

20 September 2018

Our Ref: 1210848
File Ref: 05/APP/02
Your Ref: M1299
Enquiries: Prue Miller

Thomas Askern
Milford Planning
PO Box 5463
TOWNSVILLE QLD 4810

Sent via email: info@milfordplanning.com.au

Dear Sir

Amended Decision Notice – Approval
(Given under s63 of the *Planning Act 2016*)

The Assessment Manager acknowledges receipt of development application MC18/63 on 2 May 2018 and wishes to advise that the application was assessed and decided at Council's General Meeting on 18 September 2018 with a recommendation of approval. However due to an administrative error an amended decision notice is now provided which replaces the original decision notice dated 18 September 2018. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below.

Applicant details

Applicant name: Reid River Land Holdings Pty Ltd
C/- Thomas Askern
Milford Planning

Location details

Street address: 5291 Flinders Highway, REID RIVER QLD 4816
Real property description: Lots 1 - 10 on RP715678
Current lawful use: Dwelling House and Agriculture
Local government area: Charters Towers Regional Council

Application details

Application number: MC18/63
Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Impact Assessment
Description of development: Undefined Use (Cattle Holding Yards)
Definition of use: Undefined
Categorising instrument: Aligned Dalrymple Shire Planning Scheme 2006

1. Details of the approval

Details of the approval are listed below in accordance with the *Planning Regulation 2017*.

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charters Towers.qld.gov.au | **ABN.** 67 731 313 583

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	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Conditions of approval

Conditions of this approval are included within **Attachment 1**.

3. Approved plans and specifications

The approved plans and/or documents for this development approval are listed below:

Drawing title:	Prepared by:	Date:	Reference no:	Revision:
Proposed Site Layout	Premise	16/04/2018	MIS-0381-A001	4
Proposed Export Depot Layout	Premise	16/04/2018	MIS-0381-A002	2
Typical Pen Design	Premise	16/04/2018	MIS-0381-A003	2
Controlled Drainage Area Plan	Premise	16/04/2018	MIS-0381-A004	2
Effluent Management System Design	Premise	16/04/2018	MIS-0381-A005	2

And supporting documents:

Document title:	Prepared by:	Date:	Reference no:	Revision:
Odour Management Plan	Premise	12/06/2018	MIS-0381/11802327	A
Environmental and Water Supply Assessment	Premise	16/04/2018	MIS-0381/1802161	B
Stormwater and Flooding Advice	Venant Solutions Pty Ltd	09/04/2018	MJ:L.M00178.001.0 0	N/A

The approved plans in relation to this approval are included within **Attachment 2**.

4. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of 6 years.

5. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Building Works; and
2. Plumbing and Drainage Works.

6. Referral agencies

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The referral agencies for this application are:

Agency:	Trigger:	Advice/Concurrence:	Address:	Date and Ref:
The Department of State Development, Manufacturing, Infrastructure and Planning	10.3.4.3.1 - Clearing of Vegetation 10.9.4.2.4.1 - State Transport Corridors and Future State Transport Corridors	Concurrence	PO Box 5666 TOWNSVILLE QLD 4810 NQSARA@dsdmi.p.qld.gov.au	10 August 2018 1805-5309 SRA

The conditions imposed by the referral agencies are included within **Attachment 1**.

7. Submission(s)

Properly made submissions were made in relation this development. The details of these submissions are included below:

Name:	Address:	Electronic Address:
Paul Walker	PO Box 2353 IDALIA QLD 4811	Pv.74walker@gmail.com
Colin and Irene White	PO Box 1221 TONNSVILLE QLD 4820	ireneawhite@gmail.com

8. Notice of reasons

The notice of reasons are included within **Attachment 3**.

9. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

10. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the development application;
- A provision of the development approval;
- The decision to give a preliminary approval when a development permit was applied for; or
- A deemed refusal of the development application.

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An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

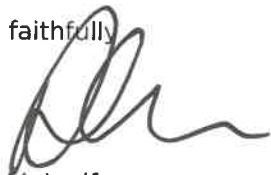
A submitter for a development application may appeal to the Planning and Environment Court against:

- Any part of the development application for the development approval that required impact assessment; or
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

For further information please contact Council's Planner, Prue Miller (07) 4761 5526.

Yours faithfully



David Metcalfe
Assessment Manager
Director Planning & Community Services

Attachment 1—Conditions of the approval

Part 1—Conditions imposed by the assessment manager

Condition Number:	Condition:	Timing:																																																		
Approved Plans/Documents																																																				
1.	<p>Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:</p> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th><th>Revision:</th></tr><tr><td>Proposed Site Layout</td><td>Premise</td><td>16/04/2018</td><td>MIS-0381-A001</td><td>4</td></tr><tr><td>Proposed Export Depot Layout</td><td>Premise</td><td>16/04/2018</td><td>MIS-0381-A002</td><td>2</td></tr><tr><td>Typical Pen Design</td><td>Premise</td><td>16/04/2018</td><td>MIS-0381-A003</td><td>2</td></tr><tr><td>Controlled Drainage Area Plan</td><td>Premise</td><td>16/04/2018</td><td>MIS-0381-A004</td><td>2</td></tr><tr><td>Effluent Management System Design</td><td>Premise</td><td>16/04/2018</td><td>MIS-0381-A005</td><td>2</td></tr></table> <p>And supporting documents:</p> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th><th>Revision:</th></tr><tr><td>Odour Management Plan</td><td>Premise</td><td>12/06/2018</td><td>MIS-0381/11802327</td><td>A</td></tr><tr><td>Environmental and Water Supply Assessment</td><td>Premise</td><td>16/04/2018</td><td>MIS-0381/1802161</td><td>B</td></tr><tr><td>Stormwater and Flooding Advice</td><td>Venant Solutions Pty Ltd</td><td>09/04/2018</td><td>MJ:L.M00178.001.00</td><td>N/A</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Proposed Site Layout	Premise	16/04/2018	MIS-0381-A001	4	Proposed Export Depot Layout	Premise	16/04/2018	MIS-0381-A002	2	Typical Pen Design	Premise	16/04/2018	MIS-0381-A003	2	Controlled Drainage Area Plan	Premise	16/04/2018	MIS-0381-A004	2	Effluent Management System Design	Premise	16/04/2018	MIS-0381-A005	2	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Odour Management Plan	Premise	12/06/2018	MIS-0381/11802327	A	Environmental and Water Supply Assessment	Premise	16/04/2018	MIS-0381/1802161	B	Stormwater and Flooding Advice	Venant Solutions Pty Ltd	09/04/2018	MJ:L.M00178.001.00	N/A	At all times
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Special																																																				
2.	<p>The applicant is to design and construct a billboard advertising device that:</p> <p>a) Is located at the ingress and egress access point of the Flinders Highway and the development site;</p> <p>b) Is visible for motorists travelling both east and west;</p> <p>c) Has a maximum size of 48m²;</p> <p>d) Provides an attractive advertisement as approved by Council, which</p>	Within six months after commencement of the use																																																		

