

Our Reference: MCUI/2025/438
CS Portal Reference: N/A
Officer: Rumpa Sarkar
Contact: 07 4695 5681
Email: development@tr.qld.gov.au

Development Application Decision Notice
APPROVAL
Planning Act 2016 Section 63

Alpair Pty Ltd
C/- PSA Consulting
PO Box 10824
Adelaide Street
BRISBANE QLD 4000

Email: Paul.hanly@psaconsult.com.au

8 April 2026

Dear Sir/Madam

Location: 62 Byculla Road, NORTH BRANCH QLD 4356
Property Description: Lot 1745 A34901, Lot 1 RP77752, Lot 1 RP94672, Lot 2 RP94672,
Lot 1220 AG2988, Lot 2 RP72658 and Lot 928 A34655
Relevant Planning Scheme: *Toowoomba Regional Planning Scheme 2012*

The Development Application for Material Change of Use - Impact - Intensive Animal Industry (Poultry Farm - Maximum 400,000 birds) and Environmentally Relevant Activity - ERA 4 Poultry farming (1)(b), 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 2 April 2026.

Details of Approval

Development Permit - Material Change of Use - Impact - Intensive Animal Industry (Poultry Farm - Maximum 400,000 birds); and

Environmentally Relevant Activity - ERA 4 Poultry farming (1)(b)

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

- Building Work
- Plumbing and Drainage Work

Further Plans/Documents for Endorsement

Nil

Submissions

There were three (3) properly made submissions for this application.

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



Jayden Forbes-Mitchell,
Lead Senior Planner, Planning Branch



TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - IMPACT

APPLICATION NUMBER:	MCUI/2025/438
APPLICANT:	Alpair Pty Ltd
LOCATION:	62 Byculla Road, NORTH BRANCH QLD 4356
PROPERTY DESCRIPTION:	Lot 1745 A34901, Lot 1 RP77752, Lot 1 RP94672, Lot 2 RP94672, Lot 1220 AG2988, Lot 2 RP72658 and Lot 928 A34655
APPROVED USE:	Intensive Animal Industry Poultry (Poultry Farm - Maximum 400,000 birds)
ZONING / PRECINCT:	Rural Zone / 100 Hectare Minimum Precinct

A. ASSESSMENT MANAGER'S CONDITIONS:

APPROVED USE

1. This Development Approval is for a Material Change of Use for an Intensive Animal Industry (Poultry Farming – Maximum of 400,000 birds) as follows:
 - 1.1 Ten (10) sheds delivered in in five (5) stages, with each stage comprising (2) poultry sheds; and
 - 1.2 Each shed to house a maximum of 40,000 birds at any one time.

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 and the amendments listed below:

Plan No: C-SK0001, Issue D

Description: Concept Layout Plan, prepared by RMA Engineers and dated 26 September 2024

Amendments: Nil

Plan No: C-SK0003, Issue B

Description: Preliminary Construction Staging Plan, prepared by RMA Engineers and dated 26 September 2024

Amendments: Nil

Plan No: C-SK0009, Issue A

Description: Entry & Exit Layout Plan, prepared by RMA Engineers and dated 2 April 2025

Amendments: Nil

Plan No: S-A002.01, Revision A

Description: Proposed Rearing Shed Arrangement Plan, prepared by RMA Engineers and dated 30 September 2024

Amendments: Nil

Plan No: S-A002.02, Revision A

Description: Rearing Shed A Floor Plan – Part 1, prepared by RMA Engineers and dated 30 September 2024

Amendments: Nil

Plan No: S-A002.03, Revision A

Description: Rearing Shed A Floor Plan – Part 2, prepared by RMA Engineers and dated 30 September 2024

Amendments: Nil

Plan No: S-A002.04, Revision A

Description: Rearing Shed B Floor Plan – Part 1, prepared by RMA Engineers and dated 30 September 2024

Amendments: Nil

Plan No: S-A002.05, Revision A

Description: Rearing Shed B Floor Plan – Part 2, prepared by RMA Engineers and dated 30 September 2024

Amendments: Nil

Plan No: S-A002.06, Revision A

Description: Office Floor Plan, prepared by RMA Engineers and dated 30 September 2024

Amendments: Nil

Plan No: S-A200.01, Revision A

Description: Elevations – Sheet 1, prepared by RMA Engineers and dated 30 September 2024.

Amendments: Nil

Plan No: S-A200.02, Revision A
Description: Elevations – Sheet 2, prepared by RMA Engineers and dated 30 September 2024.
Amendments: Nil

Plan No: S-A200.03, Revision A
Description: Elevations – Sheet 3, prepared by RMA Engineers and dated 30 September 2024.
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: 23E-0384, Revision 2
Description: Traffic Impact Assessment, prepared by RMA Engineers and dated 19 September 2024
Amendments: Nil

Document: Site Based Management Plan, Revision C
Description: Site Based Management Plan, prepared by Agricultural Development Services Australia (AgDSA) and dated 21 January 2026
Amendment: Nil

Document: J002170, Noise Impact Assessment, Version 3
Description: Noise Impact Assessment, prepared by Range Environmental and dated 15 November 2024.
Amendment: Nil

Document: Vegetation Buffer Zone Landscape Design
Description: Vegetation Buffer Zone Landscape Design, received by Council on 28 November 2025
Amendment: Nil

STAGED DEVELOPMENT

8. Staging of the development is to occur in accordance with the staging indicated on the Approved Plans listed within this Development Approval, subject to and modified by any conditions of this Development Approval.
9. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2), or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.

