

Application summary report — 2410-42724

Report created: **4 October 2024, 10.12 am**
User: Personal information
Applicant: **Lloyd Pastoral Company Pty Ltd**

Development details

Nature of development	Approval type	Category of assessment
Operational work	Development permit	Code assessment
Description of proposal: Other Change to an existing Development Approval for Operational Work (Ring Tank)		

Location details

Lot and plan	Adjacent or adjoining	Address	Local government area
16RG26	No	Kogan Condamine Road, Crossroads	Western Downs Regional Council

Coordinates

Interested parties

Name	Application responsibility
EnviroAg Australia	Applicant representative
Western Downs Regional Council	Assessment manager
SARA	Referral agency

Date properly made to the assessment manager : 12 September 2024

Assessment triggers

No assessment triggers were added.

Referral triggers

Trigger	Description	Category	Referral agency
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Trigger	Description	Category	Referral agency
10.19.1.3.1.1	Development application for operational work that is assessable development under section 29, unless the chief executive is the prescribed assessment manager for the application	Water-related development - taking or interfering with water	SARA
10.9.4.1.1.1	Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if- (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold- (i) for development in local government area 1-stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2-stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1-the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area. However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.	Infrastructure - state transport infrastructure	SARA
10.9.4.2.5.1	Development application for operational work, if- (a) all or part of the premises are within 25m of a State transport corridor; and (b) the work- (i) relates to access to a State transport corridor; or (ii) involves extracting, excavating or filling more than 50m ³ ; or (iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm ² , to a State transport corridor; and (c) the work does not relate to- (i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or (ii) reconfiguring a lot stated in table 1, item 1, column 2 or table 3, item 1, column 2; or (iii) government supported transport infrastructure	State transport corridors and future State transport corridors	SARA

Documents

Supporting documents

File name	Uploaded by	Version	Date uploaded
Lot plan report	MyDAS2 Admin	1	3 October 2024, 8.51 am
Signed Confirmation Notice	<div>Personal information</div>	1	3 October 2024, 8.55 am
24665_LPC-RingTank_Applicanttemplate11.0-Ownersconsent(company) 2.9.24		1	3 October 2024, 8.55 am
24665_LPC-RingTank_da-form-1_Rev0		1	3 October 2024, 8.55 am
24665_LPC-RingTank_PlanningActForm5-Changeapplicationform_Rev0		1	3 October 2024, 8.55 am
24665_LPC-RingTank_Template2Takingorinterferingwithwaterinawatercourse, lakeorspring_Rev0		1	3 October 2024, 8.55 am
24665.113186_240906_Lloyds Pastoral_Other Change Briefing Note_Rev0		1	3 October 2024, 8.55 am

Pay items

Trigger	Pay item	Description	Quantity	Fee
10.19.1.3.1.1	8(b)(ii)	(b) if paragraph (a) does not apply- (ii) for premises in local government area 2	1	\$180.00
10.9.4.1.1.1	8	Fee for referral	1	\$3,636.00
10.9.4.2.5.1	5(a)	(a) if the work involves the taking of water	1	\$3,636.00

Company owner's consent to the making of a development application under the *Planning Act 2016*

I,

Access refused under

Director of the company mentioned below.

and I,

Access refused under

Director of the company mentioned below.

Of

Lloyd Pastoral Company Pty Ltd

the company being the owner of the premises identified as follows:

Wieambilla Feedlot

3963 Kogan-Condamine Road, Crossroads, QLD 4413

consent to the making of a development application under the *Planning Act 2016* by:

EnviroAg Australia Pty Ltd

on the premises described above for:

Other change application (change in footprint) of an approved ring tank for the purpose of storing licenced take form the Condamine River and located on Lot 16RG26.

Company Name and ACN: 118 873 644

Access refused under section 47(3)(b) of

Signature of Director

2-9-2024

Date

Access refused under section 47

Signature of Director/Secretary

2-9-2024

Date

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Lloyd Pastoral Company Pty Ltd
Contact name (only applicable for companies)	<div>Personal information</div> EnviroAg Australia Pty Ltd
Postal address (P.O. Box or street address)	2963 Kogan Condamine Road
Suburb	Chinchilla
State	QLD
Postcode	4413
Country	Australia
Contact number	(07) 4638 2228
Email address (non-mandatory)	development_apps@enviroag.net.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	24665

1.1) Home-based business

☐ Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- ☒ Yes – the written consent of the owner(s) is attached to this development application
☐ No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		3963	Kogan-Condamine Road, Crossroads	Crossroads
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4413	16	RG26	Western Downs Regional Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☒ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
7026883	241597	<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input checked="" type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input checked="" type="checkbox"/> GDA94 <input type="checkbox"/> Other:	Western Downs Regional Council

3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

<input checked="" type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	Condamine River
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable)	

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input checked="" type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Operational Works – Ring Tank – Changes to the size and capacity of the approved dam – Condition 2
e) Relevant plans
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.2) Provide details about the second development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

6.4) Is the application for State facilitated development?

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input checked="" type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

- ☐ Yes
- ☐ No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application	
<input type="checkbox"/> No	
Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

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9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below <input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?		
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input checked="" type="checkbox"/> Earthworks <input type="checkbox"/> Signage	<input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)		
<input type="checkbox"/> Yes – specify number of new lots:		
<input checked="" type="checkbox"/> No		

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$1,000,000

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Western Downs Regional Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☒ Infrastructure-related referrals – state transport infrastructure
- ☒ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity
- ☐ SEQ northern inter-urban break – community activity

- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☒ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material *(from a watercourse or lake)*
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees *(category 3 levees only)*
- ☐ Wetland protection area

Matters requiring referral to the **local government**:

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) *(only if the ERA has been devolved to local government)*
- ☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

- ☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the Transport Infrastructure Act 1994**:

- ☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- ☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

- ☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

- ☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

- ☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

- ☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

18) Has any referral agency provided a referral response for this development application?

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☒ No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

☒ Yes – provide details below or include details in a schedule to this development application

☐ No

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	050.2021.72.001	5 March 2021	Western Downs Regional Council
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	040.2019.38.001	11 April 2019	Western Downs Regional Council

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

☐ Yes – a copy of the receipted QLeave form is attached to this development application

☒ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

☐ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

☐ Yes – show cause or enforcement notice is attached

☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- ☒ No

Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☒ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.desi.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the *Water Act 2000***?

☒ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☐ No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake under the *Water Act 2000***?

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water under the *Coastal Protection and Management Act 1995***?

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

Note: Contact the Department of Environment, Science and Innovation at www.desi.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application

☒ No

Note: See guidance materials at www.resources.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title

☒ No

Note: See guidance materials at www.desi.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

☐ Yes – details of the heritage place are provided in the table below

☒ No

Note: See guidance materials at www.desi.qld.gov.au for information requirements regarding development of Queensland heritage places.

For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Decision under section 62 of the Transport Infrastructure Act 1994

23.14) Does this development application involve new or changed access to a state-controlled road?

☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

☒ No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.15) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☒ Yes

☐ Not applicable

25) Applicant declaration

- ☒ By making this development application, I declare that all information in this development application is true and correct
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Lloyd Pastoral Company Pty Ltd
Contact name (only applicable for companies)	<div>Personal information</div> (EnviroAg Australia Pty Ltd)
Postal address (P.O. Box or street address)	2963 Kogan Condamine Road
Suburb	Chinchilla
State	QLD
Postcode	4413
Country	Australia
Email address (non-mandatory)	development_apps@enviroag.net.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	24665

2) Owner's consent - Is written consent of the owner required for this change application?

Note: Section 79(1A) of the *Planning Act 2016* states the requirements in relation to owner's consent.

- ☒ Yes – the written consent of the owner(s) is attached to this change application
☐ No

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or <input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
			Kogan Condamine Road	Crossroads
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4413	16	RG26	Western Downs Regional Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)



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Government**

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay) Note: Place each set of coordinates in a separate row.				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)	
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:		
<input checked="" type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
7026883	241597	<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input checked="" type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	Western Downs Regional Council
3.3) Additional premises				
<input type="checkbox"/> Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application <input checked="" type="checkbox"/> Not required				

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application Note: see section 78(3) of the Planning Act 2016
Western Downs Regional Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	050.2021.72.001	5 March 2021	Western Downs Regional Council
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	040.2019.38.001	11 April 2019	Western Downs Regional Council
6) Type of change proposed			
6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):			
Operational Works – Ring Tank – Changes to the size and capacity of the approved dam – Condition 2			
6.2) What type of change does this application propose?			
<input type="checkbox"/> Minor change application – proceed to Part 5 <input checked="" type="checkbox"/> Other change application – proceed to Part 6			

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☐ No – proceed to Part 7

☐ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

☒ No

☐ Yes

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

☒ No

☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

☒ No

☐ Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

☐ No

☒ Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

11) Information request under Part 3 of the DA Rules

☒ I agree to receive an information request if determined necessary for this change application

☐ I do not agree to accept an information request for this change application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☒ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☒ Yes
☐ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes
Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes
Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:

Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Template 2 – Taking or interfering with water in a watercourse, lake or spring

(version 1.1)

This template must be completed and submitted with *DA Form 1 – Development application details* for all development applications for operational works involving the taking or interfering with water in a watercourse, lake or spring by any of the following:

- Watercourse pump
- Water storage
- Gravity diversion from a watercourse
- Watercourse diversion, or
- Other work in a watercourse.

It is mandatory to complete the details in all applicable parts in this form and provide any supporting information identified on the form as being required to accompany your development application, unless stated otherwise.

Additional pages may be attached if there is insufficient space on this template for any questions.

Note: All terms used within this template have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

Part 1 – DEVELOPMENT DETAILS

1) Are the works existing? <i>Note: Ensure that the relevant plans that accompany the development application identify the location of existing works and proposed works.</i>	<input checked="" type="checkbox"/> Yes – provide construction date (if known) <input type="checkbox"/> No	14th August 2022
2) What is the proposed development for? <i>(tick all applicable boxes)</i>	<input type="checkbox"/> Watercourse pump <input checked="" type="checkbox"/> Water storage <input type="checkbox"/> Gravity diversion from a watercourse <input type="checkbox"/> Watercourse diversion <input type="checkbox"/> Other work in a watercourse	Complete part 2 only Complete part 3 only Complete part 4 only Complete part 5 only Complete part 6 only

Part 2 – WATERCOURSE PUMPS

3) What type of pump is proposed? <i>(tick all applicable boxes)</i>	<input type="checkbox"/> Centrifugal <input type="checkbox"/> Jet <input type="checkbox"/> Cylinder pump and windmill	<input type="checkbox"/> Turbine <input type="checkbox"/> Submersible	<input type="checkbox"/> Helical rotor <input type="checkbox"/> Piston <input type="checkbox"/> Other – specify below
4) What is the motor type of the proposed pump? <i>(tick all applicable boxes)</i>	<input type="checkbox"/> Diesel <input type="checkbox"/> Petrol <input type="checkbox"/> Other – please specify	<input type="checkbox"/> Electric <input type="checkbox"/> Solar	<input type="checkbox"/> Hydro <input type="checkbox"/> Wind
5) What are the details of the pump?	Inlet/bore (millimetres)		
	Outlet/stroke (millimetres)		
	Duty discharge (litres/sec)		
	Duty head (metres)		



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6) Is there any filling or excavation proposed in the watercourse, lake or spring?

