

3.6 COMBd14/002 Development Permit for a Material Change of Use Poultry Farm (Rural Use) and Creation of an Access Easement Ryacon Engineers Pty Ltd Lot 3 RP48275 Lot 3 RP58176 Lot 4 RP58176 (now described as Lot 4 on SP263574) [Closed s.275(1)(g)]

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: COMBd14/002

AT THE COMMENCEMENT OF THE MEETING, it was moved Cr West, seconded Cr McInnes, that Item 3.6 be considered in open session, however the Committee would reserve the right to resolve into closed session during consideration of the item.

CARRIED

During consideration of this item, it was moved Cr Stanfield, seconded Cr Waistell, that the Committee resolve into closed session in accordance with the provisions of Section 275(1)(g) of the Local Government Regulation 2012 relating to closed session meetings, in order that Cr Stanfield could table correspondence between representatives of the applicant and Council, and raise relevant points from that correspondence for discussion.

CARRIED

Following discussion on Item 3.6 in closed session, the Committee resumed in open session for the proposal of Committee recommendations.

**Moved Cr West
Seconded Cr Brent**

CARRIED

Applicable Planning Scheme	Combined MCU / Reconfiguration of Lot – Beaudesert Shire Planning Scheme 2007
Applicant	Ryacon Engineers Pty Ltd
Owner(s)	Nancy J Drynan, WA Drynan and WR Drynan
Site Address	9508 Mt Lindesay Highway TAMROOKUM QLD 4285
Real Property Description	Lot 3 RP48275, Lot 4 RP58176 (now described as Lot 4 on SP263574), Lot 3 RP58176, Lot 1 WD3268 and Lot 4 WD3268
Site Area	107.565 Ha
Relevant Zone and Precinct	Rural Zone - Countryside Precinct
Proposal	Combined Material Change of Use – To Establish a Poultry Farm (Rural Use) (6 sheds with 360,000 birds) and Reconfiguration of a Lot (access easement)
Assessment Level	Impact Assessment
Approval Type	Development Permit

Public Notification:	5 to 25 February 2015 (Public Notification was carried out twice as 1 st period 5 business days short over the Christmas - New Year period)
Submissions Received	8
Date Application Received:	1 August 2014

Reason for Confidentiality

This report is CONFIDENTIAL in accordance with Section 275(1)(g) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (g) any action to be taken by the local government under the *Planning Act*, including deciding applications made to it under the Act.

Purpose of Report

The purpose of this report is to provide the facts and circumstance for a proposed development seeking an approval for a combined Material Change of Use (Impact Assessable) to establish a Poultry Farm for six (6) new sheds totalling 360,000 birds on Lot 4 RP58176 (now described as Lot 4 on SP263574) and a Reconfiguration of a Lot (Access Easement) on Lot 3 RP48275 and Lot 3 RP58176 from Mt Lindesay Highway, Tamrookum. The other properties being Lots 1 & 4 on WD3268 are included in the application as they accommodate existing dwellings that form part of the farm holding for the proposed poultry farm.

Brief Summary

Council is in receipt of an application seeking an approval for a Development Permit for a Material Change of Use for a Poultry Farm (Rural Use) comprising six (6) new sheds totalling 360,000 birds and an access & services easement.

The proposed development is identified under the *Beaudesert Shire Planning Scheme 2007* as requiring Impact Assessment in the Rural Zone - Countryside Precinct.

The application triggered referral to the State Assessment Referral Agency (SARA) under the following triggers:

- Schedule 7, Table 2, Item 2 - State Controlled road;
- Schedule 7, Table 3, Item 1 - State Controlled road;
- Schedule 7, Table 3, Item 2 - Development Impacting on State Transport Infrastructure;
- Schedule 7, Table 2, Item 1 - Environmentally Relevant Activities;
- Schedule 7, Table 2, Item 34 - Railways

The State Assessment Referral Agency (SARA) in their role as concurrence agency have assessed the proposed development and the potential impacts upon State Transport Infrastructure (Mount Lindesay Highway and Railways), and have advised Council that there are no objections subject to conditions.

The application was publicly notified for a period of no less than 15 business days in accordance with the requirements under the *Sustainable Planning Act 2009*, wherein Council received eight (8) properly made submissions.

The proposal is considered to be not consistent with the Specific Outcomes and Probable Solutions identified under the Poultry Farm Code within the Planning Scheme. Whilst the supporting technical reports submitted with the application have stated that the proposed development is unlikely to have adverse impacts upon the amenity of adjacent residences, Council officers do not agree with this statement as the odour issues are very significant and adversely impact the residences in the surrounding areas as indicated by the results in the Odour and Dust Assessment Report.

It is noted that in this instance, Council is assessing the planning, general environmental and amenity matters pertaining to this application such as visual amenity, car parking and the proposed land use impacts including noise, odour, waste and dust issues internal and external to the site. Additionally, these environmental issues such as air (odour and dust), water (contaminants), noise and waste are also being dealt with by the Department of Agriculture, Fisheries and Forestry under the Environmental Protection Act 1994 as regulatory authority for poultry farms as part of an Environmental Relevant Activity Approval for the ongoing operation of the poultry farm once established.

An Environmentally Relevant Activity (ERA) 4(2) (farming more than 200,000 birds) is required to be obtained concurrently to enable the commencement of the land use.

A risk assessment was requested by Council and undertaken by the Applicant to determine the ability to locate sensitive receptors on surrounding vacant land (i.e. future dwellings). It was concluded that the proposed poultry farm will have a detrimental impact on the vacant lots adjacent to the subject site in relation to the ability to establish sensitive receptors (dwellings) within the modelled contours.

Accordingly, it is recommended that Council resolves to refuse the application for a Poultry Farm (Rural Use) comprising of six (6) new sheds totalling 360,000 birds and an access easement.

Background

The application includes land comprised of 5 allotments described as:

Lot 4 RP58176 (now described as Lot 4 on SP263574) (17.027Ha)
Lot 1 WD3268 (35.615Ha)
Lot 4 WD3268 (18.034Ha)
Lot 3 RP48275 (21.071Ha)
Lot 3 RP58176 (15.818Ha)

Lot 4 RP58176 will accommodate the chicken broiler infrastructure while the remainder of the subject lots will provide a suitable access to the site or accommodate existing dwellings for the proposed poultry farm. The allotments have access to Mount Lindesay Highway through an access easement on Lot 3 RP48275 and Lot 3 RP58176. Access to the Mount Lindesay Highway is intersected by a north-south corridor interstate rail track controlled by Australian Rail Track Corporation Ltd (ARTC).

Currently no infrastructure improvements have been made to land. The properties are currently operated as a beef cattle grazing enterprise. There is one approved poultry farm to the west of the site. The next nearest poultry shed that is not a breeder farm is located approximately 4.6 km north-east from the location of the proposed poultry farm.

Proposal

The application seeks a Development Permit to establish a Poultry Farm (Intensive Rural Use) comprising of six (6) sheds on Lot 4 RP58176 (now described as Lot 4 on SP263574). The application also seeks approval for an access easement on Lot 3 on RP48275 and Lot 3 on RP58176. The other lots forming part of this application are Lot 1 on WD3268 and Lot 4 on WD3268. These lots are included as they accommodate existing dwellings that are part of the farm holding for the proposed poultry farm.

The applicant proposes six (6) tunnel ventilated sheds with a **gross floor area of 19,440 m²** sited on an overall approximate pad size of 6.93 hectares (330m x 210m) to accommodate a total capacity of 360,000 birds.

An Environmentally Relevant Activity ERA 4 (2) is triggered (farming more than 200,000 birds) based on the definition of an ERA 4 under the provisions of the *Environmental Protection Regulations 2008*, as follows:

"ERA 4 - *Poultry Farming (the relevant activity) consists of farming a total of more than 1000 birds for -*

- a) *producing eggs or fertile eggs; or*
- b) *rearing hatchlings, starter pullets or layers;*
- c) *rearing birds for meat."*

Under the *Environmental Protection Regulation 2008*, an Environmentally Relevant Activity No.4 (2) - Poultry Farming (farming more than 200,000 birds) is classified as a 'concurrence' ERA. As such, a Development Permit is required to be obtained for a concurrence ERA.

The individual components of the proposal are outlined below:

Operational Procedures

The applicant advised the operational procedures are as follows:

The site will operate 24 hours a day, all year round. A total of 5.5 poultry batches per annum are proposed, which generally occurs over a 51 day period. This equates to 1,980,000 birds per annum.

The poultry farm is proposed to operate in accordance with the RSPCA Approved Farming Scheme Standards Operations Manual. The owners of the farm will have a contractual agreement with the processing companies. The farm will be responsible for the growing, then supplying of chickens to the processing plant owned by the nominated company. The processor provides one-day old chickens to the farm. The farm's responsibility is to provide the infrastructure and labour to grow the birds.

Day old chickens are delivered in batches to the farm from a hatchery and are subsequently collected at various stages of the growing cycle and transported to a processing plant. Fully stocked, each sheds will have a capacity of 60,000 birds thus giving a total farm capacity of 360,000 birds. The birds are grown for approximately 51 days with a progressive thin out which removes birds for processing. This provides a range of bird sizes for the market and keeps the total bird weight down in the sheds as the birds grow.

A growing cycle is made up of the placement of new litter, the placement of day old birds, the growing of the birds and the progressive removal of birds and cleanout. Each cycle takes approximately 60 days resulting in 5.5 cycles per year. At the end of each production cycle all shed litter is removed from the site in covered vehicles and transported off site for use as fertiliser. The sheds will be cleaned and disinfected. New litter will be laid on the shed floor prior to the delivery of the new batch of day old chicks.

Initial harvesting is generally conducted at approximately 33 days. Thinning of bird numbers at this stage supplies the market with smaller size birds and provides additional space for growing larger birds. Typically, about 35% of the birds are removed at about day 33. A second thin out at 38 days typically removes another 25 % of the birds. This leaves the remaining 40% of the original number of birds to be reared up to 51 days, depending on the size of the birds required for market and other production requirements.

At various stages of the cycle, the birds will be transported live from the site by truck for off-site processing. The birds will be placed into transport cages from inside the shed and loaded onto trucks by a forklift. Bird collection takes approximately two days and will occur around the 33 to 38 day growing stage and the final pickup at 51 days.

Over the growing cycle, a mortality rate of about 4% is expected. Dead birds are collected from the sheds on a daily basis and placed into an onsite cool room. It is proposed that an onsite carcass composting facility will be established to dispose of the dead birds, with the resulting nutrient rich compost material being utilised for re-use on farm or sold off-site to other farmers. Details of the proposed carcass composting facility and its operating procedures are included in the Site Based Management Plan.

Sawdust and/or shavings (or suitable organic alternatives) will be used as a bedding material, which helps absorb moisture, limiting the production of ammonia and harmful pathogens. All litter will be removed from the sheds at the end of every batch of birds. Sawdust/shavings will be of at least at a depth of 50mm, which is the amount required by the RSPCA Approved Farming Scheme Standards for Meat Chickens (industry average is 45mm).

The majority of the wastes associated with the operation are manure produced by the meat chickens. This is removed from the sheds via a front-end loader and transported off-site in appropriately covered trucks.

The applicant advised that all waste associated with the poultry farm will be appropriately managed to ensure no adverse impacts are caused to the local environment.

Sheds, Pad, Roads

The Applicant proposes to establish six (6) tunnel ventilated sheds with dimensions of approximately 180m × 18m for each shed resulting in an overall combined gross floor area of 19,440m² (refer to **Attachment 3**). The sheds will comprise of consistent floor levels with an overall pad of approximately 6.93 hectares. The sheds are to be located within a security fenced compound.

The sheds will be orientated in a general north-south direction located more towards the eastern boundary of Lot 4 RP58176 (now described as Lot 4 on SP263574). The proposed poultry farm will be located at a distance of approximately 400m west of the Mount Lindesay Highway. The formal access is to be achieved from Mount Lindesay Highway via an access easement burdening Lot 3 RP48275 and Lot 3 RP58176. A gravel ring road with a minimum width of 3.5m is proposed around the perimeter of the sheds with a service road between pairs of sheds. A wider loading area is proposed on the northern end of the sheds as shown on the proposal plan.

Floors, walls & roof

The floors of the sheds will be compacted earth/stabilised floors covered with appropriate litter. The sheds will be constructed to the applicable Australian Standards and Building Code of Australia. The sheds are proposed to be constructed of steel frame with metal sheeting roof and walls. The sheds will be green in colour in an attempt to reduce the visual impact on the surrounding locality. Each will have a concrete wall around the base of the shed to prevent stormwater and vermin entering the sheds.

The applicant advised that appropriate insulation, if required will be installed in the roofs and walls of the sheds which are to be fully enclosed.

Tunnel Ventilation

Tunnel ventilation is proposed to maintain constant environment for the birds inside the shed. The farm will be operated as a full commercial tunnel ventilated facility with provision for future conversion to free range.

Each shed will have four (4) gas heaters spaced along the length of the shed. On the opposite side of the sheds to the heaters, they are mirrored by 1x50" exhaust fans, plus an additional 2x50" exhaust fans on the south end which provide the minimum required ventilation.

In addition to the exhaust fans there are 12x50" tunnel fans. Six (6) fans will be on the southern end of the sheds, with an additional three (3) on the western side and three (3) on the eastern side of the sheds.

Litter Management

The applicant advised that the floors will be covered with sawdust and/or shavings as is the industry standard to help absorb moisture and limit the production of ammonia and harmful pathogens. All litter will be removed from the sheds at the end of every batch of birds.

Once the litter is removed from the sheds it will be transported from site in appropriately covered vehicles.

Vermin Control

The proposed sheds will be fully enclosed and vermin proofed. Procedures for managing the vermin are documented within the Site Based Management Plan.

Numbers of Staff

The applicant advised that the proposed chicken farm will generate 3 full time equivalent jobs.

Access

All farm access will be via the proposed new access. The access will be designed and constructed in accordance with the requirements of the Department of Transport and Main Roads (DTMR) Road Planning and Design Manual, DTMR rail crossing requirements and Scenic Rim Regional Council Design and Construction Manual.

Biosecurity

Biosecurity is a high priority for the operation of a poultry farm. All persons entering and leaving the farm will report via the office/amenities block to the farm manager and be disinfected.

Ancillary buildings/Site Items

The poultry farm will require ancillary buildings primarily for the storage purposes. Additional structures and or facilities anticipated include gas tanks, office facilities which include toilets and showers, a manager's residence, a generator shed, machinery and chemical storage shed and a cool room.

Traffic Volume

The applicant has advised through a Traffic Impact Study prepared by TTM on 21 March 2014 that the proposed farm will be accessed by a variety of vehicle types.

The approximate annual vehicle movements generated by the activities of the poultry farm when operating to capacity (ie. total of six (6) sheds) are approximately 6,152 vehicles per annum which equates to 118.31 trips per week. The applicant has advised that the figures are an estimate only with the assumption of 5.8 growing cycles per year (50 day period) and will operate 24 hours, all year round.

The following provides a breakdown on the likely vehicle activity associated with each poultry batch:

- Staff: three full time staff employed;
- Staff levels temporarily increased (8) during thin out and finish batch days only to help with (chicks/chickens) processing (two days per batch and generally arrive in two vehicles);
- Service vehicles: typical servicing relates to:
 - Wood shaving delivery - 22 per batch , tri-axle semi-truck;
 - Chicks import to site - four per batch, B-double truck;
 - Chicken feed deliveries - 50 per batch, B-double truck;
 - Fuel deliveries - one per month, tri-axle semi-truck;
 - Gas deliveries - three per batch, HRV truck;
 - Chickens exported 72 per batch, tri-axle semi-truck; and
 - Wood shaving/waste removal - 29 per batch, tri-axle semi-truck

The Traffic Impact Assessment report provided by TTM consultants concludes that there is no traffic planning or engineering impediments for the proposed development.

The Department of Transport and Main Roads (DTMR) have produced *Guidelines for Assessment of Road Impacts of Development* (GARID) proposals, which aid in the assessment of impacts on State Controlled Roads (SCR).

In general terms, DTMR considers that an impact on a road is insignificant if there is less than 5% increase in traffic, measured either as annual average daily traffic (AADT) or equivalent standard axles (ESAs). The detailed assessment of the development traffic impacts in accordance with the GARID guidelines has established that the proposed poultry farm operation together with the approved Peacefield Pty Ltd Poultry farm will have a negligible traffic impact on the *State Controlled Road Network* (SCRN).

As such the proposed development is considered to generate an insignificant increase and no further assessment or mitigations were considered necessary.

The Traffic Impact Assessment has however advised that a new site access intersection to be taken from the Mt. Lindesay Highway which will be based on a BAR type arrangement and designed in accordance with the RPDM/AUSTROADS requirement for the Mt. Lindesay Highway speed environment. Due to relatively low generated development traffic volumes, the report concluded that no further infrastructure mitigations are required, with exception of additional road warning signage at the proposed site access. (Note : This access point is the same as what was approved for the Peacefield Pty Ltd poultry farm).

Noise

The applicant has advised that should the farm be operated in accordance with the Site Based Management Plan, there is not expected to be any significant adverse impacts on the locality by way of detrimental noise emissions. The farm will be operated to ensure that noise levels are maintained within the limits detailed within the Site Based Management Plan by FSA.

The applicant advised that a number of ameliorative measures are proposed during the activities of the farm, which effectively reduces the potential acoustic impact on the locality. These include:

- During shed construction, best available control technology and practises will be employed to limit noise emissions.
- During shed construction, any work that is likely to generate noise nuisance will be carried out in accordance with the *Environmental Protection (Noise) Policy 2008*.
- Noise generation will be controlled by limiting traffic movements and work hours to daylight hours (generally 7:00am to 6:00pm) as much as is practical. However bird pickups may occur at night for animal welfare reasons.
- All poultry farm traffic will be confined to Mount Lindesay Highway.
- Site speed limit will be 30km/hr.
- Noise generation will be controlled by regular maintenance of farm machinery and vehicles. If a vehicle/machine is creating excessive noise, maintenance will be undertaken to correct the problem.
- Contractors will be informed of noise nuisance concerns and requested to limit noise generation (e.g. engine braking, limiting airbrakes, horns, excessive revving of motors, avoidance of impact with solid objects during litter clean-out, feed delivery, chick delivery and poultry pick-up).
- Vehicles have a modified beeper installed ("croaker") with flashing lights.
- No alarm bells or paging systems will be used.
- All on-site driveways/roads will be maintained (no potholes) and levelled as required to minimise truck bounce as they move on-site.
- Maintain a noise complaints register and operate a telephone complains line.
- Instruct all staff on the appropriate handling of noise complaints.

Stormwater Management

A stormwater management plan has been incorporated with the Site Based Management Plan. The farm will operate at all times in accordance with the Site Based Management Plan. These plans articulate the appropriate construction methods and farming procedures to be implemented with the best practice environmental management for poultry farms and will reduce the potential impact on the local environment.

Landscaping

The proposed sheds will be located approximately 400m west of Mount Lindesay Highway. The applicant proposes to establish a vegetation buffer around the entire perimeter of the proposed sheds to provide visual screening to the area. This aspect is addressed further in the response to submissions.

Water Resources and Stormwater

Water is required both for drinking and cooling during the meat chicken production in addition to cleaning and sanitising the sheds.

Water for the site will be sourced from the Logan River to the east of the site, as well as an existing bore located on neighbouring properties owned by the applicant and a water surface dam located to the south east of the proposed development. Three water storage tanks will also be available for water storage on-site, each with a capacity of 250,000 litres.

The stormwater will be captured from the controlled drainage area servicing the sheds and infrastructure, and is diverted around the pad by the diversion banks and through vegetated contour banks to the natural drainage line which will drain to the drainage line to the north of the proposed poultry farm and on to Logan River. No retention/detention basins are proposed to treat the wastewater before releasing to the drainage line to Logan River.

Dust Mitigation

Dust consisting mostly of organic materials such as feather particles, feed particles, dry manure particles and litter material may be emitted via the shed ventilation fans. Other potential dust sources at the proposed farm include wheel generated dust due to vehicle movements on access roads.

The amount of dust and airborne particulate matter typically present in a poultry shed is dependent on a number of factors including:

- Bird activity
- Stocking density
- Cleaning practices
- Bird handling
- Residual dust levels
- Type and moisture content of litter and feed
- Ventilation system
- Nearby dust sources

The applicant has confirmed on a submitted Site Based Management Plan prepared by FSA Consulting that there will not be a significant adverse impact on the locality by way of dust emission provided it is conducted and managed in accordance with the recommendations of Site Based Management Plan. These documents articulate the management strategies and corrective actions to be employed in the conduct of the farm. This has been addressed in the Odour and Dust assessment section within the Site Based Management Plan.

The following outlines the recommended management strategies under the Site Based Management Plan on the following matters:

- Construction earthworks dust emissions
- Shed dust emissions
- Dust emissions from carcass composting
- Dust nuisance from transport of feed, bedding, poultry and spent litter
- Complaints from dust

"Construction earthworks dust emissions

Management strategies include using water trucks to suppress dust emissions and manage the timing of earthworks when wind is blowing away from neighbouring receptor that may be affected.

Shed dust emissions

- *Use of tunnel ventilated sheds with fans discharging away from the nearest residences.*
- *Construction and maintenance of vegetative screens to minimise dust impact on nearby residences.*
- *Management of litter moisture and removal.*
- *Variable ventilation rates on the sheds.*

Minimise dust emissions from carcass composting

- *Addition of water to compost to minimise dust emissions from compost pile*
- *Composting to occur in covered or enclosed area to help control dust.*

Dust nuisance from transport of feed, bedding, poultry and spent litter

- *Maximum vehicle speeds limited on farm to 30Km/h.*
- *Watering of internal roads during dry conditions when excessive dust is generated from vehicles.*

Complaints from dust

- *Maintain a complaints register.*
- *Operate a telephone complaints line.*
- *Instruct all staff on the appropriate handling of dust complaints."*

Odour Control

A submitted Odour and Dust Assessment for the Poultry Farm was prepared by Pacific Environment Limited. The report concluded that dispersion modelling from the proposed farm (up to six sheds) indicates that odour levels associated with the farm at the nearest sensitive receptors will be within the *Queensland Guidelines Meat Chicken Farms* by the Department of Agriculture, Fisheries and Forestry in 2012 (DAFF/EHP) odour guideline criteria.

The report stated that the model results indicate that the farm will comply with the State Criteria ($C_{99.5 \text{ 1hr}} = 2.5\text{ou}$) at all sensitive receptors with the exception of receptors 7 and 11, whilst the report also indicate that Receptors 3, 4, 6, 7 and 11 will be affected under the Council Criteria ($C_{99.9 \text{ 3min}} = 5 \text{ou}$). (See Figures 5.1 and 5.2 on next page).

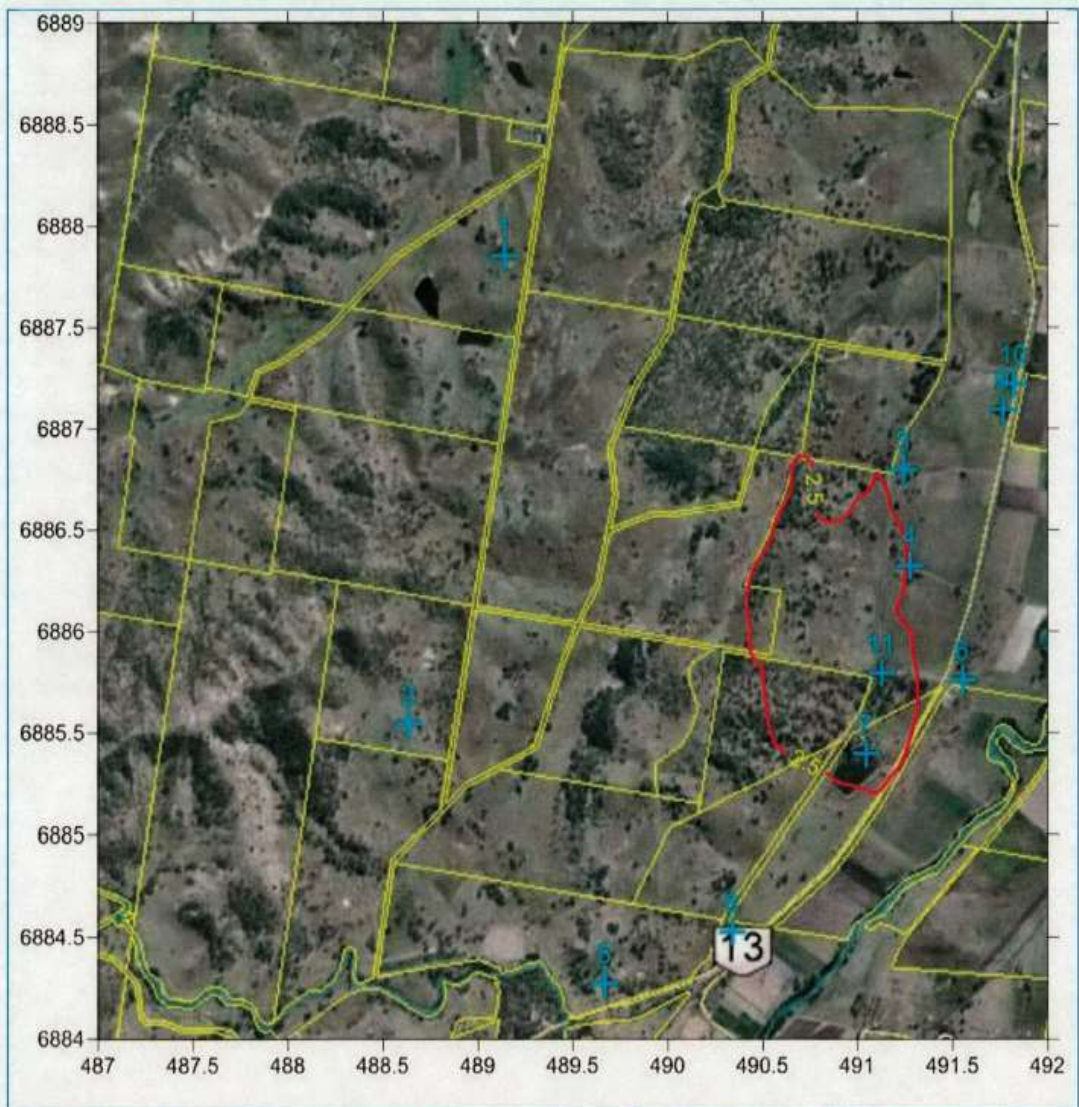
However, Council's view and supported by an external peer review, is that the DAFF/EHP odour results further indicate that other properties are also severely impacted by the odour contour. The odour levels are exceeded at additional four (4) properties that are vacant lots and are in private ownership and are totally impacted in some respects.