AVAILABILITY OF APPROVED DOCUMENTATION DURING WORKS

10. 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

STORMWATER DRAINAGE

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

STORMWATER DISCHARGE

12. 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.
13. 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.
14. Stormwater must be dispersed as sheet flow.
15. 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

16. 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

17. 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.
18. 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:
 - 18.1 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

19. 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*.
20. 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*.
21. Fires are not to be lit to dispose of demolition or construction waste.
22. 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:
 - 22.1 Elsewhere within this Development Approval;
 - 22.2 In accordance with an associated Development Permit for Operational Work;

- 22.3 In association with and in accordance with an Environmental Authority issued under the *Environmental Protection Act 1994*;
 - 22.4 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
 - 22.5 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.
23. 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

24. 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

25. 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.
26. 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.
27. 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.
28. All disturbed areas must be mulched or turfed as soon as possible during construction.

DAMAGE TO SERVICES & ASSETS

29. Protect Council and public utility services and assets during construction of the development.
30. 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:
- 30.1 Where the damage would cause a hazard to pedestrian or vehicle safety or interrupts a service to the community, immediately; or
 - 30.2 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.
31. 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.

32. 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

ON-SITE WASTEWATER TREATMENT & DISPOSAL

33. The development must be provided with an on-site wastewater treatment and effluent disposal system having a capacity and land application area sufficient for the use. The nominated area for wastewater treatment and effluent disposal, including irrigation areas, must be maintained for this purpose for the life of the approval.
34. The wastewater 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).
35. All reasonable and practicable measures must be undertaken to prevent treated wastewater and effluent from overflowing or seeping onto adjoining properties.

ELECTRICITY

36. An electricity supply must be made available to service the development. This supply must be in accordance with the relevant standards of the electricity distributor.

TRANSPORT, VEHICULAR ACCESS & PARKING

ROADWORKS SIGNAGE AND PEDESTRIAN SAFETY

37. 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.

38. 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.

INSTALLATION OF COUNCIL TRAFFIC SIGNS

39. At Stage 1, the development must be provided with the installation of a "Give-Way Sign" and "Line Marking" as identified in the Approved Traffic Impact Assessment listed within this development approval. Works must be in accordance with the Manual of Uniform Traffic Control Device (MUTCD).
40. Obtain the written approval of Council's Principal Traffic and Infrastructure Technology Systems for any works involving the traffic signs bays prior to the works commencing. Where approved by Council such works are to be undertaken at no cost to Council. A Private Works Quotation must be requested from Council, payment made for the works, and the works completed by Council.

Note: To arrange for a private works quotation for the required works contact Council's Construction and Maintenance Department on Ph 131 872.

ON-SITE CAR PARKING, SERVICE BAYS & MANOEUVRING

- 41. The premises must be provided with a minimum of six (6) on-site car parking spaces, together with standing and manoeuvring for 19m B-Double service vehicles. Car parking and manoeuvring areas must be:
 - 41.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
 - 41.2 Provided with a gravel hardstand surface and be line marked or otherwise delineated to the minimum dimensions detailed in the *Toowoomba Regional Planning Scheme 2012 and Australian Standard AS2890 - Parking Facilities*;
 - 41.3 Designed and constructed in accordance with the requirements of AS2890;
 - 41.4 Accessible and available to the staff and bona fide visitors during approved hours of operation
 - 41.5 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the subject land;
 - 41.6 Maintained as originally constructed and kept and used exclusively for vehicle parking and manoeuvring; and
 - 41.7 Designed to enable all vehicles to enter and leave the subject land in a forward gear.

ENVIRONMENT & WASTE

SITE BASED ENVIRONMENTAL MANAGEMENT PLAN

- 42. The approved use must be carried out in accordance with the approved Site Based Management Plan listed within this Development Approval.
- 43. The approved Site Based Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of this Development Approval at all times.

ACOUSTIC AMENITY - GENERAL

- 44. Drainage grating over trafficable areas must be well secured and maintained to prevent rattling.
- 45. Driveway areas are to be finished with a surface which prevent tyre squeal. An uncoated surface is acceptable.

ACOUSTIC AMENITY - NOISE LIMITS

46. Noise from activity associated with the use of the subject land must not exceed the levels specified in **Table 1** when measured at any receptor.

Table 1 - Noise Limits

	Noise level measured in dB(A)	
	Variable noise assessment criteria $L_{Aeq\ adj,T}$	Continuous noise assessment criteria $L_{Aeq\ adj,T}$
Day (7am-6pm)	34	29
Evening (6pm-10pm)	34	29
Night (10pm-7am)	31	28
Sleep Disturbance	45 dB(A) L_{Amax} internal noise limits	

47. 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*.

ACOUSTIC AMENITY - MECHANICAL PLANT

48. 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

49. 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.
50. Odour nuisance must not exceed 2.5ou at any sensitive receptor.
51. 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:
- 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*.
- 51.2 A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM_{10}) 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.*
- 51.3) A concentration of particulate matter suspended in the atmosphere of 90 micrograms per cubic metre over a 1 year averaging time, when monitored in accordance with the most recent version of *AS/NZS3580.9.3: Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - Total suspended particulate matter (TSP) - High volume sampler gravimetric method.*
52. 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.

AIR QUALITY & AMENITY - DUST SUPPRESSION TREATMENTS

53. Vehicle manoeuvring areas are to be provided with a surface that prevents tyre squeal that causes environmental nuisance at any receptor.
54. Where a gravel below 16 millimetres in diameter is utilised for the surface of the gravel hardstand:
- 54.1 Hardstand areas must be first treated with a dust suppressant product (such as PetroTac) in accordance with the manufacturers specifications; and
 - 54.2 Records documenting maintenance inspections and dust suppressant application history details must be maintained and made available for inspection at any time upon request by Council.

OUTDOOR LIGHTING IMPACT MITIGATION

55. 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.*
56. 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).
57. 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 AND MANURE MANAGEMENT (GENERAL)

58. 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.*

59. Regulated waste, spent bedding and manure must be taken to an appropriate licensed facility and managed in accordance with Section 3.4 and 4 of the Site Based Management Plan listed within this Development Approval.