- ☐ Yes – additional information should be provided to assist with assessing the development application (e.g. location and extent of filling or excavation)
- ☐ No

Part 3 – WATER STORAGE

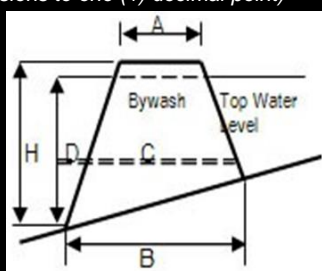
7) What type of water-storage facility is proposed?

- ☒ Dam ☐ Excavation in a watercourse ☐ Weir
- ☐ Other – please specify

8) What is the proposed water-storage facility to be constructed from?
(tick all applicable boxes)

- ☒ Earth ☐ Sand ☐ Rockfill
- ☐ Sandbag ☐ Earth and rockfill ☐ Sheetpile
- ☐ Concrete ☐ Timber ☐ Gabion
- ☐ Other – please specify

9) What are the dimensions of the proposed water-storage facility?
(give dimensions to one (1) decimal point)



Height to top (H)	298.2	metres
Crest width (A)	6	metres
Base width (B)		metres
Crest length	~2000	metres
Diameter of outlet pipe (C)	620	millimetres
Height of bywash/spillway above bed level	297.2	metres
Width of bywash/spillway	N/A	metres
Distance of back up at top water level	N/A	metres
Capacity of storage when at full supply level	1060	megalitres
Storage area at full supply level	18.5	hectares

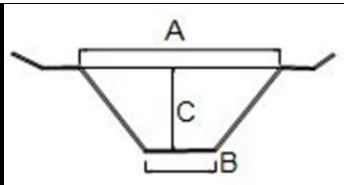
10) If excavation works are proposed, what are the details of these works?
(give dimensions to one decimal point)

Top dimensions		
Width	~60	metres
Depth	~8	metres
Length	~2100	metres
Capacity	1026	megalitres
Base dimensions		
Length	~2100	metres
Width	~55	metres

Part 4 – GRAVITY DIVERSION FROM A WATERCOURSE

11) If a gravity channel is proposed for this gravity diversion, what are the details of the proposed channel?
(give dimensions to one decimal point)

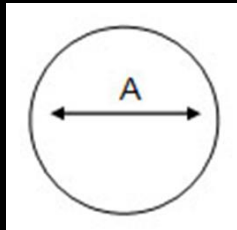
Top width (A)		metres
Bottom width (B)		metres
Depth (C)		metres
Length		metres



Bed slope		ratio
Side slope		ratio
Flow capacity		m ³ /second

12) If a gravity pipeline is proposed for this gravity diversion, what are the details of the proposed pipeline?

(give dimensions to one decimal point)



Material type		
Diameter (A)		millimetres
Length		metres
Number of proposed pipes		
Bed slope		ratio
Flow capacity		m ³ /second

13) Is there any filling or excavation proposed in the watercourse or water body?

- ☐ Yes – additional information should be provided to assist with assessment of the development application (e.g. location and extent of filling or excavation)
- ☐ No

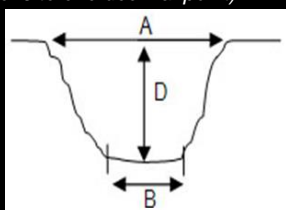
14) What is the purpose of the proposed gravity diversion?

- ☐ Flood prevention
- ☐ Erosion prevention
- ☐ Divert watercourse
- ☐ Other – please specify

Part 5 – WATERCOURSE DIVERSION

15) What are the details of the existing watercourse or water-body channel proposed to be diverted?

(give dimensions to one decimal point)

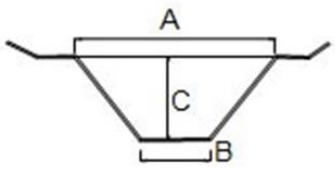


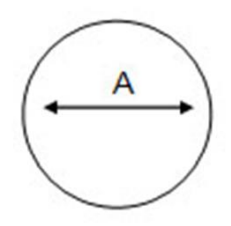
Top width (A)		metres
Bottom width (B)		metres
Depth (D)		metres
Length		metres
Bed slope		ratio
Side slope		ratio
Flow capacity		m ³ /second

16) If the proposed method for diversion is earth or a lined channel, what are the details of the proposed channel?

(give dimensions to one decimal point)

Lining materials (e.g. PVC, steel)		
Top width (A)		metres
Bottom width (B)		metres
Depth (C)		metres
Length		metres

	Bed slope		ratio
	Side slope		ratio
	Flow capacity		m ³ /second

<p>17) If a pipeline is proposed for this watercourse diversion, what are the details of the proposed pipeline? (give dimensions to one decimal point)</p> 	Pipe material (e.g. PVC, steel)		
	Diameter (A)		millimetres
	Length		metres
	Number of proposed pipes		
	Bed slope		ratio
	Flow capacity		m ³ /second

18) What is the purpose of the proposed watercourse diversion?	<input type="checkbox"/> Flood prevention	<input type="checkbox"/> Divert watercourse
	<input type="checkbox"/> Erosion prevention	<input type="checkbox"/> Other – please specify

Part 6 – OTHER WORK IN A WATERCOURSE

19) What are the details of the proposed works?	
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20) What are the details of the proposed construction materials?	
--	--

ENQUIRIES TO:
Justin Crick
Ph: (07) 4679 4144

FILE REFS:
A12483 & LG7.6.1

JJC:CJL

Customer Contact
1300 COUNCIL (1300 268 624)
07 4679 4000
www.wdrc.qld.gov.au



OUR COMMUNITIES | OUR FUTURE

Address all correspondence to
Chief Executive Officer
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

25 September 2024

Lloyd Pastoral Company Pty Ltd
C/- EnviroAg Australia Pty Ltd
2963 Kogan Condamine Road
CHINCHILLA QLD 4413

ATTENTION:
EMAIL:

Personal information

enviroag.net.au and development_apps@enviroag.net.au

Dear Sir

CONFIRMATION NOTICE

Given under Section 2 of the Development Assessment Rules 2

The development application described below, was properly made to Western Downs Regional Council on 12 September 2024.

Application Details

Application No:	050.2024.510.001
Approval Sought:	Development Permit
Nature of Proposed Development:	Other Change to an existing Development Approval for Operational Work
Description of Proposed Development:	Ring Tank
Category of Assessment:	Code Assessable

Location Details

Street Address:	Kogan Condamine Road, Crossroads
Real Property Description:	Lot 16 on RG26

Applicant Details

Applicant Name:	Lloyd Pastoral Company Pty Ltd C/- EnvironAg Australia Pty Ltd
Applicant Contact Details:	2963 Kogan Condamine Road CHINCHILLA QLD 4413 Email: @enviroag.net.au development_apps@enviroag.net.au
Applicant's Reference No:	24665

Referral Details

The development application must be referred to all relevant Referral Agency(s) **within 10 business days** starting the day after receiving this Notice, or a further period agreed with the Assessment Manager; otherwise the application will lapse under Section 31 of the Development Assessment Rules 2.

.../2

The development application must be referred to the following Referral Agency(s):

For an application involving	Name of Agency	Status	Contact Details
STATE TRANSPORT INFRASTRUCTURE			
<p>Development application for an aspect of development stated in Schedule 20 that is assessable development under a Local Categorising Instrument or Section 21, if—</p> <p>(a) the development is for a purpose stated in Schedule 20, Column 1 for the aspect; and</p> <p>(b) the development meets or exceeds the threshold—</p> <p>(i) for development in Local Government Area 1—stated in Schedule 20, Column 2 for the purpose; or</p> <p>(ii) for development in Local Government Area 2—stated in Schedule 20, Column 3 for the purpose; and</p> <p>(c) for development in Local Government Area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area.</p> <p>However, if the development is for a combination of purposes stated in the same item of Schedule 20, the threshold is for the combination of purposes and not for each individual purpose.</p> <p><i>Item 1, Table 1, Subdivision 1, Division 4, Part 9, Schedule 10 of the Planning Regulation 2017</i></p>	State Assessment and Referral Agency	Concurrence Agency	<p>Ph: (07) 4616 7307</p> <p>Email: toowoombasara@dsdilgp.qld.gov.au</p> <p>Post: Department of Housing, Local Government, Planning and Public Works PO Box 825 TOOWOOMBA QLD 4350</p>
<p>Development application for Operational Work, if—</p> <p>(a) all or part of the premises are within 25m of a State transport corridor; and</p> <p>(b) the work—</p> <p>(i) relates to access to a State transport corridor; or</p> <p>(ii) involves extracting, excavating or filling more than 50m³; or</p> <p>(iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm², to a State transport corridor; and</p> <p>(c) the work does not relate to—</p> <p>(i) a Material Change of Use stated in Table 4, Item 1, Column 2, paragraph (a) or (c); or</p>	State Assessment and Referral Agency	Concurrence Agency	<p>Ph: (07) 4616 7307</p> <p>Email: toowoombasara@dsdilgp.qld.gov.au</p> <p>Post: Department of Housing, Local Government, Planning and Public Works PO Box 825 TOOWOOMBA QLD 4350</p>

For an application involving	Name of Agency	Status	Contact Details
(ii) Reconfiguring a Lot stated in Table 1, Item 1, Column 2 or Table 3, Item 1, Column 2; or (iii) Government supported transport infrastructure. <i>Item 1, Table 5, Subdivision 2, Division 4, part 9, Schedule 10 of the Planning Regulation 2017</i>			
WATER RELATED DEVELOPMENT			
Development application for Operational Work that is assessable development under Section 29, unless the Chief Executive is the prescribed Assessment Manager for the application. <i>Item 1, Table 1, Subdivision 3, Division 1, Part 19, Schedule 10 of the Planning Regulation 2017</i>	State Assessment and Referral Agency	Concurrence Agency	Ph: (07) 4616 7307 Email: toowoombasara@dsdipg.qld.gov.au Post: Department of Housing, Local Government, Planning and Public Works PO Box 825 TOOWOOMBA QLD 4350

Please note that any Referral Agency for the application may make a separate Information Request. If responding to a Referral Agency Information Request, a copy of that response must also be given to Council in accordance with Part 3 of the Development Assessment Rules.