Furthermore, the results of modelling against the Beaudesert Shire Council Planning Scheme 2007 odour criteria indicate that odour levels were exceeded at six (6) sensitive receptor locations and five (5) surrounding vacant lots. These vacant lots are totally impacted by the odour and restrict how the properties can be developed in the future particularly in relation to establishing future residences thus affecting land-use rights. The risk of odour nuisance is very high on these vacant lots as clearly identified by the modelling results under the Council's odour guideline criteria as shown below.

Council takes a very serious view to this contentious odour nuisance issue as it severely restricts these properties from being further developed in the future.

Not only are these eleven (11) properties mentioned above affected by the Council odour criteria, there are a further ten (10) lots (excluding the proposal site) that are also impacted partially as identified in the Table below.

Whilst these lots are partly impacted, nevertheless, the amenity of the surrounding area is not maintained and changed to the extent of nuisance impacts. Whilst Council is not responsible for the ongoing operational requirements for the poultry farm once established, as this forms part of the ERA Approval (please refer to **Attachment 9**) administered by DAFF. History shows that Council would generally be the first contact for complaints concerning the operation before referring the matter to DAFF. Council would however be the responsible authority for dealing with development on vacant lots.



Species: Odour	Location: Tamrookum	Scenario: 6 Sheds Proposed K=2.2	Percentile: 99.5	Averaging Time: 1-Hour
Model Used: CALPUFF v6.42	Units: ou	Guideline: 2.5 ou (red line)	Met Data: 2008 CALMET- Generated	Plot: G. Galvin

Figure 5-1: Proposed Farm – State Criteria

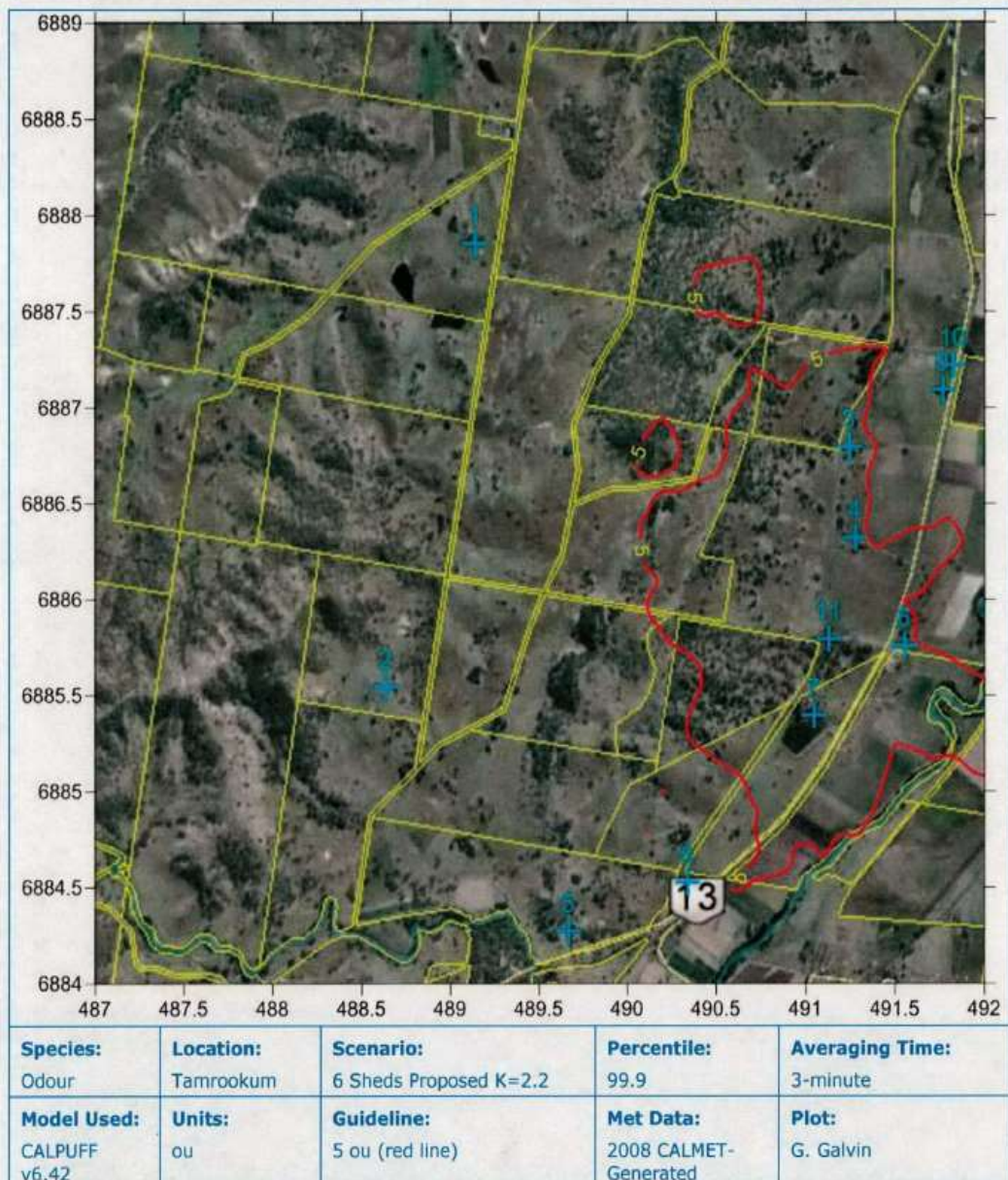
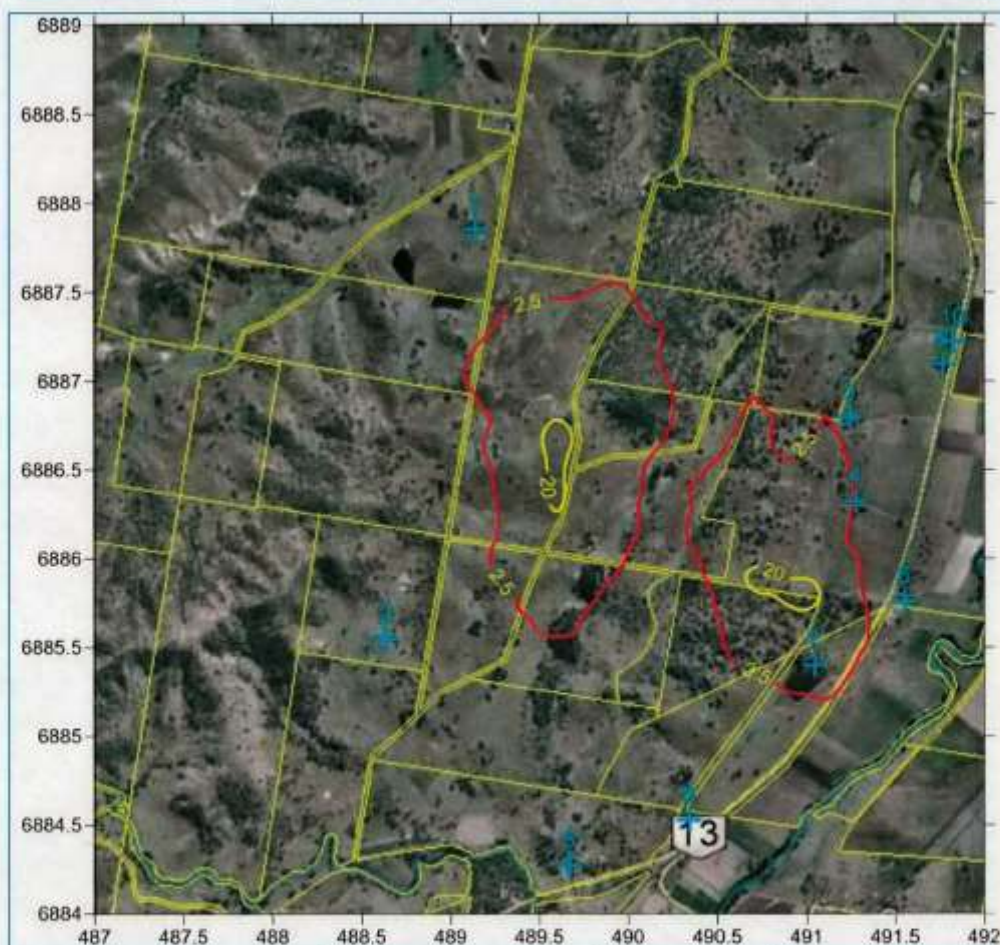


Figure 5-2: Proposed Farm – Council Criteria

Cumulative Odour Impacts

An assessment of the cumulative impacts was also conducted for odour, and showed that when the neighbouring proposed Peacefield Pty Ltd farm was included with this farm, the Queensland DAFF/EHP odour criteria was exceeded at some of the off-site sensitive receptors as shown in Figure 5.3 over the page.

It is worth noting that the consultant had not further assessed the cumulative impacts by including the Peacefield Pty Ltd farm in the modelling to demonstrate the impacts under Council odour criteria. It is envisaged that the results would demonstrate a far worsening impact and would show more sensitive receptors at risk with adverse odour impacts than that indicated by the DAFF/EHP odour criteria results. Traditionally, odour assessment is conducted on an exclusive basis (i.e. each poultry farm treated separately) however, it was considered relevant in this case given the proximity of the two proposed farms.



Species: Odour	Location: Tamrookum	Scenario: 6 Sheds Proposed & 8 Sheds Peacefield K=2.2	Percentile: 99.5	Averaging Time: 1-Hour
Model Used: CALPUFF v6.42	Units: ou	Guideline: 2.5 ou (red line)	Met Data: 2008 CALMET-Generated	Plot: G. Galvin

Figure 5-3: Proposed Farm and Peacefield Farms (K factor 2.2) – State Criteria

Discussion on impacts arising from Odour Modelling results and other issues

1. Odour Impacts on Properties

From the above odour results contained in the applicant's odour report it can be concluded that the Poultry Industry Guidelines standard contour for Odour ($C_{99.5 \text{ 1 hr}} = 2.5\text{OU}$) (Figure 5.1) impacts on the following existing dwellings and vacant lots as summarised in the table below:

Properties impacted by the Poultry Industry Guidelines Odour contour - Modelling results				
Number	Property Description	Current Status	Ownership	Comments
1	Lot 4 WD3268	Existing House	WA Drynan	Residence impacted

2	Lot 139 WD2174	Vacant lot	SRRC	Totally impacted
3	Lot 1 WD3268	Existing House	WR Drynan	Residence impacted
4	Lot 3 RP44275	Vacant lot	WR Drynan	Partly impacted
5	Lot 113 WD2174	Vacant lot	WR Drynan	Significantly impacted
6	Lot 2 RP58176	Vacant lot	Not known	Partly impacted
7	Lot 1 RP58176	Vacant lot	Peacefield Pty Ltd	Totally impacted
8	Lot 3 RP58176	Vacant lot	Peacefield Pty Ltd	Totally impacted
9	Lot 8 RP51342	Vacant lot	Jeffrey J Blackburn	Totally impacted
10	Lot 7 RP51342	Vacant lot	Jeffrey J Blackburn	Partly impacted
11	Lot 3 RP48275	Existing House	Nancy J Drynan	Partly impacted
12	Lot 4 SP263574 (proposal site)	Vacant lot	WR Drynan	Totally impacted

Also located close proximity to the 2.5OU contour line are houses to the north on Lot 3 RP48275 (included in in the table above) and neighbouring property Lot 6 RP202466 owned by Blackburn.

When utilising the Beaudesert Shire Planning Scheme 2007 standard contour for Odour ($C_{99.9, 3min} = 5OU$) (Figure 5.2 of the applicant's Odour report) it is considered that the following existing dwellings and vacant lots are impacted upon and are summarised below:

Properties impacted by Beaudesert Shire Planning Scheme 2007 Odour contour - Modelling results				
Number	Property Description	Current Status	Ownership	Comments
1	Lot 4 WD3268	Existing House	WA Drynan	Residence impacted
2	Lot 139 WD2174	Vacant lot	SRRC	Totally impacted
3	Lot 1 WD3268	Existing House	WR Drynan	Residence impacted
4	Lot 3 RP44275	Vacant lot	WR Drynan	Partly impacted
5	Lot 113 WD2174	Vacant lot	WR Drynan	Significantly impacted
6	Lot 2 RP58176	Vacant lot	Not known	Partly impacted
7	Lot 1 RP58176	Vacant lot	Peacefield Pty Ltd	Totally impacted
8	Lot 3 RP58176	Vacant lot	Peacefield Pty Ltd	Totally impacted
9	Lot 8 RP51342	Vacant lot	Jeffrey J Blackburn	Totally impacted
10	Lot 7 RP51342	Vacant lot	Jeffrey J Blackburn	Totally impacted
11	Lot 3 RP48275	Existing House	Nancy J Drynan	Residence impacted
12	Lot 2 RP81351	Existing House	WA Drynan	Residence impacted
13	Lot 1 RP49216	Vacant lot	WR Drynan	Partly impacted
14	Lot 2 RP50685	Vacant lot	Wam-Gee Pty Ltd	Significantly impacted
15	Lot 1 RP50685	Vacant lot	Wam-Gee Pty Ltd	Partly impacted
16	Lot 7 RP202466	Existing House	Julanne M Murphy	House site potentially impacted
17	Lot 6 RP202466	Existing House	Jeffrey J Blackburn	Residence impacted
18	Lot 7 RP48275	Vacant lot	Nancy J Drynan	Partly impacted
19	Lot 8 RP48275	Existing House	WA Drynan	Residence impacted

20	Lot 24 SP131764	Existing House	Wedawish Pty Ltd	House site not impacted
21	Lot 1 RP32509	Vacant lot	Wedawish Pty Ltd	Partly impacted
22	Lot 4 SP263574 (proposal site)	Vacant lot	WR Drynan	Totally impacted

The above table highlights the impacted properties both for existing residences and some vacant lots that may not have potential to be built upon due to the odour nuisance. Other properties that are impacted partly are also listed above. Also refer to **Attachment 1** for aerial map showing properties that are affected by the proposal.

The odour modelling results clearly demonstrate that the proposal does not comply with Specific Outcome SO3 and Probable Solution S3.3 of the *Poultry Farm Code - (Chapter 5, Part 2, Div. 21) - Table 5.2.64. of the Beaudesert Shire Planning Scheme 2007* for existing residences on Lot 8 RP48275, Lot 2 RP81351, Lot 6 RP202466, Lot 3 RP48275, Lot 4 WD3268 and Lot 1 WD3268 and potentially impacts Lot 7 RP202466 being close to the odour contour. Please refer to cadastral map shown below indicating the location of the affected properties listed in the tables above with the Council odour contour line reproduced generally depicting the approximate location of the odour influence line.

The odour contour also impacts vacant lots that will restrict the location of dwellings on these properties in future. These lots are listed as Lot 7 RP51342, Lot 8 RP51342, Lot 3 RP58176, Lot 1 RP58176 and Lot 139 WD2174 excluding the proposal site.

Refer results of odour modelling in **Attachment 5**.

Whilst not recommended, should the application be supported by Council then the approval should be conditional upon all the properties forming part of this DA including Lot 113 WD2174 being amalgamated to form one large lot. Failure to ensure this requirement would place pressure on Council in the future to approve a further substandard development with less lots. A preferable solution would be to amalgamate lots should Council wish to approve the application. This will then restrict these lots from individual sales and attempt to minimise odour nuisance complaints from these properties in future.

Buffers will also be required to adjoining sites under different ownerships (albeit family). Safeguards should be imposed to ensure that these receptors and any other lots that are affected by odour do not become “sensitive receptors” in the future.

Other options include, should the lots not be amalgamated and form one lot and the subject of the approval is sold, would be to void the approval or trigger a new MCU application for this farm should any of the DA lots including Lot 113 on WD2174 changes ownership through future sale of land. This would also restrict any future sales.

Peer Review

Council sought a Peer Review of the Odour Report submitted by the applicant. That Peer Review identified that based on the Pacific Environment Limited (PEL) Report and assuming that its inherent assumptions were valid, the potential impacts due to the proposed farm would be as follows:

- Predicted 1-hour average, 99.5th percentile, ground-level concentrations of odour due to the proposed farm in isolation exceed the odour guideline at receptors to the southeast and east within 430 m of the sheds (Receptors 7 and 11 in the PEL Report).

- Predicted 1-hour average, 99.5th percentile, ground-level concentrations of odour due to the proposed farm in isolation are, at best, marginally below 2.5 ou at Receptors 3 and 4, two receptors located approximately 500 m and 900 m to the northeast of the proposed sheds.
- Predicted 3-minute average, 99.9th percentile, ground-level concentrations of odour due to the proposed farm in isolation exceed Council's odour criterion of 5 ou at five receptors to the southeast, east and northeast (Receptors 3, 4, 6, 7 and 11 in the PEL Report).

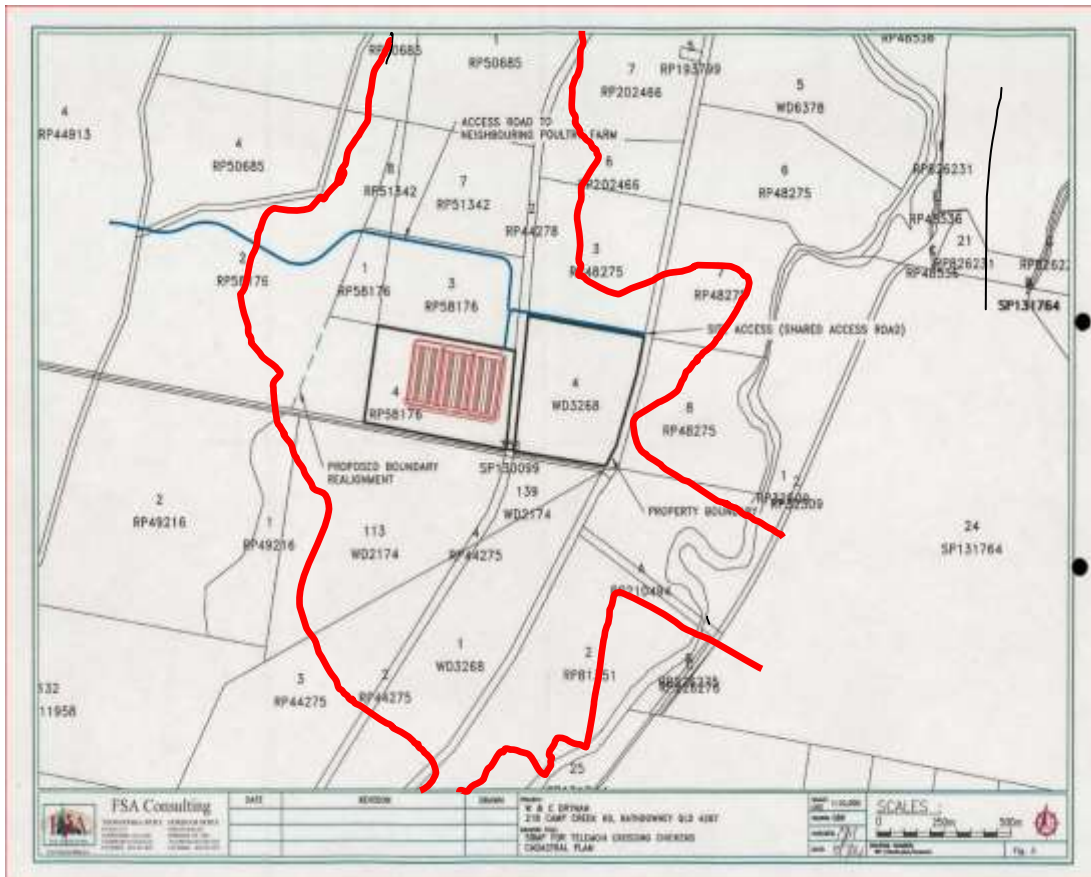
The Peer Review also stated that:

- A cumulative odour assessment had not been conducted against Council's odour criterion; and
- There is insufficient information in the PEL Report regarding the number of days per year when the 24-hour average concentrations of PM10 were predicted to be above 50 µg/m³ at Receptors 7 and 11, nor is there detail about the likely background concentration of PM10 in the region nor have impacts been quantified due to the proposed farm in isolation.

The Peer review further stated that PEL adopted a conventional approach to quantifying odour emissions from the poultry sheds. That approach assumes that the odour emission rate from each of the proposed sheds is at the lower end of the possible range, consistent with the application of best practice design and management. The outcome of the odour assessment study is critically dependent on that assumption. If the proposed sheds were not operated to achieve the best practice odour emission rates, adverse odour impacts may occur in the community.

Based on the results in the PEL report this meant that adverse odour impacts may additionally occur at the receptors located 500 m to 900 m to the northeast of the proposed farm (Receptors 3 and 4) if management practices were not in line with best practice and achieve a "K factor" of 2.2. The "K factor" relates the farm management practices to the likely odour emission rates.

Therefore, from the above discussions, it is very much evident that the proposed site does not meet the odour criteria for containing the stipulated odour levels within the bounds of the property as required under the Planning Scheme. The proposal will also restrict any future use of the Council Reserve (long term issue) as the land is adversely impacted by the odour nuisance.



Cadastral map showing the location of properties affected within the vicinity of the site. The red highlighted contour line depicts approximate location of the Council's odour criteria as modelled.

2. Poultry Industry Guidelines versus Council Odour Criteria

It can be argued that whilst the Poultry Industry Guidelines odour criteria impacts on fewer properties as indicated by the modelling results arising from this development, it is the Council's odour criteria that indicate substantial adverse impacts to existing houses and vacant lots within the vicinity of the proposed development. This must be considered as prevailing and governing criteria for development controls when considering the location of poultry farms in the first instance as a land-use rather than the ongoing operational aspects of the facility which is the responsibility of DAFF through the ERA licence.

Council is the administering authority regulating the land-use component within the local government areas to **provide an equitable developable platform for any properties and protects existing use rights**. Not only has the above proposal potentially taking away the rights for future development of the vacant lots to build residences upon without being adversely impacted, it also creates an odour nuisance to existing residences within the surrounding areas.

It is the Local Authority (Council) in this case that has consciously set high standards for Odour Criteria in the Planning Scheme and adopted the Scheme that went through public and State consultation process. It is important to note that the stringent odour criteria set by Council in the Planning Scheme is for a reason to **protect the health of residents living in surrounding areas from nuisance odour impacts** arising from any poultry farm developments. History has shown that Council will be the first point of contact for any complaints regarding odour nuisance arising from the operation of poultry farms albeit the matter will need to be referred to DAFF for action.

The tables above indicate that twice as many properties (20) are impacted by the Council's odour criteria compared to DAFF's criteria (11). As numerous properties are being impacted by this odour nuisance alone, this application warrants a careful assessment of risks as identified above and its impacts on the health of existing and future residents living in the surrounding areas.

3. Impacts on rural based activities such as Tourism

The proposed poultry farm would potentially impact the rural based activities such as Tourism. Scenic Rim Council area has been actively promoted to have panoramic scenic mountain views with superb landscape character along these road corridors.

Public travelling along the Mount Lindesay Highway may find the odour emanating from the proposed poultry farm offensive as the development is of a non-traditional nature unlike dairying or beef cattle grazing. The odour would apparently be very noticeable along a certain distance of the Highway within the vicinity of this poultry farm due to being sited very close to the State Road. The odour modelling results have indicated that Mount Lindesay Road will be **impacted for a stretch of more than 2 km**. This odour lingering along the road for such a long distance will no doubt give a very negative impression on the locality as well as adversely impacting on the tourist destination sites.

4. Impacts on Visual Amenity of the surrounding areas

The development will adversely impact on the amenity and the existing landscape character of the surrounding area thus not satisfying the requirements of the Specific Outcomes SO8 of the Poultry Farm Code.

Currently the site has light vegetation scattered throughout property. The proposed poultry farm will have an intrusive effect on this site as the poultry sheds would be very much visible from Mount Lindesay Highway. Whilst there is a proposal for buffer screening, the bulk of buildings would not be effectively screened by the proposed buffer landscaping as the buildings are sited such that they are stepped up in the form of benching from Shed 1 to Shed 6 with a height difference exceeding 10 meters. All these sheds will be visible from the road as the landscaping buffer on the eastern end of these sheds will not screen the sheds effectively. The proposed landscaping buffer of mixed plantings of tall and short grasses and a mix of hardy shrub and tufted trees with a planting density of only 1 tree or shrub per 16m² would be considered inadequate. This shrub or tree will not effectively screen the buildings due to being less dense planting as well as the time the trees require to grow to get established.

Initially, the landscaping proposed will hardly screen the eastern side of shed 1 whilst on the other hand the environmental buffer proposed on the northern and southern end will also be ineffective in screening the buildings initially for quite some time. The environmental buffer trees proposed as 'Evergreen' tall trees will require years to grow to the desired height to effectively provide the desired screening. In the meantime the building would be very much exposed and visible from the road as bulky buildings thus impacting the natural environment and the existing landscape character of the surrounding area.

5. Building Setbacks

The proposed poultry farm buildings are not set back to a sufficient distance from the property boundary to prevent adverse impacts from odour, noise and dust emissions. The odour modelling results have concluded that there will be adverse odour impacts on the sensitive receptors being existing dwellings and potential building sites within the surrounding area.

According to the Beaudesert Shire Planning Scheme 2007 requirement under Probable Solutions S2.1 of the Poultry Farm Code, the proposed buildings are to be sited at a **minimum** distance of 800m from the property boundaries where the number of birds exceeds 320,000. The minimum distance provided for the building setback for this proposal is only 55.89m which is far less than that required under the Scheme. This is one of the primary reasons why there are odour impacts on adjoining properties.

It is evident that the site area is not large enough to provide the required set back distances from the boundary and is therefore unsuitable for such a proposal at its current location.