WASTE MANAGEMENT (BIN PROVISION & STORAGE)

60. Refuse storage (inclusive of general refuse but excluding bird mortalities and spent litter) facilities must be provided in accordance with 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;
 - 60.2 Provision of separate bins for general and recyclable waste for the site with an equal number of each being provided;
 - 60.3 Provision of a constructed bulk bin store with an impervious hardstand base for the permanent storage location and service collection of all bulk bins, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front and no closer than 2m to any fresh air intake of a habitable room;
 - 60.4 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and
 - 60.5 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.

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 Collection by a refuse vehicle from within the site only, and not from the kerbside;
 - 61.2 General waste must be collected and removed at periods not exceeding seven days;
 - 61.3 Bins must be stored at their place of permanent storage other than times ahead of or during waste removal;
 - 61.5 Waste removal must not occur outside the hours of 6:00 AM to 6:00 PM; and
 - 61.6 The waste collection method must ensure that waste is adequately managed to prevent escape of contamination.

LANDSCAPING WORKS

62. At Stage 1, the development must be landscaped and maintained in accordance with works shown on the approved Vegetation Buffer Zone Landscape Design listed within this Development Approval. This must include minimum landscaping buffer widths of 30 metres and 45 metres in the locations indicated on the Approved Site Plan, exclusive of access driveways and generally uncompromised by infrastructure items, such as mailboxes, parking bays, pad mount transformers (PMTs), etc. Planting must be provided in accordance with the following requirements:
- 62.1 Species must be planted as listed in the Vegetation Buffer Zone Landscape Design;

- 62.2 A minimum of five (5) rows approx. 6.0m apart must be provided to the 'eastern zone' and 'western zone';
 - 62.3 A minimum of five (5) rows approx. 6.0m apart must be provided to the 'northern zone';
 - 62.4 Trees must be planted in a diagonally offset arrangement between rows;
 - 62.5 Eight (8) meters spacing between trees in a row must be provided;
 - 62.6 Planting areas must be a friable, organic topsoil, cultivated to minimum 450mm depth and be clear of any rubbish, rocks or building rubble;
 - 62.7 All planting areas and individual trees must be mulched with minimum 100mm depth organic mulch;
 - 62.8 All landscape planting must be contained within the property boundary, unless otherwise agreed in writing with Council; and
 - 62.9 Planting must be irrigated for at least 12 months and be protected from damage by vehicles or animal grazing.
63. All landscape works must be installed and established by a suitably qualified person (Landscape, Horticulturalist or equivalent) that ensures healthy, sustained and vigorous plant growth. Where required, plant material should be replaced or enhanced to ensure growth to full form and coverage of all dedicated landscape areas.
64. Landscape planting is to be retained and maintained for the life of the development in accordance with the conditions of this Development Approval.

B. ADVICES:

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. 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.

EXCAVATION & FILLING

- 7) The *Toowoomba Regional Planning Scheme 2012* (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 Work approval from Council before commencing site works.

WASTEWATER TREATMENT & DISPOSAL SYSTEM

- 8) The establishment of a wastewater treatment and disposal system for the subject land requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2018*. 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 Plumbing and Drainage team 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

- 9) 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:

- 9.1 The *Disability Discrimination Act 1992* (Cth);
9.2 The *Anti-Discrimination Act 1991* (Qld); and
9.3 The *Disability (Access to Premises - Buildings) Standards*.

ENVIRONMENTAL HARM

- 10) 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

- 11) 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

- 12) 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: 2502-44613 SRA
Council reference: MCUI/2025/438
Applicant reference: 1651

9 February 2026

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

Attention: Rumpa Sarka

Dear Ms Sarka

SARA referral agency response— 919 Clifton Pittsworth Road, North Branch and 601 Homestead Road, Felton

(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 17 February 2025.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	9 February 2026
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Material change of use for Intensive animal industry (poultry farm – 400,000 birds); and Environmentally relevant activity (ERA) - ERA 4 (1)(b)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 5, division 4, table 2, item 1 (Planning Regulation 2017) – Environmentally relevant activities	



Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017) – Development impacting on state transport infrastructure

SARA reference: 2502-44613 SRA

Assessment manager: Toowoomba Regional Council

Street address: 919 Clifton Pittsworth Road, North Branch and 601 Homestead Road, Felton

Real property description: Lot 1220 on AG2988; Lot 2 on RP72658; Lot 1745 on A34901; Lot 1 on RP94672; Lot 2 on RP94672; Lot 1 on RP77752; Lot 928 on A34655

Applicant name: Alpair Pty Limited C/- PSA Consulting

Applicant contact details: PO Box 10824 Adelaide Street
Brisbane QLD 4000
paul.hanly@psaconsult.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: 2026-03
- Effective date: In accordance with Section 200 of the *Environmental Protection Act 1994*
- Prescribed environmentally relevant activity (ERA): ERA 4 Poultry farming (1) (b) – 2 farming more than 200,000 birds

If you are seeking further details about the environmental authority, please contact the Department of Primary Industries (DPI) at:
livestockregulator@dpi.qld.gov.au

Human Rights Act 2019 considerations: Consideration of section 58 of the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights

Representations

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

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

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

For further information please contact Rodney O'Brien, Principal Planning Officer, on 07 4616 7304 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson
A/Manager

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

cc Alpair Pty Limited C/- PSA Consulting, paul.hanly@psaconsult.com.au

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP), (version 3.1). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

- The development complies with State code 22: Environmentally relevant activities of the SDAP in that the development is:
 - o suitably located to avoid or mitigate environmental harm to the acoustic environment, the air environment, and the receiving waters environment
 - o designed to prevent harm to the environment from hazardous contaminants
 - o designed to avoid matters of state environmental significance
 - o designed to avoid or mitigate environmental harm on adjacent sensitive land uses.
- The development complies with State code 6: Protection of state transport networks of the SDAP in that the development does not:
 - o create a safety hazard for users of a state-controlled road
 - o result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
 - o compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.1, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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



Notice

Environmental Protection Act 1994

Decision about an application for an environmental authority

This statutory notice is issued by the administering authority¹ pursuant to section 198 of the Environmental Protection Act 1994 to advise you of a decision on your application for an environmental authority.