Further Information

Western Downs Regional Council **may** issue an Information Request. If required, this will be provided to you within the statutory timeframe.

Public Notification Details

Part 4 of the Development Assessment Rules 2 is not applicable to this application.

Should you have any queries in regard to this matter, please contact Council's Consultant Development Engineer, Justin Crick via email plan.admin@wdrc.qld.gov.au or telephone (07) 4679 4144.

Yours faithfully

Personal information

Dominic Bradley
PLANNING OFFICER DEVELOPMENT ASSESSMENT

RA7-TA

SARA technical agency assessment response

Technical agency (TA)— Department of Local Government, Water and Volunteers

SARA reference: 2410-42724 SRA
 SARA role: referral agency
 SARA regional office: Darling Downs South West regional office
 SARA email: ToowoombaSARA@dsdilgp.qld.gov.au
 [NB: all responses are to be returned to this email address]
 TA reference: JOB044155 (WMS Event: 635127)
 TA contact name: Lucie McLachlan
 TA contact details: 1300 097 826
 TA approver: Richard Dickfos

1.0 Application details

Street address: Kogan Condamine Road, Crossroads
 Real property description: 16RG26
 Local government area: Western Downs Regional Council
 Applicant name: Lloyd Pastoral Company Pty Ltd
 Applicant contact details: PO BOX 411

Toowoomba QLD 4350
 Personal information enviroag.net.au

2.0 Aspects of development and type of approval being sought

Nature of development	Approval type	Category of assessment
Operational work	Development permit	Code assessment
Description of proposal: Other Change to an existing Development Approval for Operational Work (Ring Tank)		

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the Planning Regulation 2017:

Trigger	Description	Technical agency	Fast track?
10.19.1.3.1.1	Development application for operational work that is assessable development under section 29, unless the chief executive is the prescribed assessment manager for the application	DRDMW	N

10.9.4.2.5.1	Development application for operational work, if- (a) all or part of the premises are within 25m of a State transport corridor; and (b) the work- (i) relates to access to a State transport corridor; or (ii) involves extracting, excavating or filling more than 50m ³ ; or (iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm ² , to a State transport corridor; and (c) the work does not relate to- (i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or (ii) reconfiguring a lot stated in table 1, item 1, column 2 or table 3, item 1, column 2; or (iii) government supported transport infrastructure	DTMR	N
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4.0 Assessment

4.1 Considerations and assessment

The application seeks approval for an existing Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources. The Ring Tank stores water from the Condamine River under Water Allocation 21 on AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate a proposed 150hectares (this figure was based on the proposed irrigatable area from the Development Approval 1811-3840 SDA. This area has not been provided as part of this application or in any supporting information).

Supporting information provided along with the application claims that there has been no change to the proposed use of the Ring Tank, nor has there been any change to the linkages between this Ring Tank and all existing works (Technical Briefing Note, dated 06 September 2024 reference 24665.113186.0) where this has identified that the *"Ring Tank (DA 050.2021.72.001) design and footprint was change (SMK QLD Pty Ltd) with the change occurred due to conflicting footprints between the constructed CAR dam and the approved ring tank design difference between the proposed footprint and the discovery of sand lens at the proposed location which would have issues with the integrity of the original design."*

From the department's perspective, this is not the case as the original contaminated agricultural run-off water dams (approved under 1811-8340 SDA) were never approved for a linkage with the Ring Tank. It is also worth noting that:

1. This application (2410-42724 SRA) relates the operational works (referral agency) as part of Western Downs Regional Councils application reference 050.2024.00000510.001 (Request to Change Existing Approval).
2. The department was never referred for comment under the original Development Approval from the Western Downs Regional Council application reference 040.2019.00000039.001.
3. Applicant has previously been advised that the Ring Tank could not have linkage to the contaminated agricultural run-off water dams.
4. The approved infrastructure under 1811-8340 SDA and the post constructed certification report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that there is a link with the Ring Tank and the contaminated agricultural run-off water dams. The Ring Tank (at time of application under 1811-8340 SDA) claimed to use the Ring Tank for fresh water supply to the feedlot when required.

5. Supporting information supplied for this application, claims there is no contaminated agricultural run-off water captured on site, with the previously approved contaminated agricultural run-off water dams (Works 574289, 574292, 574295 under 1811-8340 SDA) now used as Waste Utilisation and Disposal Area Dams under the Environmental Authority 2022-01.
6. Works 574289 (CAR Dam 1) and 574295 (CAR Dam 3) are installed. Works 574292 (CAR Dam 2) is not installed and taken to be lapsed under Development Approval 1811-3840 SDA.
7. Works 574289 and 574295 have been built larger than what was approved under Development Approval 1811-3840 SDA.

Background

This Development Approval 1811-8340 SDA did not authorise the storage of CAR water into the Ring Tank and required all CAR water to be delivered direct to crop. This approval was granted subject to the works being constructed in accordance with:

1. Infrastructure Layout Plan, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CC.003, revision 2
2. Site Plan – Vegetation and Catchment Map, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CC.004, revision 2
3. General Notes and Drawings Index, prepared by Enviro Ag Australia, dated 2 November 2018, reference 24318.CD.001, revision 2
4. Site Plan, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.002, revision 3
5. CAR Dam No. 1 - Plan and Details, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.003, revision 3
6. CAR Dam No. 2 – Plan and Details, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.004, revision 4
7. Process Flow Diagram, prepared by Enviro Ag Australia, dated, reference 02 November 2018 24318.CD.005, revision 2
8. CAR Dam No. 3 (Embankment) – Plan and Section, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.006, revision 1

A post constructed report received 7 April 2021 (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that CAR Dam 1 (Works 574289) and CAR Dam 3 (Works 574295) are connected to the Ring Tank (see Image One and Two below) and have also been built larger than what was authorised under Development Approval 1811-3840 SDA (see Table One below). Development Approval 1811-3840 SDA allowed for the first flush (25mm) of 972.77ha of contaminated area, giving a contaminated agricultural run-off capacity of 243.2ML. The post constructed report indicates that the works were built to a contaminated area of 1008.1ha which allows for 250.05ML of contaminated agricultural run-off capacity. Works 574289 was approved for capacity of 95.7ML and Works 574295 was approved for 113.5ML. The post constructed report indicates that these sizes are now 107.1ML and 119.39ML respectively. Works 574292 are not constructed and taken to be lapsed.

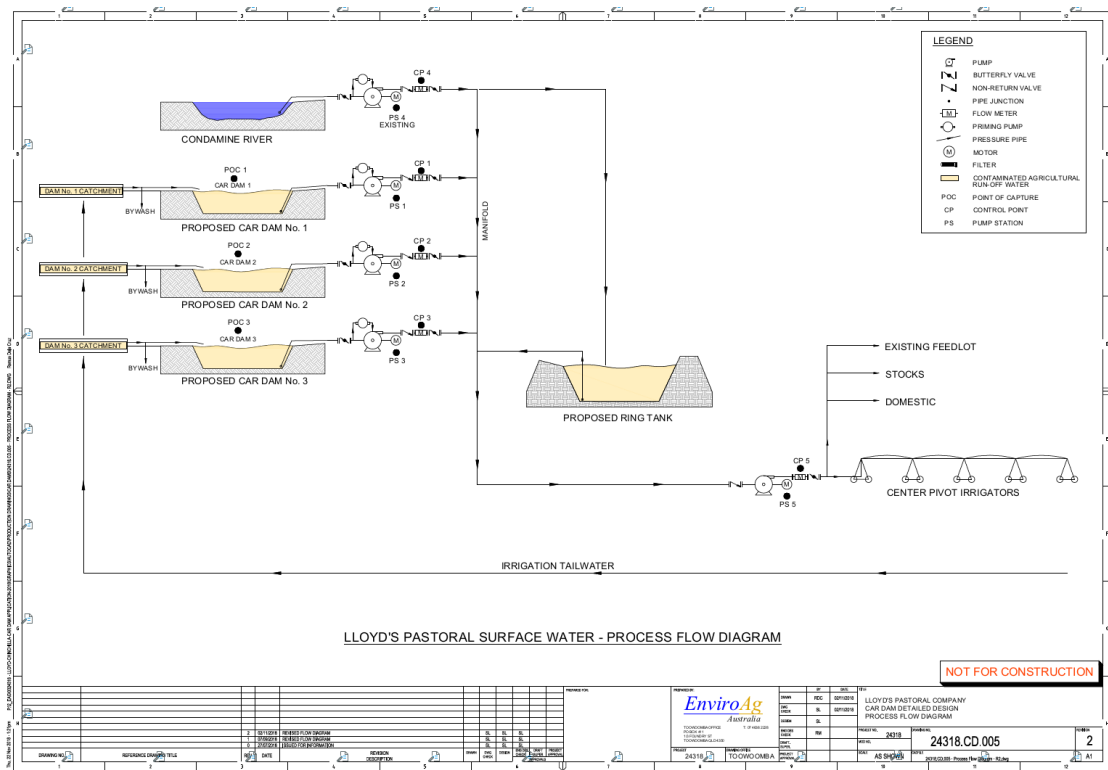


Image One: Drawing 24318.CD.005 (within Certification Report 24318.97226, Rev 2, dated 10 January 2019)