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Condition Number:	Condition:	Timing:
	celebrates the Region of Charters Towers, the history of the beef and cattle industry and the proposed development. Where a provision of this condition is inconsistent with the Department of Transport and Main Roads Roadside Advertising Manual Edition 2 dated October 2017, the Roadside Advertising Manual Edition 2 dated October 2017 prevails in all instances.	
3.	The applicant is to construct three separate 20m wide sugar cane vegetated buffer screens in accordance with the approved plans in Condition 1.	Prior to commencement of the use
4.	The applicant is not to cause environmental harm or environmental nuisance as per the <i>Environmental Protection Act 1994</i> . The applicant is to maintain compliance with the: a) <i>Environmental Protection (Air) Policy 2008</i> ; and b) <i>Environmental Protection (Noise) Policy 2008</i> .	At all times
5.	A 1.8m high chainwire fence is to be constructed around the entire perimeter of the burial pit. The burial pit is to be managed in accordance with the approved documents and their recommendations within Condition 1.	Prior to commencement of the use and at all times
6.	Carcases in the burial pit are to be covered by a minimum depth of 1 metre of soil.	At all times
7.	Traffic signage demonstrating that internal speed limits are not to exceed 30km/h are to be constructed within the internal driveway and located every 800m. Signage is to be designed in accordance with the Department of Transport and Main Roads Queensland Manual of Uniform Traffic Control Devices July 2018. All vehicle movements within the premises are not to exceed 30km/h.	As part of construction and at all times
General		
8.	The applicant is to comply with all conditions within this development permit with conditions prevailing over the approved plan(s) and document(s) in all instances.	At all times
Environmental		
9.	The applicant is to ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control is to be in accordance with <i>Sediment Control - Engineering Guidelines for Queensland 1996 (Construction Sites)</i> and the <i>Queensland Urban Drainage Manual 2013</i> .	At all times
10.	The construction of the development (not operation) must be limited to 0630–1830 Monday to Saturday, 0900-1600 on Sundays and not at all on public holidays, unless otherwise approved by Council. Noise generated from construction must be within the limits set by the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 2008</i> .	At all times
11.	The applicant is to ensure that: a) Works do not cause unreasonable interference with the amenity of	As part of construction

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Condition Number:	Condition:	Timing:
	adjoining premises because of noise, air or other chemical pollutants; b) The premises is kept in a safe, clean and tidy state; and c) All construction materials are contained wholly within the premises.	works
12.	During construction, where contaminated soils are evident, remedial works must be undertaken in accordance with <i>Environmental Protection Act 1994</i> . Where contaminated soils are identified, Council must be notified and provided with an appropriate Contaminated Soil Remedial Plan with 20 business days.	As part of construction works
13.	The applicant must submit a Property Pest Management Plan for approval by Council prepared by a suitably qualified person. The plan is to detail what restricted matter under the <i>Biosecurity Act 2014</i> (Qld) the Plan relates to; the location of restricted matter on the site; and what actions will be undertaken to manage the restricted matter before, during and after the development activity. Upon approval of the Pest Management Plan, the applicant must undertake all recommended actions.	Prior to the commencement of the use
14.	The applicant is to undertake biannual odour assessments along the western boundary of the development adjacent to sensitive receptors to ensure compliance with the Odour Management Plan and <i>Environmental Protection Act 1994</i> . The biannual odour assessments are to be undertaken for the first two years of upon commencement of the use and then annually thereafter.	Upon commencement of the use
Building, Plumbing and Drainage Works		
15.	The applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the <i>Planning Act 2016</i> . Construction is to comply with the <i>Building Act 1975</i> , the <i>National Construction Code</i> and the requirements of other relevant authorities.	Prior to construction
16.	The applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the <i>Planning Act 2016</i> . Construction is to comply with the <i>Plumbing and Drainage Act 2002</i> and the requirements of other relevant authorities.	Prior to construction
17.	The height of all buildings and structures is not to exceed 10 metres measured from Natural Ground Level to the peak of the roof.	As part of construction
18.	Outdoor lighting is to comply with <i>Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting</i> . All lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.	As part of construction
Bushfire Hazard		
19.	A cleared fire break is to be provided and maintained at a minimum of 20m of the immediate development footprint including all buildings and structures.	As part of construction and at all times
Flood Hazard		
20.	The applicant is to provide a Flood Hazard Emergency Management Plan for approval by Council. The plan is to:	Prior to the commencement