ALPAIR PTY. LIMITED
385 Felton Road
PITTSWORTH QLD 4356

Reference: 2026-03

Attention: Mr Edwin Breetzke

Email: Edwin.breetzke@mcleanfarms.com.au

Decision about an application for an environmental authority

1 Application details

The application for an environmental authority was received by the administering authority on 24 February 2025.

Application reference number: 2502-44613 SRA

Property /location description: Lot 1745 A34901; Lot 1 RP77752; Lot 1 RP94672; Lot 2 RP94672;
Lot 2 RP72658; Lot 1220 AG2988; Lot 928 A34655

919 Clifton Pittsworth Road North Branch Queensland

2 Decision

The administering authority has decided to approve the application subject to conditions including condition(s) that you have not agreed to in writing.

3 Annual fee

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

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

¹ The chief executive of the Department of Primary Industries is the administering authority under the *Environmental Protection Act 1994* for activities delegated to the Department of Primary Industries.

4 Human rights

A human rights assessment was carried out in relation to this decision/action, and it was determined that the decision is compatible with human rights.

5 Review and appeal rights

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

Should you have any questions in relation to this notice, please contact Craig McIver on telephone 13 25 23.



Signature

6/02/2026

Date

Luke Boucher
Manager Environmental Regulation
Department of Primary Industries
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Department of Primary industries
Intensive Livestock Unit (ILU)
Phone: 13 25 23
Email: livestockregulator@dpi.qld.gov.au

Attachments

Environmental authority 2026-03.

Information sheet: [Internal review and appeals](#) (ESR/2015/1742)



Permit

Environmental Protection Act 1994

Environmental Authority 2026-03

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994. The chief executive of the Department of Primary Industries is the administering authority under the Environmental Protection Act 1994 for activities delegated to the Department of Primary Industries.

Environmental authority number: 2026-03

Environmental authority takes effect on the date that your related development approval MCUI/2025/438 takes effect. This is the take effect date.

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

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

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

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
ALPAIR PTY. LIMITED Suitable operator reference: 588008	385 Felton Road PITTSWORTH QLD 4356

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 4 – Poultry farming 2 farming more than 200,000 birds	Lot 1745 A34901; Lot 1 RP77752; Lot 1 RP94672; Lot 2 RP94672; Lot 2 RP72658; Lot 1220 AG2988; Lot 928 A34655. 919 Clifton Pittsworth Road North Branch Queensland.

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

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

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

Contaminated land

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

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

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

Take effect

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

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

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

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

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

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



Signature

6/02/2026

Date

Luke Boucher
Manager Environmental Regulation
Department of Primary Industries
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Department of Primary Industries
Intensive Livestock Unit (ILU)
Phone: 13 25 23
Email: livestockregulator@dpi.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

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

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

Other permits required

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

Please note that the take of water has not been assessed for any structures outside of the **controlled drainage areas**.

Development Approval

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

Conditions of environmental authority

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

Agency interest: General	
Condition number	Condition
G1	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
G2	The activity must be undertaken in accordance with written procedures that: a) identify potential risks to the environment from the activity during routine operations and emergencies; and b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and f) ensure that reviews of environmental performance are undertaken at least annually; and g) Identify risk of harm or nuisance to surrounding land uses and measures to minimise any environmental harm or nuisance; and h) Include a management plan which outlines practices that prevent or minimise the risk of environmental harm or nuisance to surrounding land uses.
G3	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
G4	Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations: a) the maximum number of birds onsite must not exceed 400,000 birds; and b) birds are to be contained within poultry sheds at all times.
G5	The poultry farm and associated facilities must be constructed generally in accordance with the following plans: 1. Site Locality Plan, Prepared by RMA Engineers, Project Number 23E-0384, Drawing Number C-SK0002, Issue A, Dated 26 September 2024; and 2. Concept Layout Plan, Prepared by RMA Engineers, Project Number 23E-0384, Drawing Number C-SK0001, Issue C, Dated 26 September 2024; and 3. Building Arrangement Plan, Prepared by RMA Engineers, Project Number 23E-0384, Drawing Number S-A002.01, Revision A, Dated 30 September 2024.

G6	Poultry sheds must be managed to: a) minimise the amount of organic matter available for decomposition, and b) minimise the amount of water that mixes with organic matter, and c) maximise the rate of drying of wet organic matter.
G7	The holder of this environmental authority must not make any material alteration to the activity which may affect the operating capacity of the activity or change the way in which the activity operates, without the prior written approval of the administering authority .
G8	Animal carcasses shall be disposed of so as not to cause environmental harm or nuisance .
G9	Any release of contaminants must be reported to the administering authority within 24 hours of becoming aware of the release . Records must be kept including full details of the release and any subsequent actions taken.
G10	Poultry sheds must be suitably designed to be protected from a 1% AEP flood event.
Monitoring	
G11	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities certification, or an equivalent certification, for such analyses.
G12	Standard agronomic soil chemistry of lands the subject of this environmental authority that receive waste generated by the environmentally relevant activity must be conducted in accord with Condition G14.
G13	A chemical analysis of relevant water courses must be conducted in accord with Condition G14.
G14	Monitoring described in condition G12 and G13 must be undertaken when requested by the administering authority , in the manner prescribed by the administering authority . The monitoring results must be provided within 10 business days to the administering authority upon its request.
G15	When required by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.
G16	All records must be kept for a period of at least five years and provided to the administering authority upon request.

Agency interest: Air	
Condition number	Condition
A1	Birds, bird carcasses and litter associated with the activity must be managed to minimise the risk of odour and airborne contaminants causing an environmental nuisance to any sensitive place or commercial place .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.6 (or more recent editions) or any other method approved by the administering authority.
A3	Litter within poultry sheds must be maintained to be in a friable state at all times while birds are housed in the sheds.
Agency interest: Water	
Condition number	Condition
WT1	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater .
WT2	Any release of contaminants generated by the activity to waters must not cause environmental harm .
WT3	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite.