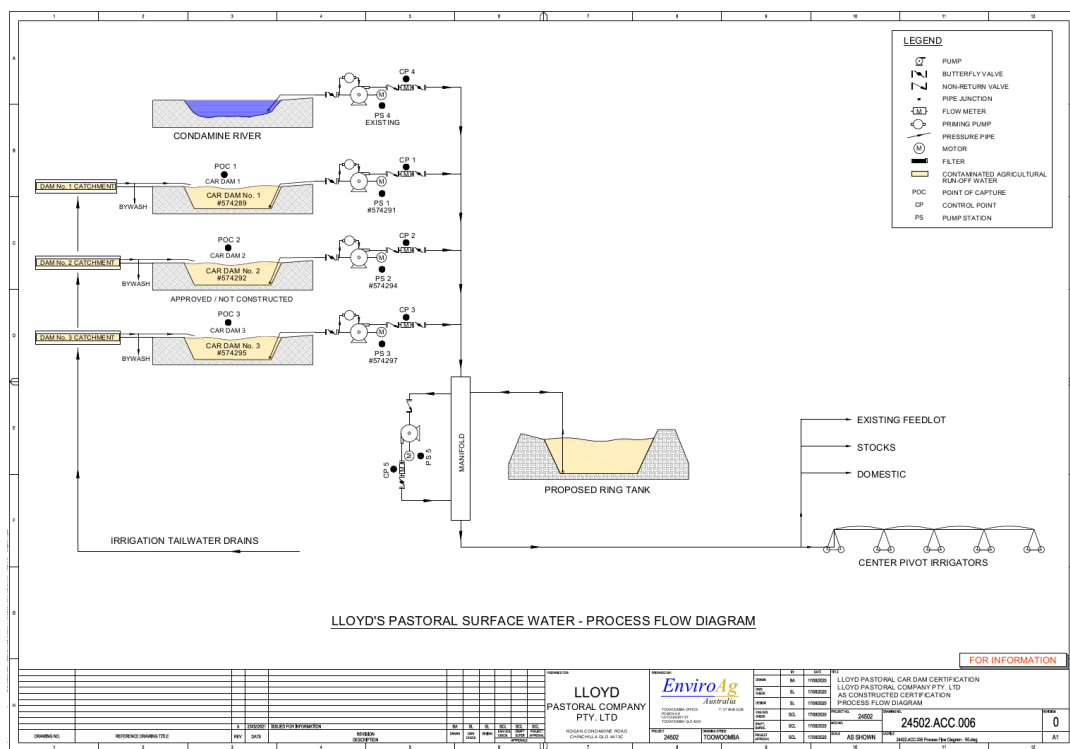


Image Two: Drawing 24502.ACC.006 (within Certification Report 24502.105206, Rev 0, dated 07 April 2021)

What was approved vs What is installed					
Works	Name	Approved		Installed as of 07/04/2021	
		Lot/Plan	Description	Installed (Table 13, Report No. 24502.105206)	Difference
574289	CAR Dam 1	16/RG26	Capacity 95.7ML Sump TWL RL 288.50m Crest RL 290m Freeboard 1.5m Surface Area at TWL 2.04ha Fetch 197.7m Internal batter 3H:1V Bywash height RL 288.5m	Capacity 110.2ML Sump TWL RL 290.65m Crest RL 292m Freeboard 1.35m Surface Area at TWL 5.74ha Not supplied: Fetch, Internal batter, Bywash height. Drawing 24502.ACC.003	Increase in Capacity of 14.5ML (110.2-95.7) Increase in TWL RL 2.15m (290.65 – 288.50) Increase in Crest RL 2m (292 - 290) Increase in Surface Area at TWL 3.70ha (5.74 – 2.04) Decrease in Freeboard 0.15m (1.5-1.3.5)
574290	Tailwater Drain/Contour Bank 1	16/RG26	Depth min. 0.5m Width 3m Internal Batter 3H:1V	Depth min. 1.0m Width 16.3m? varies Drawing 24502.ACC.005	Increase in depth 0.5m (1-0.5) Increase in width 13.3 (16.3-3 but need to confirm width as drawing indicates it varies)
574291	Pump 1	16/RG26	Max rate 47.85ML/day	Proposed – in progress	N/A
574292	CAR Dam 2	16/RG26	Capacity 33.6ML Sump TWL RL 290.50m Crest RL 292m Freeboard 1.5m Surface Area at TWL 1.24ha Fetch 130m Internal batter 3H:1V Bywash height RL 290.50m	Proposed	N/A
574293	Tailwater Drain/Contour Bank 2	16/RG26	Depth min. 0.5m Width 3m Internal Batter 1:3	Proposed	N/A
574294	Pump 2	16/RG26	Max rate 16.8ML/day	Proposed	N/A
574295	CAR Dam 3	16/RG26	Capacity 113.55ML Open Storage (Gully Dam) TWL RL 291.6m Crest RL 292.10m Freeboard 0.5m Max. Embankment height above NS 1.72m Surface Area at TWL 9.11ha Fetch 121.0m Internal batter varies with natural surface Average depth 1.246m	Capacity 149.44ML Open Storage (Gully Dam) TWL RL 292.25m Crest RL 293.25m Freeboard 1m Max. Embankment height above NS 1.72m Surface Area at TWL 28.4ha Fetch N/A Internal batter 1:5 Average depth N/A Drawing 24502.ACC.004	Increase in Capacity of 35.89ML (149.44-113.55) Increase in TWL RL 0.65m (292.25 – 291.60) Increase in Crest RL 1.15m (293.25 – 292.10) Increase in Surface Area at TWL 19.29ha (28.4 – 9.11) Increase in Freeboard 0.5m (1 – 0.5)
574296	Tailwater Drain/Contour Bank 3	16/RG26	Depth min. 0.5m Width 3m Internal Batter 1:3	Proposed	N/A
574297	Pump 3	16/RG26	Max rate 56.75ML/day	Proposed – in progress	N/A

Table One: Works approved under Development Approval 1811-3840 SDA and what was constructed as per post constructed report received 7 April 2021.

A field inspection undertaken by Compliance team on 11 February 2025 confirms that both CAR Dam 1 (works 574289) and CAR Dam 3 (works 574295) are connected to the Ring Tank via an irrigation line and transferred into the Ring Tank. Further compliance action may be pending regarding this.

Previous advice has been provided to SARA/the applicant to this effect under the following Development Approval applications/pre-lodgment advice:

- 1811-8340 SDA
- 2404-40188 SPL
- 2312-38105 SRA

Assessment under State Development Assessment Provisions

While the Ring Tank is not the primary works used to capture overland flow on the property, this application will be refused as it has the potential to increase the take of overland flow based on:

1. Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water, are linked and capable of transferring water from these storages into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these dams have been constructed larger than what was approved under this Development Approval.
2. Supporting information with this application, claims that Works 574289 and 574295 (authorised under 1811-3840 SDA) are now known as waste utilisation and disposal Area dams or terminal ponds under the Environmental Authority.

It is the position of the Department that the existing works and therefore Ring Tank do not satisfy the requirements of the Environmental Approval as the total capacity of the works outside of the feedlot area is deemed excessive for the purposes of the Environmental Approval. While the Environmental Approval now includes a condition that allows terminal ponds, the condition also included the word 'may' that indicates the Environmental Authority holders are able to achieve this via other means. There is no conflict with Environmental Authority holders not constructing these terminal ponds, so these are deemed not necessary to meet the Environmental Authority conditions. As such, this application will address both the state codes (State Code 10 for taking overland flow water) that relate to taking overland flow that is contaminated agriculture run-off water in a Queensland Murray Darling Basin catchment (noting that Works 574289 and 574295 under 1811-3840 SDA were granted prior to the treat and release requirements) and taking overland flow water that is necessary to meet the requirements of an Environmental Authority under the *Environmental Protection Act 1994*.

State Code 10: Purpose Statement

The purpose of this code is to ensure sustainable management of water by ensuring that development:

1. *maintains:*
 - a. *natural ecosystem processes;*
 - b. *riverine environments;*
 - c. *underground water systems;*
 - d. *physical integrity of watercourses;*
2. *does not result in an adverse impact on:*
 - a. *connectivity between underground water and water in a watercourse, lake or spring;*
 - b. *property of others;*
 - c. *the water security of other users and their access to the water resource;*
3. *minimises the volume of overland flow water taken, consistent with the development;*
4. *minimises the take of contaminated agricultural run-off water;*
5. *in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved.*

The current application does not meet purpose statement 3, 4 and 5, and has the potential to impact purpose statement 2(a) and (b).

For assessment of this application:

1. The works linked to the ring tank are deemed excessive in size and not necessary to meet the conditions of the Environmental Authority. The works are set up with the intent to irrigate a proposed 150 hectares. Feedlot Services (whom are a part of DPI) have advised based on their calculations, a terminal pond allowable size would be 12.4ML with the total irrigation area to be 103 hectares. This is under the proposed 150 hectares the applicant intends to irrigate. **This does not meet purpose statement 3, 4 and 5.**
2. The supporting information with the application indicates that Works 574289 and 574295 are now 'terminal ponds'. However, these works (if identified now as terminal ponds) DO NOT meet the allowable volume for capturing contaminated agricultural runoff waters under the Environment Authority. **This does not meet purpose statement 3, 4 and 5.**
3. Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water and are linked/capable of transferring water from these works into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. Therefore, these works are in breach of the development approval and indicates that overland flow water that is not contaminated is being taken with the installed works which are also linked to the ring tank. **This**

does not meet purpose statement 2, 3, 4 and 5.

4. As there is an increase in take of overland flow water, there is an impact on purpose statement 2 by reducing access to the water resource for other users.

The above demonstrates that the application does not meet the purpose statement of State Code 10 – Taking or interfering with water. The application will also be assessed against both the provisions under State Code 10 for the capture of overland flow water that is necessary for the operation of the environmental authority.

Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water, are linked and capable of transferring water from these storages into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. Therefore, these works are in breach of the development approval.

The relevant criteria for the assessment of this application in accordance with the State Development Assessment Provisions version 3.2. State Code 10 : Taking or interfering with water is relevant to this application, specifically, the relevant provisions that relate to this application are listed in Table 10.1 and Table 10.2 of the code:

Development	Relevant Provisions of the code
For works that take overland flow water as part of environmentally relevant activity or under an environmental authority.	General: PO1 - PO4 Overland flow water: PO7 – PO8 Environmentally relevant activity: PO17
Contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment	General: PO1-PO4 Overland flow water: PO7 – PO8 Contaminated agricultural run-off water: PO14 – PO16

The provisions of State Code 10 are addressed below.