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Condition Number:	Condition:	Timing:
	a) Be prepared by a suitably qualified person experienced in flood management; b) Be provided for the whole of the site; c) Provide an evacuation and emergency plan in the event of a flood event; d) Identify an alternative evacuation route to achieve an acceptable level of flood risk; e) Identify areas of cut and fill which alters the behaviour of flood hazard; f) Identify the location and severity of all flood risks including creeks, waterways and floodplains; and g) Be implemented by the applicant for the life of the approval.	of the use
Transport		
21.	The applicant is to construct and maintain the internal access driveways being the Site Access Road as nominated within the approved plans within Condition 1 with a formation width of a 6-metre seal with 200 millimetre compact 2.1 gravel.	As part of construction and at all times
22.	Access via the Lot 6 on RP715678 is not permitted.	At all times
23.	A total of seven car parking spaces are to be constructed on site generally in accordance with the approved plans. These spaces and all vehicle movement areas are to be constructed and clearly delineated. in accordance with and <i>AS2890.1 Off-Street Car Parking</i> and the <i>Manual of Design Vehicles and Turning Path Templates SAA HB 72 (AUSTROADS 1995)</i> .	As part of construction
Water and Sewer		
24.	The applicant will provide on-site water storage having a minimum capacity of 10.15ML.	Prior to the commencement of the use
Stormwater		
25.	All stormwater runoff must be piped and discharged to the effluent holding ponds as illustrated within the approved plans and documents within Condition 1.	At all times
Waste Management		
26.	Waste storage area/s are to be: a) Sufficient in size to house all waste collection containers; b) Suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned; and c) Screened from all nearby residential uses.	As part of construction
Survey Plan Endorsement and Easements		
27.	The applicant is to amalgamate Lots 1-10 on RP715678 into a single lot.	Prior to the commencement of the use
Lawful Commencement		
28.	The applicant is to request a Compliance Inspection be undertaken by Council	Prior to the

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Condition Number:	Condition:	Timing:
	to confirm that all conditions of this Development Permit are considered compliant.	commencement of the use
29.	The applicant is to notify Council within 20 business days that this approved use has lawfully commenced.	Prior to the commencement of the use

Advisory Notes

Scale or Intensity of Use

- A. Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the relevant provisions.

Aboriginal and Cultural Heritage

- B. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care>

Workplace Health and Safety

- C. Ensure compliance with the *Work Health and Safety Act 2011*. The project manager/applicant is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the *Work Health and Safety Act 2011*. There is an obligation by the person in control of the workplace to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

Environmental nuisance

- D. Ensure compliance with the *Environmental Protection Act 1994*. It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.
- Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Council Forms, Policies and Drawings

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Advisory Notes

E.	<p>In achieving compliance with conditions, the completion of the below Council forms is required:</p> <p>a) F0194/PSD - Application for use of Council's pre-approved designs.</p> <p>In addition, Council's Standard Drawings for roads, driveways and grids can be found at www.charterstowers.qld.gov.au/drawings-specifications.</p>
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Part 2—Conditions required by the referral agency response

RA5-N



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

Our reference: 1805-5309 SRA
Your reference: 1185101

10 August 2018

The Chief Executive Officer
Charters Towers Regional Council
PO Box 189
Charters Towers Qld 4820
mail@charters Towers.qld.gov.au

Dear Ms Prue Miller

Referral agency response—with conditions (Given under section 58 of the Planning Act 2016)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 17 May 2018.

Applicant details

Applicant name:	Reid River Land Holdings Pty Ltd C/- Milford Planning
Applicant contact details:	PO Box 5463 TOWNSVILLE CITY QLD 4810 info@milfordplanning.com.au

Location details

Street address:	5291 Flinders Highway, Reid River
Real property description:	Lot 1 – Lot 10 on RP715678
Local government area:	Charters Towers Regional Council

Application details

Development permit	Material Change of Use – Undefined Use (Cattle Holding Yards)
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.3.4.3.1 Clearing native vegetation
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Page 1 of 7

North and North West regional offices
Level 4, 445 Flinders Street, Townsville
PO Box 5666, Townsville QLD 4810

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Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Currency period

The currency period for any development approval is to be in accordance with section 56(1)(b)(iv) of the Act.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version /issue
Aspect of development: Material change of use				
A001-Proposed Site Layout	Premise	13 June 2018	A001	3
New Intersection Overall Layout Plan	Langtree Consulting	04/18	2018133-SK6	A
Concept Layout – Plan 1 of 2	Langtree Consulting	04/18	2018133-SK7	A
Concept Layout – Plan 2 of 2	Langtree Consulting	04/18	2018133-SK8	A
Intersection Assessment (Supplementary)	Langtree Consulting	27 July 2018	2018-133 L-FN0050	
A002-Proposed Export Depot Layout	Premise	16 April 2018	A002	0

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

For further information please contact Catherine Hobbs, Principal Planning Officer, on 4758 3412 or via email NQSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