6. *Impacts on Water Quality*

The proposal will not only impact on the air (odour) but water quality of the surrounding area also. The proposed development is located partially within a water supply buffer area as defined by the Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2012 as identified by the applicant. The development is located within the buffer area therefore, water quality management measures must be in place to ensure possible release of contaminants does not adversely impact water supply.

The specific outcomes of the Seqwater Development Guidelines require a site based stormwater management plan. In order to develop a stormwater management plan and procedures to manage stormwater for the proposed development, the applicant had advised that an evaluation of the site characteristics was undertaken by a consultant to determine an appropriate stormwater management approach relevant to the scale and intensity of activities for the proposed development.

Whilst the consultant proposed a vegetated filter strip to remove sediment from the stormwater runoff, it had not provided a detention basin that would further retain and treat stormwater runoff from the site for longer duration rainfall periods of one in ten year storm events (10% AEP) as required under Probable Solution S4.1 of the *Poultry Farm Code - (Chapter 5, Part 2, Div. 21) - Table 5.2.64. of the Beaudesert Shire Planning Scheme 2007.*

The consultant had proposed a vegetated filter strip to remove sediment from the runoff in conjunction with contour buffer strips. The contour buffer strips are strips of permanent vegetation on the contour. These contour strips will slow the runoff and trap sediment prior to the runoff entering the vegetative filter strips (VFS). However, VFS become less effective with time as sediment accumulates and builds up. Without additional treatment being put in place, such as detention basins, the build-up of the dust loads that were initially removed in the first-flush of runoff would now find its way straight to the receiving waters of the water supply catchment thereby adversely impacting the water quality of the catchment.

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is approximately 400m from Mt Lindesay Highway, TAMROOKUM and described as Lot 4 RP58176 (since the application was lodged this Lot has been boundary re-aligned to increase its area to 25.1 ha and it is now known as Lot 4 on SP263574). The application sites combined (subject of this application) has a total area of 107.565 hectares. The site is located approximately 8.5kms north of the Rathdowney Township and approximately 23km south-west of Beaudesert.

Currently, no infrastructure improvements have been made to the land. The property is currently operated as a beef cattle grazing enterprise.

The allotment does not have a Strategic Cropping Land designation. The applicant advised that the allotment is not recorded on the Environment Management Register.

Both electricity and telephone services are currently unavailable at the site. Local electrical infrastructure is controlled by Energex. The applicant advised that connections to the electricity grid to service the development will be achieved via the installation of a new power line easement connecting to the existing line running along the Mt Lindesay Highway. The installation of this new line is subject to Energex design.

A new communications line will also be installed to service the proposed infrastructure. The applicant advised that the service will be achieved by connecting to the existing Telstra line travelling parallel to the Mount Lindesay Highway through the installation of underground conduit. The installation of this new line is subject to Telstra approval.

Reticulated water and sewerage are not available at the subject site.

The locality is exclusively rural in character. The predominant rural uses include low intensity grazing, dairy and crop production. Lot sizes vary but are typically medium rural holdings to the north and eastern direction and medium to large rural holdings to the south and west as demonstrated by the cadastral Locality map included in the attachment. The subject site is designated Rural Zone Countryside Precinct under the Beaudesert Shire Planning Scheme 2007.

There are a number of residential dwellings located in the vicinity of the site (refer to Attachment 5).

The table below indicates the closest distance to existing dwellings from the proposed sheds on the site:

<i>Direction (dwellings from Shed)</i>	<i>Distance - Sheds to dwelling (approx.)</i>
North East	0.36km
East	0.27km
South	0.44km
North	0.75km

The topography of the site can be described as being gently undulating land with the highest point of the site situated towards the west boundary of Lot 4 RP58176. The majority of the site is comprised of light vegetation scattered throughout property.

This existing vegetation is not proposed to be cleared except for the building pad area and the access road (Refer to **Attachment 1** for Dekho Map-Aerial Photo).

Overlays

The east boundary of Lot 3 on RP48275 and Lot 4 WD3268 is bounded by the Mount Lindesay Highway and as such triggers the Infrastructure Overlay for a State Controlled Road under the Beaudesert Shire Planning Scheme 2007.

The access road alignment contains some Medium Bushfire Hazard under the Development Constraints Overlay towards the southern boundary of Lot 4 RP58176. The proposed sheds are partly located within these areas.

The allotment incorporating the access and services easement (Lot 3 RP 48275) is identified as containing a flood hazard towards the eastern part of the property, which is also identified under the Queensland Reconstruction Authority flood mapping. The proposed sheds are not located within this area.

Advertising

The applicant submitted a written 'notice of compliance' on 27 February 2015 stating that the requirements for undertaking public notification have been completed in accordance with the requirements of the *Sustainable Planning Act 2009* for a period of no less than fifteen (15) business days. Real Property Signs demonstrated that the required actions pursuant to section 297(1) of the *Sustainable Planning Act 2009* were undertaken in accordance with the following:

- A Notice was published in the Beaudesert Times on 4 February 2015;
- A Notice was placed on the land on 2 February 2015 and was maintained for no less than 15 business days;
- Notices were issued to all adjoining land owners on 3 February 2015; and
- The last day for submissions was 25 February 2015.

Submissions

Eight (8) submissions were received in total. The submissions were properly made. Five (5) of the submissions were against the proposed development whilst three (3) of the submissions were in favour of the proposed poultry farm. (Refer to **Attachment 6** for the copies of submitters letters.)

The Applicant was afforded the ability to provide a response to the submissions. The Applicant's response was received by Council on 2 March 2015. The Applicant's response has been included as per **Attachment 7**.

The issues raised by the submitters against the proposal are summarised below and are all accompanied by an appropriate Officer comment.

Submitter concerns

- 1) *Noise and Dust - "The proposed access road will pass along the border of the property creating dust and noise 24 hours a day, 7 days a week. This will directly affect our quality of life, in what is now a peaceful, private and clean environment. As we rely on tank water, poultry shed dust landing on our roof will go directly into our domestic water supply potentially affecting our health.*

The increase in traffic densities and associated noise and dust is unacceptable".

Applicant's response -

"Access to the site will be via a shared access driveway off the Mount Lindesay Highway. A traffic impact assessment was undertaken for the proposed poultry farm by TTM, with the assessment report submitted with the development application. The report concluded that there would be negligible impact on the public road corridor network as result of the proposed development. Accordingly dust levels from traffic along the public road corridor network are unlikely to increase as a result of the proposed development, particularly as the highway is sealed."

The report also indicates that vehicle numbers accessing the site and using the access driveway will range from 5 to 15 per day. Traffic along the proposed gravel access driveway will generate some localised dust as the vehicle moves along the access, however is unlikely to cause nuisance at nearby sensitive receptors.

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive management strategies to minimise dust generation and therefore dust impacts at sensitive receptors".

The applicant advised that the Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of dust emissions at receptors.

Officer comments

In relation to the dust concerns, it is noted that the applicant has confirmed in the submitted Site Based Management Plan prepared by FSA Consulting that there will not be significant adverse impact on the locality by way of dust emission provided it is conducted and managed in accordance with the recommendations of Site Based Management Plan.

These documents articulate the management strategies and corrective actions to be employed in the conduct of the farm. This has been addressed under item 5.3 "Impacts to Community Amenity Due to Dust" in the Site Based Management Plan.

The existing poultry farm will be required to adhere to the conditions imposed relevant to that approval. The current application has been assessed based on the Technical Reports submitted. Dust and noise mitigation measures have been included within the Site Based Management Plan which would have been assessed by DAFF being the administering Authority of the Environmental Relevant Authority. Furthermore, DTMR have advised that they have no objections or further requirements to this proposal with regards to increase in traffic.

The Plan provides a comprehensive management strategy to minimise noise generation and noise impacts at sensitive receptors.

- 2) *Odour - "As our property lies to the north of the 6 proposed poultry sheds, our land would be in a direct line to receive all of the odour from the sheds on the southerly, prevailing winds. Should these sheds be approved we feel that, not only our land but our home would be within the assessed Odour Affected Area".*

Applicant's response -

"An odour assessment was undertaken by Pacific Environment Limited and the Odour Assessment Report was submitted with the original development application. The objective of the assessment was to determine odour impacts from the proposed operation on surrounding land uses in accordance with:

- Queensland Guidelines Meat Chicken Farms (DAFF, 2012)
- Guideline: Odour Impact Assessment from Developments (DEHP, 2013)
- Beaudesert Shire Planning Scheme (Beaudesert Shire Council, 2007)

The scope of works of the assessment to determine the potential odour impacts included:

- estimating hourly varying odour emissions

- meteorological and plume dispersion modelling
- analysing model results and evaluating them against assessment criteria.

This work was undertaken by way of:

- information and data review
- emissions estimation
- meteorological data processing
- dispersion modelling

The odour assessment found that the predicted odour emissions (K factor of 2.2) from the proposed farm (six sheds) indicates that odour levels associated with the farm at the nearest sensitive receptors will be within the Queensland EHP odour guideline criteria (C99.5 1-hr = 2.5 ou), even when combined with the predicted odour levels from the nearest poultry farm (currently under construction).

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive best practice modern management strategies to minimise odour generation and therefore odour impacts at sensitive receptors".

The applicant further advised that the Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of odour. The applicant further stated that this current application does not concern itself with any past or prospective future planning applications and seeks to be treated on its merits.

Officer comments

Whilst the applicant's response is portraying that the odour issue is in compliance with State criteria it does not mention non-compliance with the Beaudesert Shire Planning Scheme requirements. In relation to the odour concerns on the submitter's and other properties, it is noted that the proposed development does not comply with both the DAFF/EHP and Council Odour Guidelines and as such are considered to be outside acceptable limits and will have adverse impacts to the surrounding area.

Furthermore, the results of the odour report clearly articulate that 6 of the existing dwellings are adversely impacted by odour nuisance that cannot be mitigated. This is a major issue that Council has on hand to consider. In addition to these affected dwellings, 5 vacant properties are also adversely impacted by the odour contour that they cannot be developed with dwellings due to odour nuisance.

Even though majority of the properties are currently owned by the applicant and their family, there is no guarantee that these properties will remain under the same ownership in future. Any future changes to ownership to these affected properties would lead to burdening Council and DAFF with nuisance complaints that would be impossible to resolve and mitigate then. This odour nuisance is so significant that Council should consider the impact of risk to health of the residents living in the surrounding areas and therefore not support the proposal based on odour nuisance alone.

For further details of odour impacts to properties, please refer to comments relating to odour issues in this report mentioned above under "**Discussion on impacts arising from Odour Modelling results and other issues**".

- 3) *Water Course - "We are most concerned that effluent run-off from the sheds will follow the natural water course into our dams, adversely affecting our livestock".*

Applicant's response -

"The Site Based Management Plan developed by FSA and the Stormwater Management Plan developed by Ryacon Engineers submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive management strategies to minimise impacts to surface waters from all potential sources. The proposed development design and operational procedures, including the use of high pressure low volume shed cleaning methods, will ensure that release of effluent from the development extents is extremely unlikely. Stormwater runoff from the operational area of the poultry farm will be directed over grassed buffer strips and to grassed contour banks prior to discharge from the subject site. These stormwater management strategies will ensure that an adverse impact to surrounding natural water courses is unlikely".

Officer comments

The applicant advised that the farm will operate at all times in accordance with the Site Based Management Plan. These plans articulate the appropriate construction methods and farming procedures to be implemented to ensure there is no transfer of water into or out of the poultry sheds. This ensures the farm is managed in accordance with best environmental management practice for poultry farms and will reduce the potential impact on local environment.

Whilst the applicant has addressed impacts upon the waterways within a Stormwater Management Plan, it has not provided additional facilities to treat stormwater before entering the waterway to allay the submitters concerns.

Additional requirements could be imposed to construct a detention/retention pond to further treat stormwater discharging from the poultry farm before it enters the stormwater system.

- 4) *Fencing - "We are worried that our livestock will be put at risk from the trucks in the event they escape onto adjoining proposed access road, and wonder who will be responsible for ensuring that the fencing will be adequate to protect livestock from the proposed road".*

Applicant's response -

"As in all rural areas, boundary fencing is considered to be a shared responsibility, and the responsibility for straying livestock rests with the owners of the livestock."

Officer comments

This issue of straying animals is not valid as the responsibility of the management of animals on the adjoining land is the responsibility of the owner of the property and therefore adequate measures such as fencing are to be put in place by this owner to prevent the straying of livestock.

- 5) *Property value - "We have had our property for sale for some time and are devastated to learn of the proposed development which now appears to make it impossible to sell at any reasonable price given the uncertainty of a major, neighbouring environmental hazard".*

Applicant's response -

"This is not considered to be valid grounds for objection".

Officer comments

The objection on the grounds of devaluing of the property by the proposed development is a not a valid ground for objection. The property values are not controlled by any particular development, but are influenced by other factors within the locality and are subject to speculation.

- 6) *Inconsistent with amenity of the area - "The proposed development is inconsistent with the amenity of an area which is scenically attractive and largely consists of cropping, dairy farming, cattle farming, and small rural/ residential holdings."*

Applicant's response -

"Poultry farming is consistent with development in a rural zone. The proposed poultry farm is considered to meet the overall outcomes for a poultry farm, including that other rural based activities, in particular non intensive rural based activities such as Tourism, Equestrian Activities, Wineries, Agriculture and Animal Husbandry are protected. The proposed poultry farm has been located such that it will not impact on other rural based activities as described.

Well managed poultry farms, like other rural enterprises in the Scenic Rim, are typically tidy and well presented in order to meet statutory requirements and community expectations of farming standards. Visually, the sheds will be obscured from the Mount Lindesay Highway and surrounding properties by proposed vegetation buffer screens. The scale of the proposed development is considered to be consistent with current best practice in efficient livestock management."

Officer comments

The subject site is zoned as Rural Zone- Countryside Precinct.

The proposed Poultry Farm is a consistent land use within this Zone and Precinct and generally complies with the Countryside Precinct Intent which is as follows:

Development within the Countryside Precinct has an agricultural character typified by broad hectare farming. Limited opportunity also exists for non-farming development - where such development maintains or enhances existing character and amenity.

It should be noted that the proposed development is not broad hectare farming. The development is considered to be out of character and does not maintain or enhance the existing landscape and amenity of the area.

The proposal not only impacts negatively on surrounding properties by dust and odour nuisance, it also does not preserve the visual amenity and landscaping character of the surrounding area. This proposal has adverse impacts on rural based activities and on residents living within the vicinity of the proposed poultry farm. Council has a responsibility when considering new developments to maintain the existing amenity and protect the residents from worsening impacts arising from noncompliant proposals.

Whilst there has been a provision of vegetative buffer screens for the proposal, it is considered that this will be ineffective in the short to medium term as further discussed above under "**Discussion on impacts arising from Odour Modelling results and other issues**" under *Impacts on Visual Amenity of the surrounding areas*.

- 7) *Visual Impact - "The scale of the proposed development will have an adverse visual impact".*

Applicant's response - none

Officer comments

Refer to comments on item 6 above that covers the visual impacts.

- 8) *Odour models - "Odour is a fundamental concern which cannot be obviated by theoretical models or data representations from other areas with different topography and micro-climatic conditions".*

Applicant's response -

Refer to item 2 above for applicant's response

Officer comments

This has been previously discussed under item 2 above with officer's comments.

- 9) *Impacts to domestic and native animals - The submission asserts that the "proposed use will have a detrimental effect on surrounding livestock and local bird species".*

Applicant's response -

"Poultry farms are operated under strict national biosecurity controls to ensure the health of the chickens and to limit the likelihood of disease outbreak. The proponents are committed to operating the poultry farm in accordance with these controls and to the highest animal welfare standards. This will ensure that the likelihood of negative impacts to the health of domestic and native animals on neighbouring properties is unlikely."

Officer comments

Agree with the applicant's comments.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Rural Zone Specific Assessment Criteria for the Countryside Precinct	Infrastructure Overlay Code (State Controlled Road) Development Constraints Overlay Code (Flood Hazard)	Poultry Farm Code

Relationship to the Zone Code

The subject site is located in the Rural Zone.

The proposed Poultry Farm is identified under *Chapter 3 – Assessment Provisions for Zones and Precincts, Part 3 – Rural Zone* of the Planning Scheme as requiring Impact Assessment.

Compliance with the Specific Outcomes for Rural Zone Code

The proposed development generally accords with the planning intent for the Rural Zone.

It is considered however, that the proposed Poultry Farm will adversely impact on the rural amenity of the area. The potential impacts associated with the sheds have been investigated by the appropriate environmental consultants with regards to environmental issues and found not to be within acceptable limits to Council's criteria particularly in relation to the odour issues including impacts on occupied and vacant lots.

Whilst all sheds are proposed to be screened with an effective natural buffer area created through planting of trees along to the perimeter of the proposed sheds, additional landscaping can be recommended to be established along the northern, southern and eastern boundary of the proposed poultry farm area on Lot 4 RP58176 if required.

In addition, the development of a Poultry Farm is considered consistent development within the Countryside Precinct of the Rural Zone.

Compliance with the Specific Assessment Criteria for the Countryside Precinct

The subject site is located in the Countryside Precinct. Pursuant to the Planning Scheme, the intent of this precinct is as follows-

OO44 Development within the **Countryside Precinct** has an agricultural character typified by broad hectare farming. Limited opportunity also exists for non-farming development – where such development maintains or enhances existing character and amenity.

In this respect, the proposed development generally complies with the abovementioned intent as it seeks to establish a Poultry Farm. It is noted that a Poultry Farm is considered consistent development in the Countryside Precinct.

Compliance with the Precinct Code

The proposal complies with all of the Precinct Code's Acceptable Solutions and Specific Outcomes.

Compliance with the Relevant Overlay Code

The proposal complies with all of the Overlay Code's Acceptable Solutions and Specific Outcomes.

Flood Hazard and Landslide Hazard Investigation Area

The access site is identified as containing a flood hazard towards the eastern part of the proposed site. The proposed sheds are not located within this flood hazard area.

Compliance with the Relevant Specific Use Code - Poultry Farm Code

The proposal complies with all of the Specific Development Code's Acceptable Solutions and Performance Criteria except as follows:

Table 5.2.64 Specific Outcomes and Prescribed Solutions for a Poultry Farm Column 1 Specific Outcomes	Column 2 Probable Solutions	Comments
SO1 Development uses best practice environmental management to prevent adverse impacts on the amenity of the surrounding area.	S1.1 No Solution is prescribed.	Complies
SO2 Development has a sufficient Building setback from a property boundary to prevent any adverse impacts from odour, noise or dust emissions on the health of residents living in surrounding areas.	S2.1 Development provides that a Building to be utilised for the purposes of a poultry shed is setback from the boundary of the site a minimum of— (a) 300 metres where the development comprises of less than 80,000 birds; or (b) 400 metres where the development comprises of between 80,000 and 120,000 birds; or (c) 500 metres where the development comprises of between 120,001 and 160,000 birds; or (d) 600 metres where the development comprises of between 160,001 and 200,000 birds; or (e) 700 metres where the development comprises of between 200,001 and 240,000 birds; or (f) 800 metres where the development comprises of between 240,001 and 320,000 birds; or (g) The distance determined by an environmental risk assessment where the development comprises of more than 320,000 birds.	SO2 - Does not comply as the building setback is not achieved with a minimum of 800m distance required from the property boundary. The proposed minimum boundary setback distance is 62.54m at the Eastern boundary, 55.89m at the Southern boundary, and 85.88m at the Northern boundary and 407.55m at the Western boundary. This will adversely impact on the health of the residents living in surrounding areas as the odour impact will be substantial as demonstrated in the Odour report. Whilst some of the residences are owned by the owners currently, these could be subject to the change of ownership in future and could potentially be subject to complaints regarding odour issues that could not be resolved then.
SO3 Development does not cause a dust, noise or odour nuisance at or beyond the boundary of the Poultry Farm.	S3.1 Development provides that dust, comprising of particles which exceed – (a) PM10 of 150 µg/m ³ with an averaging time of 24 hours; or (b) 50 µg/m ³ with an averaging time of 1 year; or (c) TSP of 90 µg/m ³ averaged over 1 year; at any point at or beyond the boundary of the site of a Poultry Farm does not exceed 120mg/m ² /day averaged over a 30 day period. S3.2 Development ensures that	SO3 - does not comply with the odour requirements. The report submitted as part of the submission indicates that the odour is impacting beyond the Poultry Farm. In fact the odour nuisance is adversely impacting 6 of the nearby residences towards the east direction. It is also noted that the odour also impacts on 5 vacant properties that currently do not have dwellings on them. Whilst there will be no other constraints, the odour

	<p>noise levels at or beyond the boundary of the site does not exceed the levels in Table 5.2.64A.</p> <p>S3.3 Development provides that 99.9% of the maximum odour level averaged over a 3 minute period in respect of the Poultry Farm (at any point beyond the property boundary) does not exceed 5 odour units as measured in accordance with the ASNZS 4323.3.2001 Part 3 Determination of Odour Concentration by Dynamic Olfactometry.</p>	<p>impact will be very significant and this will severely restrict/prohibit any future dwelling to be built on these properties due to high risk of odour nuisance. This could lead to future complaints by the vacant land holders in that they would be unable to build a residence on their property as a land-use right. Whilst the majority of the current properties with existing buildings are owned by the applicant, this does not guarantee that these properties would not change ownership in future that could be subject to potential nuisance complaints.</p>
<p>SO4 Development protects the quality of receiving waters including ground waters.</p>	<p>S4.1 Development provides a stormwater detention dam which can retain stormwater runoff from the site for a one in ten year storm event.</p> <p>S4.2 Development provides that the base of poultry sheds; drains and stormwater detention dams are constructed so as to prevent the contamination of groundwater via seepage.</p>	<p>SO4 - No detention basins are proposed to prevent the contamination of ground water via seepage or stormwater runoff from the poultry farm for 10% AEP storm event. This is required to reduce the contaminants entering the waterway system.</p>
<p>SO5 Development does not impede flood storage and flood and stormwater drainage flows.</p>	<p>S5.1 No Solution is prescribed.</p>	<p>complies</p>
<p>SO6 Development does not compromise the use of Good Quality Agricultural Land.</p>	<p>S6.1 Development does not locate on land identified as Good Quality Agricultural Land.</p>	<p>complies</p>
<p>SO7 Development does not, in conjunction with other similar uses, have a cumulative adverse impact on the amenity of the surrounding area.</p>	<p>S7.1 Development provides that poultry shed is not within 1,000 metres of a poultry shed on another Poultry Farm which is not a breeder farm.</p> <p>S7.2 Development provides that poultry shed is not within 2,000 metres of a poultry shed on another Poultry Farm which is a breeder farm.</p> <p>S7.3 Development provides Buffer Landscaping.</p>	<p>complies</p>
<p>SO8 Development protects the existing landscape character of the surrounding area.</p>	<p>S8.1 Development provides Screen Landscaping.</p> <p>S8.2 Development provides landscaping that is designed to minimise the bulk of Buildings.</p>	<p>Does not comply. Whilst the development provides landscaping at the front of the site, the vegetative buffer will be ineffective until the trees are established and fully grown to the desired height as discussed in the body of the report.</p>

Compliance with the Relevant Works Code

Assessment against the Construction and Infrastructure Code

The proposed development is generally consistent with provisions under the Construction and Infrastructure Code, where applicable. In particular, the sheds will be appropriately serviced by proposed infrastructure such as provision of on-site water and sewerage, and electricity. Detailed design and construction details could be provided with subsequent RPEQ approval (earthworks), building and plumbing/drainage works applications.

Assessment against the Parking and Service Code

The car parking rate for poultry farms as stipulated under Table 5.3.1A - Car and Service Vehicle Parking is one (1) space per 2 employees.

The proposed poultry farm is proposed to employ three (3) staff member as per traffic report by TTM.

During the start and finish of each batch for a total of 2 days per batch eight (8) casual employees will be employed.

According, the applicant proposes to establish four (4) formal car parking spaces. TTM Traffic report further advised that access roads, parking and designated service areas will be further provided and designed in accordance with Council and AUSTRROADS requirements.

Council's Development Assessment Engineer has assessed the application and advised that car parking requirements are considered sufficient.

Assessment of Other Aspects of the Proposal

Infrastructure Charges

Effective as of 1 July 2011, all development approvals granted within 'Priority Infrastructure Areas' (PIA) are required to be charged for infrastructure contributions in accordance with the State Planning Regulatory Provision (Adopted Charges).

It is noted that the proposal is outside a PIA. However, Council has endorsed a Council's Adopted Infrastructure Charges Resolution (Version 5) as of 14 August 2014 that allows for charging in non PIA area.

As such, a Local Government Charge has been applied to the proposed development, in accordance with the Adopted Infrastructure Charges Resolution (version No.5) and with the 2014/2015 Fees and Charges Schedule. The calculation has been outlined below.

The adopted Infrastructure charges have been outlined below.

In accordance with the Adopted Infrastructure Charges for 2014/2015, the proposed use types equates to the following classes of development:

Planning Scheme Use Types	Classes of Development to which Adopted Infrastructure charges schedule apply
Poultry Farm	High Impact Rural

It is noted that there is no Queensland Urban Utilities (QUU) charge applicable as the proposed development is not located within water and sewerage reticulated area.

Adopted Infrastructure Charges

The Local Government Charges applicable to the proposed development is outline below.

In this instance, a stormwater charge impervious area (all roofed and hardstand areas) is not applicable as per the adopted infrastructure charges resolution (version.5).

Use	No of Units	Units Measure	of	Charge Rate	Amount
High Impact Rural (Poultry Farm)	19,440m ²	Per m ² of GFA		\$5.00	\$97,200.00
Total					\$97,200.00

Relationship to State Planning Policies and Regulations

This section identifies the relevant statutory planning provisions that required assessment for this development application.