Performance Outcomes	Acceptable Outcome	Comment
General		
PO1 Works do not cause an unacceptable impact on natural ecosystems.	No acceptable outcome prescribed.	There will be no impact on the natural riverine ecosystem. The prescribed outcome is met.
PO2 Works do not cause an unacceptable impact on other users' ability to access the resource	No acceptable outcome prescribed.	The installed works (works reference 574289 and 574295) are used to take overland flow water and are tied to the Ring Tank. Works 574289 and 574294 are oversized and allow additional overland flow water that is not contaminated to be captured. Therefore, approval of this Ring Tank (even as a secondary water storage) is an increase in overland flow take and could cause an unacceptable impact on other users' ability to access the resource. <u>The prescribed outcome is not met.</u>
PO3 Works do not cause an unacceptable impact on the physical integrity of the watercourse, lake or spring .	No acceptable outcome prescribed.	There will be no impact on the physical integrity of a watercourse. The prescribed outcome is met.
PO4 Works are consistent	No acceptable outcome	The application is located within the <i>Water Plan (Condamine and Balonne) 2019</i> and Condamine and

<p>with any of the following, to the extent they are relevant to the proposed development:</p> <ul style="list-style-type: none"> • a water plan • a water management protocol • a moratorium notice issued under the <i>Water Act 2000</i>. 	<p>prescribed.</p>	<p>Balonne Water Management Protocol 2019.</p> <p>While the plan and protocol allow the take of water for contaminated agricultural runoff and to comply with an obligation on the person under the <i>Environmental Protection Act 1994</i>, the works are deemed not to be consistent with this plan and protocol as the works are more than the volume necessary to meet the obligations under the <i>Environmental Protection Act 1994</i>. As the works do not meet the volume necessary under the <i>Environmental Protection Act 1994</i>, the works are treated as contaminated agricultural runoff works which operate under treat and release provisions.</p> <p>In this case, the existing works (Works 574289 and 574295) were authorised under Development Approval 1811-3840 SDA. These works were authorised to capture contaminated agricultural runoff water before the treat and release provisions came into effect. The concern is that these works are linked and capable of transferring water from these works into the Ring Tank. This was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval (as per the post constructed report, Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021).</p> <p>There are currently no moratorium notices issued under the <i>Water Act 2000</i> for this area.</p> <p>The prescribed outcome is not met.</p>
<p>Overland flow water</p>		
<p>PO7 Works to take overland flow water are for one of the following:</p> <ol style="list-style-type: none"> 1. for an activity prescribed by regulation under the <i>Water Act 2000</i>; or 2. for reconfiguring existing works; or 3. in a limited catchment area identified in a water plan; or 4. for contaminated agricultural run-off water; or 5. part of an environmentally relevant activity or under an environmental authority; or 6. incidental to capturing coal seam gas water; or 7. consistent with a water entitlement; or 8. for the purpose of water sensitive urban 	<p>No acceptable outcome prescribed.</p>	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>The works to take overland flow water:</p> <ol style="list-style-type: none"> 1. Are not for an activity prescribed by regulation under the <i>Water Act 2000</i>. 2. Are not for reconfiguring existing works. 3. Are not located in a limited catchment area identified in a water plan area. 4. The application does not meet this criterion. Works 574289 and 574295 (approved under 1811-3840 SDA) for the capture of contaminated agriculture run-off water prior to the treat and release provisions. The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that these works have been constructed over the sized approved under this Development Approval 1811-3840 SDA and also

design; for developments in urban areas Protection Act 1994		<p>with a link to the Ring Tank. As this connection with the Ring Tank was never assessed at the time of application (under 1811-3840 SDA), and these works have been constructed larger than authorised, this demonstrates that the existing works (including the ring tank) are capturing overland flow water that is not contaminated and therefore an increase in overland flow take than what is allowed.</p> <ol style="list-style-type: none"> 5. The application does not meet this criterion. As outlined in PO17, the proposed works are more than deemed necessary to meet the minimum requirements of the Environmental Authority. 6. Are not incidental to capturing coal seam gas water. 7. Are not consistent with a water entitlement. 8. Are not for the purpose of water sensitive urban design. <p>The prescribed outcome is not met.</p>
PO8 Works are located, constructed and operated in a way that do not adversely impact on neighbouring properties	<p>AO8.1 Works are contained within the property boundaries.</p> <p>AND</p> <p>AO8.2 At full supply level, the area inundated is contained within the property boundaries</p> <p>AND</p> <p>AO8.3 Bywash resulting from the works and any water diverted away from contaminated areas exits the property as close as practicable to the same location at which it exited the property boundary prior to construction of the works.</p>	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>This increase is also demonstrated in the post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), as the works authorised for contaminated agriculture run-off water have been constructed over the size approved under Development Approval 1811-3840 SDA.</p> <p>AO8.1 – the Ring Tank will be contained within the property boundaries.</p> <p>AO8.2 – the Ring Tank will be contained within the property boundaries at full supply level.</p> <p>AO8.3 – There is no bywash on the Ring Tank.</p> <p>The prescribed outcome is met.</p>
Environmentally relevant activity		
PO17 Works only capture the volume of overland flow water necessary for the	No acceptable outcome prescribed.	The works are deemed in excess to the amount of water necessary for the operation of the environmental authority. The works are not considered as necessary under the Environmental Authority. DPI have advised

<p>operation of the environmentally relevant activity or environmental authority under the <i>Environmental Protection Act 1994</i>.</p>		<p>that the terminal pond sized for this environmental authority would be 12.4ML and allow the irrigation of 103 hectares (not the irrigate a proposed 150 hectares the applicant is intending to irrigate).</p> <p>While DPI has allowed for proposals that include terminal ponds, the DPI has amended a standard condition WT3 to include that terminal ponds are an appropriate method to meet this condition however the word “may” indicates that an Environmental Authority holder could achieve this via other means.</p> <p>Advice from DPI regarding this matter is that: <i>“Whilst terminal ponds used to capture potentially contaminated runoff from effluent irrigation areas likely to minimise the amount of levels of contamination leaving the effluent utilisation areas, DPI considers that there would not be conflict with the current EA conditions if these structures are not constructed.”</i></p> <p><i>There are also other conditions on the EA that require the application rates of effluent and waste to be managed in such a way that does not contaminate (e.g. WT5, WS3, WS4, WS5 and WS6 on the EA).</i></p> <p><u>The prescribed outcome is not met.</u></p>
Contaminated agricultural run-off water		
<p>PO14 Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required.</p>	<p>No acceptable outcome prescribed.</p>	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), demonstrates that the works authorised for contaminated agriculture run-off water have been constructed over the size approved under Development Approval 1811-3840 SDA and also with a link to the Ring Tank which was not approved under this Development Approval.</p> <p><u>The prescribed outcome is not met.</u></p>
<p>PO15 Works to take contaminated agricultural run-off water: 1. are not be larger than required to contain contaminated agricultural run-off water; and 2. allow for water that is not contaminated agricultural run-off water</p>		<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>1. The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim),</p>

to be passed through the works		<p>report number 24502.105206, revision 0, dated 7 April 2021), shows that Works 574289 and 574295 have been constructed larger than what was approved under Development Approval 1811-3840 SDA and the link to the Ring Tank was also never approved under this Development Approval (see information further up the report).</p> <p>2. As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works.</p> <p><u>The prescribed outcome is not met.</u></p>
Contaminated agricultural run-off water in Queensland Murray Darling Basin catchment		
<p>PO16</p> <p>Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment:</p> <p>1. do not increase the volume of overland flow water taken in a water year; and</p> <p>2. allow for the release of water when an acceptable quality of water is achieved.</p>	No acceptable outcome prescribed.	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>1. The information provided indicates that the works will increase the amount of overland flow captured as the works are constructed over the allowable size approved under Development Approval 1811-3840 SDA for contaminated agricultural run-off water (see information on this further up the report). The link to the Ring Tank was never approved under this Development Approval (1811-3840 SDA). The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that Works 574289 and 574295 have been constructed larger than what was approved under DA 1811-3840 SDA.</p> <p>2. Works 574289 and 574295 were approved for the capture of contaminated agricultural run-off before the treat and release requirements.</p> <p><u>The prescribed outcome is not met.</u></p>

5.0 Recommendations

5.1 Technical agency advice for SARA as referral agency

Our agency:

- (a) recommends that the assessment manager is directed to refuse the application for the reasons described below (*Planning Act 2016* section 56(1)(c)):
- The reasons for this decision are:
 - List of reasons for decision

- The application is refused on the grounds that it does not meet the provisions and purpose statement of State Development Assessment Provisions version 3.2 State Code 10: Taking or interfering with water.
- List findings on material questions of fact
 - The application does not meet the provisions regarding the capture of overland flow water that is necessary for the operation of the environmental authority under the *Environmental Protection Act 1994* as the proposed works are more than the volume necessary. The refusal of the application is not considered to be a conflict with the current Environmental Authority conditions if the proposed works were not constructed. The amendment to the Environmental Authority to include condition WT3 to include terminal ponds uses the wording of “may” which indicates that an Environmental Authority holder could achieve this via other means.
 - DPI (Feedlot Services) have advised that for this environmental authority, a terminal pond of 12.4ML would be allowing the irrigation of 103 hectares not irrigate 150 hectares as proposed - this figure was based on the proposed irrigatable area from the Development Approval 1811-3840 SDA. This area has not been provided as part of this application or in any supporting information.
 - While the Ring Tank is not the primary works used to capture overland flow on the property, this application will be refused as it has the potential to increase the take of overland flow based on:
 - Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water are linked and capable of transferring water from these storages into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA; and
 - These works have been constructed larger than what was approved under Development Approval 1811-3840 SDA and therefore are capturing water that is not contaminated.
- List evidence or other material on which the findings were based
 - Water Act 2000.
 - Planning Act 2016.
 - Water Plan (Condamine and Balonne) 2019.
 - Condamine and Balonne Water Management Protocol 2019.
 - State Code 10: Taking or interfering with water.
 - Policy Advice Position Paper Application of s97, dated 23 April 2024, supplied to applicant.
 - Water Allocation 21AP7585.
 - Environmental Authority 2022-01.
 - Western Downs Regional Council Development application reference 050.2024.00000510.001.
 - Development Approval 1811- 8340 SDA dated 21 January 2019.
 - Pre-lodgment advice reference 2404-40188 SPL provided to SARA dated 26 July 2024.
 - Pre-lodgment advice reference 2210-31398 SPL provided to SARA dated 16 November 2022.
 - Development Approval 2309-36913 SRA dated 9 November 2023.
 - Certification Report Lloyd CAR Dam Concept Design and Application for Approval, prepared by EnviroAg Australia, reference 24318.97226 version 2, dated 10 January 2019.
 - CAR Dam System: As constructed Certification (Interim) ‘Wieambilla Aggregate’ Qld, prepared by EnviroAg Australia, reference 24502.105206, dated 7 April 2021.
 - Re: Change Request, prepared by EnviroAg Australia, reference 24665.112176, dated 5 June 2024.
 - Re: Ring Tank, Lloyd Pastoral Company – 2404-40188 SPL, prepared by EnviroAg Australia, reference 24665.112841, dated 2 August 2024.
 - Technical Briefing Note, prepared by EnviroAg Australia, reference

24665.113186, dated 6 September 2024.

- Request for Information sent from SARA reference 2410-42724 SRA dated 25 October 2024.
- Response to Request for Information received from EnviroAg Australia reference 24665.114466 dated 25 February 2025.