1805-5306 SRA

cc Milford Planning, info@milfordplanning.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Material Change of Use –Undefined Use (Cattle Holding Yards)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1– material change of use, if all or part of the premises are within 25m of a State transport corridor (road)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The works must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> A001-Proposed Site Layout, prepared by Premise, dated 13 June 2018, reference A001, and revision 3; and New Intersection Overall Layout Plan prepared by Langtree Consulting dated 04/18, reference 2018133-SK6 and revision A [as amended in red]; Concept Layout – Plan 1 of 2 prepared by Langtree Consulting dated 04/18, reference 2018133-SK7 and revision A; Concept Layout – Plan 2 of 2 prepared by Langtree Consulting dated 04/18, reference 2018133-SK8 and revision A. 	Prior to the commencement of use and to be maintained at all times
2.	<p>The road access must be carried out generally in accordance with the Intersection Assessment (Supplementary) prepared by Langtree Consulting dated 27 July 2018, reference 2018-133 L-FN0050; in particular:</p> <ul style="list-style-type: none"> Section 2.1 Development Traffic Demand, in particular, a maximum of three (3) Type 2 Road Trains per hour are permitted to turn right onto the Flinders Highway from the intersection depicted on the plan: New Intersection Overall Layout Plan prepared by Langtree Consulting dated 04/18, reference 2018133-SK6 and revision A [as amended in red]. 	Prior to the commencement of use and to be maintained at all times
3.	<p>(a) Road works comprising:</p> <ol style="list-style-type: none"> AUL(S) being 3.5m wide left turn lane 220m long with 1m shoulder; and CHR(S) being 3.5m wide right turn lane 153.5m long; and 3.5m northbound through lane, 1 metre shoulder, road widening to accommodate lateral movement; and widening of existing southbound shoulder to 3m extending from new intersection to 120m past Ellenvale Road; and intersection lighting; and <p>must be provided generally in accordance with New Intersection Overall Layout Plan prepared by Langtree Consulting dated 04/18, reference 2018133-SK6 and revision A [as amended in red].</p> <p>(b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' <i>Road Planning and Design Manual 2nd Edition</i> and AUSTROADS' <i>Guide to Road Design Part 4A: Unsignalised and Signalised Intersections</i>.</p>	Prior to the commencement of use
4.	Direct access is not permitted between the Flinders Highway and the subject site.	At all times

Development Permit for Material Change of Use –Undefined Use (Cattle Holding Yards)		
Schedule 10, Part 3, Division 4, Table 3, Item 1—material change of use, relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
5.	<p>The clearing must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> A001-Proposed Site Layout, prepared by Premise, dated 13 June 2018, reference A001, and revision 3; and A002-Proposed Export Depot Layout, prepared by Premise, dated 16 April 2018, reference A002, and revision 0. 	Prior to the commencement of use and to be maintained at all times
6.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required.
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure compliance with development approval.

Evidence or other material on which the findings were based

- development application
- Further supplementary information
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- *Planning Regulation 2017*

Attachment 3—Advice to the assessment manager

General advice	
1.	<p>Road works approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads' at North.Queensland.IDAS@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p> <p>The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.</p>

GE78-N



Department of
State Development,
Manufacturing,
Infrastructure and Planning

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1805-5309 SRA

(Given under section 56 of the Planning Act 2016)

Departmental role: Referral agency

Applicant details

Applicant name: Reid River Land Holdings Pty Ltd
C/- Milford Planning

Applicant contact details: PO Box 5463
TOWNSVILLE CITY QLD 4810
info@milfordplanning.com.au

Location details

Street address: 5291 Flinders Highway, Reid River

Real property description: Lot 1 – Lot 10 on RP715678

Local government area: Charters Towers Regional Council

Development details

Development permit: Material Change of Use – Undefined Use (Cattle Holding Yards)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Development Permit for Material Change of Use – Undefined Use (Cattle Holding Yards)	State Code 1: Development in a state-controlled road environment State Code 16: Native Vegetation Clearing

Reasons for the department's decision

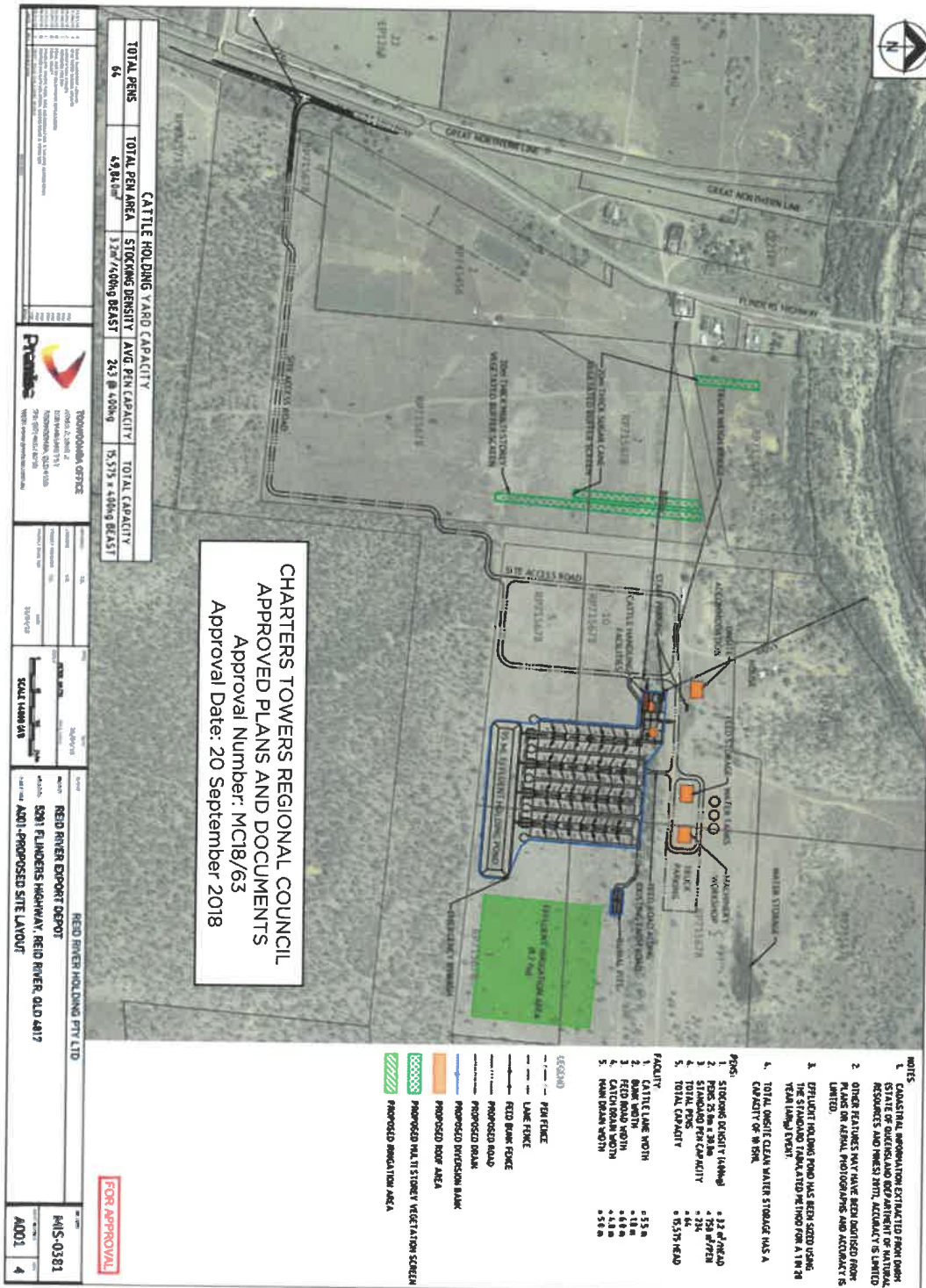
The reasons for the decision are:

- To ensure the development is in accordance with State code 1: Development in a state-controlled road environment and State Code 16: Native Vegetation Clearing.

Evidence or other material on which the findings were based

- Development application
- Further supplementary information
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- Planning Act 2016
- Planning Regulation 2017

Attachment 2—Approved Plans

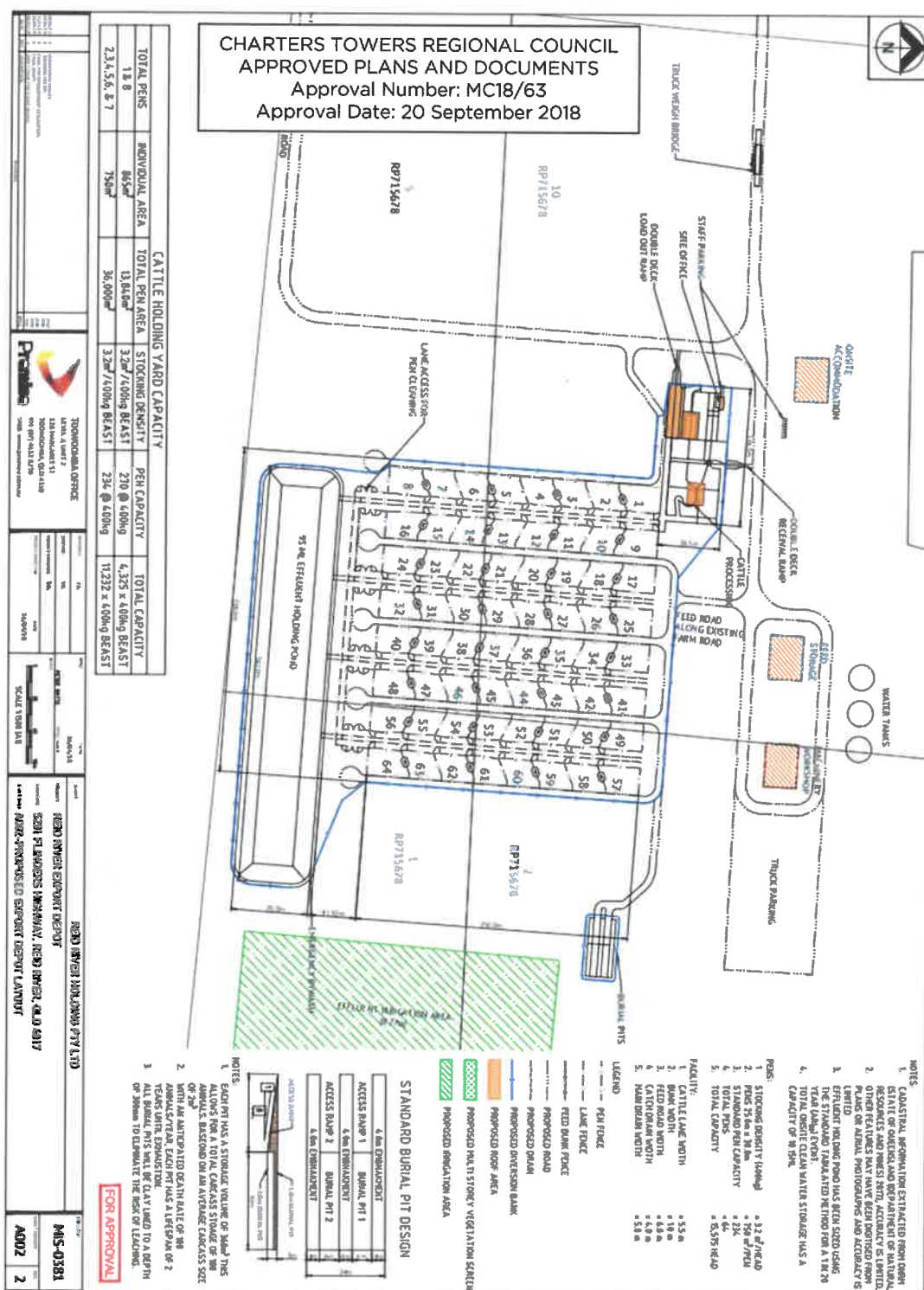


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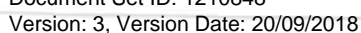


