

8 April 2025

The Assessment Manager
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Attention: Ms Emily Hinchliffe
By Email: Emily.Hinchliffe@tr.qld.gov.au

RECEIVED
05/06/2025
**TOOWOOMBA
REGIONAL COUNCIL**

Dear Emily,

REQUEST FOR TEMPORARY EXEMPTION (PUBLIC HOLIDAYS) – CONDITIONS OF DEVELOPMENT APPROVAL OPERATING ON PUBLIC HOLIDAYS – MCUI/2019/1350/D – HIGH IMPACT INDUSTRY – 1 MARY STREET, CLIFTON (Council Ref: MCUC/2019/1350/D)

I act for Ridley Agriproducts Pty Ltd, in respect of the above matter.

I refer to Council's Decision Notice dated 9 May 2024 issued in respect of a Development Application for a Development Permit for Material Change of Use for a High Impact Industry over land at 1 Mary Street, Clifton.

Condition 1.2 of my client's approval stipulates that:

"The use must not operate on Public Holidays"

It is noted that previous exemptions have been requested and approved, seeking temporary variation to the approved days of operation, so that Ridley Feedmill could continue to operate on public holidays over the Christmas and New Year Period. By correspondence from July 2024, Council approved a temporary variation to allow the Feedmill to operate over public holidays from October 2024 to January 2025.

As previously explained, the referenced condition which prohibits my client from operating on public holidays is extremely problematic and practically unrealistic in operational terms for my client, as it precludes the operation of the mill and the production and transport of feed products to surrounding poultry farms and piggeries.

The need to cease operations on previous public holidays gave rise to feed shortages and associated animal welfare concerns for a range of bulk feed product customers who rely on daily feed deliveries.

Neither my client nor its intensive animal industry customers can store feed products to cover operational interruptions of this nature, and accordingly the continued operation of the mill and the transport of feed products on a daily basis is essential.

In this respect, my client is also seeking 24/7 operations including service vehicle movement, similar to the previous temporary exemption. It is noted that the previous temporary exemption included requirements that included the following:

In terms of hours of operation for service vehicles, approval is granted to vary the approved hours to 24 hours a day, 7 days a week between July 2024 – January 2025 (inclusive) subject to the following requirements:

- 1. No extended idling of heavy vehicles is permitted on site.*
- 2. Speed limits on site must continue to be enforced.*
- 3. A maximum of 2 heavy vehicle movements are permitted onsite per hour during the period: 10:00pm to 5:00am.*
- 4. The operator must keep a complaints register and have it available on site and for provision to Council if requested. Any complaints received relating to the additional approved hours of operation must be dealt with in accordance with the current Complaints Management Procedures as required by the conditions of approval.*
- 5. Compliance with all other relevant conditions of approval including Noise Limits must be maintained at all times during the operation of the use. In the event the operation results in any non-compliances with conditions or requirements listed above, the use must cease operation immediately and return to normal operations in accordance with the conditions of approval.*

As outlined previously, Precinct Urban Planning was commissioned to assist our client with the preparation and lodgement of a Change Application (Other Change) to facilitate an increasing in the scale and/or intensity of the approved use, and to address several existing conditions which are practically problematic or detrimental to essential operations.

As advised by correspondence dated 6 February 2025, which sought an extension to the Information Request response period, our client required a further period of time for acoustic testing to effectively respond to the Information Request. The client has informed us that they have upgraded the acoustic mitigation on existing plant and equipment and need more time to do acoustic testing to compile the information required to respond to the information request.

To enable that to occur, Council agreed to an extension to the information request response period by correspondence dated 7 February 2025, until 6 June 2025.

As such, it is expected that the response to Council's information request will be lodged by no later than early June 2025. We have been assured by the acoustic and air quality consultants that their detailed testing will be completed before this time to enable a complete response to the information request to be made. Following that the application will be subject to statutory public notification and Council's decision making processes.

Accordingly, my client is seeking a temporary exemption from the need to comply with condition 1.2 precluding operations on public holidays and 24/7 operations including service vehicle movement from April 2025 up until October 2025 (inclusive).

It is considered that this exemption period will cover the realistic timeframes associated with the finalisation and lodgement of the information request, public notification as well as Council's assessment.

Based on the anticipated timeframes for information request response lodgement, statutory public notification and assuming Council's ultimate approval to remove this restriction via their assessment and determination of the application, the requested seven (7) month exemption period (**until 31 October 2025**) has been nominated to ensure this is the final exemption sought or required to exempt operations on public holidays.

On behalf of my client, I would appreciate if you could confirm Council's agreement to the requested exemptions in writing.

Should you require any additional information or clarification please do not hesitate to contact the undersigned on (07) 4632 2535 or 0427737526.

Yours sincerely



Andrew Bullen
Precinct Urban Planning