Agency interest: Noise																																																																								
Condition number	Condition																																																																							
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .																																																																							
N2	Noise from the activity must not include substantial low frequency noise components and must not exceed the levels identified in Table 3 – Noise limits and the associated requirements at any nuisance sensitive place or commercial place. Table 3 – Noise limits <table> <tr> <th rowspan="3">Noise level measured in dB(A)</th><th colspan="3">Monday to Saturday</th><th colspan="3">Sunday and Public Holidays</th></tr> <tr> <th>7am-6pm</th><th>6pm-10pm</th><th>10pm-7am</th><th>9am-6pm</th><th>6pm-10pm</th><th>10pm-9am</th></tr> <tr> <th colspan="6">Noise measured at a nuisance sensitive place</th></tr> <tr> <td>L_{Aeq} adj, 1 hr</td><td>Background +5</td><td>Background +3</td><td>Background +3</td><td>Background +5</td><td>Background + 3</td><td>Background + 3</td></tr> <tr> <td>L_{Amax}, 1 hr</td><td>Background +10</td><td>Background +8</td><td>Background +5</td><td>Background +10</td><td>Background +8</td><td>Background +5</td></tr> <tr> <th rowspan="3">Noise level measured in dB(A)</th><th colspan="6">Noise measured at a commercial place</th></tr> <tr> <th>7am-6pm</th><th>6pm-10pm</th><th>10pm-7am</th><th>9am-6pm</th><th>6pm-10pm</th><th>10pm-9am</th></tr> <tr> <th colspan="6">Noise measured at a commercial place</th></tr> <tr> <td>L_{Aeq} adj, 1 hr</td><td>Background +10</td><td>Background +8</td><td>Background +5</td><td>Background +10</td><td>Background +8</td><td>Background +5</td></tr> <tr> <td>L_{Amax}, 1 hr</td><td>Background +15</td><td>Background +13</td><td>Background +10</td><td>Background +15</td><td>Background +13</td><td>Background +10</td></tr> </table>						Noise level measured in dB(A)	Monday to Saturday			Sunday and Public Holidays			7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am	Noise measured at a nuisance sensitive place						L _{Aeq} adj, 1 hr	Background +5	Background +3	Background +3	Background +5	Background + 3	Background + 3	L _{Amax} , 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5	Noise level measured in dB(A)	Noise measured at a commercial place						7am-6pm	6pm-10pm	10pm-7am	9am-6pm	6pm-10pm	10pm-9am	Noise measured at a commercial place						L _{Aeq} adj, 1 hr	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5	L _{Amax} , 1 hr	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10
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Agency interest: Land																																																																								
Condition number	Condition																																																																							
L1	Any release of contaminants generated by the activity to land must not cause environmental harm .																																																																							
L2	Before applying to surrender this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.																																																																							

Agency interest: Waste	
Condition number	Condition
WS1	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
WS2	Waste being treated must be lawfully treated to render it less hazardous and be fit for its intended use or disposal.
WS3	Any release or utilisation of waste products generated by the activity must not cause environmental harm .

Attachments/appendices

1. Site Locality Plan, Prepared by RMA Engineers, Project Number 23E-0384, Drawing Number C-SK0002, Issue A, Dated 26 September 2024.
2. Concept Layout Plan, Prepared by RMA Engineers, Project Number 23E-0384, Drawing Number C-SK0001, Issue C, Dated 26 September 2024.
3. Building Arrangement Plan, Prepared by RMA Engineers, Project Number 23E-0384, Drawing Number S-A002.01, Revision A, Dated 30 September 2024.

Definitions

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

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

administering authority means the Department of Primary Industries or its successor or predecessors.

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

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

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

birds means any of the following—

- (a) chickens;
- (b) ducks;
- (c) geese;
- (d) guineafowl;
- (e) turkeys.

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

delegate of the administering authority means an officer of the Department of Primary Industries or its successor as cited by the administering authority.

disturbed areas includes areas:

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

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

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

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

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

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

land does not include **waters**.

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

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

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

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

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

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

release of a contaminant into the environment includes:

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

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

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

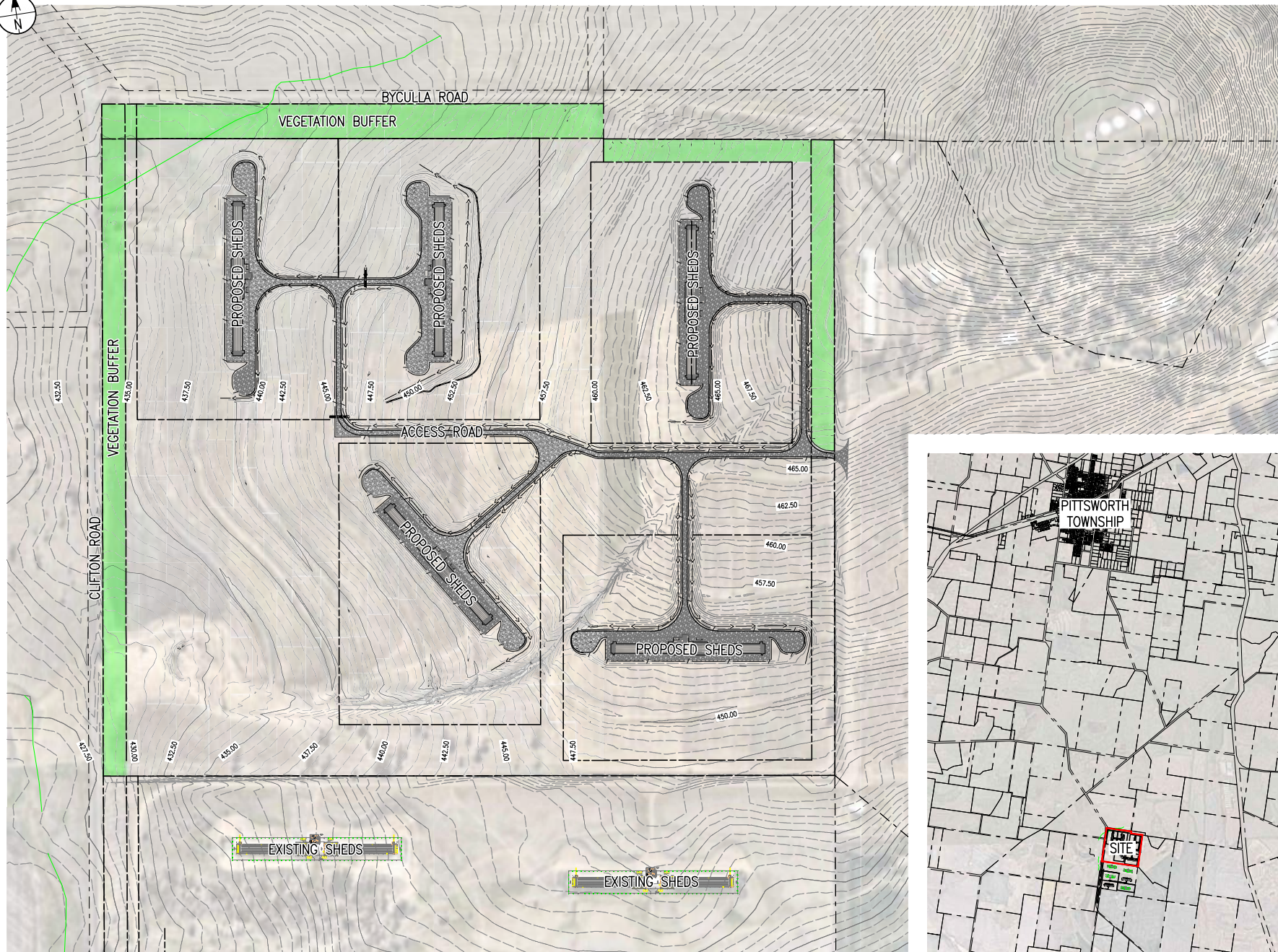
- a) caretaker's accommodation; or
- b) a childcare centre; or
- c) a community care centre; or
- d) a community residence; or
- e) a detention facility; or
- f) a dual occupancy; or
- g) a dwelling house; or
- h) a dwelling unit; or
- i) an educational establishment; or
- j) a health care service; or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

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

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

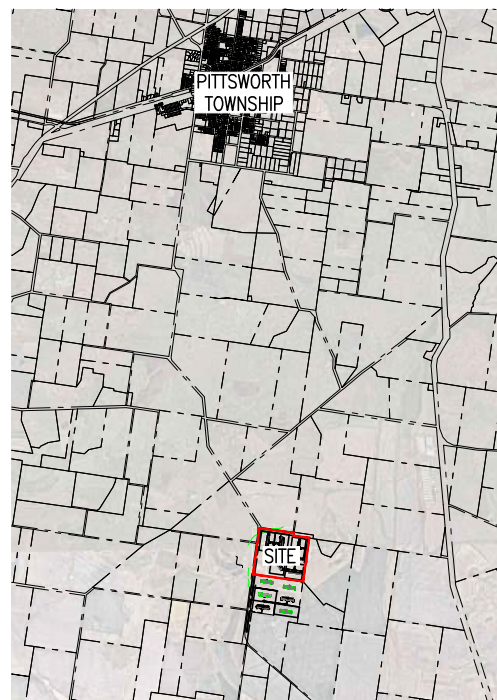
you means the holder of the environmental authority.

END OF ENVIRONMENTAL AUTHORITY



- LEGEND:**
- Existing Property Boundary
 - Existing Easement Boundary
 - Existing Road Pavement
 - Existing Concrete Pavement
 - Proposed Range Fencing
 - Stormwater Invert
 - Waterway Barrier Works (QLD Globe Mapping)
 - Proposed Road Gravel Pavement
 - Design Minor Contours
 - 609.00 Design Major Contours

- PLAN NOTES:**
- P.1. This is a sketch plan only and is conceptual only.
 - P.2. This sketch plan represents design intent and concepts only.
 - P.3. This plan shall not be used for tendering, financing, ordering of materials, construction or any other unintended purpose.
 - P.4. Information shown on these plans has been compiled from varying sources and may not be accurate and will need verifying. This includes existing infrastructure, property boundaries and natural surface data.
 - P.5. This plan shall not be relied upon for detailed design.



SITE LOCALITY PLAN

Scale 1:2500 (A1)