(b) recommends the following advice be provided to the assessment manager (*Planning Act 2016* section 56(3)):

General advice	
Ref.	
	Any proposed Holding Ponds as part of the feedlot complex will require a Development Approval under the <i>Planning Act 2016</i> . Under section 97 of the <i>Water Act 2000</i> , a person may take overland flow water that is not more than the volume necessary to satisfy the requirements of an environmental authority therefore a Development Approval application will be required to authorise the holding pond.
	Works 576550 (under 2309-36913 SRA) known now as Southern WUDA TWD dam is only authorised to capture contaminated agricultural run-off water for treat and release purposes only. The Process Flow Diagram Drawing reference 24709.D.002.0.1 (provided in the Briefing Note Response to RFI – LPC- Ring Tank reference 24665.114466 dated 25 February 2025) indicates that the intent is to irrigate from this dam.
	The Northern WUDA TWD dam is not authorised for any take of water under the <i>Water Act 2000</i> or <i>Planning Act 2016</i> . The Process Flow Diagram Drawing reference 24709.D.002.0.1 (provided in the Briefing Note Response to RFI – LPC- Ring Tank reference 24665.114466 dated 25 February 2025) – this will not be allowed if the dam is capturing contaminated agricultural run-off water.
	<p>Works 574289 (CAR Dam 1 now identified as Waste Utilisation and Disposal Area 1) and Works 574295 (CAR Dam 3 now identified as Waste Utilisation and Disposal Area 3) are installed and taking to be approved under Development Approval 1811-8340 SDA and able to capture contaminated agricultural run-off water with the ability to irrigation from these dams only.</p> <p>Works 574292 (CAR Dam 2 now identified as Waste Utilisation and Disposal Area 2) are not installed and are taken to be lapsed works under issued Development Approval 1811-8340 SDA. Any future development of these works will require a new Development Approval and will be captured by the treat and release contaminated agricultural run-off water provided under State Code 10.</p>

5.2 Approved plans and specifications

Our agency recommends that the following plans and specifications should be referenced in the response:

Drawing/Report title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development:				
Certification Report Lloyd CAR Dam Concept Design and Application for Approval	EnviroAg Australia	8 November 2018	24318.97226	0
Certification Report Lloyd CAR Dam Concept Design and Application for Approval	EnviroAg Australia	28 November 2018	24318.97226	1
Certification Report Lloyd CAR Dam	EnviroAg	10 January 2019	24318.97226	2

Concept Design and Application for Approval				
Decision Development Approval 1811-8340 SDA	Department of State Development, Manufacturing, Infrastructure and Planning	21 January 2019	1811-8340 SDA	0
CAR Dam System: As constructed Certification (Interim) 'Wieambilla Aggregate' Qld	EnviroAg Australia	7 April 2021	24502.105206	
Pre-lodgement Advice provided to SARA	RDMW	16 November 2022	2210-31398 SPL	
Decision Development Approval 2309-36913 SRA	Department of State Development, Manufacturing, Infrastructure and Planning	9 November 2023	2309-36913 SRA	
Policy Advice Position Paper Application section 97 of the <i>Water Act 2000</i>	RDMW	23 April 2024		
Re: Change Request	EnviroAg	5 June 2024	24665.112176	0
Pre-lodgement Advice provided to SARA	RDMW	26 July 2024	2404-40188 SPL	
Re: Ring Tank, Lloyd Pastoral Company – 2404-40188 SPL	EnviroAg Australia	2 August 2024	24665.112841	0
Technical Briefing Note	EnviroAg Australia	6 September 2024	24665.113186	0
SARA information request – Kogan Condamine Road, Crossroads	SARA	25 October 2024	2410-42724 SRA	0
Response to RFI – LPC – Ring Tank – Kogan Condamine Road, Crossroads	EnviroAg Australia	25 February 2025	24665.114466	0

6.0 Endorsement

Officer	Lucie McLachlan	Senior Water Officer	1300 097 826	lucie.mclachlan@rdm.w.qld.gov.au
Approver	Richard Dickfos	Principal Water Officer	1300 097 826	richard.dickfos@rdmw.qld.gov.au

Email subject :

Alert: 2410-42724 SRA — Reminder: Upcoming expiry of timeframe

Email body :

The applicant's information request response period is due to end in one week and the information request response has not yet been received. You may wish to contact the applicant to discuss whether they intend to provide a response and whether they need an extension of time.

This is a system-generated message. Do not respond to this email.

AL9-E



{"applicationSummaryReport":{"reportCreated":"2024-10-05T00:00:00.000+0000","createdBy":"Personal information"},
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 is assessable development under a local categorising instrument or section 21, if-\n(a) the development is for a purpose
 stated in schedule 20, column 1 for the aspect; and\n(b) the development meets or exceeds the threshold-\n(i) for
 development in local government area 1-stated in schedule 20, column 2 for the purpose; or\n(ii) for development in
 local government area 2-stated in schedule 20, column 3 for the purpose; and\n(c) for development in local government
 area 1-the development is not for an accommodation activity or an office at premises wholly or partly in the excluded
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 or\n(iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a
 cross-sectional area of more than 625cm2, to a State transport corridor; and\n(c) the work does not relate to-\n(i) a
 material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or\n(ii) reconfiguring a lot stated in table
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(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and

(b) the development meets or exceeds the threshold-

(i) for development in local government area 1-stated in schedule 20, column 2 for the purpose; or

(ii) for development in local government area 2-stated in schedule 20, column 3 for the purpose; and

(c) for development in local government area 1-the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area.

However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.

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- (a) all or part of the premises are within 25m of a State transport corridor; and
- (b) the work-
 - (i) relates to access to a State transport corridor; or
 - (ii) involves extracting, excavating or filling more than 50m³; or
 - (iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm², to a State transport corridor; and
- (c) the work does not relate to-
 - (i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or
 - (ii) reconfiguring a lot stated in table 1, item 1, column 2 or table 3, item 1, column 2; or
 - (iii) government supported transport infrastructure</description><referralAgency>SARA</referralAgency><trigger>10.9.4.2.5.1</trigger></e></referralTriggers><reportCreated>2024-10-05T00:00:00.000+0000</reportCreated></applicationSummaryReport></json>

Email subject :

2410-42724 SRA application correspondence

Email body :

Please find attached a notice regarding application [2410-42724 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

GE25-N



Email subject :

2410-42724 SRA application correspondence

Email body :

Please find attached a notice regarding application [2410-42724 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

GE33-N



Email subject :

2410-42724 SRA application correspondence

Email body :

Please find attached a notice regarding application [2410-42724 SRA](#).

















If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

RA5-N



DA Screening Checklist

Application particulars			
MyDAS2 reference: 2410-42724 SRA		Case officer: Danica Clark	
Approval sought: DP - OPW - Ring tank dam			
Matters SARA must have regard to			
Existing development approval search: 050.2021.72.001 - 5 March 2021; 040.2019.38.001 - 11 April 2019			
Regional Plan (RP): Darling Downs Regional Plan		RP Land use category: PAA	
Planning Scheme (PS): WDRC		PS Zone(s): Rural	
PDA/State Dev area or Airport land use plan: No Details:			
Properly made/referral matters			
Owner's consent provided (SARA as AM): -		Council confirmation notice date: 25-Sep-2024	
Correct forms: Yes		Correct fees: Yes Refund requested/likely ¹ No	
Response to show cause: No		Portable Long Service Leave Levy (SARA as AM): -	
Comments:			
SARA assessment jurisdiction or referral triggers			
State interest	Applicable		
State transport corridor / network	YES	NO	25m of corridor: Yes
			100m of SCR intersection: No
			New relevant vehicular access ² : No
			Threshold exceedance: No
			Transport tunnel: No
Comments: Application material states that all fill is sourced on-site - sc20 does not apply. OPW within 25m of a corridor applies as it does not relate to a MCU/RoL			
Clearing native vegetation			Preliminary approval including variation request: -
			Non-referrable MCU:
			s22A:
			Tenure ³ :
			Vegetation categories present on-site:
Comments: Located in Cat X, approx 50m buffer to Cat B			
Coastal development and tidal works			Type: -
			Erosion prone area: -
			Coastal Management District: -
Coastal building line: -			
Comments:			
Maritime safety			Comments:
Waterway barrier works			Waterway classification(s): <input type="checkbox"/> Low (green) - <input type="checkbox"/> Moderate (amber) - <input type="checkbox"/> High (red) - <input type="checkbox"/> Major (purple) - <input type="checkbox"/> Major Tidal (grey) -
			Template 4 provided: -
			Comments: Is not located in the waterway

¹ The MS Teams task should be updated to ensure a refund request has been identified.

² A new 'relevant vehicular access' is different from a 'new or changed access'. This question is relevant to determine the applicable assessment fee as a development involving a new relevant vehicular access requires a higher assessment fee.

³ The tenure of land plays a significant part in determining whether an application can be made/or is assessable development i.e. clearing of category x veg on unallocated state land can potentially be prohibited if it isn't undertaken in accordance with an exemption or Accepted Development Vegetation Clearing Code.

Marine plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Area of marine plants impacted: <input type="text"/>	
			Comments:	
Fish habitat area (FHA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FHA classification: -	Resource Allocation Authority provided: -
			Comments:	
Environmentally relevant activities (ERA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Concurrence ERA description:	
			Aggregate Environmental Score(s) (AES):	
			DA Form 1 attachment provided: -	
			Existing ERA: -	Existing ERA's AES:
			Details:	
			Comments:	
QLD heritage place	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Type: -	Place ID:
			Comments:	
Wetland protection area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Type: -	High Impact Earthworks: -
			Comments:	
Interfering with koala habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Type: -	
			Comments:	
SEQ Regional Plan	<input type="checkbox"/>	<input type="checkbox"/>	RP Land use category: -	Defined use: -
			SEQ major development area: -	SEQ significant tourist activity area: -
			SEQ major enterprise and industrial area: -	SEQ northern inter-urban break: -
			Southport spit – in a building height control area: -	Height of buildings or structures more than 3 storeys or 15m: -
			Comments:	
Infrastructure designation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Name:	
			Comments:	
Other state interests	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Contaminated Land <input checked="" type="checkbox"/> Taking/interfering with Water <input type="checkbox"/> Aquaculture <input type="checkbox"/> Levees	
			<input type="checkbox"/> UXO <input type="checkbox"/> Removing quarry material <input type="checkbox"/> Urban Design	
			<input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Wind Farm <input type="checkbox"/> Referrable Dams	
			Comments:	
			Proposed development involves the take of water	

Non-SARA referral agencies (SARA as AM)		
YES	NO	Details:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Delegate for decision		
Delegate: Manager (Planning)	To be uplifted to DAAT?: No	Note: Day to day administrative functions are not uplifted. Refer to delegations 'tie' when answering this question
Delegation: Referral response / Decision (not delegated to Principal Planner, Director or above)		
Comments:		

Record of download 2410-42724

The following documents were downloaded on 2 May 2025, 4.04 pm by Danica Clark. The compressed file contains:

Document name	File name	V er s i o n	Ver s i o n d a t e
Lot plan report	Lot plan report	2	3 Nov emb er 202 4
Signed Confirmation Notice	Signed Confirmation Notice.pdf	1	3 Nov emb er 202 4
24665_LPC-RingTank_Applicanttemplate11.0- Ownersconsentcompany 2.9.24	24665_LPC-RingTank_Applicanttemplate11.0- Ownersconsentcompany 2.9.24.pdf	1	3 Nov emb er 202 4
24665_LPC-RingTank_da-form-1_Rev0	24665_LPC-RingTank_da-form-1_Rev0.pdf	1	3 Nov emb er 202 4
24665_LPC-RingTank_PlanningActForm5- Changeapplicationform_Rev0	24665_LPC-RingTank_PlanningActForm5- Changeapplicationform_Rev0.pdf	1	3 Nov emb er 202 4
24665_LPC- RingTank_Template2Takingorinterferingwithwaterinawatercou rselakeorspring_Rev0	24665_LPC- RingTank_Template2Takingorinterferingwithwaterinawatercourse lakeorspring_Rev0.pdf	1	3 Nov emb er 202 4
24665.113186_240906_Lloyds Pastoral_Other Change Briefing Note_Rev0	24665.113186_240906_Lloyds Pastoral_Other Change Briefing Note_Rev0.pdf	1	3 Nov emb er 202 4
GE27-E Advice to applicant or third-party - SARA fees to be paid	GE27-E Advice to applicant or third-party - SARA fees to be paid	1	3 Nov emb er 202 4
Application summary report 2410-42724.xml	Application summary report 2410-42724 SRA.xml	1	4 Nov emb er 202 4
Application summary report 2410-42724.json	Application summary report 2410-42724 SRA.json	1	4 Nov emb er 202 4

Email subject :
2410-42724 SRA - request for technical assessment (initial notification)

Email body :
SARA role: referral agency

The State Assessment and Referral Agency received a development application on 4 October 2024 for the premises described below:

Lot and plan	Adjacent or adjoining	Address	Local government area
16RG26	No	Kogan Condamine Road, Crossroads	Western Downs Regional Council

The applicant has identified the following triggers for the application:

Referral agency triggers for SARA role

Trigger	Description	Technical agency	Fast track?
10.19.1.3.1.1	Development application for operational work that is assessable development under section 29, unless the chief executive is the prescribed assessment manager for the application	DRDMW	N
10.9.4.1.1.1	Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if- (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold- (i) for development in local government area 1-stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2-stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1-the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area. However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.	DTMR	N
10.9.4.2.5.1	Development application for operational work, if- (a) all or part of the premises are within 25m of a State transport corridor; and (b) the work- (i) relates to access to a State transport corridor; or (ii) involves extracting, excavating or filling more than 50m ³ ; or (iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm ² , to a State transport corridor; and (c) the work does not relate to- (i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or (ii) reconfiguring a lot stated in table 1, item 1, column 2 or table 3, item 1, column 2; or (iii) government supported transport infrastructure	DTMR	N

This application has been assigned to the department's Darling Downs South West regional office and is in the process of being validated to confirm all application requirements are met.

Once validated, we will send an email confirming the triggers for your agency to assess (marked as NO in the fast track column) and relevant due dates. You will then be able to access the technical agency assessment response template in the Manage documents section of MyDAS2 from the application dashboard (reference [2410-42724 SRA](#)).

For more information, please contact the Darling Downs South West regional office on 0746167307 or via email ToowoombaSARA@dildgp.qld.gov.au.

This is a system-generated message. Do not respond to this email.

GE1-E

Email subject :
2410-42724 SRA — Request TA assessment (confirmation)

Email body :
SARA role: referral agency

Lot and plan	Adjacent or adjoining	Address	Local government area
16RG26	No	Kogan Condamine Road, Crossroads	Western Downs Regional Council

The State Assessment and Referral Agency previously forwarded your agency a request for technical assessment of this application on 4 October 2024.

The department has now validated the application and confirms it is properly referred. Please provide a technical assessment of this application for relevant triggers listed below (noting that SARA will assess triggers marked Y in the 'Fast track?' column):

Referral agency triggers for SARA role

Trigger	Description	Technical agency	Fast track?
10.19.1.3.1.1	Development application for operational work that is assessable development under section 29, unless the chief executive is the prescribed assessment manager for the application	DRDMW	N
10.9.4.2.5.1	Development application for operational work, if- (a) all or part of the premises are within 25m of a State transport corridor; and (b) the work- (i) relates to access to a State transport corridor; or (ii) involves extracting, excavating or filling more than 50m3; or (iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm2, to a State transport corridor; and (c) the work does not relate to- (i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or (ii) reconfiguring a lot stated in table 1, item 1, column 2 or table 3, item 1, column 2; or (iii) government supported transport infrastructure	DTMR	N

Please note that triggers may have changed during the validation process.

Due dates

If required, please provide your agency's request for further information by 23 October 2024. Alternatively please provide your agency's technical assessment response by 7 November 2024.

The technical agency assessment response template is now available for download from the *Manage Documents* section of the application dashboard (reference [2410-42724 SRA](#)) in MyDAS2.

The application has been assigned to the department's Darling Downs South West regional office. For more information, please contact Danica Clark, Senior Planner, on 46167305 or via email ToowoombaSARA@dsdilgp.qld.gov.au.

This is a system-generated message. Do not respond to this email.

GE3-E



Email subject :
2410-42724 SRA — TA assessment requested (information response received)

Email body :
SARA role: referral agency

On 27 February 2025, the applicant provided a response to the State Assessment and Referral Agency's information request for [2410-42724 SRA](#).

The development application is for the following premises:

Lot and plan	Adjacent or adjoining	Address	Local government area
16RG26	No	Kogan Condamine Road, Crossroads	Western Downs Regional Council

If the information request included matters within your agency's jurisdiction, please provide your technical assessment to the department by 14 March 2025.

If you have already provided your technical assessment, please review the information provided by the applicant and advise the department, as soon as possible, if an amendment to your response is required.

Please contact Danica Clark, Senior Planner on 46167305 or via email ToowoombaSARA@dsdilgp.qld.gov.au if you have any queries.

This is a system-generated message. Do not respond to this email.

GE17-E



Email subject :

2410-42724 SRA — Notice to pay for SARA application

Email body :

Access this [notice to pay](#) link to progress payment of the assessment fees for application [2410-42724 SRA](#) over the following premises:

Lot and plan	Adjacent or adjoining	Address	Local government area
16RG26	No	Kogan Condamine Road, Crossroads	Western Downs Regional Council

Once you have made payment, your application will only be submitted to the State Assessment and Referral Agency when the first of the following occurs:

- you complete the 'confirm payment' task for this application in MyDAS2; or
- the department receives confirmation of the payment directly from your financial institution (this process may take several days).

If another person is progressing this application for you in MyDAS2, please ensure you provide the payment reference to them so they can complete the lodgement of this application.

Please contact the department if you have any queries. Regional office contact details are available on the department's [website](#).

This is a system-generated message. Do not respond to this email.

GE27-E



Email subject :

2410-42724 SRA — Information response uploaded to MyDAS2

Email body :

The State Assessment and Referral Agency received your information response on 27 February 2025. The response has been uploaded into MyDAS2 for your development application [2410-42724 SRA](#).

Please contact Danica Clark, Senior Planner, on 46167305 or via email ToowoombaSARA@dsdilgp.qld.gov.au if you have any queries.

This is a system-generated message. Do not respond to this email.

GE32-E



Email subject :

2410-42724 SRA — Refund of development application fees

Email body :

In relation to the State Assessment and Referral Agency's previous correspondence for application [2410-42724 SRA](#), the department will refund the amount of \$3,636.00. The refund is due to an overpayment of application fees.

However, before the refund can be actioned, you must complete the 'Provide account details' task in MyDAS2.

Please contact Danica Clark, Senior Planner on 46167305 or via email ToowoombaSARA@dsdilgp.qld.gov.au if you have any queries.

This is a system-generated message. Do not respond to this email.

GE44-E



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.

State Assessment and Referral Agency

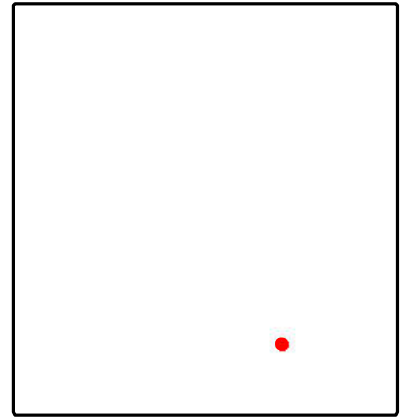
Date: 04/10/2024



Queensland Government

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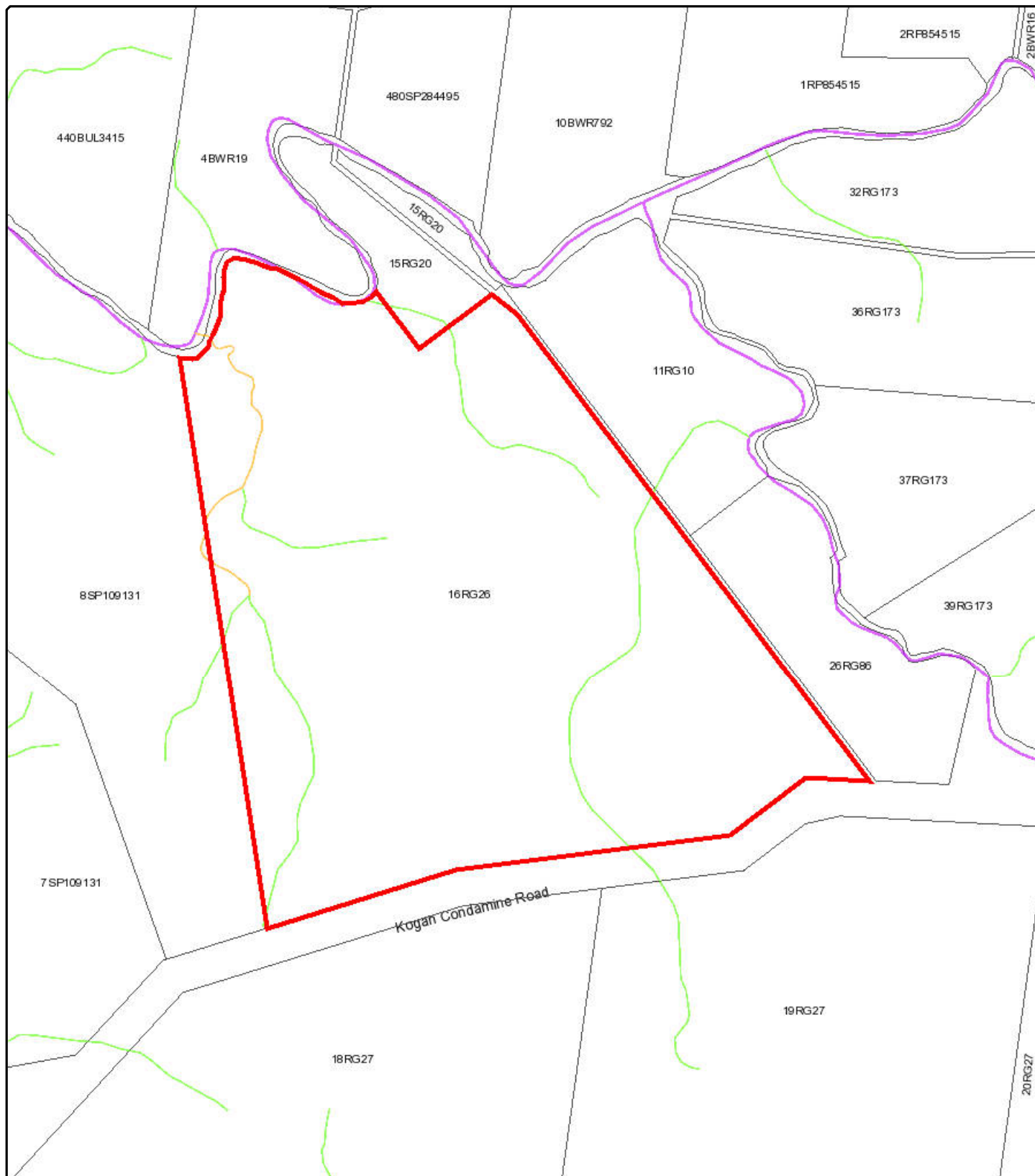
Matters of Interest for all selected Lot Plans