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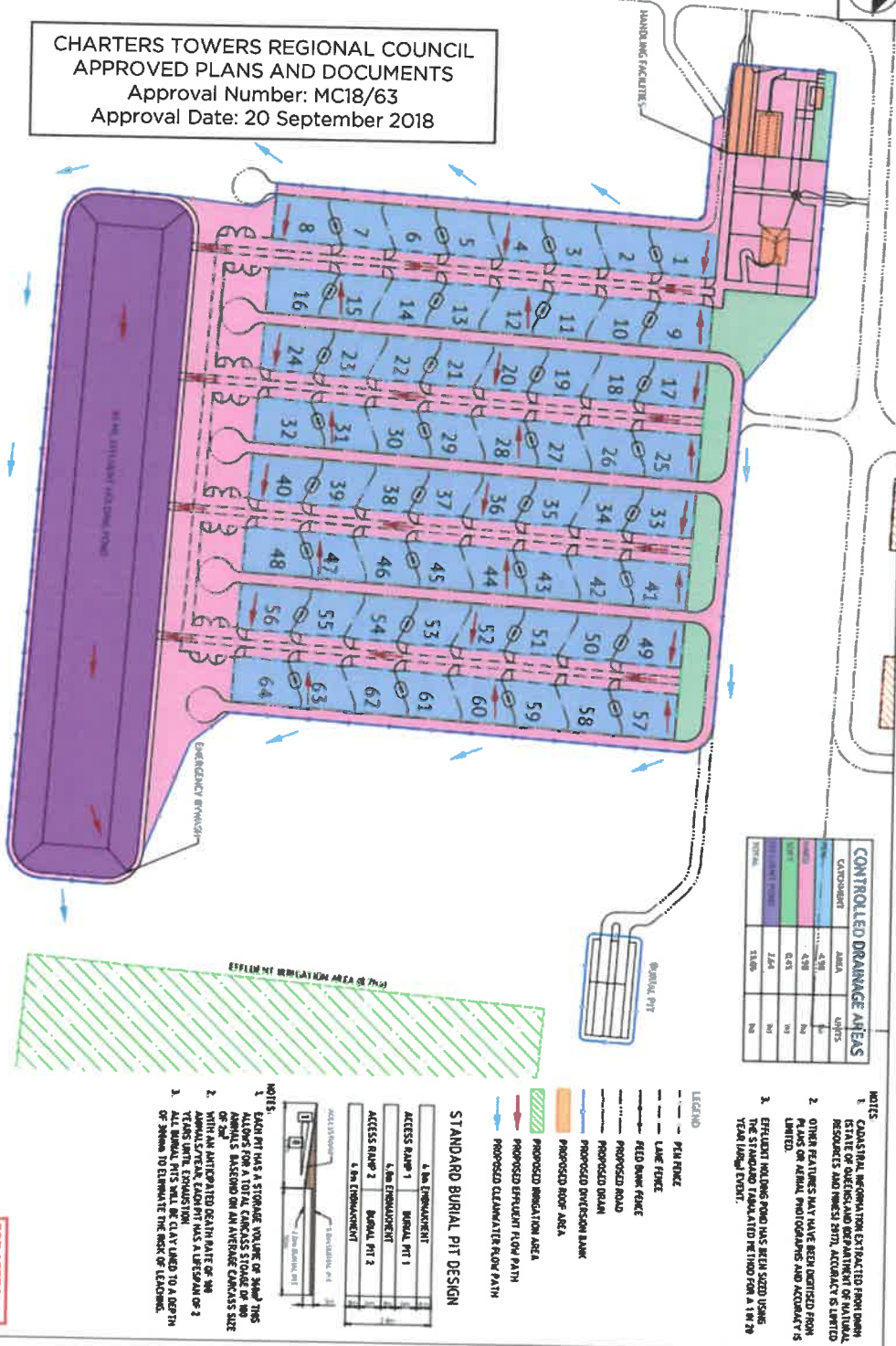
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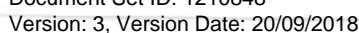


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Premise

AGRICULTURE

Odour Management Plan

Reid River Land Holdings Pty Ltd
Reid River Cattle Export Depot
MIS-0381/1802327 Rev A
12 June 2018

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Premise

AGRICULTURE

Environmental and Water Supply Assessment

Reid River Land Holdings Pty Ltd
Reid River Cattle Export Depot
MIS-0381/1802161 Rev: B
16 April 2018

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Our Ref: MJ: L.M00178.001.00.FloodAdvice.docx

9 April 2018

Langtree Consulting
Level 1, 14 Ingham Road
West End QLD 4810
brett@langtreeconsulting.com.au

Venant Solutions Pty Ltd
Level 1, Suite 101
26-30 Rokaby St Collingwood
VIC 3068, Australia
PO Box 877 Macleod
VIC 3085, Australia
P. 03 9089 6700
ABN. 15 106 193 219
www.venantsolutions.com.au

Attention: Brett Langtree

Dear Brett

**RE: 5291 FLINDERS HIGHWAY REID RIVER MATERIAL CHANGE OF USE -
STORMWATER AND FLOODING ADVICE**

A material change of use (MCU) application is being prepared for a proposed live cattle export facility (the Facility) at 5291 Flinders Highway Reid River. The attached Premise drawing shows the proposed site layout. The proposal includes the provision of a site access road which will require a new intersection on the Flinders Highway (refer attached Langtree Consulting Drawings). The Langtree Consulting drawings show the proposed intersection approximately 220 m to the north of the location shown on the Premise drawing. The location of the intersection has evolved as the concept design has progressed and the correct location is as per the Langtree Consulting drawings.

The Department of Infrastructure, Local Government and Planning provided pre-lodgement advice on their letter date 5 December 2017 (Ref: 1711-2876 SPL). The pre-lodgement advice included the recommendation for the preparation of a Stormwater Management Plan. This Venant Solutions' letter addresses the stormwater management issues associated with the State-controlled road and railway corridors only. As shown in Figure 1, the proposed Facility drains generally to east to Reid River and not towards the road or rail corridor. Further it is a significant distance from the road and rail corridors and hence the development will not back water up to the road or rail. Therefore, the only consideration for the road and rail corridors is the potential impact of the proposed intersection on stormwater runoff. As discussed below that impact of the proposed intersection on stormwater runoff will be insignificant and hence the preparation of a stormwater plan is not warranted. A stormwater management plan for the Facility itself will be prepared by others.