ISSUE	DESCRIPTION	DATE	DWN	LMB	GS	APP
B	FOR APPROVAL	26/09/24	LTR	LMB	GS	ASO
A	FOR COMMENT	13/09/24	LMB	LMB	GS	DES

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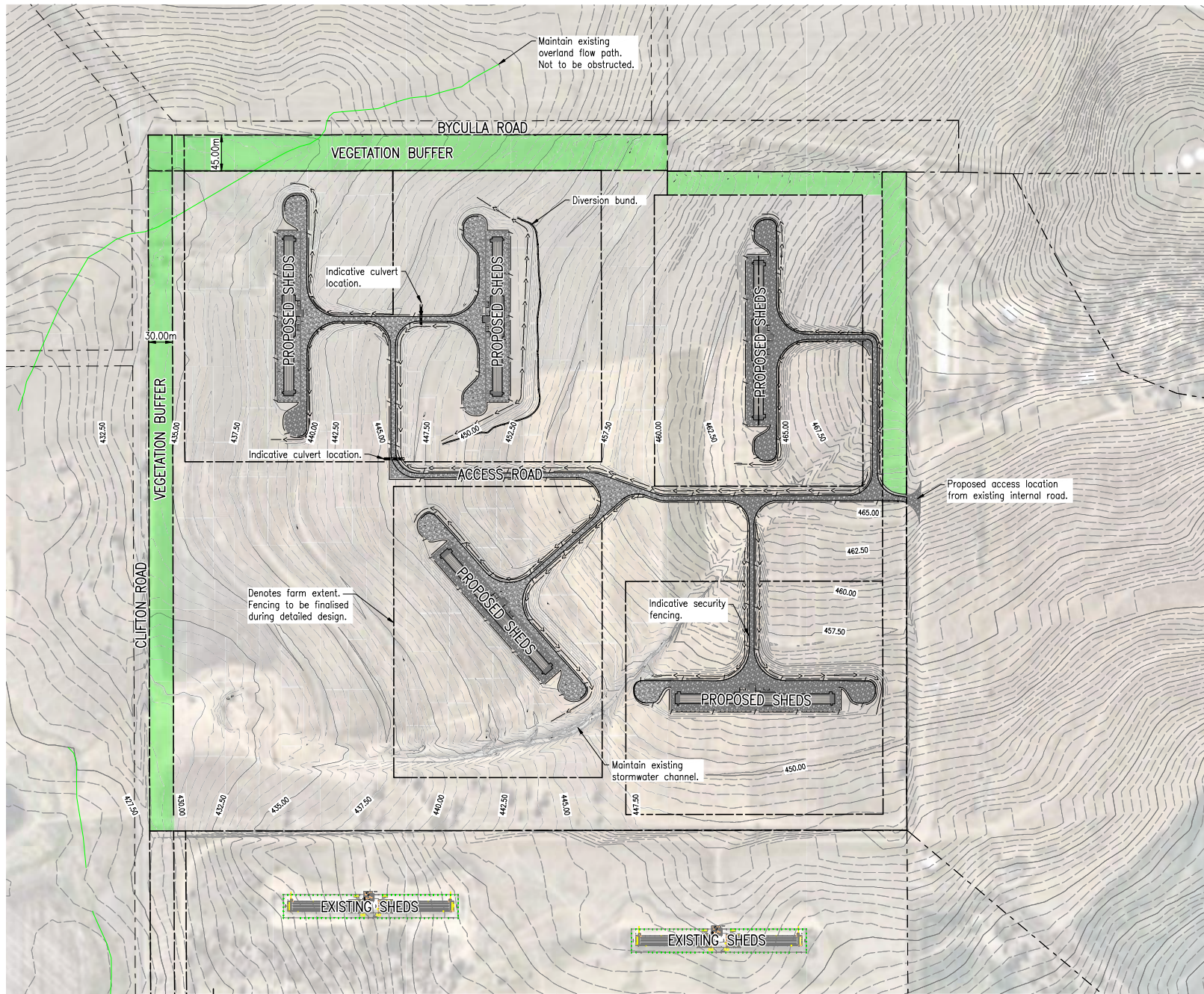


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PITTSWORTH QLD 4356

PROJECT
BYCULLA FARM EXTENSION
FELTON ROAD
PITTSWORTH QLD 4356

TITLE
SITE LOCALITY PLAN

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CONCEPT LAYOUT PLAN

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13/09/24	LMB	LMB	GS						
16/02/24	LMB	LMB	GS						
12/01/24	LMB	LMB	GS						
12/01/24	LMB	LMB	GS						
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PROJECT
BYCULLA FARM EXTENSION
FELTON ROAD
PITTSWORTH QLD 4356
TITLE
CONCEPT LAYOUT PLAN

LEGEND:

- Existing Property Boundary
- Existing Easement Boundary
- Existing Road Pavement
- Existing Concrete Pavement
- Proposed Range Fencing
- Stormwater Invert
- Waterway Barrier Works (QLD Globe Mapping)
- Proposed Road Gravel Pavement
- Design Minor Contours
- 609.00 Design Major Contours

PLAN NOTES:

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- This plan shall not be relied upon for detailed design.

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Information sheet

Environmental Protection Act 1994

Internal review and appeals

This information sheet gives a summary of the process for the review of decisions and appeals to the Land Court and the Planning and Environment Court under sections 519 to 539 of the Environmental Protection Act 1994 and subordinate legislation.

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Version history

Version	Date	Description
1.00	13 August 2015	First published version of the guideline.
2.00	13 August 2015	Minor changes and references to legislation updated.
3.00	10 October 2016	Updated to reflect latest version of <i>Environmental Protection Act 1994</i> .
3.01	6 July 2017	Replaced references to the <i>Sustainable Planning Act 2009</i> with <i>Planning Act 2016</i> (commenced 3 July 2017).
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4.00	01 April 2019	Update of conditions relating to financial assurance to reflect the introduction of the Mineral and Energy Resources (Financial Provisioning) Act 2018 and the subsequent changes to the Environmental Protection Act 1994.
5.00	1 November 2019	Updated for the commencement of the progressive rehabilitation and closure plan framework.
6.00	15 September 2020	Updated to reflect changes introduced by the <i>Environmental Protection and Other Legislation Amendment Act 2020</i> .
6.01	14 April 2022	Facsimile number removed.
6.02	30 November 2023	Minor update to reflect changes introduced by the <i>Environmental Protection and Other Legislation Amendment Act 2023</i> .
6.03	20 March 2024	Document rebranded to align with machinery of government changes.