State Planning Policies

Pursuant to the provision of section 314 of the *Sustainable Planning Act 2009*, the Assessment Manager in considering an application subject to impact assessment, must assess the application in respect of all State Planning Policies. The proposal has been briefly considered in respect of the current State Planning Policy as follows:

State Planning Policy (December 2013)

The Queensland Government introduced a single State Planning Policy (SPP) on 2 December 2013 which replaced previous State Planning Policies. The SPP provides a comprehensive set of principles which underpin Queensland's planning systems to guide State and Local Government in Land Use Planning and development assessment. The SPP addressed sixteen (16) state interests categorised under the following 5 themes:

- (i) Liveable communities and housing.
- (ii) Economic Growth.
- (iii) Environment and heritage
- (iv) Hazards and safety
- (v) Infrastructure

Part E of the SPP must be applied if the SPP has not been adopted in Council's Planning Scheme. As such, the relevant sections of Part E of the SPP which are triggered under the SPP Development Assessment mapping have been discussed below (refer to Figures 1 & 2 below):

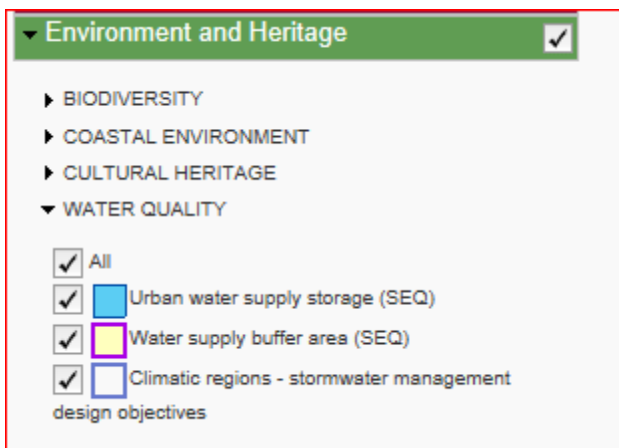
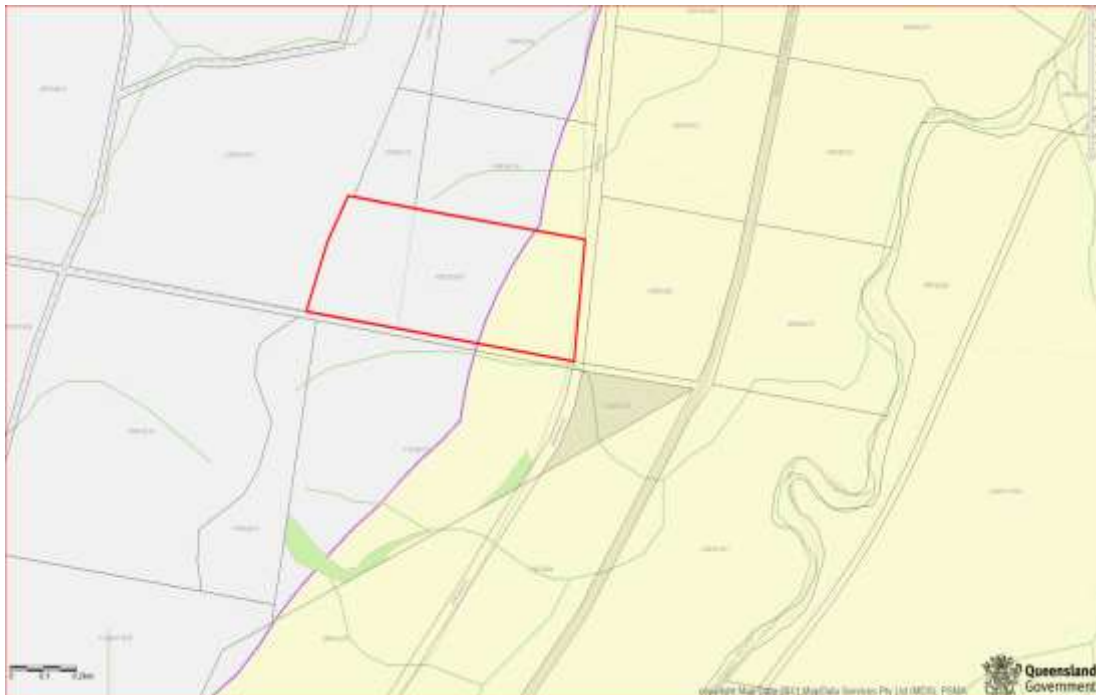


Figure 1: Environment and Heritage - Water supply buffer area (SEQ) State Planning Policy

Water Quality - These provisions relate to the following matters of state interest: Water supply catchment in South East Queensland - including development applications that are wholly outside an urban area and within a water supply buffer area for: (i) material change of use activities listed in Part E of the SPP.

An assessment against this code has been undertaken and the applicant has lodged a stormwater management plan which addresses the requirements of the SPP. The Assessment shows that the proposed development will not adversely affect the State interest.

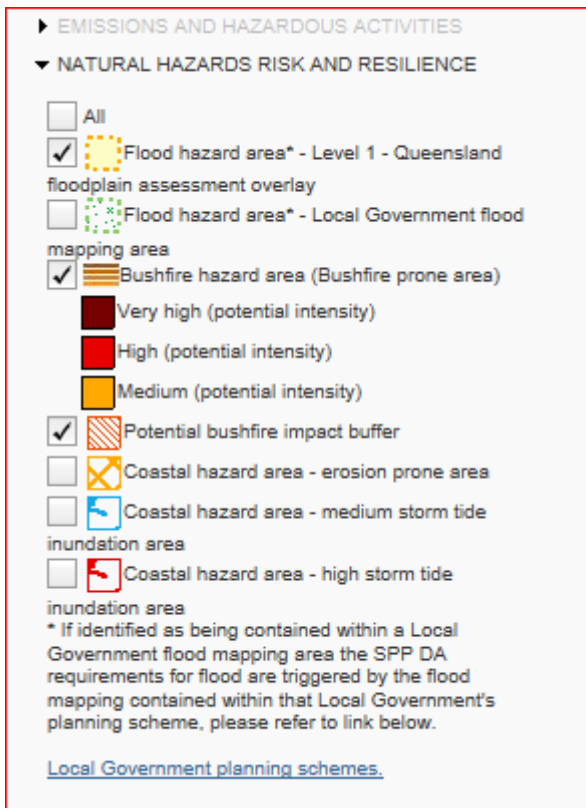
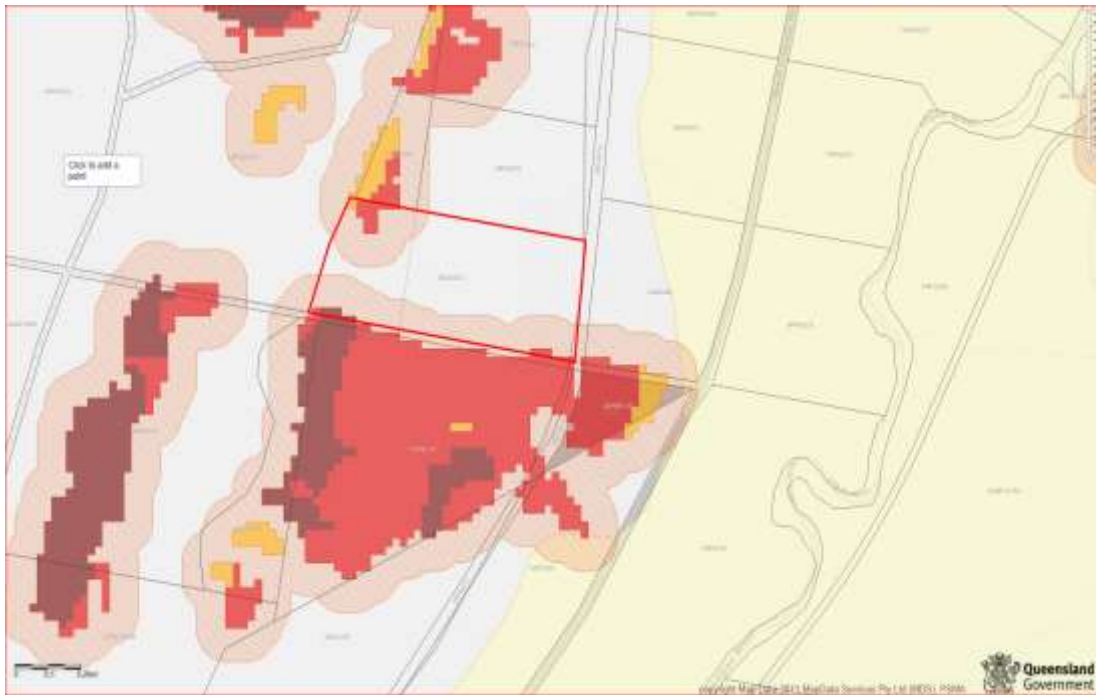


Figure 2 - Hazards and Safety - Bushfire Hazard area (High Bushfire area) (Potential Bushfire Impact Buffer), Flood hazard area - Level 1 - Queensland

Natural Hazards - Potential Bushfire, High Bushfire, Flooding

The applicant has addressed this SPP through the Site Based Management Plan which has been also been assessed by DAFF as part of the ERA component.

South-East Queensland Regional Plan 2009-2031

The subject site is identified as being located within the Regional Landscape and Rural Production Area under the SEQ Regional Plan 2009 – 2031.

The Regional Landscape and Rural Production Area was created to focus on supporting and preserving areas that maintain such systems in agriculture, conservation, cultural and landscape heritage and regionally significant inter-urban breaks etc. This ensures that activities such as food production, water storage, outdoor recreation and nature conservation continue to thrive outside of or are not easily accessed by, the population of the Urban Footprint.

A poultry farm does not constitute an Urban Activity. Rather, it is defined as a Primary Industry. Accordingly, the Regulatory Provisions of the Regional Plan are not applicable to the assessment of the development application.

This proposal is consistent with the principles and policies of the South East Queensland Regional Plan.

Referrals

Internal

Health, Building and Environment – Building and Plumbing

Council's Building and Plumbing Section has assessed the application and advised that they have no objections subject to future Building Works and Plumbing Applications.

Health, Building and Environment – Health and Environment

Council's Health and Environment Section has assessed the application and advised that they do not support the proposal due to adverse amenity, including odour impacts.

Infrastructure Services

Council's Infrastructure Services Section has assessed the application and advised that they have no objections.

External

State Assessment Referral Agency

The proposed development required referral to the State Assessment Referral Agency (SARA) due to its proximity to Mt Lindesay Highway and as a result of the proposal exceeding the thresholds identified in Schedule 9 of the *Sustainable Planning Regulations 2009*. SARA advised on 16 January 2015 that they have no objections subject to conditions. (Refer to **Attachment 4**).

Conclusion

It is noted that the proposed development has been assessed against planning matters whilst the environmental issues such as noise, dust and odour have also been assessed in addition to being dealt with through an ERA application and assessed by DAFF separate to Council's assessment as the assessment manager.

As such, the proposal has been assessed against the relevant provisions of the planning scheme and other legislation. This assessment has revealed that whilst the development of a Poultry Farm of (360,000 birds) is generally consistent development, it does not comply with the code requirements of the Poultry Farm particularly with respect to odour, dust and water quality.

It is considered that the proposed development will also impact adversely on the amenity of the surrounding locality and the residents living in surrounding areas. The proposed development in this locality will be a burden on Council's existing resources and will potentially be subject to odour complaints in future. Furthermore, it is considered that the proposed development will restrict the ability for some of the vacant properties to have a residence built upon them, thus taking away the land-use rights of the affected properties.

The State Referral Agency in their role as concurrence agencies has assessed the proposed development and the potential impacts, advising Council that there are no objections, subject to conditions (*Refer to **Attachments 4***).

The proposed development to establish a Poultry Farm (360,000 birds) is recommended for refusal.

Director's Recommendation

1. That Council resolve to refuse the development in respect to the following property:

RPD:	Lot 3 RP 48275, Lot 4 RP 58176 (now described as Lot 4 on SP263574), Lot 3 RP 58176, Lot 1 WD3268 and Lot 4 WD3268
Address of property:	9508 Mt Lindesay Highway TAMROOKUM QLD 4285
Site area:	107.565 Ha
Proposal:	Combined MCU / Reconfiguration of Lot – To Establish a Poultry Farm (Rural Use) (6 sheds with 360,000 birds) and Reconfiguration of a Lot (access easement)

The Reasons for Refusal

- 1) The proposal does not comply with the Specific Outcome SO2 and the Probable Solution S2.1 of the *Poultry Farm Code - (Chapter 5, Part 2, and Div. 21) - Table 5.2.64. Of the Beaudesert Shire Planning Scheme 2007*. The Building setback distance from the boundary of the site of the proposed poultry farm is at a minimum distance of 55.89m contrary to the requirement of more than 800m minimum distance required where development comprises more than 320,000 birds. This has an adverse impact on the health of residents living in the surrounding areas being inflicted with odour and dust emissions (potential environmental harm).
- 2) The proposal does not comply with the Specific Outcome SO3 and the Probable Solution S3.3 of the *Poultry Farm Code - (Chapter 5, Part 2, Div. 21) - Table 5.2.64. of the Beaudesert Shire Planning Scheme 2007*. The maximum odour level is beyond the boundary of the Poultry farm and adversely impacts 6 existing dwelling houses within the vicinity of 800m radius. In addition to the above, a risk assessment undertaken to determine the ability of the surrounding vacant lots to locate sensitive receptors (residential dwellings) concluded that the proposed poultry farm will have an unfavourable impact on

5 vacant lots within the modelled contours on the ability to establish residential dwellings.

- 3) The proposal does not comply with the Specific Outcome SO4 and the Probable Solution S4.1 of the *Poultry Farm Code - (Chapter 5, Part 2, Div. 21) - Table 5.2.64. Of the Beaudesert Shire Planning Scheme 2007*. The proposed development does not provide a stormwater detention dam which can retain stormwater runoff from the site for a one in a ten year storm event (10% AEP) to treat water quality. This proposal has an impact on the water supply quality as it is located within the buffer area as defined by the *Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2012*.
- 4) The proposal does not comply with the Overall Outcomes 5.2.63 (a), (b) and (d) of the Poultry Farm Code. The proposal will impact on the existing and future rural landscape character and the natural environment of the surrounding area and furthermore, it does not protect the air and water quality and the future amenity of the surrounding area.
- 5) The proposal will adversely impact on the Tourism based activity. The odour modelling results have indicated that Mount Lindesay will be impacted by odour nuisance for a distance of more than 2 km. This odour lingering along the State Road for such a long distance will no doubt give a very negative impression on the locality as well as adversely impact the tourist destination sites. Therefore, it is considered that the proposal does not comply with the Overall Outcomes 5.2.63 (e) of the Poultry Farm Code.
- 6) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that are only marginally below the State Government's odour guideline on an occupied lot known as Lot 6 RP202466 that is not part of the Development Application.
- 7) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that exceed the criterion for odour specified in the Beaudesert Shire Planning Scheme 2007 Poultry Farm Code on the following occupied lots that are not part of the Development Application:
 - Lot 6 RP202466
 - Lot 8 RP48275
 - Lot 2 RP81351
- 8) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that exceed State Government's odour guideline on the following apparently vacant lots that are not part of the Development Application:
 - Lot 3 RP44275
 - Lot 8 RP51342
 - Lot 139 WD2174
 - Lot 113 WD2174
 - Lot 7 RP51342

9) The odour impact assessment study indicates that the proposal in isolation and in conjunction with the Peacefield Poultry Farm would cause odour levels that exceed the criterion for odour specified in the Beaudesert Shire Planning Scheme Poultry Farm Code on the following apparently vacant lots that are not part of the Development Application:

- Lot3 RP44275
- Lot 8 RP51342
- Lot 139 WD2174
- Lot 113 WD2174
- Lot 7 RP51342
- Lot 2 RP50685
- Lot 1 RP50685
- Lot 7 RP202466
- Lot 7 RP48275

10) The Development Application and supporting odour impact assessment study rely upon the farm achieving best practice design and management for odour. If best practice design and management are not achieved in practice, odour impacts in the surrounding area are likely to be greater than anticipated in the Development Application.

11) The dust impact assessment study indicates that the proposal in conjunction with the Peacefield Poultry Farm would cause levels of **PM₁₀** to exceed the *Environmental Protection (Air) Policy 2008* objective for **PM₁₀** on the following apparently vacant lots that are not part of the Development Application.

- Lot 139 WD2174
- Lot 113 WD2174

2. That the Submitter/s be advised of the following:

SUBMITTER ADVICE - REFUSAL - Council has considered all matters relevant to this application, including your submission, and has resolved to refuse the application for the reasons stated. Council is therefore of the view that the development is not suitable for the locality.

3. Administrative Action:

That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

Attachments

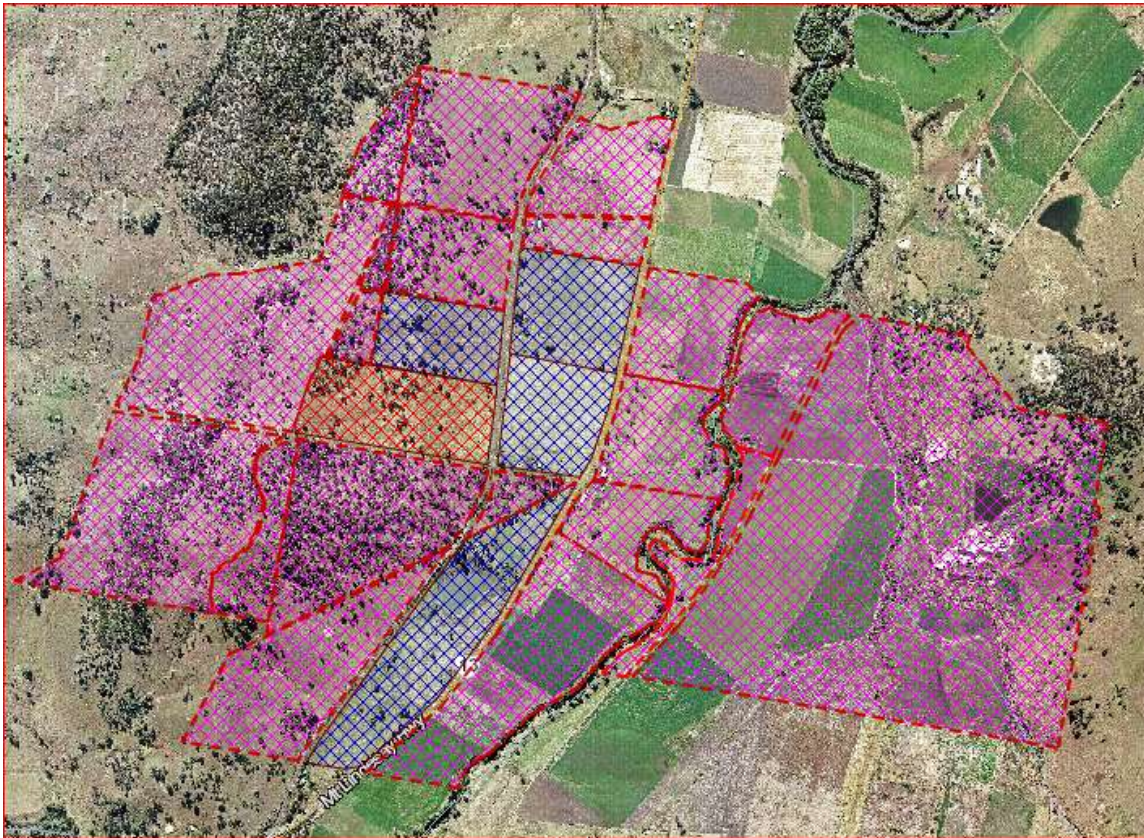
1. Dekho Map Showing Proposed Poultry Site Location in red hatching with associated DA included properties marked in blue hatching and affected properties in purple hatching separate map.
2. Concept Plan Locality.
3. Shed Layout Plans.
4. The State Assessment Referral Agency Response.
5. Comparison between Council and State's Odour Criteria - prepared by Pacific Environment Limited dated 25 June 2014.
6. Copies of Submitter's letters.
7. Applicant's response to submissions.

8. Lot size and description amendment registration for Lots 2 and 4 on RP58176.
9. ERA Approval.

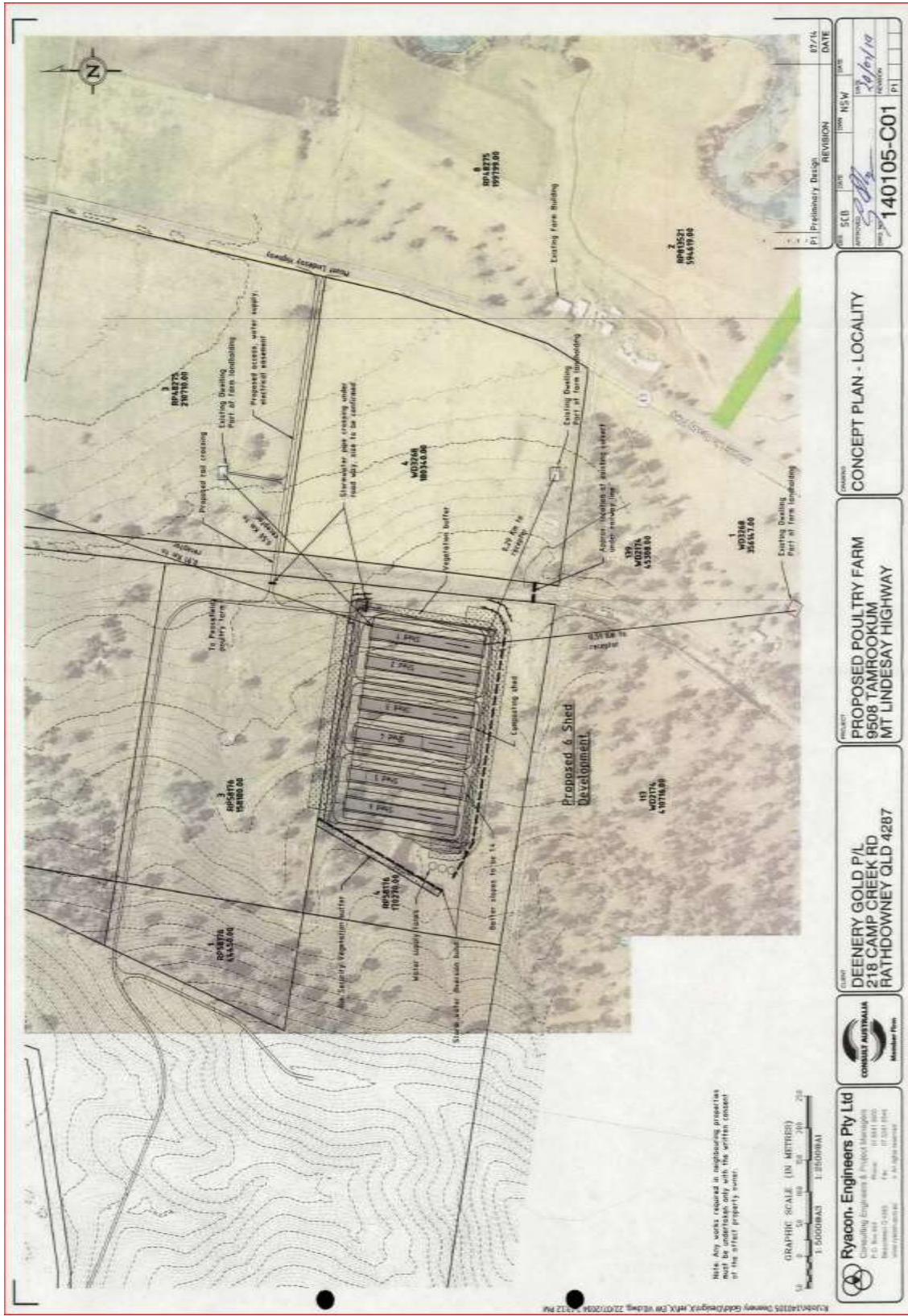
Attachment 1 - Dekho Map Showing Proposed Poultry Site Location in red hatching with associated DA included properties marked in blue hatching and affected properties in purple hatching shown on separate map below



Affected properties shown as purple hatching



Attachment 2 - Concept Plan Locality



Attachment 3 - Shed Layout Plans



GRAPHIC SCALE (IN METRES)
 0 5 10 15 20
 1:10000

Rycoon Engineers Pty Ltd
 Consulting Engineers & Project Managers
 P.O. Box 400
 Devenish QLD 4287
 Phone: 07 5511 1111
 Fax: 07 5511 1111
 www.rycoon.com.au

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DEENERY GOLD P/L
 218 CAMP CREEK RD
 RATHDOWNNEY QLD 4287

PROPOSED POULTRY FARM
 9508 TAMROOKUM
 MT LINDESAY HIGHWAY

POULTRY SHED PADS
 SITE CONCEPT PLAN

NO.	DATE	BY	REVISED	DATE
1	14/05/19	SEB	PRELIMINARY DESIGN	

PROJECT NO: 140105-C02

R:\Sub\140105 Deenerly Gold\Deenerly Gold\Site\Site Plan\140105-C02.dwg, 24/07/2014, 10:47 AM

Attachment 4 - The State Assessment Referral Agency Response

From: IpswichSARA
To: Scenic Rim Regional Council Mail
Cc: scotland@tmr.qld.gov.au; liveshockreguletrn@daff.qld.gov.au; susara@nyacon.com.au
Subject: Referral response - 9508 Mount Lindesay Highway, Tamrookum (COMBd14/002 / SDA-0714-012992)
Date: Friday, 16 January 2015 11:49:27 AM
Attachments: [image001.png](#)
[SDA-0714-012992_response.pdf](#)

Good morning,

Please find attached the department's referral response to Scenic Rim Regional Council regarding the proposed poultry farm at 9508 Mount Lindesay Highway, Tamrookum (council reference COMBd14/002).

If you have any queries regarding the response, please contact us.

