backfill, staking and mulching;
- 67.4 Landscaping associated with each stage where relevant; and
- 67.5 North point, scale and drawing number.
68. The Landscape Plan must receive endorsement by Council prior to commencement of any site works.

69. All landscape screening buffer works must be established by a suitably qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to full form and be replaced when its life expectancy is reached.

B. ADVICES:

GENERAL ADVICES

SUBMISSION OF PLANS FOR ENDORSEMENT

- 1) The conditions of this Development Approval require submission of plans to Council for endorsement. Please address the plans for endorsement to Council's Development Services Branch with the Reference No. MCUI/2020/1100 and send to development@tr.qld.gov.au.

INFRASTRUCTURE CHARGES

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

OTHER LAWS & REQUIREMENTS

- 3) 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.
- 4) Any works impacting outside the property boundary will require a permit under Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011. Please contact Council's Road Operations Branch through our Customer Service Centre on 131 872. The application can be found on Council's website at www.tr.qld.gov.au.
- 5) The development has only been assessed in accordance with the provisions of the *Toowoomba Regional Planning Scheme*. 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

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

WHEN APPROVAL LAPSES

- 7) 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.

EXCAVATION & FILLING

- 8) The *Toowoomba Regional Planning Scheme* (TRPS) declares excavation and filling activity involving less than 50m³ of material and excavation and filling activity to a depth or height lower than 1m to be accepted development. Any combination of excavation or filling where 50m³ or more of fill is deposited on, or 50m³ or more of excavated material is removed from the premises and excavation or filling is not associated with 'Building Work' as defined under the *Planning Act 2016*, must obtain an Operational Works approval from Council before commencing site works.

WASTE WATER TREATMENT & DISPOSAL SYSTEM

- 9) The establishment of a waste water treatment and disposal system for the subject land requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and the *Australian & New Zealand Standard AS/NZS1547 On-site domestic wastewater management*.

Please contact Council's Planning and Development Services Unit via the Customer Service Centre for further information in respect of a Compliance Permit. Where a development exceeds the accommodation or use of 21 or more equivalent persons an Environmental Authority from the Department of Environment and Science will also be required.

EQUITABLE ACCESS & FACILITIES

- 10) 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:

- 10.1 The *Disability Discrimination Act 1992* (Cth);
- 10.2 The *Anti-Discrimination Act 1991* (Qld); and
- 10.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

- 11) 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, waste water, 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.

- 12) This Development Approval does not infer or give approval to the owners or occupiers of the subject land to disturb or remove street trees. A separate Street Tree Disturbance or Removal Approval is required where a street tree is expected to be disturbed or removed. Please contact Council's Parks and Recreation Branch via Council's Customer Service Centre for further information in respect of street trees.

WATER POLLUTION

- 13) 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.

FIRE ANTS

- 14) 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 *Plant Protection Act 1989* apply, compliance with statutory provisions must be achieved.

ADVERTISING SIGNS

- 15) Placing an advertising device on premises is accepted development where complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code in the *Toowoomba Regional Planning Scheme*. A separate Operational Works approval will be required for any Advertising Devices not complying with the assessment benchmarks that form the requirements for accepted development in the Advertising Devices Code.

C. ATTACHMENTS:

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

SCHEDULE 2

CONCURRENCE AGENCY RESPONSE



Queensland Treasury

SARA reference: 2004-16303 SRA
Council reference: MCUI/2020/1100 & ERA/2020/1103

10 August 2020

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



Dear Sir/Madam

SARA response—240 Turallin Road, Turallin

(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 on 9 April 2020.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	10 August 2020
Reasons:	The reasons for the referral agency response are in Attachment 1 .

Development details

Description:	Development permit	Material Change of Use – Intensive Animal Industry (Poultry); and Environmentally Relevant Activity – Poultry Farming (for more than 200,000 birds) (ERA 4 (2))
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, part 5, division 4, table 2, item 1 (Planning Regulation 2017) – Material change of use for non-devolved environmentally relevant activity	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017) – Development impacting on State transport

infrastructure

SARA reference: 2004-16303 SRA

Assessment Manager: Toowoomba Regional Council

Street address: 240 Turallin Road, Turallin

Real property description: 2RP79686

Applicant name: DHP Consolidated Pty Ltd

Applicant contact details: C/- Precinct Urban Planning
PO Box 3038
Toowoomba QLD 4350
paul@precinctplan.com.au

Environmental Authority: This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- Approved
- Reference: 2020-12
- Effective date: Environmental authority takes effect when your related development application is approved
- Prescribed environmentally relevant activity (ERA): ERA 4(2) Poultry Farming (more than 200,000 birds)

If you are seeking further details about the environmental authority, please contact the Department of Agricultural and Fisheries (DAF) at: livestockregulator@daf.qld.gov.au

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 2**.

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

For further information please contact Tim O'Leary, Manager, on 34527683 or via email DAAT@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Steve Conner
Executive Director

cc DHP Consolidated Pty Ltd, C/- Precinct Urban Planning, paul@precinctplan.com.au

enc Attachment 1 - Reasons for referral agency response
Attachment 2 - Representations provisions

Attachment 1—Reasons for referral agency response

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

The reasons for the department's decision are:

- The proposal will protect and maintain the operational performance of the state transport network
- The proposal is located and designed to avoid and mitigate environmental harm and will not result in adverse impacts to sensitive uses.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.6]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 2—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the Plumbing and Drainage Act 2018—
 - (i) 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
 - (ii) 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
 - (iii) 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—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and

- (c) for an appeal about a development application under schedule 1, 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—
 - (a) 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
 - (b) 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—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

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

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