6.04	8 August 2024	Removed references to <i>Internal review and appeal to Planning and Environment Court</i> (ESR/2015/1572) in the heading text. That document has been merged with this document (ESR/2015/1742). ESR/2015/1572 has been repealed and archived. References to that document has been removed.
7.00	26 May 2025	Document rebranded to align with machinery of government changes. Updates made to reflect Environmental Protection (Powers and Penalties) and Other Legislation Amendment Act 2024.
7.01	10 November 2025	Document rebranded to align with Delivering for Queensland changes. Updated link to Application for review of original decision (ESR/2015/1573)

1 Introduction

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

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

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

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

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

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

1.1 What is the relevant court?

1.1.1 Land Court

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

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

1.1.2 Planning and Environment Court

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

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

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

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

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

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

1.2.1 Division 1—Interpretation

1.2.1.1 Section 519 Original decisions

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

1.2.1.2 Section 520 Dissatisfied person

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

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

2 Internal review of decisions

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

2.1 Division 2—Internal review of decisions

2.1.1.1 Section 521 Procedure for review

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

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

- (9) Within 10 business days after making the review decision, the administering authority must give written notice of the decision to the applicant and persons who were given notice under this Act of the original decision.
- (10) The notice must—
 - (a) include the reasons for the review decision; and
 - (b) inform the persons of their right of appeal against the decision.
- (11) If the administering authority does not comply with subsection (5), (6) or (9), the authority is taken to have made a decision confirming the original decision.
- (12) Subsection (8) applies despite the *Acts Interpretation Act 1954*, s. 27A.
- (13) This section does not apply to an original decision made by—
 - (a) for a matter, the administration and enforcement of which has been devolved to a local government—the local government itself or the chief executive officer of the local government personally; or
 - (b) for another matter—the chief executive personally.
- (14) Also, this section does not apply to an original decision to issue an environmental enforcement order under section 362(2)(a).
- (15) In this section—

‘decision period’, for a review of an original decision, means—

 - (a) if only 1 application is received in relation to the original decision and a submission is received within the submission period—
 - (i) 20 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (b) if only 1 application is received in relation to the original decision and no submissions are received within the submission period—
 - (i) 15 business days after the administering authority receives the application; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (c) if 2 or more applications are received in relation to the original decision and a submission is received within the submission period for at least 1 of the applications—
 - (i) 20 business days after the administering authority receives the latest of the applications; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides; or
 - (d) if 2 or more applications are received in relation to the original decision and no submissions are received within the submission period for any of the applications—
 - (i) 15 business days after the administering authority receives the latest of the applications; or
 - (ii) the longer period, of not more than 5 additional business days, the authority in special circumstances decides.

3 Appeals to Land Court

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

3.1 Division 3—Appeals

3.1.1 Subdivision 1—Appeals to Land Court

3.1.1.1 *Section 523 Review decisions subject to Land Court appeal*

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

3.1.1.2 *Section 524 Right of appeal*

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

3.1.1.3 *Section 525 Appeal period*

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

3.1.1.4 *Section 526 Land Court mediation*

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

3.1.1.5 *Section 527 Nature of appeal*

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

3.1.1.6 *Section 528 Land Court's powers for appeal*

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

3.1.1.7 *Section 530 Decision for appeals*

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

4 Appeals to the Court

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

4.1 Division 3—Appeals

4.1.1 Subdivision 2—Appeals to Court

4.1.1.1 *Section 531 Who may appeal*

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

4.1.1.2 *Section 532 How to start appeal*

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

4.1.1.3 *Section 533 Appellant to give notice of appeal to other parties*

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

4.1.1.4 Section 534 Persons may elect to become respondents to appeal

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

4.1.1.5 Section 536 Hearing procedures

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

4.1.1.6 Section 537 Assessors

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

4.1.1.7 Section 538 Appeals may be heard with planning appeals

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

4.1.1.8 Section 539 Powers of Court on appeal

- (1) In deciding an appeal, the Court may—
 - (a) confirm the decision appealed against; or
 - (b) vary the decision appealed against; or
 - (c) set aside the decision appealed against and make a decision in substitution for the decision set aside.
- (2) If on appeal the Court acts under subsection (1)(b) or (c), the decision is taken, for this Act (other than this part), to be that of the administering authority.

5 Stays

5.1 Division 4 — Stays

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

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

'internal review', of an original decision, means a review of the decision under section 521.

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

- (1) This section applies to—
 - (a) an original decision appealed against to the Court if section 521 does not apply to the decision; or
 - (b) an original decision appealed against to the Land Court or the Court if the decision is confirmed or varied by a review decision.
- (2) The Land Court or the Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- (3) A stay may be granted on conditions the Land Court or the Court considers appropriate and has effect for the period stated by the Land Court or the Court.
- (4) The period of a stay must not extend past the time when the Land Court or the Court decides the appeal.
- (5) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.
- (6) This section applies subject to sections 539C to 539E.

5.1.1.3 Section 539C Stay of decision about financial assurance

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

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

- (1) This section applies to an application under section 539A or 539B for a stay of a decision—

- (a) to ask the scheme manager for a payment of costs and expenses under section 316G; or
 - (b) to make a claim on or realise an EPA assurance under section 316G; or
 - (c) to issue an environmental enforcement order under section 362, other than an environmental enforcement order to which section 539E applies.
- (2) The Land Court or the Court must refuse the application if satisfied there would be an unacceptable risk of serious or material environmental harm if the stay were granted.

5.1.1.5 Section 539E Stay of decision to issue an environmental enforcement order in particular circumstances

- (1) This section applies to an application under section 539B for a stay of a decision to issue an environmental enforcement order under section 362(2)(a).
- (2) In deciding the application, the Court must have regard to—
 - (a) the quantity and quality of contamination of the environment that is likely to be caused if the stay is granted; and
 - (b) the proximity of the place at or from which the contamination incident is happening or happened to a place with environmental values that may be adversely affected by the contamination.

5.1.1.6 Section 539F Effect of stay of ERC decision

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

6 Judicial review

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

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

Disclaimer

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

Approved:

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¹ Under the *Environmental Protection Act 1994* business days— does not include a business day that occurs during the period starting on 20 December in a year and ending on 5 January in the following year¹.

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

³ Subdivision 1 is about appeals to the Land Court.

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

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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) 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
 - (iv) 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.