There are no watercourses crossing the highway within the proposed extent of works. The closest watercourse is Sandy Creek which is approximately 900 m to the south of the proposed intersection (refer Figure 2). Sandy Creek flows across the highway generally in a south-easterly direction. It is possible that in large Sandy Creek flood events overbank flow may extend as far north as the proposed intersection and potentially overtop the highway. Raising of the highway grade as part of the intersection works would have the potential to cause upstream afflux (west of the highway) potentially impacting on private property and the rail corridor. However, as shown in the Langtree Consulting drawing 2018133-SK10, the highway grade will not be lifted and hence the proposed works will have no significant impact on Sandy Creek flood levels and will not concentrate flows resulting in increased velocities. If the proposed widening and/or new access road impedes on the existing highway table drains, it would be necessary to provide culverts on the eastern side and on the western side culverts or realignment of the table drain.

Data is not available on Reid River flooding at this location. It is considered plausible that a large Reid River flood may extend as far south as the proposed intersection with flow

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crossing the highway from west to east. As per the discussion above on Sandy Creek flooding, it is not proposed to raise the highway and hence the proposed works will have no significant impact on flood levels on surrounding properties or on the rail corridor.

The minor works proposed will not significantly increase the quantity or quality of stormwater runoff from the road itself. Therefore, permanent measures to manage stormwater quantity and quality will not be required. There may be a requirement for construction erosion and sediment control, but this would be resolved at detailed design.

In summary, a desktop assessment has been undertaken to assess the potential impact of the proposed Facility on flooding in the road and rail corridor and of the proposed intersection works on stormwater flooding and runoff. The assessment found that the proposed Facility will not impact on flooding in the road and rail corridor and that the proposed intersection works will not cause offsite impacts such as increased flood levels or velocities to surrounding properties. Further it was found that the proposed works will not significantly increase stormwater runoff from the road itself and hence permanent measures to manage stormwater quantity and quality will not be required.

I trust that this satisfies your requirements. Please do hesitate to contact me should you require further information.

Yours faithfully,



Dr Mark Jempson
Director
RPEQ 11111

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APPROVED PLANS AND DOCUMENTS
Approval Number: MC18/63
Approval Date: 18 September 2018

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Attachment 3—Notice of reasons

This notice is prepared in accordance with s63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision. This includes the relevant parts of the Planning Scheme and assessment benchmarks against which the application was assessed, and any other information, documents or other material Council was either required to, or able to, consider in its assessment. All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Description of the development:	The proposed development is for making a Material Change of Use of Premises for Undefined Use (Cattle Holding Yards) in two stages.	
Assessment benchmarks:	<p>The proposed development was assessed against the following assessment benchmarks of the State Planning Policy – July 2017 and the Aligned Planning Scheme for Dalrymple Shire 2006:</p> <ul style="list-style-type: none"> • Desired Environmental Outcomes; • Rural Planning Area Code; • Carparking and Access Code; • Filling and Excavation Code; and • Landscaping Code. 	
Relevant matters:	Not applicable.	
Matters raised in submissions:	Submission Point:	Council Response:
	Concerns relating to the negative impact the proposal will have on the livability of Reid River with relation to peace and quiet and ecological systems.	It is acknowledged that the Reid River area is principally occupied with Dwelling Houses on varying lot configurations. This noted, the township of Reid River is intersected by the Flinders Highway and the Mount Isa Rail line which creates noise, dust and amenity impacts. The proposal is located within the Rural Planning Area which supports Agricultural land uses and their associated industries. Matters relating to noise and dust impacts are regulated by the <i>Environmental Protection Act 1994</i> and conditions for vegetated screens have been recommended as part of the Development Permit.
	Concerns relating to the proximity of Dwelling Houses to the proposed development and perceived conflicts of land uses.	<p>The subject site is located within the Rural Planning Area along with the entirety of the Reid River township. In this instance, the intent of the land use does not conflict with other land uses and where potential amenity impacts have been identified, conditions have been recommended to alleviate these.</p> <p>The outcome of the Rural Planning Area is to promote rural pursuits on large holdings on varying scales and intensities which is reflective of the proposed use.</p>
	Concerns raised regarding direction of prevailing winds and the impact these	The Applicant has provided an Odour Management Plan prepared by Premise

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	<p>winds will have on surrounding Dwelling Houses including the impacts created by the burial pits.</p>	<p>Agriculture which is recommended to be conditioned as part of the approval. The Odour Management Plan states that as the length of stay and rotation of cattle will be for short periods of time, the accumulation of manure will be minimal unlike a feedlot type development.</p> <p>To mitigate the impacts associated with stagnate effluent the applicant proposes the use of the waste water for dust suppression and if necessary irrigation. The supporting documents model that the use of effluent for irrigation will not be required during an average annual rainfall.</p> <p>The Applicant proposes as part of the Odour Management Plan to undertake periodic odour assessments along the western boundary of the development adjacent to sensitive receptors to ensure compliance with the Odour Management Plan. A weather station is to be erected to determine wind speed and direction to assist in the timing of potentially odorous activities (irrigation and desludging).</p> <p>The burial pit is approximately 1.36 kilometres to the nearest sensitive land use. Carcasses in the burial pit are to be covered by a minimum depth of 1 metre of soil which should reduce odour emissions.</p> <p>In addition, the Rural Planning Area Code requires a minimum separation distance between a sensitive receptor and rural development of at least 300m for odour. In the instance of the proposal, compliance is achieved with the setback distance required by the Rural Planning Area Code.</p>
	<p>Issues were raised regarding the impacts associated with the proposed continuous movement of the vehicles such as dust, noise, light and odour at the access intersection off the Flinders Highway.</p>	<p>The proposal triggered Concurrence Agency Referral to the Department of State Development, Manufacturing, Infrastructure and Planning for development in a State-Controlled Road environment where conditions requiring the upgrade of the Flinders Highway intersection have been recommended.</p> <p>Whilst the proposal will increase the frequency and numbers of large vehicles accessing the site, the Flinders Highway is a significant transport route for North and North-West</p>