Regards

Kieran Hanna

Principal Planner | SEQ (West) | Regional Services

Department of State Development, Infrastructure and Planning
Queensland Government

tel 07 3432 2404

post PO Box 129 Ipswich QLD 4305

visit Level 4, 117 Brisbane Street, Ipswich

kieran.hanna@dsdip.qld.gov.au

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Department of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0714-012992
Your reference: COMBd14/002

Date: 16 January 2015

Scenic Rim Regional Council
PO Box 25
Beaudesert QLD 4285
mail@scenicrim.qld.gov.au

Attn: Mr John Creagan

Dear Mr Creagan

Concurrence agency response—with conditions

9508 Mount Lindesay Highway, Tamrookum
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 29 October 2014.

Applicant details

Applicant name: Ryacon Engineers Pty Ltd
Applicant contact details: PO Box 554, Beaudesert Qld 4285

Site details

Street address: 9508 Mount Lindesay Highway, Tamrookum
Lot on plan: Lot 3 RP48275, Lots 3 & 4 RP58176 and Lots 1 & 4
WD3268
Local government area: Scenic Rim Regional Council

Application details

- Proposed development:
- Development Permit for a Material Change of Use for a Rural Use (Poultry Farm)
 - Development Permit for a Material Change of Use for Environmentally Relevant Activity 4(2) Poultry Farming
 - Development Permit for Reconfiguring a Lot (Access Easement)

Aspects of development and type of approval being sought

Nature of development	Approval type	Brief proposal description	Level of assessment
Material Change of Use	Development Permit	Establishment of a poultry farm for 360,000 birds comprising six sheds	Impact assessment
Material Change of Use	Development Permit	Establishment of an environmentally relevant activity for poultry farming for 360,000 birds	Impact assessment
Reconfiguring a Lot	Development Permit	Creation of an access easement	Code assessment

Referral triggers

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

- Referral trigger
- Schedule 7, Table 2, Item 1 – Environmentally relevant activity
 - Schedule 7, Table 2, Item 2 – State-controlled road
 - Schedule 7, Table 2, Item 34 – Railway
 - Schedule 7, Table 3, Item 1 – State-controlled road
 - Schedule 7, Table 3, Item 2 – State transport infrastructure
 - Schedule 7, Table 3, Item 15A – Railway

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use				
Concept Plan – Locality	Ryacon Engineers Pty Ltd	10 December 2014	140105-C01	Revision P4
Poultry Shed Pads Site Concept Plan	Ryacon Engineers Pty Ltd	10 December 2014	140105-C02	Revision P2
Sediment and Erosion Control Plan	Ryacon Engineers Pty Ltd	10 December 2014	140105-C05	Revision P2
Stormwater Management Plan	Ryacon Engineers Pty Ltd	10 December 2014	140105-C08	Revision P1
Stormwater Management Plan entitled Proposed Chicken Broiler Farm, 9508 Mount Lindsay Highway, Tamrookum	Ryacon Engineers Pty Ltd	25 November 2014	140105	
Aspect of development: Reconfiguring a Lot				
Combined Access Easement Plan and Lot Reconfiguration	Ryacon Engineers Pty Ltd	24 July 2014	140106-61	Revision A

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

For further information, please contact Kieran Hanna, Principal Planning Officer, SARA SEQ West on (07) 3432 2404, or email jpswichSARA@dspdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Nathan Rule
Manager - Planning

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Section 62 of the *Transport Infrastructure Act 1994* decision
Attachment 4—Approved Plans and Specifications

cc: Ryacon Engineers Pty Ltd, susans@ryacon.com.au
Department of Agriculture, Fisheries and Forestry, livestockregulator@daff.qld.gov.au
Department of Transport and Main Roads, scland@tmr.qld.gov.au

Our reference: SDA-0714-012992
 Your reference: COMBd14/002

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permits – Material Change of Use for a Rural Use (Poultry Farm) and Environmentally Relevant Activity 4(2) Poultry Farming for 360,000 birds		
Environmentally relevant activity—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture, Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Development authorised under this approval for Environmentally Relevant Activity 4(2) Poultry Farming is limited to the area shown on the following plans: <ul style="list-style-type: none"> • Concept Plan – Locality, Drawing No. 140105-C01 Revision P4, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014; • Poultry Shed Pads Site Concept Plan, Drawing No. 140105-C02 Revision P2, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014. 	At all times
State controlled road and Railway—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
2.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • Poultry Shed Pads Site Concept Plan, Drawing No. 140105-C02 Revision P2, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014. 	At all times
3.	The permitted road access location is to be located, designed and constructed in accordance with the section 62 approval dated 22 August 2014 (Attachment 2) granted by the Department of Transport and Main Roads under the <i>Transport Infrastructure Act 1994</i> .	At all times
4.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that an occupational crossing licence has been obtained for the crossing of the NSW Border Line at 905.430km.	Prior to the commencement of use
5.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that the existing occupational crossings of the NSW Border Line at 905.055km and 905.518km have been decommissioned and closed.	Prior to the commencement of use
6.	(a) The development must be in accordance with the Stormwater Management Plan entitled Proposed Chicken Broiler Farm, 9508 Mount Lindsay Highway, Tamrookum, Reference 140105, prepared by Ryacon Engineers Pty Ltd and dated	(a): Prior to the commencement of use and to be maintained at all

No.	Conditions	Condition timing
	<p>25 November 2014; in particular:</p> <ul style="list-style-type: none"> • Sediment and Erosion Control Plan, Reference 140105-C05 Revision P2, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014. • Stormwater Management Plan, Reference 140105-C08 Revision P1, prepared by Ryacon Engineers Pty Ltd and dated 10 December 2014. <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway; (iii) surcharge any existing culvert or drain on the railway; and (iv) reduce the quality of stormwater discharge onto the railway. 	<p>times</p> <p>(b): At all times</p>
7.	<p>(a) The design and construction of any excavation, filling and backfilling, service provision, access and other works involving ground disturbance must not de-stabilise rail transport infrastructure or the land supporting this infrastructure.</p> <p>(b) The following works or structures associated with the development must not encroach into the adjoining railway:</p> <ul style="list-style-type: none"> (i) retaining structures - necessary to stabilise any excavation or filling; (ii) storage of fill, spoil or any other material; and (iii) temporary structures or batters. 	<p>Prior to the commencement of use and to be maintained at all times</p>
8.	<p>The development must not store on-site dangerous goods exceeding the threshold quantities specified in Table 5.2 – Model Assessable Development Triggers in the <i>Model Planning Scheme Development Code for Hazardous Industries and Chemicals, version 1</i> dated June 2014 prepared by Workplace Health and Safety Queensland of the Department of Justice and Attorney-General that supports the <i>State Planning Policy: State Interest – Emissions and Hazardous Activities</i> dated July 2014 and the <i>State Planning Policy: State Interest Guideline – Emissions and Hazardous Activities</i> dated July 2014.</p>	<p>At all times</p>
Development Permit – Reconfiguring a Lot (Access Easement)		
<p>State-controlled road and Railway—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
9.	<p>Development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> • Combined Access Easement Plan and Lot Reconfiguration, Drawing No. 140106-61 Revision A, prepared by Ryacon Engineers Pty Ltd and dated 24 July 2014. 	<p>Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times</p>

No.	Conditions	Condition timing
10.	The permitted road access location is to be located, designed and constructed in accordance with the section 62 approval dated 22 August 2014 (Attachment 2) granted by the Department of Transport and Main Roads under the <i>Transport Infrastructure Act 1994</i> .	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times
11.	<p>(a) The design and construction of any excavation, filling and backfilling, service provision, access and other works involving ground disturbance must not de-stabilise rail transport infrastructure or the land supporting this infrastructure.</p> <p>(b) The following works or structures associated with the development must not encroach into the adjoining railway:</p> <ul style="list-style-type: none"> • retaining structures - necessary to stabilise any excavation or filling; • storage of fill, spoil or any other material; and • temporary structures or batters. 	(a) and (b): Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times
12.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that an occupational crossing licence has been obtained for the crossing of the NSW Border Line at 905.430km.	Prior to submitting the Plan of Survey to the local government for approval
13.	The applicant must provide evidence from the railway manager (Australian Rail Track Corporation Limited) to the Department of Transport and Main Roads that the existing occupational crossings of the NSW Border Line at 905.055km and 905.518km have been decommissioned and closed.	Prior to submitting the Plan of Survey to the local government for approval

Our reference: SDA-0714-012992
Your reference: COMBd14/002

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- The poultry farm involves an environmentally relevant activity.
- To ensure that the development is carried out in the location and to the extent specified on the plans of development.
- The subject site adjoins a state-controlled road and railway corridor.
- To ensure that buildings, structures and activities do not adversely impact on the safety and operation of state transport corridors.
- To ensure that stormwater drainage and run-off does not adversely impact on state-transport corridors.
- To ensure that the access across the railway corridor and to the state-controlled road does not compromise the safety and efficiency of both state transport corridors.
- To ensure that the development is undertaken in accordance with the submitted plans and reports.

Our reference: SDA-0714-012992
Your reference: COMBd14/002

Attachment 3— Section 62 of the *Transport Infrastructure Act 1994* decision



Our ref **CM6220** - (500/00631)
Your ref 140106/scb
Enquiries Dinesh Thilakasiri

Department of
Transport and Main Roads

22 August 2014

Mr Geoff Ryan
Ryacon Engineers Pty Ltd
PO Box 554
Beaudesert QLD 4285

Dear Sir

**Access location and pre-construction approval (amended): CM6220
Lot 3 on RP48275
Mt Lindesay Highway (SCR25B), Tamrookum**

I refer to your application received in our office on 22 July 2014 for construction of a new access from Mt Lindesay Highway to Lot 3 on RP48275.

The Department of Transport and Main Roads advises that your application has been approved. This approval **does not authorise you to begin construction**. For your reference, please find attached the following documents:

1. Decision Notice (**Attachment 1**);
2. Approval Conditions (**Attachment 2**);
3. Pre-construction Approval (**Attachment 3**);

Your next steps:

- a. Carefully read and follow the above information and attachments; this will avoid unnecessary delays to your construction works.
- b. Ensure you have all your documentation and, if required, any approvals from other agencies such as local council, the Department of Environment and Heritage Protection (DEHP), ready for construction. If any tree removal is required in the State-controlled road corridor, you may need to obtain an approval permit from DEHP.

Infrastructure Management & Delivery
Program Delivery & Operations
South Coast District / Gold Coast Office
36-38 Cotton Street, Nerang
PO Box 442 Nerang Qld 4211

Telephone +61 7 5563 6600
Facsimile +61 7 5563 6611
Website www.tmr.qld.gov.au
Email PDO.Regions.goldcoast@tmr.qld.gov.au
ABN 39 407 690 291

- c. Once you have attended to paragraph (b), arrange for your traffic management company (which must be registered with the department) to complete the Traffic Control Permit (TCP) application form, and submit it to the district's Corridor Management section for processing.
- d. Once the department has received all necessary documentation, it will assess and advise when your TCP is approved.
- e. After receiving your TCP, please contact Dinesh Thilakasiri on 5563 6584, to request a pre-start meeting. Please refer to the attached Construction Approval section 1 (**Attachment 3**) for this process.
- f. A road corridor permit/works permit will be issued by the department's works inspector at the pre-start meeting.
- g. **Construction will only be permitted once the road corridor permit/works permit is issued.**

Any further enquiries about this approval should be made to Dinesh Thilakasiri on (07) 5563 6584. Please include our reference number **CM6220** in any future correspondence about this approval.

Yours sincerely



for Jack Donaghey
A/District Director (South Coast)

DECISION NOTICE

Section 67 *Transport Infrastructure Act 1994* (TIA)

- The department approves the access between Lot 3 RP48275 and (SCR25B) subject to the conditions and restrictions contained in the **Permitted Road Access Location Conditions (Attachment 2)**
- This notice is required under section 67 of the TIA.
- Reasons for Decision:
 - You have submitted a completed Application for a Permitted Road Access Location received on 22 July 2014 providing numbers of vehicles will use this access and other details.
 - The permitted road access location/s satisfies the department's requirements with respect to safety and efficiency of the State-controlled road.
- Under section 70 of the TIA, you are bound by this decision. The text of section 70 is extracted below for your information.

Extracted text of Section 70 of the *Transport Infrastructure Act 1994*

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

(1) This section applies to—

- (a) a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land; and
- (b) all present owners of that adjacent land if the decision was made in conjunction with a development approval under the *Sustainable Planning Act 2009*; and

Note—

For access to approval details, see the *Sustainable Planning Act 2009*, section 729 (Documents assessment manager must keep available for inspection and purchase—general).

- (c) all future owners of that adjacent land if—
 - (i) the decision was made in conjunction with a development approval under the *Sustainable Planning Act 2009*; and
 - (ii) the approval does not indicate that the decision does not apply to future owners.

(2) A person to whom this section applies must not—

- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
- (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
- (c) obtain any other access between the land and the road contrary to the decision; or
- (d) use a road access location or road access works contrary to the decision; or
- (e) contravene a condition stated in the decision; or
- (f) permit another person to do a thing mentioned in paragraphs (a) to (c); or
- (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

(3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

- Any person(s), whose interests are affected by this decision, may under part 5 of the *Transport Planning and Coordination Act 1994*, apply:
 - for a review of this decision; and
 - to the QCAT to have the original decision stayed.

Continuation of road access arrangements.

- There is no guarantee of an indefinite continuation of road access arrangements as this depends on future traffic safety and efficiency circumstances.

Attachment 2**PERMITTED ROAD ACCESS LOCATION CONDITIONS**

- 1 Approved access location shall be in accordance with the submitted drawings 140106-50 to 140106-53.
- 2 This access servicing your property is approved for use of vehicles up to a 25m B-Double vehicle, and is to be designed / constructed in accordance with the geometric requirements of submitted drawings 140106-50 to 140106-53.
- 3 The access is approved for all entry and exit movements, with all vehicle movements between the property and the road to be made in the forward direction only.
- 4 In the event of further development of the site or change in the use of the access, you must apply to the department for new approval.
- 5 The department requires that you surface the access driveway to the property boundary, or 10m offset from the existing road edge, whichever is the lesser. This surface shall be sprayed bitumen seal, asphalt or concrete.
- 6 The design and construction of the access must ensure that no stormwater or debris is washed onto the State controlled road at the access point.
- 7 Road access works must be constructed and maintained to the satisfaction of the department at all times and at your cost.
- 8 You may be asked to close the existing access to your property permanently if the department is of the opinion that it is:
 - creating a safety hazard for road users; or
 - being used for an improper use.

PRE-CONSTRUCTION APPROVAL
Road access works construction approval
Section 33, Transport Infrastructure Act 1994 (TIA)

Construction approval is granted subject to the following conditions:

1. Prior to commencing construction
 - a. The management of all traffic through the work location (including pedestrians/cyclists) must comply with the department's Manual of Uniform Traffic Control Devices, in particular Part 3 'Works on Roads'. Failure to comply with this requirement may result in the immediate issue of an order to cease work within the State-controlled road reserve.
 - b. As traffic control measures need to be implemented on Mt Lindesay Highway during construction of the access, a Traffic Control Permit (TCP) will be required. Please be advised that in accordance with the Traffic Management Registration Scheme, regulatory signage / traffic control may only be implemented by a traffic management company registered with the department. Details of the scheme including a list of registered companies can be found on the department's website <http://www.tmr.qld.gov.au/Business-and-Industry/Accreditations/Traffic-Management-Registration-Scheme.aspx>.
 - c. The traffic control permit application must be completed by the registered traffic management company and include a copy of this approval. You must allow at least 7 working days for processing of the application, prior to the planned commencement of work.
 - d. The department will assess your application and advise when the TCP is approved.
 - e. After receiving the TCP (if required), please phone the nominated project officer on 5563 6584, quoting our reference number **CM6220**, to request a pre-start meeting with the department's works inspector. When calling to request the pre-start meeting, please allow five (5) working days notice.
2. During construction
 - a. The applicant, its principal contractor, its agents and employees is responsible for identifying the location of all existing underground services within the work area and ensuring they are not damaged during construction of the works in accordance with this approval.
3. On completion of construction
 - a. Any road infrastructure (road pavement/surfacing, roadside furniture, vegetation/landscaping, pedestrian facilities) damaged as a result of the access construction must be re-instated/repared to its existing condition or better. Any damage which poses a safety threat to road users must be repaired as soon as practicable. All rectification works undertaken shall comply with the requirements of the current Main Roads' current standard specifications.

- b. You are required to notify the department's works inspector within 48 hours of completion of your access works to ensure compliance with the conditions.

4. Indemnity

By commencing works at the site, you agree to indemnify or have the State of Queensland acting through the Department of Transport and Main Roads, their officers, employees and agents (the indemnified) indemnified against any or all Losses suffered or incurred (except to the extent that any Losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.

"Losses" include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss of profits, loss of revenue, loss of anticipated savings, loss of opportunity, pure economic loss, loss of data, and any other consequential special or indirect loss or damage.



1	Approved for Site Works approval	REVISED	DATE
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GRAPHIC SCALE IN METERS
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Ryacon Engineers Pty Ltd
 Consulting Engineers & Project Managers
 P.O. Box 501
 Adelaide SA 5000
 Tel: (08) 823 1234
 Fax: (08) 823 1235
 www.ryacon.com.au

CONCEPT AUSTRALIA
 Landscape Architects

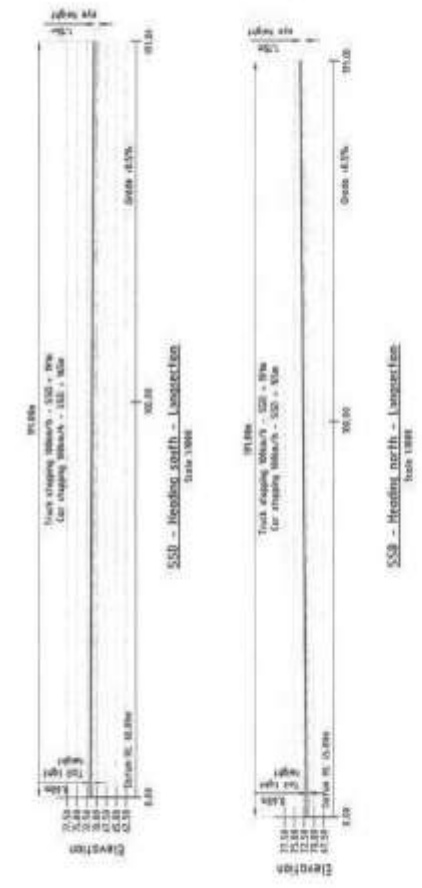
PEACEFIELD PTY LTD & DEENERY GOLD PTY LTD
 RATHDOWNNEY QLD 4287

TAMROOKUM POULTRY FARMS
 MT LIMDESAY HIGHWAY
 TAMROOKUM QLD 4285

LOCALITY PLAN



E80
Scale 1:1000



- Notes**
- The access road intersection on Mt Lindesay Hwy for property on lot 3 291420, has been assigned in accordance with Department of Main Roads - Road Planning and Design Manual (RPM) 2014. The proposed access road will be constructed in accordance with a Road Right-of-Way (RRW) treatment of a two-lane unsealed road.
 - First edge grade points (EG) are to be established on both sides of driveway on per the Number of Lanes, Traffic Control and other details.
 - All utility signage and benchmarking is to be in accordance with the Queensland Government Department of Main Roads (DMS) of Main Roads Traffic Control System.
 - Refer MBE-21 for drawing notes and specifications.
 - Refer MBE-10 & 11 for road widening & pavement details.

1	Issued for the client's approval	REV	DATE
1	Prepared by: [Signature]	REV	DATE
	PROJECT NO:	140106-51	

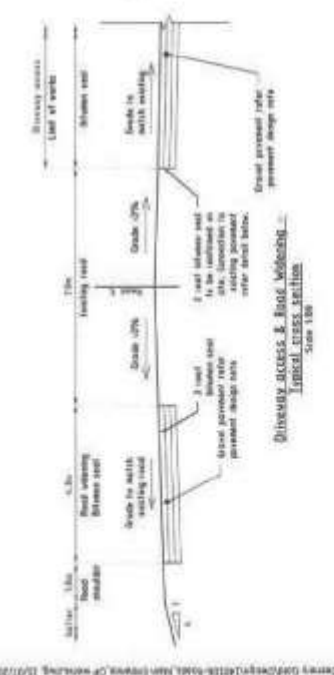
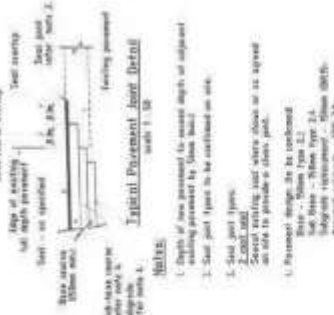
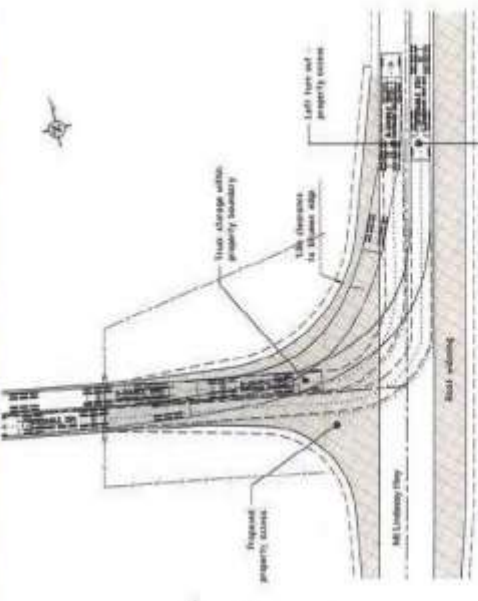
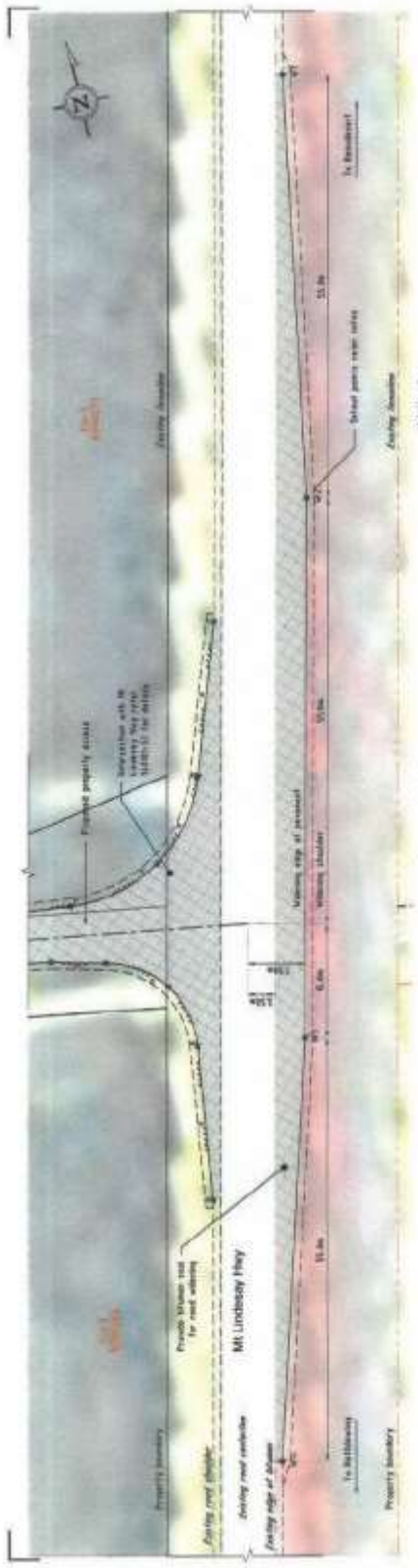
COMBINED ACCESS ROAD INTERSECTION PLAN

**TAMROOKUM POULTRY FARMS
MIT LINDESAY HIGHWAY
TAMROOKUM QLD 4285**

**PEACEFIELD PTY LTD &
DEENERY GOLD PTY LTD
RATHDOWNNEY QLD 4287**



Ryacom Engineers Pty Ltd
Consulting Engineers & Project Managers
1/2 Hill Street, Brisbane QLD 4000
Phone: 08 9371 9988
Fax: 08 9371 9989
www.ryacom.com.au



Notes:
1. Based for 2018/19 approved
2. For further post tender notes refer 142854-04

Notes:
1. Depth of new proposed to exceed depth of adjacent existing pavement by 50mm.
2. Seal joint types to be confirmed on site.
3. Seal joint types to be confirmed on site.
4. Pavement design to be confirmed on site.
5. Seal joint types to be confirmed on site.
6. Pavement design to be confirmed on site.
7. Seal joint types to be confirmed on site.
8. Pavement design to be confirmed on site.



