



SARA reference: 2209-30802 SRA
Council reference: MCU2022/0011
Applicant reference: 42863-001-01

22 August 2023

Chief Executive Officer
Charters Towers Regional Council
PO Box 189
Charters Towers QLD 4820
mail@charterstowers.qld.gov.au

Attention: Paul Want – Manager Planning and Development

Dear Mr Want

SARA referral agency response—2859 Mount Hope Road, Llanarth

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 5 September 2022.

Response

Outcome:	Referral agency response – with conditions
Date of response:	22 August 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use - Intensive Animal Industry (Extension to existing Feedlot) Environmentally Relevant Activity (ERA 2 1(c))
SARA role:	Referral agency	

SARA trigger:	Schedule 10, part 5, division 4, table 2, item 1 (Planning Regulation 2017) - Environmentally relevant activities (only if ERA has not been devolved to a local government)
	Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017) - state transport infrastructure
SARA reference:	2209-30802 SRA
Assessment manager:	Charters Towers Regional Council
Street address:	2859 Mount Hope Road, Llanarth
Real property description:	Lot 5078 on PH955
Applicant name:	Llanarth Pastoral Company Pty Ltd
Applicant contact details:	595 Flinders Street Townsville QLD 4810 Anne.Zareh@braziermotti.com.au
Environmental Authority:	<p>This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: 2023-07 • Effective date: In accordance with Section 200 of the <i>Environmental Protection Act 1994</i> • Prescribed environmentally relevant activity (ERA): ERA 2 (1) (c) Intensive animal feedlotting - more than 10,000 (aggregate environmental score 49) <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au</p> <p>If you are seeking further details about the environmental authority, please contact the Department of Agricultural and Fisheries (DAF) at: livestockregulator@daf.qld.gov.au</p>
Human Rights Act 2019 considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Phillipa Galligan, Principal Planner, on (07) 4747 3908 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Livingstone', enclosed within a thin black rectangular border.

Duncan Livingstone
A/Manager (Planning)

enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response provisions
 Attachment 5 - Documents referenced in conditions

cc Llanarth Pastoral Company Pty Ltd, Anne.Zareh@braziermotti.com.au

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Development Permit - Material Change of Use - Intensive Animal Industry		
Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017) - 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 conditions:		
	<p>(a) Pay a monetary contribution of \$3.70 per Standard Cattle Unit to the Department of Transport and Main Roads' (North.Queensland.IDAS@tmr.qld.gov.au) towards protecting or maintaining the safety and efficiency of the state-controlled road network. The monetary payment:</p> <ul style="list-style-type: none"> i. must be calculated at twelve monthly intervals commencing on the first day that cattle are hauled under this approval and transported from the site by road; and ii. is to be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment. <p>(b) Maintain records which document the quantity of material hauled on the State-controlled road network and submit these records to the Department of Transport and Main Roads at North.Queensland.IDAS@tmr.qld.gov.au at the time of payment referenced in part (a) of this condition.</p>	<p>(a) Within 30 days of the end of August each year until the transportation of cattle hauled from the site by road under this approval ceases</p> <p>(b) As indicated.</p>
	<p>(a) Road works comprising a Rural BAL/BAR at the intersection of Gregory Developmental Road and Mount Hope Road, must be provided generally in accordance with the Proposed Rural BAR/BAL Intersection Layout plan, prepared by Engineering Solutions QLD, dated 07/04/2022, DWG No. Z-001 and revision 1.</p> <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> i. Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition; ii. Manual of Uniform Traffic Control Devices (MUTCD); iii. Queensland Guide to Traffic Management (QGTMM); and iv. Relevant Traffic and Road Use Manuals 	Prior to the commencement of use

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	For the purpose of calculating the monetary contributions required by Condition 1, the definition of Standard Cattle Unit (SCU) is to be in accordance with the <i>Environmental Protection Regulation 2019</i> Schedule 19, Part 1, Section 7.
4.	<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. This includes the conditioned auxiliary left turn at the intersection of Stuart Drive and Orpheus Street. Even though a development approval may have been given by a local Council, it is still necessary to obtain approval to construct road works within a State-controlled road from the Department of Transport and Main Roads.</p> <p>To make an application for road works approval, please contact the Department of Transport and Main Roads via North.Queensland.IDAS@tmr.qld.gov.au, and include a completed Road Works/Road Access Works in a State-controlled road Application Form (Form F5082) available at: https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval#driveways</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The proposed development complies with the relevant provisions of State code 6 of the SDAP, in that:

- does not create a safety hazard for users of state transport infrastructure or public passenger services by increasing the likelihood or frequency of a fatality or serious injury;
- does not result in a worsening of the physical condition or operating performance of the state transport network;
- does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure;
- it will be located and designed to avoid or mitigate environmental harm on environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors;
- it will be designed and located to avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated;
- it will not result in a significant residual impact on a matter of state environmental significance unless the significant residual impact is acceptable, and an offset is provided.
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Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

Attachment 5—Documents referenced in conditions

Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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



NOTES:

1. GREGORY DEVELOPMENTAL ROAD DESIGN SPEED IS 110KMPH.
2. THIS CONCEPTUAL DRAWING ONLY NEEDED TO BE DEVELOPED INTO A DETAILED DESIGN DRAWING BEFORE CONSTRUCTION COULD BEGIN.

LEGEND

— EDGE LINE (EL OR DEL)
 - - - CENTRE LINE (CL)
 [Hatched Area] PROPOSED SEAL AREA

REVISION: 1
 07/04/2022

Job No.
FC-21-038

DWG No.
Z-001

**PROPOSED RURAL BAR/BAL INTERSECTION LAYOUT
 GREGORY DEVELOPMENTAL ROAD / MOUNT HOPE ROAD INTERSECTION
 FOR LLANARTH PASTORAL**

0 10 20 30
 SCALE 1:1000 (m)

DO NOT SCALE FROM PLAN

**PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE**

SARA ref: 2209-30802 SRA.....
 Date: 22 August 2023.....

ENGINEERING SOLUTIONS QLD.
 4/31 MAIN STREET, PIALBA
 PO Box 1050, HERVEY BAY QLD 4655
 T: (07) 4194 1550
 E: admin@engineeringsolutionsqld.com.au
 W: www.engineeringsolutionsqld.com.au
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