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		Queensland supporting the connectivity of large agricultural and resource industries. As such, impacts relating to traffic noise, dust and light are a reasonable occurrence for the operation of a State Highway. Noting this the assessment of these impacts is undertaken by the State <u>not</u> local government.
	Concerns raised regarding the configuration of the animal pens, shading and potential animal welfare related issues as well as work place health and safety issues.	Council does not regulate potential animal welfare issues, nor does it have any regulatory grounds to ensure the Applicant abides by work place health and safety regulations. The Applicant is required to meet the requirements imposed by the Local Government and all State and Federal regulatory frameworks.
	Concerns raised regarding the proposals ability to provide adequate water for the required consumption and the impacts this will have of the water aquifer.	Council does not regulate the drilling of or water consumption of bores. It is stated in the common material that the proposal will be serviced by four existing bores, water tanks and a property license to take 80ML/year of water from Reid River. The Applicant upon request from Council has provided confirmation from the Department of Natural Resources, Mines and Energy that Lots 1 - 10 on RP715978 are located outside of an underground water management area and therefore a water licence is not required from the Department of Natural Resources, Mines and Energy to take water, for any purpose, from any bores installed on the properties.
	Concerns relating to potential flood events and the impact these events may have on the ecology of Reid River and flow on impacts for Giru and the Great Barrier Reef Marine Park.	Scenarios generated by Premise Agriculture indicate that the reuse of effluent for dust suppression and evaporation (in an average rainfall year) will suffice, resulting in no requirement for irrigation. The material also states that the effluent application rate given demonstrates nutrient levels are likely to be less than a conventional feedlot combined with periodic soil monitoring that will result in minimal risk of nutrient accumulation in the soils. Therefore, the risk to adjacent waterways and ground water is also mitigated.
	Concerns relating to animal waste management have been identified and the lack of detail as to how the Applicant intends to manage such impacts.	The proposal has been assessed against the applicable assessment benchmarks and it is recommended that the Environmental and Water Supply Assessment and Odour Management Plan are conditioned as part of the approval.

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	Concerns relating to the use of fluid from the effluent pond as a means of dust suppression has been raised as an odour and disposal concern.	The waste and manure generated by the development will be disposed of offsite. Compared to an alternate use such as a feedlot or intensive animal husbandry the cattle holding facility will produce minimal waste due to fodder rations and short stays.
	Concerns relating to hours of operation being 24 hours 365 days a year.	<p>The proposal states that the cattle facility will be operational between the hours of 4am and 8pm. The exception to this is when a ship is berthed at the Townsville Port and the transportation process commences. During this period, operation of the facility and staff may be required for up to 24 hours a day until the ship is loaded.</p> <p>The common material states that the cattle holding facility will, for most of the year be empty and operate at a less intensive scale.</p> <p>Generally, concerns relating to hours of operation relate primarily to noise impacts. To ensure that noise is managed during the operation of the development, conditions have been recommended that the proposal comply with the provisions of the <i>Environmental Protection Act 1994</i> and its subsequent policies.</p>
	Land valuations will diminish because of the proposal.	The reduction in surrounding land valuations are not an assessable benchmark for which Council can have regard to both within the Aligned Planning Scheme for Dalrymple Shire 2006 and the <i>Planning Act 2016</i>
	Clearing of native vegetation has been addressed as a concern and the subsequent impact clearing will have on the population of bird life in the area.	<p>The Aligned Planning Scheme for Dalrymple Shire 2006 regulates the removal of natural vegetation along natural water courses and wetlands only. The removal of vegetation is regulated by the Department of Natural Resources Mines and Energy.</p> <p>Attached in the common material is confirmation from Department of Natural Resources Mines and Energy that the proposed vegetation clearing on Lots 1, 2, 5, 7, 8, 9 and 10 on RP715678 is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i> and therefore supported by the Department.</p>
	Concerns relating to the existing access to Lot 6 on RP715678 between Lot 2 on RP743456 and Lot 4 on N255891.	The access of concern is not an approved access in accordance to the approved proposed Site Layout Plans. As such, this concern is unsubstantiated.

	The establishment of a sugarcane vegetation buffer has been raised as an issue with concerns relating to the management of and the potential infestation of vermin.	The establishment of the sugarcane buffer has been included as a direct response to managing dust, noise and amenity impacts as raised by submitters. The establishment of sugarcane within the Rural Planning Area is supported as Acceptable Development and suitable for the area.
	Concerns regarding the use definition have been identified. It has been stated that the definition use is misleading and that the use could be defined as intensive animal husbandry.	The use of a Cattle Holding Yard is not defined within the Aligned Planning Scheme for Dalrymple Shire 2006 and therefore is otherwise defined as an Undefined Use.
Reasons for decision:	The development demonstrates compliance against all the assessment benchmarks listed above - with the exceptions listed below:	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	Rural Zone Code Performance Criteria 1	The proposal is over multiple sites of varying dimensions as such compliance with A1.1 cannot be achieved. To achieve Performance Outcome 1, it is recommended as part of the approval that Council condition the amalgamation of Lots 1-10 on RP715678 into a single lot.
	Rural Zone Code Performance Outcome 3	The common material states that no building will exceed eight metres in building height. It is recommended that a condition is imposed too ensure building height and form are compliant with the Acceptable Solution A3.1 of 10 metres.
	Rural Zone Code Performance Outcome 6 Landscaping Code Performance Outcome 1 Rural Zone Code Performance Outcome 8	Conditions have been recommended to achieve the Performance Outcomes.