NO.	DATE	BY	REVISION
1	2018/19	507	Issue for approval
2			
3			
4			
5			

PROJECT NO: 140106-52
PROJECT NAME: COMBINED ACCESS ROAD INTERSECTION WIDENING & DETAILS

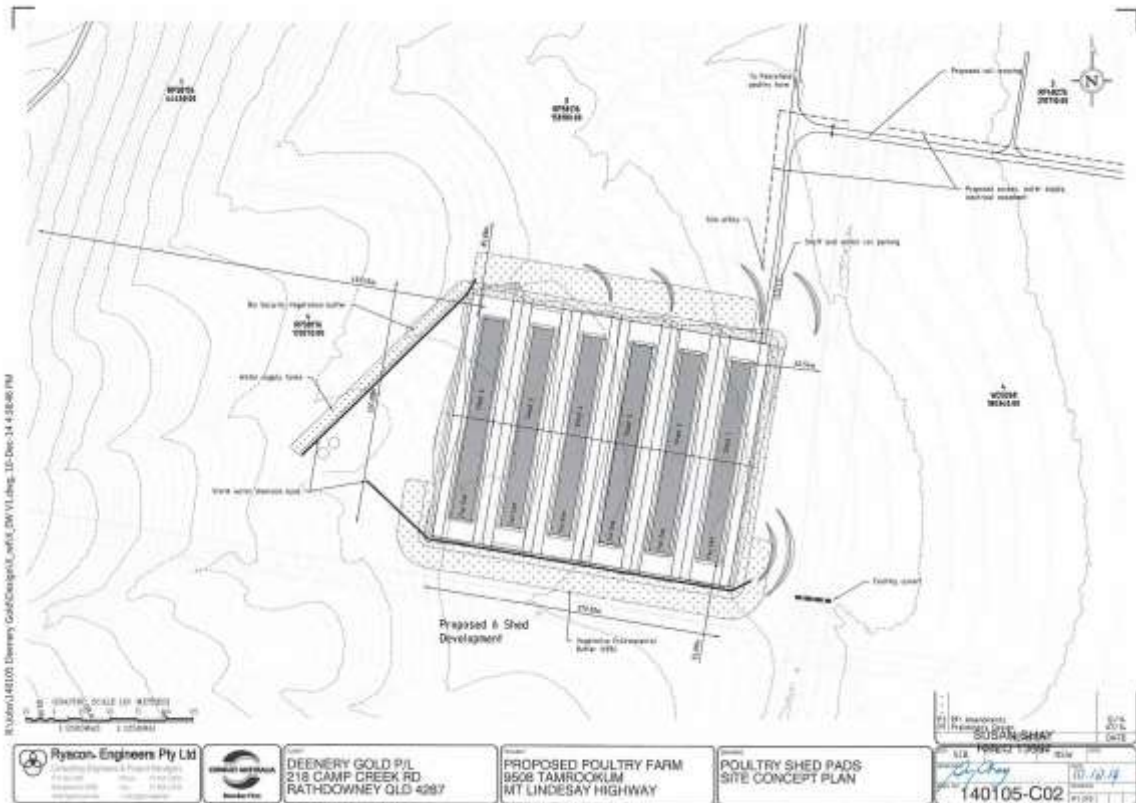
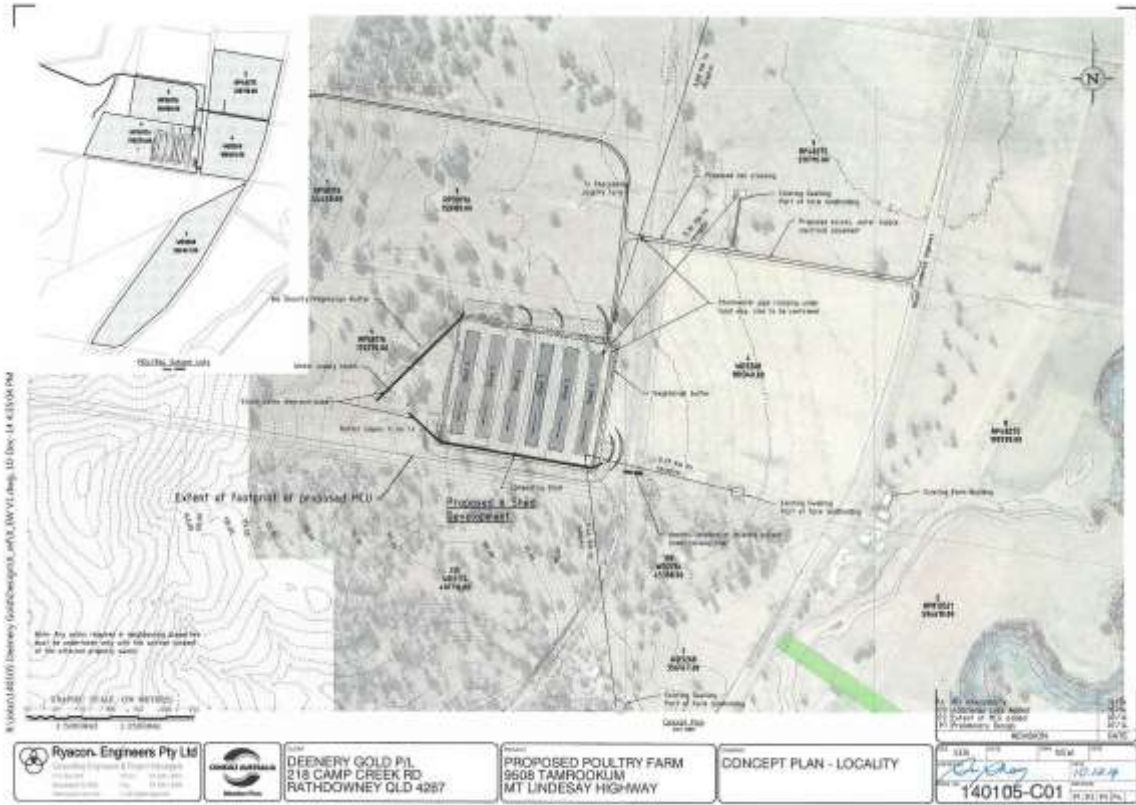
CLIENT: TAMROOKUM POULTRY FARMS
MIT LINDSEY HIGHWAY
TAMROOKUM QLD 4285

CONCRETE AUSTRALIA
PEACEFIELD PTY LTD & DEENERY GOLD PTY LTD
RATH-DOWNNEY QLD 4287

Ryalcom - Engineers Pty Ltd
Consulting Engineers & Project Managers
Rt 106, Bala, Vic 3040
Phone: (03) 9429 1000
Fax: (03) 9429 1001
www.ryalcom.com.au

Our reference: SDA-0714-012992
Your reference: COMBd14/002

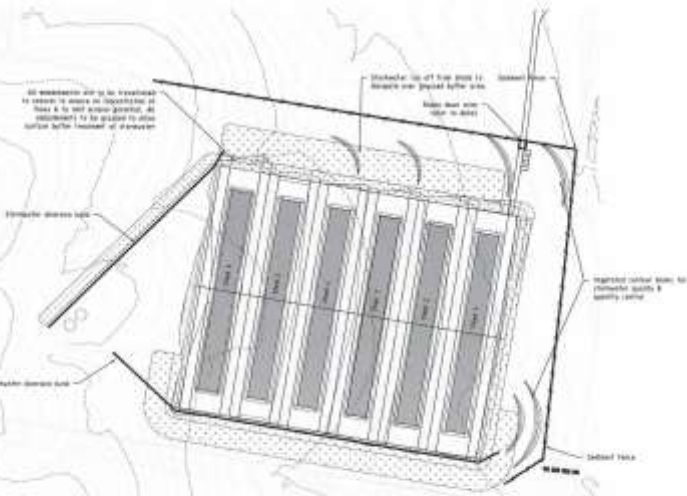
Attachment 4—Approved plans and specifications





SILT MANAGEMENT PROGRAM	
Date:	13/01/2016
By:	SEEKING
For:	Proposed Poultry Farm at 9508 Mt Lindsay Highway, Tambookum, QLD 4287
Project:	Proposed Poultry Farm at 9508 Mt Lindsay Highway, Tambookum, QLD 4287
Drawn by:	SEEKING

- GENERAL NOTES**
- The contractor is to take all necessary precautions to control erosion and sedimentation during the construction period. All erosion control measures shall be installed before the start of any earthworks. Erosion control measures shall be maintained throughout the construction period. Erosion control measures shall be removed only after the site has been stabilized and approved by the local council.
 - The contractor is to take all necessary precautions to control sedimentation during the construction period. All sediment control measures shall be installed before the start of any earthworks. Sediment control measures shall be maintained throughout the construction period. Sediment control measures shall be removed only after the site has been stabilized and approved by the local council.
 - The contractor is to take all necessary precautions to control sedimentation during the construction period. All sediment control measures shall be installed before the start of any earthworks. Sediment control measures shall be maintained throughout the construction period. Sediment control measures shall be removed only after the site has been stabilized and approved by the local council.



PROJECT NO:	140105-C05
DATE:	13/01/2016
DRAWN BY:	SEEKING
CHECKED BY:	SEEKING

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Rycon Engineers Pty Ltd
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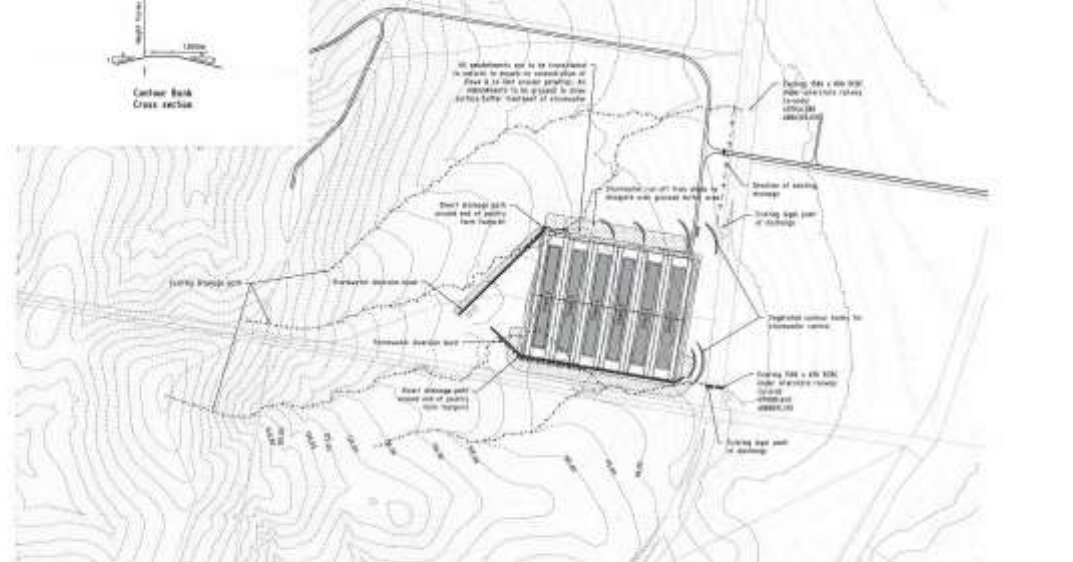
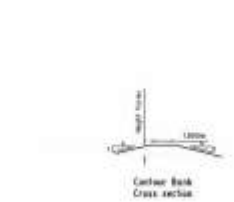


DEENERY GOLD P/L
 218 CAMP CREEK RD
 RATHDOWNY QLD 4287

PROPOSED POULTRY FARM
 9508 TAMBOOKUM
 MT LINDSAY HIGHWAY

SEDIMENT & EROSION
 CONTROL PLAN

SUSAN BIRBY
 RPEQC 13697
 140105-C05



PROJECT NO:	140105-C08
DATE:	13/01/2016
DRAWN BY:	SEEKING
CHECKED BY:	SEEKING

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Rycon Engineers Pty Ltd
 1/11-12/11-13/11-14/11-15/11-16/11-17/11-18/11-19/11-20/11-21/11-22/11-23/11-24/11-25/11-26/11-27/11-28/11-29/11-30/11-31/11
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DEENERY GOLD P/L
 218 CAMP CREEK RD
 RATHDOWNY QLD 4287

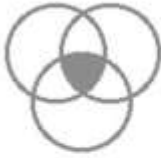
PROPOSED POULTRY FARM
 9508 TAMBOOKUM
 MT LINDSAY HIGHWAY

STORMWATER
 MANAGEMENT
 PLAN

SUSAN BIRBY
 RPEQC 13697
 140105-C08



<p>Graphic Scale (in meters)</p> <p>0 10 20 30 40</p> <p>1:2000</p> <p>Rycoon Engineers Pty Ltd Consulting Engineers & Project Managers 1/1, Southport Rd, Southport QLD 4215 Phone: 07 5538 1000 Fax: 07 5538 1001 Email: info@rycoon.com.au</p>		<p>Client: PEACEFIELD PTY LTD & DEENERY GOLD PTY LTD RATHDOWNEY QLD 4287</p>	<p>Project: TAMROOKUM POULTRY FARMS MT LINDESAY HIGHWAY TAMROOKUM QLD 4286</p>	<p>Document: COMBINED ACCESS EASEMENT PLAN & LOT RECONFIGURATION</p>	<table border="1"> <tr> <td colspan="2">As Issued for 20/10/2024 (Issued)</td> <td colspan="2">PL/PL</td> </tr> <tr> <td colspan="2">21/10/2024</td> <td colspan="2">PL/PL</td> </tr> <tr> <td colspan="2">14/11/2024</td> <td colspan="2">PL/PL</td> </tr> <tr> <td colspan="2">14/12/2024</td> <td colspan="2">PL/PL</td> </tr> <tr> <td colspan="2">14/01/2025</td> <td colspan="2">PL/PL</td> </tr> <tr> <td colspan="2">14/02/2025</td> <td colspan="2">PL/PL</td> </tr> </table> <p>140106-61</p>	As Issued for 20/10/2024 (Issued)		PL/PL		21/10/2024		PL/PL		14/11/2024		PL/PL		14/12/2024		PL/PL		14/01/2025		PL/PL		14/02/2025		PL/PL	
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Proposed Chicken Broiler Farm

9508 Mount Lindesay Highway, Tamrookum
L3 RP48275, Lot 3 and 4 RP58176, Lot 1 and 4 WD3268

STORMWATER MANAGEMENT PLAN

Revision A

Prepared For

Deenery Gold Pty Ltd

25 November 2014
Job: 140105

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1 INTRODUCTION

A development application is to be submitted to Scenic Rim Regional Council for a Material Change of Use from agricultural to intensive animal industry for the property located at 9508 Mt Lindesay Highway, Tamrookum. The proposed development consists of the establishment of a chicken broiler farm, consisting of six sheds housing a maximum of 360,000 birds at any one time. See drawings 140105 - C01 and C02 for details of the proposed layout and associated infrastructure.

A site based stormwater assessment has been undertaken to determine the potential impacts of the development and the necessary mitigation works to ensure that there is no worsening of the stormwater discharges from the site into downstream properties. The general and specific requirements of the *Beaudesert Shire Planning Scheme* and the *State Development Assessment Provisions* have been considered as part of this assessment.

Ryacon Engineers has been engaged by the developer to:

- Assess the pre and post-developed peak discharge flow rates from the site
- Assess impacts of regional flooding on the development
- Develop suitable mitigation options to ensure no worsening of stormwater impacts on neighbouring properties, including the interstate railway
- Assess stormwater quality impacts from the proposed development
- Develop a stormwater management plan

The following report details the modelling, results and recommendations of the stormwater assessment as well as the stormwater management requirements for the development.

2 HYDROLOGY/HYDRAULIC ANALYSIS

2.1 HYDROLOGY – LOCAL CATCHMENT

2.1.1 Catchments

Stormwater flows discharging from the subject site are generated from within the subject property and from adjoining upstream properties. The catchment consists of steeper scrub land flattening to rolling open grassland. (Refer Plan 140105 - C01). Runoff generally flows via sheet flow with intermittent sections of flow concentration along the main drainage lines. The drainage lines concentrate at culverts under the interstate railway line, then flow via wide shallow drainage lines through downstream properties.

The proposed development will see a proportion of the subject site (Lot 4 RP58176) covered by chicken broiler growing sheds. These sheds will increase slightly the impervious percentage of the catchments.

Flood frequency estimates of the catchments that the development site forms part of, for both pre and post development, were calculated using the rational method. The rainfall characteristics for Beaudesert, as determined by the Bureau of Meteorology IFD calculator, were used for all calculations.

2.1.2 Input Data

The following catchment data is required to calculate the expected peak flows:

- Catchment area
- Catchment impervious fraction
- Stream lengths
- Time of Concentration (TOC)
- IFD

The table below details the catchment information included in the pre and post developed calculations.

Scenario	Catchment	Catchment Area	Fraction Impervious	TOC
Pre Developed	North	36.2ha	0%	30 min
Post Developed	North	36.2ha	2.7%	30 min
Pre Developed	South	27.2ha	0%	30 min
Post Developed	South	27.2ha	3.5%	30 min

2.1.3 PRE AND POST DEVELOPMENT RESULTS

The following table details the pre and post developed peak discharge flow rates from the site at the downstream property boundary on the west of the site.

Scenario	Northern Catchment Peak Discharge 100yr ARI	Southern Catchment Peak Discharge 100yr ARI
Pre Developed	6.29m ³ /s	8.36m ³ /s
Post Developed (Unmitigated)	6.42m ³ /s	8.53m ³ /s

The results indicate that there is a negligible increase in the peak discharge due to the proposed development. It is a requirement of QUDM that there be no worsening of the peak discharge rate, depth and concentration of stormwater from a site as a result of a new development. The proposed site works, discussed in Section 3, will ensure that the discharge requirements of QUDM are met.

2.2 FLOOD IMPACTS – REGIONAL FLOODING

The allotment on which the proposed poultry sheds will be established is not impacted by flooding from the nearby Logan River, nor are the legal points of discharge from this lot impacted by flooding.

3 MITIGATION OPTIONS

The chicken broiler sheds will be constructed on an earthworks pad as detailed on Drawings 140105 – C01 to C08. While there is expected to be only a negligible increase in peak discharge from the site as a result of the proposed development, this is unlikely to impact on flow depths from the property and subsequently reporting to the two railway culverts shown on the drawing 140105 – C08. Runoff flows from the earthworks pad and sheds will concentrate at the north east and south east corners of the earthworks pad.

In order to mitigate the concentration of flow that may occur from the site of the poultry sheds it is proposed to construct a number of contour banks immediately downstream of the north eastern and south eastern corners of the earthworks pad. The contour banks, detailed on drawings 140105 – C08, will slow the rate of discharge from the poultry farm area as well as disperse the flows back to pre developed flow patterns.

4 LAWFUL POINT OF DISCHARGE

The two point test outlined in QUDM Section 3.4, to determine whether a lawful point of discharge exists, has been applied to the site. There is not expected to be any worsening of the peak flows discharging the site. Dispersal of the flows downstream of the contour banks will ensure pre developed flow patterns are maintained. Downstream drainage easements will not be required and the lawful points of discharge will be the existing drainage lines where they cross the downstream boundary. This location is marked on drawing 140105 – C08

5 SEDIMENT AND EROSION CONTROL

5.1 POTENTIAL SEDIMENT GENERATION

Sediment will be generated as a result of the development works. While the potential exists for sediment to be generated during the construction phase, the potential sediment volume is dependent upon rainfall, site topography, the material type exposed, flow characteristics, and the construction practices and programme.

The potential sediment yield during construction will vary with the extent of site exposed during the construction programme. It is recommended that the following measures be adopted along with the sediment and erosion control plan detailed on drawing 140105 – C05 to ensure that the water quality of the receiving waters is not adversely impacted by the development works.

5.2 CONSTRUCTION PHASE CONTROL MEASURES

The works proposed to control erosion are:

- a) Construct stabilised shake down area at the site access.
- b) Construct diversion drains as detailed on the preliminary engineering plans.
- c) Erect sediment fences as detailed on the preliminary engineering plans.
- d) Strip topsoil and stockpile within the controlled area on site. Remove from the site any material which is not required for rehabilitation of disturbed areas.
- e) Carry out bulk earthworks involving cut to fill.
- f) Exposed soils and stockpiles are to be watered, as required, to minimise soil losses as a result of wind.
- g) Finalised earthworks to be top soiled and seeded or landscaped as directed
- h) Maintain all sediment devices and other interim controls regularly.
- i) Remove sediment fences after the establishment of the landscaping and grass cover.

5.3 EROSION AND SEDIMENT CONTROL MANAGEMENT

The installation of erosion and sediment control devices requires maintenance of these devices to ensure their effectiveness in the control of potential environmental impact. Summary of the objectives and maintenance requirements for this project are detailed below.

5.3.1 Objectives

The objective of this erosion and sediment control plan is:

- a) To ensure that the water quality of the receiving waters is not worsened by the site development, minimise sediment transport in surface water runoff during the construction and operational stages.

5.3.2 Maintenance of Controls

The Owner is responsible for the installation and maintenance of the sediment and erosion control measures during the construction phase.

Maintenance responsibility for the establishment of vegetation, that is the requirement to irrigate the plants and grass used to generate ground cover, lies with the Owner.

Maintenance will require:

- a) Inspection of silt fences & diversion drains weekly during construction and after any rainfall event.
- b) Clean out sediment build-up following each event that causes deposits.
- c) Clean up soil and sediment deposits promptly as they occur.

5.3.3 Waste Control

Safe waste disposal practices of materials, such as paint, slime, acid, effluent, vegetation, sediment and garbage is required. Leakage, spillage or escape from the site of any of these materials is an offence. This document only deals with the sediment generated on site and the following waste practices should be applied:-

- 1) Silt Fences:
 - a) Sediment removed from the device is to be relocated to where further pollution to down slope levels and water ways cannot occur, or
 - b) Sediment is to be removed from site to an appropriate land fill location.

5.3.4 Responses to Complaints

Complaints during this type of construction usually relate to noise and dust. Generally the complaint is made known to the Contractor, the Principal, the Superintendent and/or the Council.

The Contractor shall keep a record of all complaints identifying the nature of the complaint and any remedial action taken to address such complaint. The Contractor shall act as soon as possible to remedy the problem, if the complaint is considered valid and reasonable. A complaints record shall be made available by the contractor for regular inspection by the Superintendent. For the purpose of direction by others, the Contractor's details are to be supplied to Council prior to commencement of the works.

Complaints relating to dust shall require the Contractor to immediately water the exposed earth surfaces and any soil stockpile areas as well as haul roads to control dust. Such watering shall occur immediately the complaint is registered with the Contractor. Watering should continue periodically until conditions suit, or the works are completed to a state that prevents dust transport.

5.4 MONITORING

The installation of the erosion and sediment control measures as detailed in this plan will ameliorate potential impact to water quality in the receiving waters. A monitoring program is proposed to ensure that the control measures achieve the desired goals.

A visual monitoring program is proposed due to the small size of the development.

The construction phase monitoring is detailed in the Appendix 8.4.

6 STORMWATER QUALITY

The establishment of a free range poultry farm has the potential to impact downstream stormwater quality due to nutrient deposition in the range area. Limited research into the level of nutrient deposit in the free range area has been undertaken to date. For the purpose of this assessment it has been assumed that the proposed bird numbers of 360,000 would generate a similar nutrient deposit of a small beef cattle feedlot. Management of runoff through effluent dispersal is considered appropriate stormwater treatment for small feedlots.

6.1 STORMWATER QUALITY MANAGEMENT

The quality of stormwater discharging from the developed site is expected to remain the same as the pre development quality. All areas of the site, excluding the chicken sheds and associated driveway, will be vegetated to maintain feed for the free range chicken operation and for the existing cattle production. The improved kikuyu pasture and contour banks will act as a sediment and erosion control device as well as a primary water quality treatment device. Further primary treatment of stormwater will occur as the stormwater runoff flows via grassed (kikuyu) overland sheet flow to the property boundary.

6.2 MONITORING

The objective of the stormwater quality management plan is to provide management practices that reduce the reliance on the primary treatment devices. The maintenance plan is detailed in Appendix 8.4 of this report. The operational phase monitoring is detailed in Appendix 8.4.

7 CONCLUSION

The preceding assessment has demonstrated the merits of the proposal in respect to the stormwater management requirements of the *Beaudesert Shire Planning Scheme, QUDM and the State Development Assessment Provisions*.

This Stormwater Management Plan Report has demonstrated that the potential stormwater impacts associated with the poultry farm are within acceptable and manageable limits. The proposed development is unlikely to have any adverse impacts on neighboring properties, including the adjoining railway corridor.

Should the development be granted approval and the findings of this stormwater management plan be implemented as part of the development works, it is considered that the requirements and intent of the *Beaudesert Shire Planning Scheme, QUDM and the State Development Assessment Provisions* can be achieved.

8 APPENDICES

8.1 DRAWINGS

140105-C01	CONCEPT PLAN LOCALITY
140105-C02	SITE CONCEPT PLAN
140105-C03	SHEDS TYPICAL DETAIL
140105-C04	LANDSCAPING PLAN
140105-C05	SEDIMENT & EROSION CONTROL PLAN
140105-C06	EARTHWORKS PLAN
140105-C07	EARTHWORKS CROSS SECTION & TYPICAL LONGSECTION
140105-C08	STORMWATER MANAGEMENT PLAN

8.2 RATIONAL METHOD CALCULATIONS – Southern Railway Culverts

Deenery Gold Pty Ltd 9508 Mt Lindesay Highway Tamrookum
Proposed Poultry Farm Southern Railway Culvert
Peak Flow Calculations IFD Curve Beaudesert

Pre Developed

Catchment Area	0.272	km	QUDM Table 4.6.6
Main Stream Length	1.145	km	
Average Slope	8	%	
Velocity	0.9	m/s	
Time of Concentration	29	min	
Fraction Impervious	0.0	%	
C ₁₀	0.51		QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _v		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x F _v)		0.41	0.43	0.48	0.51	0.54	0.59	0.61
Peak Discharge	m ³ /s	1.55	2.11	2.97	3.51	4.21	5.41	6.29

Post Developed

Catchment Area	0.272	km	QUDM Table 4.6.6
Main Stream Length	1.145	km	
Average Slope	8	%	
Velocity	0.9	m/s	
Time of Concentration	29	min	
Fraction Impervious	3.5	%	
C ₁₀	0.52		QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _v		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x F _v)		0.42	0.44	0.49	0.52	0.55	0.60	0.62
Peak Discharge	m ³ /s	1.59	2.16	3.03	3.58	4.29	5.52	6.42

8.3 RATIONAL METHOD CALCULATIONS – Northern Railway Culverts

Deenery Gold Pty Ltd
Proposed Poultry Farm
Peak Flow Calculations

9508 Mt Lindesay Highway Tamrookum
Northern Railway Culvert
IFD Curve Beaudesert

Pre Developed

Catchment Area	0.362	km	
Main Stream Length	1.142	km	
Average Slope	6	%	
Velocity	0.9	m/s	QUDM Table 4.6.6
Time of Concentration	29	min	
Fraction Impervious	0.0	%	
C ₁₀	0.51		QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _y		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x F _y)		0.408	0.434	0.485	0.510	0.536	0.587	0.612
Peak Discharge	m ³ /s	2.07	2.81	3.95	4.66	5.60	7.19	8.36

Post Developed

Catchment Area	0.362	km	
Main Stream Length	1.142	km	
Average Slope	6	%	
Velocity	0.9	m/s	QUDM Table 4.6.6
Time of Concentration	29	min	
Fraction Impervious	2.7	%	
C ₁₀	0.52		QUDM Table 4.5.3

Interval	Years	1	2	5	10	20	50	100
Intensity for t _c	mm/hr	50.4	64.5	81.1	91	104	122	136
F _y		0.8	0.85	0.95	1	1.05	1.15	1.2
Runoff Coefficient (C ₁₀ x F _y)		0.416	0.442	0.494	0.52	0.546	0.598	0.624
Peak Discharge	m ³ /s	2.11	2.87	4.03	4.76	5.71	7.33	8.53

8.4 STORMWATER MANAGEMENT PLAN

1. Water Quality Management – Construction Phase

Issue: Water Quality Management – Construction Phase	
Operational Policy:	To provide a set of guidelines to control the severity and extent of erosion and pollutant transport during firstly the earthworks stage, and the construction.
Performance Criteria:	Water discharges off the site are to ensure that no detrimental impacts on water quality and aquatic environment occur during the construction phase.
Responsibility:	The owner of the property or their appointed representative & the Construction Contractor. The owner will be responsible for the implementation of the SWMP during the course of all construction activity.
Implementation Strategy:	<p>A detailed erosion & sediment control plan is to be prepared by the projects civil engineers & will incorporate the following:</p> <ul style="list-style-type: none"> • Sediment and erosion control in accordance with the Institution of Engineers Australia Soil Erosion and Sediment Control Guidelines will be adopted. • Earthworks will be completed in stages with works restricted to the immediate areas. • Subsequent stages of development should not commence if prior stages are affected by acid sulphate conditions &/or construction phase water quality objectives are not met. • Silt fences will be placed along the downstream extents of all earthworks. • Drains and bund walls will be topsoiled and vegetated with suitable vegetation as soon as possible. • Clean-up of general site litter on a weekly basis and after significant rainfall events. (>25mm/24hours) • Landscaping activities and revegetation will occur as soon as possible during/after the construction phase of the development. • Only appropriate herbicides and fertilisers are to be used.

Issue: Water Quality Management – Construction Phase	
Monitoring:	<p>Sediment and erosion control measures will be inspected daily by the site manager during periods of rainfall (>25mm/24hrs).</p> <p>Establishment and growth of vegetation – to be monitored monthly.</p> <p>No occurrence of excessive sediment deposit – to be monitored weekly or daily during periods of heavy rainfall (>25mm/24hrs).</p> <p>No release of construction material and silt from the site – to be monitored weekly or daily during periods of heavy rainfall (>25mm/24hrd).</p> <p>Vegetation established and growing prior to the rainy season.</p> <p>Erosion monitoring immediately following heavy rainfall (>25mm)</p> <p>Inspection of silt fences following heavy rainfall (>25mm/24hrs)</p>
Auditing:	<p>Reviews are to be carried out on a monthly basis to assess the implementation strategy. A checklist is to be completed which assesses the strategies listed above.</p>
Identification of Incident or Failure:	<p>Non compliance with agreed performance criteria will be identified by:</p> <ol style="list-style-type: none"> 1. Visual inspections identifying: <ul style="list-style-type: none"> • Build up of sediment on and off the site. • Excessive erosion on the site. • Release of construction material from the site. • Lack of vegetation establishment. 2. Poorly maintained, damaged or failed control devices.
Corrective Action:	<p>After any identification of incident or failure, the source is to be located immediately and the following measures implemented:</p> <ul style="list-style-type: none"> • If vegetation growth fails, new vegetation should be planted and established. Vegetation may require supplementary watering & replanting. • If silt fences fail, replace and monitor more frequently. • If erosion occurs, fill, vegetate and install velocity dissipation steps. • If release of silt and other material off the site occurs, clean up, inspect all treatment techniques, revise designs and review different alternatives and install, otherwise reduce the rate of excavation.

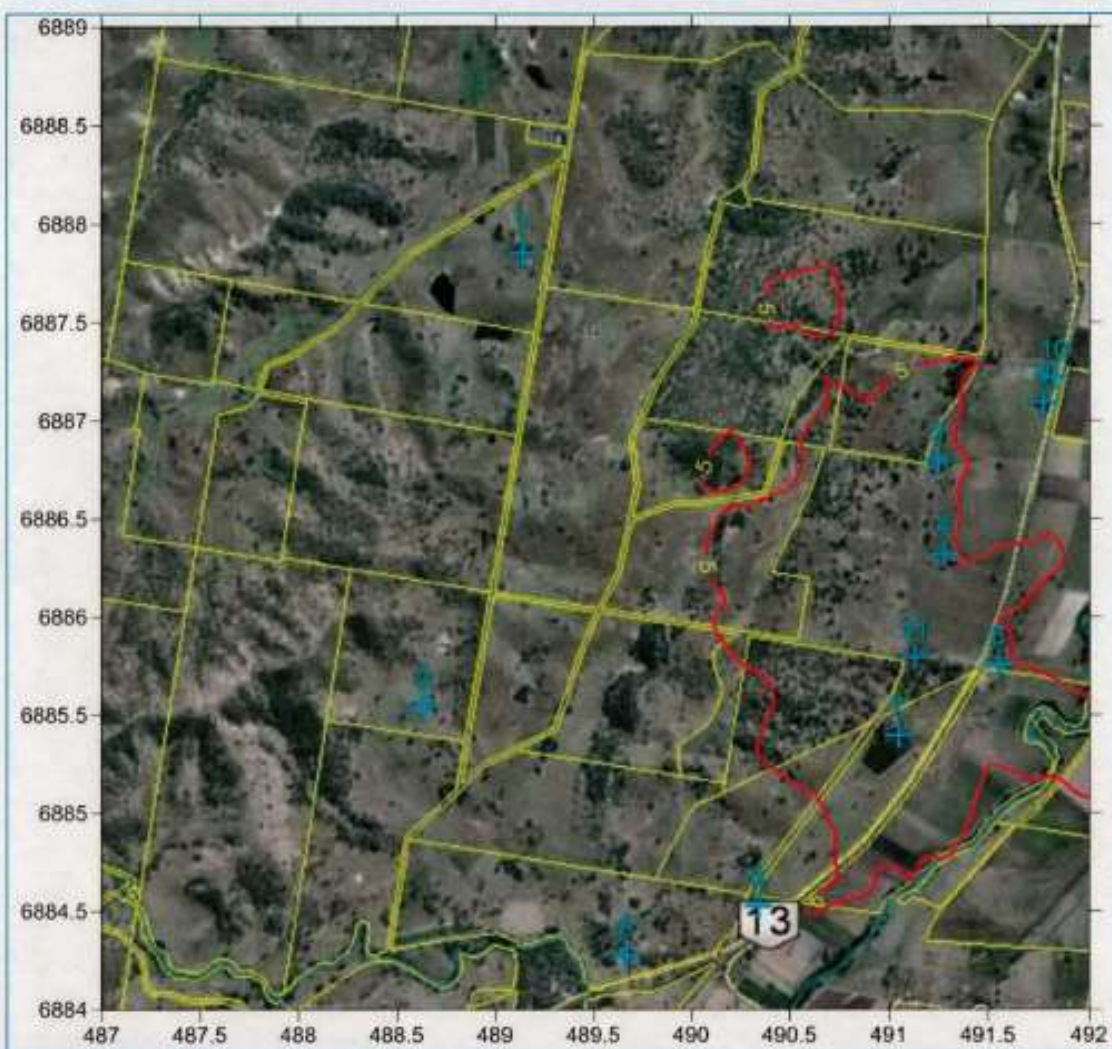
2. Water Quality Management – Operational Phase

Issue: Water Quality Management – Operational Phase	
Operational Policy:	To provide a concise plan to ensure that any water discharged from the site is of an acceptable quality.
Performance Criteria:	Water discharges off the site should be of a quality, which ensures there is no detriment to the downstream environment.
Responsibility:	The owner of the property or their appointed representative.
Implementation Strategy:	<p>A comprehensive conceptual stormwater runoff management system is proposed for the development, comprising local runoff water quality control.</p> <p>Local catchment runoff water quality control is achieved by:</p> <ul style="list-style-type: none"> • Grassed overland flow and drainage paths <p>These controls will:</p> <ul style="list-style-type: none"> • trap trash; • trap coarse sediment and attached nutrients and heavy metals; • remove nutrients; • contain oil and greases, and • contain surfactants <p>Periodical monitoring of erosion or sediment deposition within treatment devices.</p> <p>Periodic maintenance of vegetation within the treatment devices.</p>
Monitoring:	<p>Inspect flow paths to ensure that there are no signs of erosive activity or significant sediment deposits.</p> <p>Monitoring shall include inspection of all treatment devices to ensure they are operating efficiently.</p>
Auditing:	Reviews are to be carried out on a quarterly basis to assess the implementation strategy. A checklist is to be completed which assesses the strategy against each of the monitoring points above.
Identification of Incident or Failure:	<p>Non compliance with agreed performance criteria will be identified by:</p> <ol style="list-style-type: none"> 1. Visual inspections identifying: <ul style="list-style-type: none"> • Build up of sediment & litter on and off the site. • Excessive erosion on the site. • Lack of vegetation establishment. 2. Poorly maintained, damaged or failed control devices.

Issue: Water Quality Management – Operational Phase	
Corrective Action:	<p>Harvesting of vegetation within the swales and re-establishment if vegetation is not healthy.</p> <p>If vegetation fails, new vegetation should be planted and established. Vegetation may require supplementary watering and replanting.</p> <p>If erosion occurs, fill, vegetated and/or install velocity dissipation. To be in accordance with the Institute of Engineers Erosion and Sediment Control Guidelines.</p> <p>If litter escapes from the site, clean up and rectify cause.</p> <p>If poor water quality continues to occur, inspect all treatment techniques, revise designs and review different alternatives and install.</p>

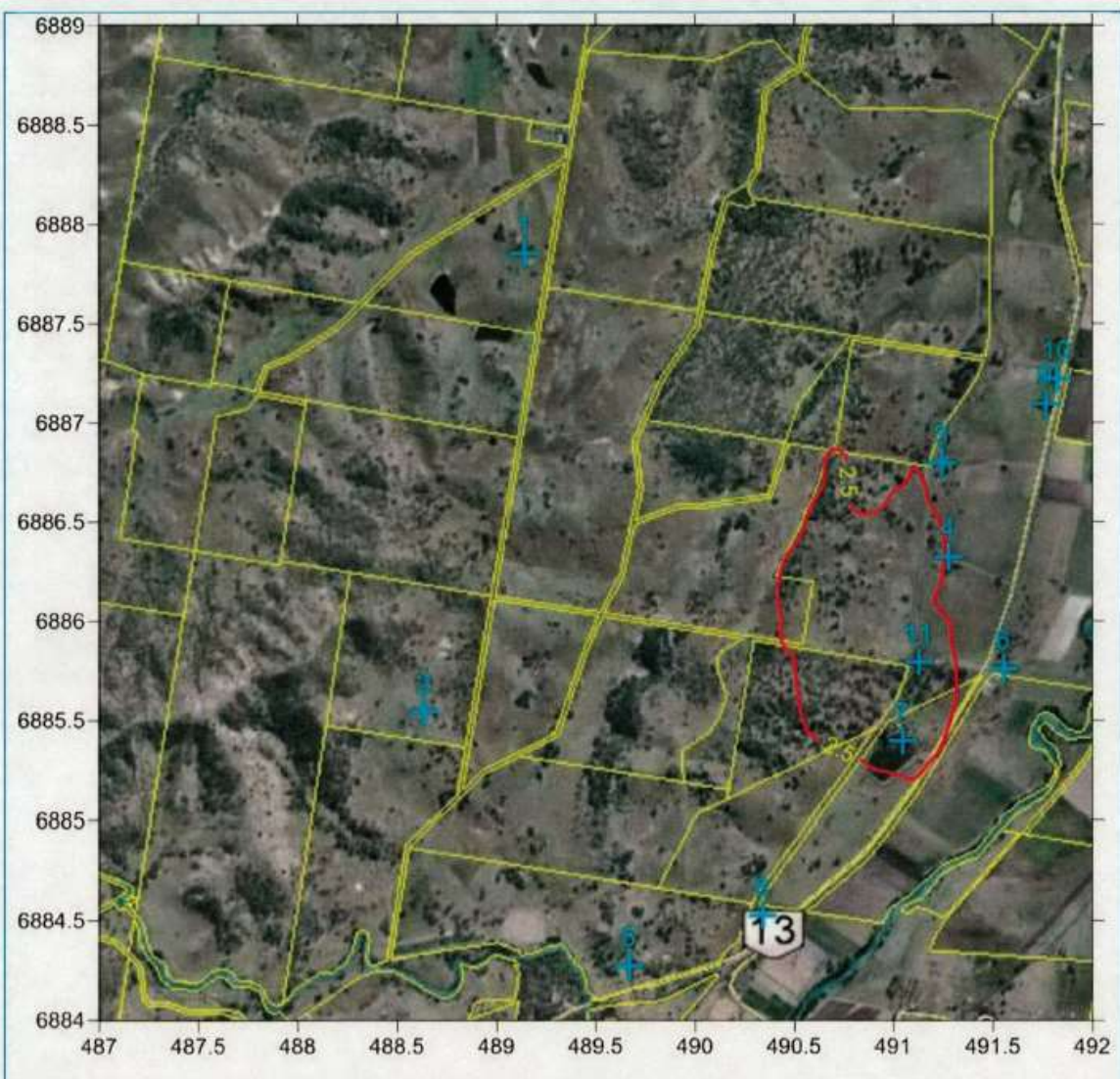
Attachment 5 - Comparison between Council and State's Odour Criteria - prepared by Pacific Environment Limited dated 25 June 2014

Pacific Environment Limited



Species: Odour	Location: Tamrookum	Scenario: 6 Sheds Proposed K=2.2	Percentile: 99.9	Averaging Time: 3-minute
Model Used: CALPUFF v6.42	Units: ou	Guideline: 5 ou (red line)	Met Data: 2008 CALMET- Generated	Plot: G. Galvin

Figure 5-2: Proposed Farm – Council Criteria



Species: Odour	Location: Tamrookum	Scenario: 6 Sheds Proposed K=2.2	Percentile: 99.5	Averaging Time: 1-Hour
Model Used: CALPUFF v6.42	Units: ou	Guideline: 2.5 ou (red line)	Met Data: 2008 CALMET- Generated	Plot: G. Galvin

Figure 5-1: Proposed Farm – State Criteria

Attachment 6 - Copies of Submitter's letters

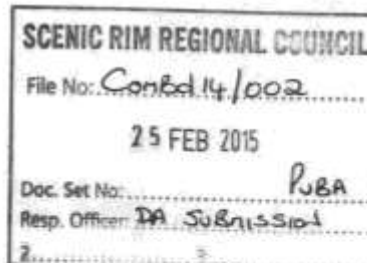
BEAUDESERT ELECTRICAL & REFRIGERATION SERVICES PTY LTD
108 BRISBANE STREET
P O BOX 273
BEAUDESERT 4285
0755 41 22 90
ABN. 45 011 049 960
LIC.7508 QLD (N.S.W. 77845C)
R/L L014104



2.2.15

REF: COMBd14/002*

THE ASSESSMENT MANAGER
SCENIC RIM REGIONAL COUNCIL
P O BOX 25
BEAUDESERT 4285



RE: THE WARREN DRYNAN POULTRY FRAM
MT LINDESAY HWY
INNISPLAINS
BEAUDESERT 4285

RE: THE SUPPORT FOR NEW CHOOK SHEDS AT INNISPLAINS

TO WHOM IT MAY CONCERN ,

I MICHAEL WILLIAM WILKIE SUPPORT THE DRYNAN FAMILY IN THERE ENDEAVOUR TO KEEP THE PRIMARY PRODUCERS ON THERE LAND IN QLD, AND TO KEEP LOCAL BUSINESS HOUSES WITH EMPOLYMENT AND JOBS, FOR THE RURAL COMPANYS IN BEAUDESERT AREA, AS A BUSINESS OWNER I CAN SEE THE LOCAL COMPANYS ARE RECEIVING GROWTH FROM THE FARMERS IN THERE NEW ENTERPRISES.

THE COMPANY OF BEAUDESERT ELECTRICAL AND REFRIGERATION SERVICES PTY LTD HAS KNOWN AND WORKED FOR THE DRYNAN FAMILY FOR OVER 35 YEARS ,IN THIS TIME THE FAMILY HAVE SUPPORTED THE TOWN OF BEAUDESERT.

I SUPPORT THE NEW SHEDS AS THE COMMUNITY NEEDS THE EMPOLYMENT IN THIS TOWN NOW , NOT IN 20 YEARS TIME.

SINCERELY, *Michael Wilkie*

MICHAEL WILLIAM WILKIE
DIRECTOR
BEAUDESERT ELECTRICAL AND REFRIGERATION SERVICES P/L

xref L3 RP48275
L3 RP 58176 L4WD 3268
L4 RP 58176
L1 WD 3268

184 Hodgson Road,
Knapp Creek, 4285.

6-1-15

Planning Department,
Scenic Rim Regional Council,
PO Box 25,
Beaudesert, Qld, 4285.

Dear Sir/Madam,

We have serious concerns regarding the proposed intensive poultry production at Tamrookum, near our property at Hodgson Road, Knapp Creek.

We would like someone to either visit/contact us to discuss/respond to these issues. Whilst we are not adjacent to the property where the facility is to be located, there are many potential issues that could effect our grazing business, ourselves and our neighbours. These include,

Water Contamination: How is this to be prevented from entering the catchment that runs through our property? How is their waste to be disposed of?

Water Supply: Where is the water supply coming from? Is our overland flow and underground supplies going to be affected?

Traffic: Is Hodgson Road, which is our access, going to be impacted in any way, as an alternative access? If so, this low level gravel access, will need to be substantially upgraded. Trucks on this road will be a serious problem.

We have already had an issue, when a low loader carrying an excavator, destined to the facility site, jack-knifed on Hodgson Road, causing the road to be blocked for several hours, residents having to detour over table drains and through the paddock, and leaving the road condition in a state of disrepair.

Noise: What future noise will be created from the proposed industry?
We are already dealing with noise from current construction on the site.

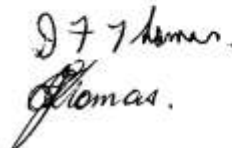
Light: Will we have light issues at night from the proposed facility, that we currently do not have?

Odour: From our experiences near other similar operations, this is a major issue. Prevailing winds from the South East, will direct odour from this operation in our direction. This will have a significant impact on our health and lifestyle.

Anticipating your response,

Regards,

David and Jane Thomas,
184 Hodgson Road,
Knapp Creek, 4285.
07-55442134.

A handwritten signature in black ink, appearing to read 'D & J Thomas' with a flourish underneath.

Please find attached a letter of support from Dover and Sons for the above-mentioned development application.

Regards
Sarah

Per Murray Dover

Sarah Connell

Dover & Sons

Administration
PO Box 299
Beaudesert QLD 4285
Ph: 07 5540 1800
Fax: 07 5541 3215
Email: sarah@dovers.net.au



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CASE III

MSAA

STIHL

REVOD PTY LTD T/A DOVER & SONS ABN 47 009 760 098

DOVER & SONS

EST. 1900
DOVER

IRRIGATION

BOONAH

High Street
Phone: (07) 5460 6600
Fax: (07) 5463 1546
PO Box 15, Boonah 4310

BOONAH

Macquarie Street
Phone: (07) 5463 3800
Fax: (07) 5463 1400

BEAUDESERT

Telemon Road
Phone: (07) 5540 1800
Fax: (07) 5541 3215
PO Box 299, Beaudesert 4285

Mr Craig Barke
Chief Executive Officer
Scenic Rim Regional Council
Po Box 25
Beaudesert QLD 4285

Ref : Application #COMBD14/002
9508 Mt Lindesay Highway
Tamrookum

Dear Mr Barke

Dover and Sons support the aforementioned development application.

Our future and our consideration to rebuild after the fire that devastated our premises is based around a viable agricultural industry in the Scenic Rim. In particular, the poultry industry has shown more promise than other industries recently.

This application and others like it are needed to make our business viable and support the engagement of our 62 staff members.

We recommend the application accordingly.

Yours sincerely



Murray Dover

Dealer Principal
Dover & Sons

Mr Barry Shonhan & Dr Rebecca Williams
176 Spring Creek Road
Running Creek QLD 4287

15 January 2015

Assessment Officer
Scenic Rim Council

Dear Sir

Application COMBd14/002 - Poultry Farm at I t 3 RP 482751 I t 3 RP 58176, I t 4 SP 263574, I t 1WD3268, IT 4 WD 3268, Mt Lindesay Hwy, Tamrookum, 4285.

We write in support of the proposed free-range poultry farm at 9508 Mount Lindesay Highway Tamrookum. The following are reasons for this:

- Enormous economic benefits to the local community involving substantial cash circulated throughout the local economy.
- The construction of the proposed sheds will utilise numerous local trades people, including:
 - Earthmoving
 - Electrical
 - Irrigation / Plumbing
 - Water treatment
 - Engineering
 - Farm shed builders
 - Farm equipment suppliers
 - Fencing contractors
 - Fuel Distributors
- Once operating, a farm this size will provide the following benefits
 - 1-3 full time jobs, as well as a number of ongoing casual jobs.
 - Substantial indirect employment throughout the district in local businesses that supply services to the poultry industry, such as electricians, plumbers, chemical suppliers, firms that remove chicken litter, shed cleaners and fuel distributors
- Visual amenity – We do not believe that there is any negative impact from a farm such as this, but rather an improvement by way of replacing a less

productive piece of land with a working farm, as evidenced by the recently constructed green free range poultry farms within the district

- Production of clean, affordable, nutritious food for working families that complies with the latest animal welfare standards
- With advances in technology and improved farm management involving the introduction of turning litter each week odour is less of a problem than has been the case historically
- Enables a long-standing local family to continue an historic local farm as a viable working farm, in an area that is zoned rural. We believe that the site was once a working dairy that has been shut down along with a lot of local dairies. A transition to other farming industries such as this, for dairy farmers should be taken into account by council. Too many ex dairy farms have been split up and sold off as rural lifestyle properties. Council should also seek to maintain this area as one that contains financially viable working farms, which has historically been the backbone of the district.
- The site has excellent access to the Mt Lindesay Highway a major transport route, keeping truck movements away from minor local roads.

In summary, we express our full support for the proposed poultry farm at Tamrookum and believe it will provide enormous economic and social benefit to the local community.

Sincerely



Mr Barry Shonhan



Dr Rebecca Williams

Russell Brown
9396 Mt Lindesay Highway
Tamrookum QLD 4285

15/01/2015

To the Assessment Manager Scenic Rim Regional Council,

I am writing to protest the proposed development of Poultry Farm at 9508 Mt Lindesay Highway Tamrookum application number COMBd14/002.

1. The proposed development is inconsistent with the amenity of an area which is scenically attractive and largely consists of cropping, dairy farming, cattle farming, and small rural/residential holdings.
2. The original application for the Poultry Farm on this lot was rejected under one alias however after a name change they are reapplying. This 'new' application will also use the same access road and chicken disposal as per first application?
3. As per the plans for the Poultry farm that has been approved, can this infrastructure accommodate the excess wastage from the addition 6 sheds?
4. The water runoff that will meet the Logan River catchment and nearby residents is also quite a large concern.
5. The massive scale of the proposed construction (including requested extensions) is completely inconsistent with developments in the area.
6. The scale of the proposed development will have a major adverse visual impact
7. The increase in traffic densities and associated noise and dust is unacceptable
8. Noise from operations will impact nearby residents
9. Odour is a fundamental concern which cannot be obviated by theoretical models or data representations from other areas with different topography and micro-climatic conditions.
10. Each stage of proposed expansion exacerbates the issues of visual impact, traffic density and noise, odour generation, including on-site composting, proximity to watercourses, proximity to other developments etc. Consideration of, and potential approval of, the total expanded proposal is therefore illogical and unacceptable.

Thank You



Russell Brown



To the Scenic Rim Council,

10/1/2015

To whom it may Concern,

I am raising an objection to the proposed building of Meat Bird sheds nearby to our property at 9400 Mt Lindsay Highway, Tamrookum.

Our complaint is that the proposed meat bird sheds will have an effect on devaluing our property by its close proximity to our property, that a bird flu virus outbreak will have detrimental effect on our health & wellness and that of any livestock and local bird species.

There are a number of other contributing factors why these sheds should not be built in this area, this area is major tourism area where there is pristine countryside, with thousands of visitor annually. Also there are the issues relating to the environment ie: spills of toxic chemicals, odours (drifting smells) from the sites, waste management of bird carcasses and faeces invading the waterways, this area is also prone to flooding and no doubt it will have effects on the current water systems and nearby rivers and creeks and wildlife.

Other major concerns are increased road traffic, workers & trucks coming and going all hours of the night, rodents, foxes, dust, visual effects including enormous sheds and machinery.
This area is not an acceptable location for such a development!

Property owner
Patrick O'Dea

SCENIC RIM REGIONAL COUNCIL	
File No:	Com Bdl 14 / 002.....
15 JAN 2015	
Doc. Set No: RBA
Resp. Officer:	DA SUBMISSION..
2.....	3.....

ref L3 RP48275
L3 RP58176

Kate O'Dea
9400 Mt Lindesay Highway
Tamrookum
4285

12/01/2015

To the Assessment Manager Scenic Rim Council,
I am writing to you in protest at the proposed development of the Poultry farm at 9508 Mt
Lindesay Highway application number COMBd14/002.

I believe the proposed development will impact the rural lifestyle we are accustomed in more
ways than one.

1. Smell and pollution, is of a concern to myself and my neighbours, I do not believe that relevant testing has been done for this particular location. I have lived near Chicken sheds before and I know first hand no matter how much testing and research has been done you will always have a day or several days of a foul smell wafting over your property. This is will be unacceptable!
2. Visual impact, I currently have a wonderful scenic view of the rural properties surrounding me. To look out the window and see 6 sheds or more, trucks, loaders, and plant equipment will be an eyesore no matter how much of a buffer you propose to plant/build.
3. Waterways and flooding, As a resident of the area for 10 years I have seen many times the effects of heavy rain and seasonal flooding in this area. I know for a fact that most of this area floods and the flood water runs from the proposed site thru to my property several times a year. What pollution and or diseases will be sent my way into my dams for my livestock to drink?
Not to mention the impact on the Logan River its catchments and wetlands. What impact will this have on the wildlife when the river becomes polluted?
4. Noise and Traffic, The noise from the sheds will be no doubt be continuous with increased heavy traffic on Mt Lindesay Highway and truck and tractor movements around the property.

In closing I would like for you to take into consideration again the Odour and dust pollution, the acoustic pollution, the threat to the natural waterways of the Logan river and it's catchments.

If you were living in this area would you like to have this proposed development on your doorstep?

I think NOT!!

Regards
Kate O'Dea

SCENIC RIM REGIONAL COUNCIL	
File No:	CombD14/002.....
15 JAN 2015	
Doc. Set No: REA
Resp. Officer:	DA SUBMISSION
2.....	3.....

xref L3 RP48275
L3 RP58176

"Parkmoor"
9448 Mt Lindesay Hwy,

12th January, 2015

The Assessment Manager
Scenic Rim Regional Council
P O Box 25,
BEAUDESERT, QLD 4285.



Dear Sir,

Application COMBd14/002 – Poultry Farm at Lt 3 RP 48275, Lt 3 RP 58176, Lt 4 SP 263574, Lt 1 WD3268, Lt 4 WD 3268, Mt Lindesay Hwy, Tamrookum, 4285.

As owners of the adjoining property we wish to lodge our strong objection to the proposed development of poultry sheds and the associated infrastructure, on the following grounds:

1. Proposed Access Road

The access road will pass along the border of our property creating dust and noise 24 hours a day, 7 days a week. This will directly effect our quality of life, in what is now a peaceful, private and clean environment. As we rely on tank water, poultry shed dust landing on our roof will go directly into our domestic water supply potentially affecting our health.

2. Odour

As our property lies to the ^{NORTH} south of the 6 proposed poultry sheds, our land would be in a direct line to receive all of the odour from the sheds on the southerly, prevailing winds. Should these sheds be approved we feel that, not only our land, but our home would be within the assessed Odour Affected Area.

3. Water Course

We are most concerned that effluent run-off from the sheds will follow the natural water course into our dams, adversely affecting our livestock.

4. Fencing

We are worried that our livestock will be put at risk from the trucks in the event they escape onto the adjoining proposed access road, and wonder who will be responsible for ensuring that the fencing will be adequate to protect livestock from the proposed road.

5. Property Value

We have had our property for sale for some time and are devastated to learn of the proposed developments which now appear to make it impossible to sell at any reasonable price given the uncertainty of major, neighbouring environmental hazards.

As rate-payers for many years, we seek Council's support in protecting our quality of life and our investment in what should be an area of great beauty, unpolluted water and clean, fresh air.

Yours faithfully,

Jeffrey & Irene Blackburn

L3 RP48275
L3 RP58176
L4 RP58176

SCENIC RIM REGIONAL COUNCIL	
File No:	COMBd14/002.....
13 JAN 2015	
Doc. Set No:	PUBA
Resp. Officer:	DA SUBMISSION
2.....	3.....

101-

Attachment 7 - Applicant's response to submissions

RESPONSE TO PUBLIC SUBMISSION

2nd March 2015

Your Ref: COMBd14/002

Chief Executive Officer
Scenic Rim Regional Council
PO Box 25
Beaudesert QLD 4285

Our Ref: 140105/sjs

Attention: John Creagan

Dear Sir,

Re: COM Bd14/005 – Public Submission Response
Application for Proposed MCU from Agricultural / Animal Husbandry to Poultry Farm and
Reconfiguring a Lot - Access Easement
9508 Mt Lindesay Highway
Tamrookum QLD 4285
Lot 3 RP 48275, Lot 3 RP 58176, Lot 4 RP 58176,
Lot 1 WD 3268 and Lot 4 WD 3268

On behalf of Deenery Gold Pty Ltd, we provide the following responses to public submissions received by Scenic Rim Regional Council during the statutory public notification period.

Eight properly made submissions were received during the notification period.

This correspondence aims to respond directly to the issues raised by the submitters. It is requested that Council consider these responses in their assessment of the development application.

Where similar issues were raised by the submitters these have been grouped together and a single response provided.

1. Odour

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse odour impacts on surrounding sensitive uses.

RESPONSE

An odour assessment was undertaken by Pacific Environment Limited and the Odour Assessment Report was submitted with the original development application. The objective of the assessment was to determine odour impacts from the proposed operation on surrounding land uses in accordance with:

- Queensland Guidelines Meat Chicken Farms (DAFF, 2012)
- Guideline: Odour Impact Assessment from Developments (DEHP, 2013)
- Beaudesert Shire Planning Scheme (Beaudesert Shire Council, 2007)

The scope of works of the assessment to determine the potential odour impacts included:

- estimating hourly varying odour emissions
- meteorological and plume dispersion modelling
- analysing model results and evaluating them against assessment criteria.



This work was undertaken by way of:

- information and data review
- emissions estimation
- meteorological data processing
- dispersion modelling

The odour assessment found that the predicted odour emissions (K factor of 2.2) from the proposed farm (six sheds) indicates that odour levels associated with the farm at the nearest sensitive receptors will be within the Queensland EHP odour guideline criteria (C99.5 1-hr = 2.5 ou), even when combined with the predicted odour levels from the nearest poultry farm (currently under construction).

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive best practice modern management strategies to minimise odour generation and therefore odour impacts at sensitive receptors.

The Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of odour.

This current application does not concern itself with any past or prospective future planning applications and seeks to be treated on its merits.

2. Noise

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse noise impacts on surrounding sensitive uses.

RESPONSE

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive best practice management strategies to minimise noise generation and therefore noise impacts at sensitive receptors.

Access to the site will be via a shared access driveway off the Mount Lindesay Highway. A traffic impact assessment was undertaken for the proposed poultry farm by TTM, with the assessment report submitted with the development application. The report concluded that there would be negligible impact on the public road corridor network as result of the proposed development. Accordingly noise levels from traffic along the public road corridor network are unlikely to increase as a result of the proposed development. The report also indicates that vehicle numbers accessing the site and using the access driveway will range from 5 to 15 per day. While the farm will operate 24 hours per day, 7 days per week and vehicular traffic may occur at anytime there will not be a constant stream of traffic accessing the site.

The proposed access driveway is located some 430m from the nearest sensitive receptor outside the subject allotments. This receptor is a similar distance from the Mount Lindesay Highway.

The Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of noise emissions at receptors.



3. Dust

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse dust impacts on surrounding sensitive uses.

RESPONSE

A dust assessment was undertaken by Pacific Environment Limited with the results included in the Odour Assessment Report submitted with the original development application. The proposed development was assessed against the Environment Protection Policy (Air) (OQPC, 2012) criteria of 50 µg/m³ which is one third of the 150 µg/m³ criteria in the Beaudesert Shire Planning Scheme 2007.

The dust assessment found that the predicted dust emissions from the proposed farm (six sheds), including background concentrations, indicates that the dust criteria is held within the subject property boundary of the subject lots and does not impact nearby sensitive receptors.

Access to the site will be via a shared access driveway off the Mount Lindsey Highway. A traffic impact assessment was undertaken for the proposed poultry farm by TTM, with the assessment report submitted with the development application. The report concluded that there would be negligible impact on the public road corridor network as result of the proposed development. Accordingly dust levels from traffic along the public road corridor network are unlikely to increase as a result of the proposed development, particularly as the highway is sealed.

The report also indicates that vehicle numbers accessing the site and using the access driveway will range from 5 to 15 per day. Traffic along the proposed gravel access driveway will generate some localised dust as the vehicle moves along the access, however is unlikely to cause nuisance at nearby sensitive receptors.

The Site Based Management Plan developed by FSA and submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive management strategies to minimise dust generation and therefore dust impacts at sensitive receptors.

The Department of Agriculture, Fisheries and Forestry have issued an Environmental Authority for the proposed poultry farm which requires compliance with specific environmental conditions, including that of dust emissions at receptors.

4. Water Quality

ISSUE SUMMARY

The submissions assert that the proposed use will result in adverse impacts on surface waters.

RESPONSE

The Site Based Management Plan developed by FSA and the Stormwater Management Plan developed by Ryacon Engineers submitted as part of the development application is intended to be used as the operational manual for the proposed poultry farm with respect to environmental impacts. The plan provides comprehensive management strategies to minimise impacts to surface waters from all potential sources. The proposed development design and operational procedures, including the use of high pressure low volume shed cleaning methods, will ensure that release of effluent from the development extents is extremely unlikely.

Stormwater runoff from the operational area of the poultry farm will be directed over grassed buffer strips and to grassed contour banks prior to discharge from the subject site. These stormwater management strategies will ensure that adverse impacts to surrounding natural water courses is unlikely.

5. Amenity

ISSUE SUMMARY

The submission asserts that the proposed use is inconsistent with the current rural landscape and rural uses, and will have deleterious impacts on some current rural industries in the vicinity.

RESPONSE

Poultry farming is consistent with development in a rural zone. The proposed poultry farm is considered to meet the overall outcomes for a poultry farm, including that other rural based activities, in particular non intensive rural based activities such as Tourism, Equestrian Activities, Wineries, Agriculture and Animal Husbandry are protected. The proposed poultry farm has been located such that it will not impact on other rural based activities as described.

Well managed poultry farms, like other rural enterprises in the Scenic Rim, are typically tidy and well presented in order to meet statutory requirements and community expectations of farming standards. Visually, the sheds will be obscured from the Mount Lindesay Highway and surrounding properties by proposed vegetation buffer screens.

The scale of the proposed development is considered to be consistent with current best practice in efficient livestock management.

6. Straying livestock damage

ISSUE SUMMARY

The submission asserts that the proposed use will mean that livestock potentially straying into the area of the proposed development will be in danger from truck movements.

RESPONSE

As in all rural areas, boundary fencing is considered to be a shared responsibility, and the responsibility for straying livestock rests with the owners of the livestock.

7. Impacts on property values

ISSUE SUMMARY

The submission asserts that the proposed use will reduce in value the submitters' property.

RESPONSE

This is not considered to be valid grounds for objection.

8. Impacts to domestic and native animals

ISSUE SUMMARY

The submission asserts that the proposed use will have a detrimental effect on surrounding livestock and local bird species.

RESPONSE

Poultry farms are operated under strict national biosecurity controls to ensure the health of the chickens and to limit the likelihood of disease outbreak. The proponents are committed to operating the poultry farm in accordance with these controls and to the highest animal welfare standards. This will ensure that the likelihood of negative impacts to the health of domestic and native animals on neighbouring properties is unlikely.

The subject property is considered a suitable site for a poultry farm, being located in an area typical for its rural enterprise, being close to transport routes, having a reliable water supply and being suitably separated from sensitive receptors.

As outlined in the supporting documents for the MCU application, the proposed poultry farm achieves the outcomes prescribed for development of this type in the rural zone. The proponent is committed to developing a rural enterprise that enhances the rural productivity of the landholding, is sensitive to surrounding land uses and the environment and provides economic benefit to the locality and broader region.

Should you require further information and advice, please do not hesitate to contact me.

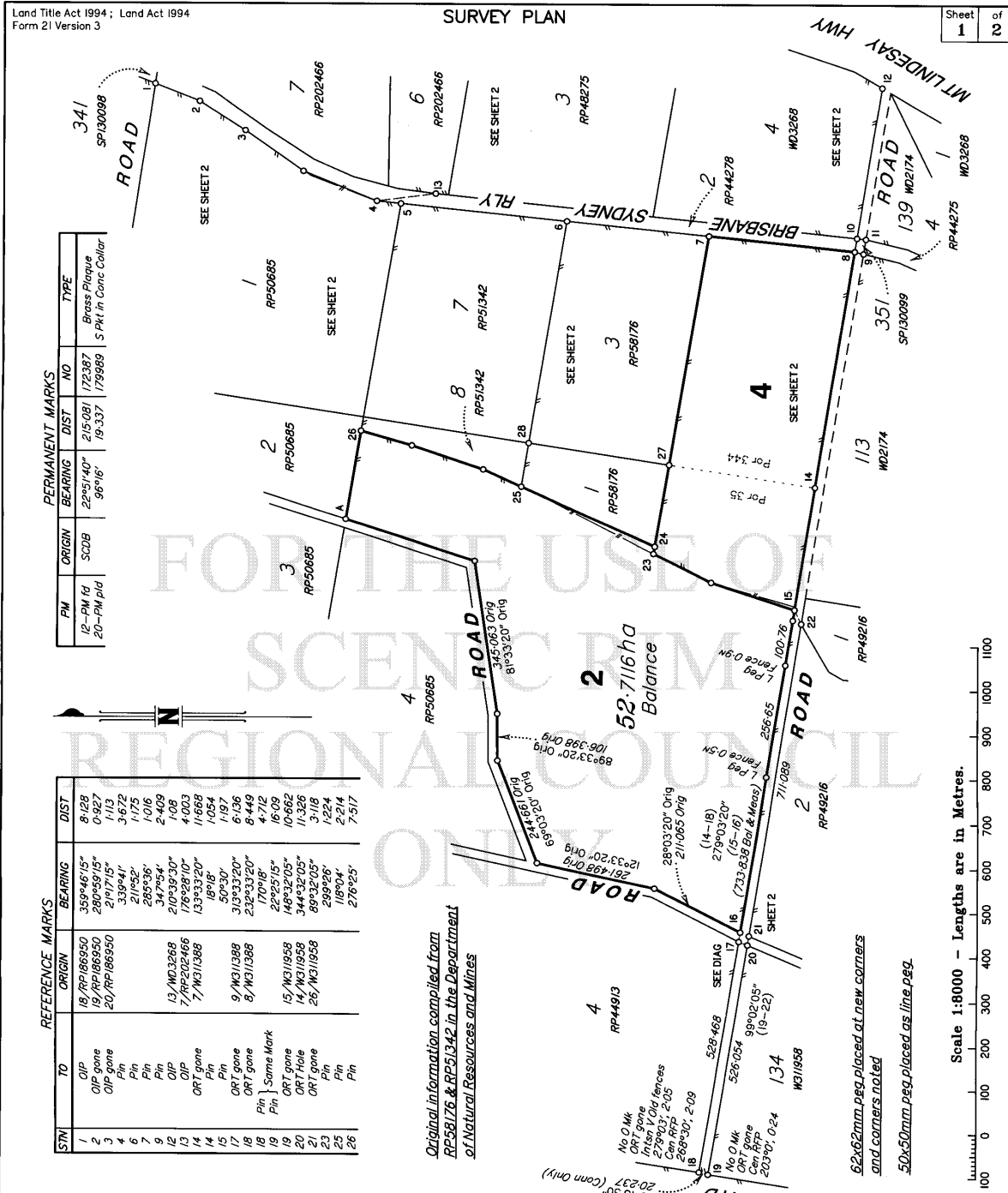
Yours faithfully,



Susan Shay
RPEQ 13697

Attachment 8 - Lot size and description amendment registration for Lots 2 and 4 on RP58176

SP263574 V0 REGISTERED Recorded Date 29/08/2014 10:34 Page 1 of 3 Not To Scale



I, Phillip Raymond AMBRIDGE, Cadastral Surveyor, hereby certify that the land comprised in this plan was surveyed by Michael Richard SCHUMACHER, Surveying Associate, for whose work I accept responsibility, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 06-06-2014.

10/11/2014
 Date
 Cadastral Surveyor

Plan of Lots 2 & 4

50mm 100mm 150mm State copyright reserved.

Scale: **1:8000**

Format: **STANDARD**

Meridian: **MGA Zone 56 by GNSS**

Survey Records: **No**

SP263574

LOCAL GOVERNMENT: **SCENIC RIM REGIONAL COUNCIL** LOCALITY: **Tamrookum**

Plan of Lots 2 & 4

Cancelling Lots 2 & 4 on RP58176

715983449

\$494.20
29/08/2014 10:34

BE 400 NT

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

5. Lodged by

Peter Atkinson & Company 006A

www.peteratkinson.com.au

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We WILLIAM RAY DRYNAN

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

~~* as Lessees of this land agree to this plan.~~

W.R. Drynan

Signature of *Registered Owners *Lessees

* Rule out whichever is inapplicable

2. Planning Body Approval.

* Scenic Rim Regional Council

hereby approves this plan in accordance with the :

% Sustainable Planning Act (2009)

Dated this Twenty-second day of August 2014.

[Signature] # Delegate

* Insert the name of the Planning Body.
Insert designation of signatory or delegation

% Insert applicable approving legislation.

3. Plans with Community Management Statement :

CMS Number :
Name :

4. References :

Dept File :
Local Govt : RL . Bd2/00092
Surveyor : A & A 13026

6. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
12167179	Lot 2 on RP58176	2 & 4		
12167178	Lot 4 on RP58176	4		

2	POR 35
4	POR 35 & 344
Lots	Orig

12. Building Format Plans only.
I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.
* Part of the building shown on this plan encroaches onto adjoining * lots and road

Cadastral Surveyor/Director* Date
*delete words not required

7. Orig Grant Allocation :

8. Map Reference :
9441-12442

9. Parish :
KNAPP

10. County :
Ward

11. Passed & Endorsed :

By : Phillip Raymond AMBRIDGE
Date : 10/7/2014
Signed : *[Signature]*
Designation : Cadastral Surveyor

13. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
..... New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$ <u>494.20</u>

14. Insert Plan Number **SP263574**

Attachment 9 - ERA Approval



Queensland
Government

Department of
**Agriculture, Fisheries
and Forestry**

Reference: QABD0581

Deenery Gold Pty Ltd
"Glenapp" 218 Camp Creek Road
RUNNING CREEK QLD 4287

Attention: Warren Drynan

Dear Mr Drynan

Application details

I refer to your application for an environmental authority, received by the administering authority on 22 September 2014.

Land description

Lot 3 Registered Plan 48275, Lot 3 and 4 Registered Plan 58176, Lot 1 and 4 WD3268.
9508 Mount Lindesay Highway, Tamrookum, Queensland

Decision

Your application has been considered by the administering authority and approved. The environmental authority (reference 2015-01) is attached for your reference. Should you have any further enquiries, please contact Mitchell Furness on telephone 4688 1374.

A handwritten signature in black ink, appearing to read "M. Furness".

Signature

13 January 2015

Date

Mitchell Furness
Manager, Environmental Regulation

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Department of Agriculture, Fisheries and Forestry
Animal Industries (J Block)
203 Tor St
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4688 1192
Email: livestockregulator@daff.qld.gov.au

Enclosed

Permit – Environmental Authority (reference 2015-01)

Permit¹

Environmental Protection Act 1994

Environmental authority

This environmental authority is issued by the delegate of the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: 2015-01

Environmental authority takes effect when your related development application is approved

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

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

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
Deenery Gold Pty Ltd Suitable operator reference: 727572	"Glenapp" 218 Camp Creek Road RUNNING CREEK QLD 4287

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 4 — Poultry farming (2)— farming more than 200,000 birds	Lot 3 Registered Plan 48275, Lot 3 and 4 Registered Plan 58176, Lot 1 and 4 WD3268 9508 Mount Lindesay Highway TAMROOKUM QLD

Additional information for holders of environmental authorities

Environmentally relevant activities

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

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

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

Environmental authority

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

Contaminated land

It is a requirement of the Act that if an owner or occupier of land becomes aware that a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

13 January 2015

Date

Mitchell Furness
Manager, Environmental Regulation

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries

Department of Agriculture, Fisheries and Forestry
Animal Industries (J Block)
203 Tor St
TOOWOOMBA QLD 4350

Phone: 13 25 23

Fax: 07 4688 1192

Email: livestockregulator@daff.qld.gov.au

Attachments

Information sheet: Internal Review and Appeal to Planning and Environment Court (EM1866)

Department of Agriculture, Fisheries and Forestry

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 Act, and the regulations made under the 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)

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 delegate of the administering authority within 24 hours of becoming aware of the breach and record full details of the breach and any subsequent actions.
G2	This environmental authority authorises you to conduct the activity listed above at the level specified.
G3	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G4	The activity must be undertaken in accordance with written procedures that: <ul style="list-style-type: none"> • identify potential risks to the environment from the activity during routine operations and emergencies • establish and maintain control measures that minimise the potential for environmental harm • ensure plant, equipment and measures are maintained in a proper and effective condition • ensure plant, equipment and measures are operated in a proper and effective manner • ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> • ensure that reviews of environmental performance are undertaken at least annually
G5	All information and records that are required by the conditions of this environmental authority must be kept for a period of at least 5 years.

M-F

Environmental authority

G6	Storage of chemicals and fuels in bulk or in containers of greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm.
G7	If you become aware of any adverse impact on an environmental value likely to have been caused by the operation of the activity , you must notify the delegate of the administering authority in writing of the full details of the adverse impact within 24 hours of becoming aware of the impact.
Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any nuisance sensitive place or commercial place .
A2	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : <ul style="list-style-type: none"> 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).
Agency interest: Water	
Condition number	Condition
WT1	Other than as permitted within this authority, contaminants must not be released from the site to any waters or the bed and banks of any waters .
WT2	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater .
WT3	Contaminants must not be released to surface waters.

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Agency interest: Noise							
Condition number	Condition						
N1	Noise from the activity 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						
	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					
	$L_{Aeq,adj,T}$	Background +5	Background +3	Background +3	Background +5	Background +3	Background +3
	$MaxL_{pA,T}$	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
		Noise measured at a commercial place					
	$L_{Aeq,adj,T}$	Background +10	Background +8	Background +5	Background +10	Background +8	Background +5
	$MaxL_{pA,T}$	Background +15	Background +13	Background +10	Background +15	Background +13	Background +10
Agency interest: Land							
Condition number	Condition						
L1	Any release of contaminants generated by the activity to land must not cause environmental harm.						
L2	Before surrendering this environmental authority the site must be rehabilitated to achieve a safe, stable, non-polluting landform.						
Agency interest: Waste							
Condition number	Condition						
WS1	Waste must only be removed from the site by a transporter lawfully able to transport it to a place lawfully able to receive it.						
WS2	Any release or utilisation of waste products generated by the activity must not cause environmental harm.						

END OF PERMIT

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Attachments

NIL

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 Environment and Heritage Protection or its successor or predecessors.

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

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 Agriculture, Fisheries and Forestry (DAFF) or its successor as cited by the administering authority.

environmental nuisance (the Act) is unreasonable interference or likely interference with an **environmental value** caused by—

- a) aerosols, fumes, light, noise, odour, particles or smoke; or
- b) an unhealthy, **offensive** or unsightly condition because of contamination; or
- c) another way prescribed by regulation.

environmental value (the Act) is—

- a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- b) another quality of the environment identified and declared to be an **environmental value** under an environmental protection policy or regulation.

$L_{Aeq,adj,T}$ 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.

Max $L_{pA,T}$ 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 contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.

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.

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

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarten, school, university or other educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- f) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

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

you means the holder of the environmental authority.

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Information sheet

Environmental Protection Act 1994

Internal review and appeal to Planning and Environment Court

This information sheet forms part of an information notice under the Environmental Protection Act 1994. It gives a summary of the process for review and appeal to the Planning and Environment Court under the Environmental Protection Act 1994 (EP Act) and subordinate legislation. Refer to ss. 519-539 and Schedule 2 of the Environmental Protection Act for complete information about the process for internal review and appeal to the Planning and Environment Court.

Introduction

The EP Act provides for a right of internal review and appeal against certain decisions made under the EP Act. Decisions that can be reviewed or appealed are listed in Schedule 2 of the EP Act and within certain sections of the regulations and subordinate legislation¹ made under the EP Act. The EP Act also provides that a dissatisfied person for a review decision, other than those listed in Part 1 of Schedule 2 of the EP Act², may appeal the decision to the Planning and Environment Court (the Court).

Summary of the process for internal review and appeal to the Court

Chapter 11, Part 3 of the EP Act

Division 1 — Interpretation

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'.

Section 520 Dissatisfied person

This section nominates the dissatisfied person for an original or review decision.

Division 2 — Internal review of decisions

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—
 - i) 10 business days³ 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'); or
 - 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.

Internal review and appeal to Planning and Environment Court

- 3) On or before making the application, the applicant must send the following documents to the other persons who were given notice of the original decision—
 - a) notice of the application (the 'review notice');
 - b) a copy of the application and supporting documents.
- 4) The review notice must inform the recipient that submission on the application may be made to the administering authority within five business days (the submission period) after the application is made to the authority.
- 5) If the administering authority is satisfied the applicant has complied with subsection (2) and (3), 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) The application does not stay (i.e. suspend or stop) the original decision.
- 7) 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.
- 8) 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 of the original decision.
- 9) The notice must—
 - a) include the reasons for the review decision; and
 - b) inform the persons of their right of appeal against the decision.
- 10) If the administering authority does not comply with subsections (5) or (8), the authority is taken to have made a decision confirming the original decision.
- 11) Subsection (7) applies despite the *Acts Interpretation Act 1954*, section 27A.
- 12) 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.
- 13) Also, this section does not apply to an original decision to issue a clean-up notice.
- 14) In this section—

'decision period' means—

 - a) if a submission is received within the submission period—15 business days after the administering authority receives the application; or

Internal review and appeal to Planning and Environment Court

- b) if no submissions are received within the submission period—10 business days after the administering authority receives the application.

Section 522 Stay of operation of particular original decisions

- 1) If an application is made for 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 to secure the effectiveness of the review and any later appeal to the Land Court or the Court.
- 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 time when the administering authority reviews the decision and any later period the Land Court or the Court allows the applicant to enable the applicant to appeal against the review decision.

Division 4 — Appeals to Court

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 1⁴ applies;
 - b) a review decision that relates to an original decision mentioned in Schedule 2, Part 3⁵.
- 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.

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.

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 of the original decision; or
 - b) if the appellant is not the chief executive—the other persons who were given notice 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.

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.

Section 535 Stay of operation of decisions

- 1) The Court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.
- 2) A stay may be granted on conditions the Court considers appropriate and has effect for the period stated by the Court.
- 3) The period of a stay must not extend past the time when the Court decides the appeal.
- 4) An appeal against a decision does not affect the operation or carrying out of the decision unless the decision is stayed.

Section 535A Stay of decision to issue a clean-up notice

- 5) This section applies to an application under section 535 for a stay of a decision to issue a clean-up notice.
- 6) 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.

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.

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 one or more assessors to help the judge in deciding the appeal.

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)—

Internal review and appeal to Planning and Environment Court

- i) to refuse to accredit an environmental risk management plan (ERMP); or
 - ii) about an application for an environmental authority for a prescribed ERA; and
- b) a person appeals against the assessment manager's decision under the *Sustainable Planning Act 2009* about a planning or development matter for the premises to which the ERMP or the application for the authority relates.
- 2) The Court may order—
- a) the appeals to be heard together or one immediately after the other; or
 - b) one 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.

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.

¹ The original decisions under the subordinate legislation are subject to change. As at 31 March 2013 they are listed in:

- Regulation 110 of the Environmental Protection Regulation 2008; and
- Regulation 68C of the Environmental Protection (Waste Management) Regulation 2000.

² An appeal may be made to the Land Court for original decisions in Part 1 of Schedule 2.

³ 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 year".

⁴ Subdivision 1 is about appeals to the Land Court.

⁵ Original decisions mentioned in Schedule 2, Part 3 are original decisions for internal review only.