Queensland waterways for waterway barrier works
Regulated vegetation management map (Category A and B extract)
Water resource planning area boundaries
Great artesian water resource plan area
Area within 25m of a State-controlled road
State-controlled road

Matters of Interest by Lot Plan

Lot Plan: 16RG26 (Area: 8,263,680 m²)

Queensland waterways for waterway barrier works
Regulated vegetation management map (Category A and B extract)
Water resource planning area boundaries
Great artesian water resource plan area
Area within 25m of a State-controlled road
State-controlled road



State Assessment and Referral Agency

Date: 04/10/2024



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Legend

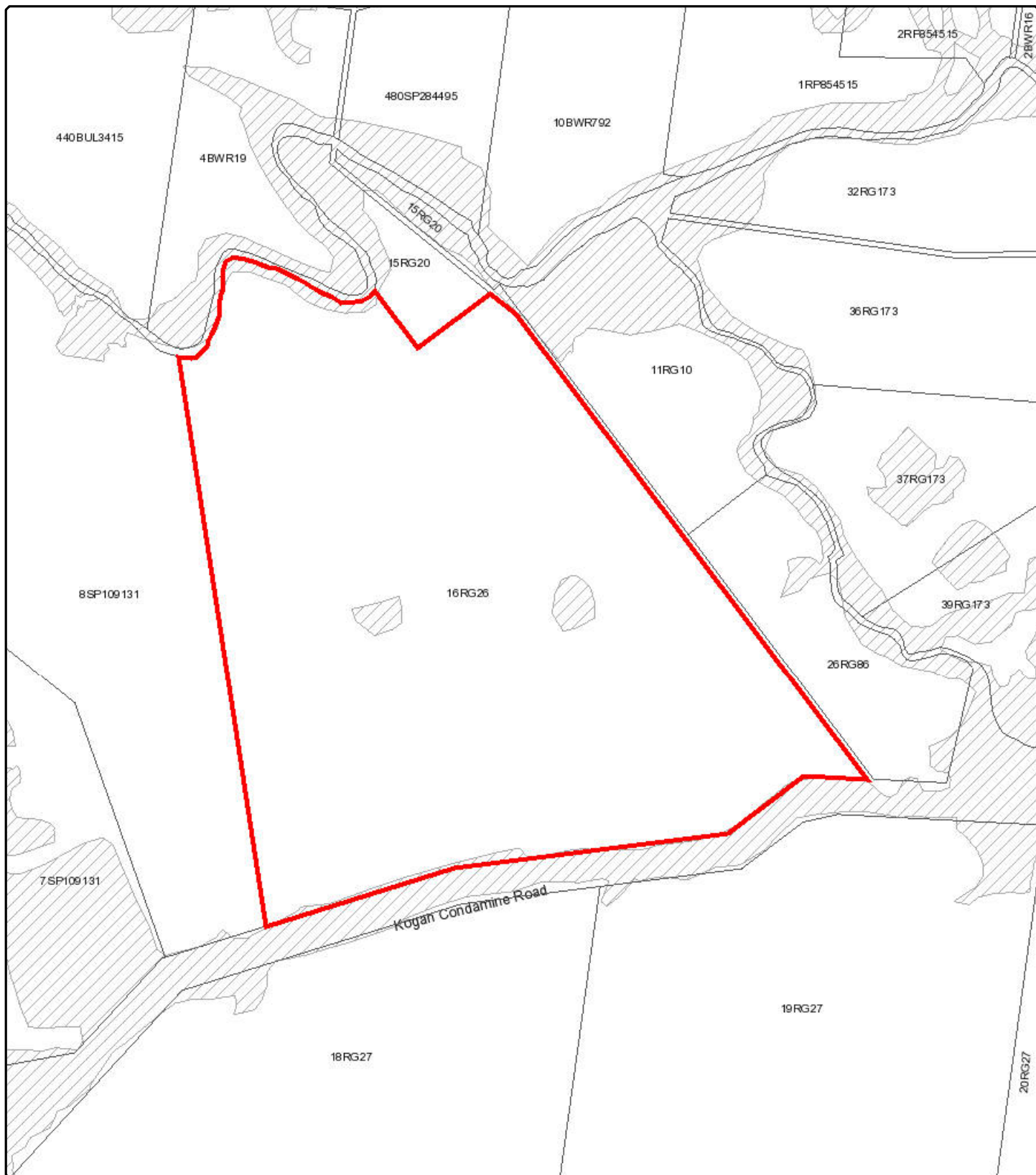
Queensland waterways for waterway barrier works

- Low
- Moderate
- High
- Major
- Major (tidal)

0 580 1,160 1,740 2,320
Metres

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State Assessment and Referral Agency

Date: 04/10/2024





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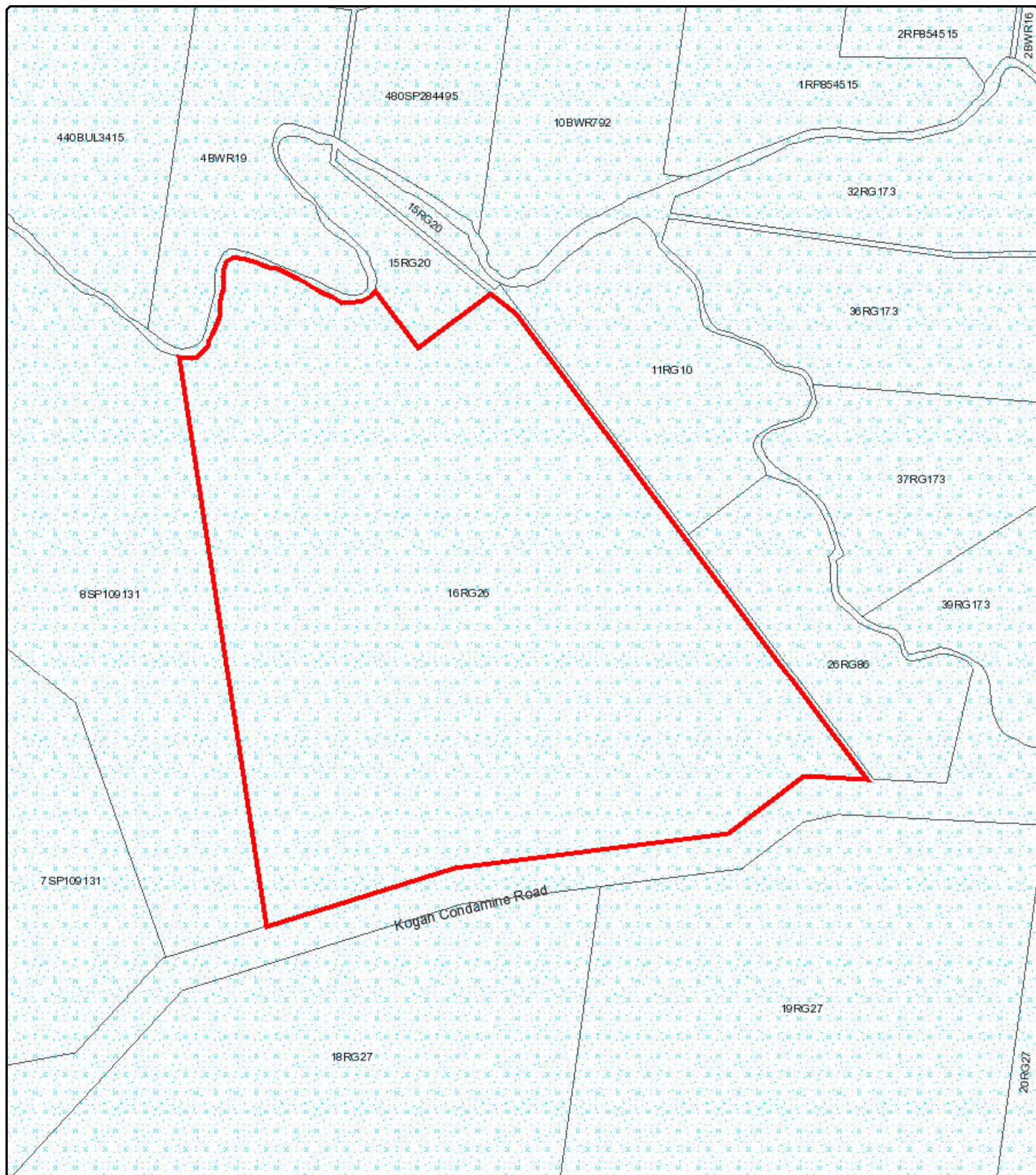
Regulated vegetation management map
(Category A and B extract)

-  Category A on the regulated vegetation management map
-  Category B on the regulated vegetation management map

0 580 1,160 1,740 2,320
Metres

Disclaimer:

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State Assessment and Referral Agency

Date: 04/10/2024



Queensland Government

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Legend

Water resource planning area boundaries

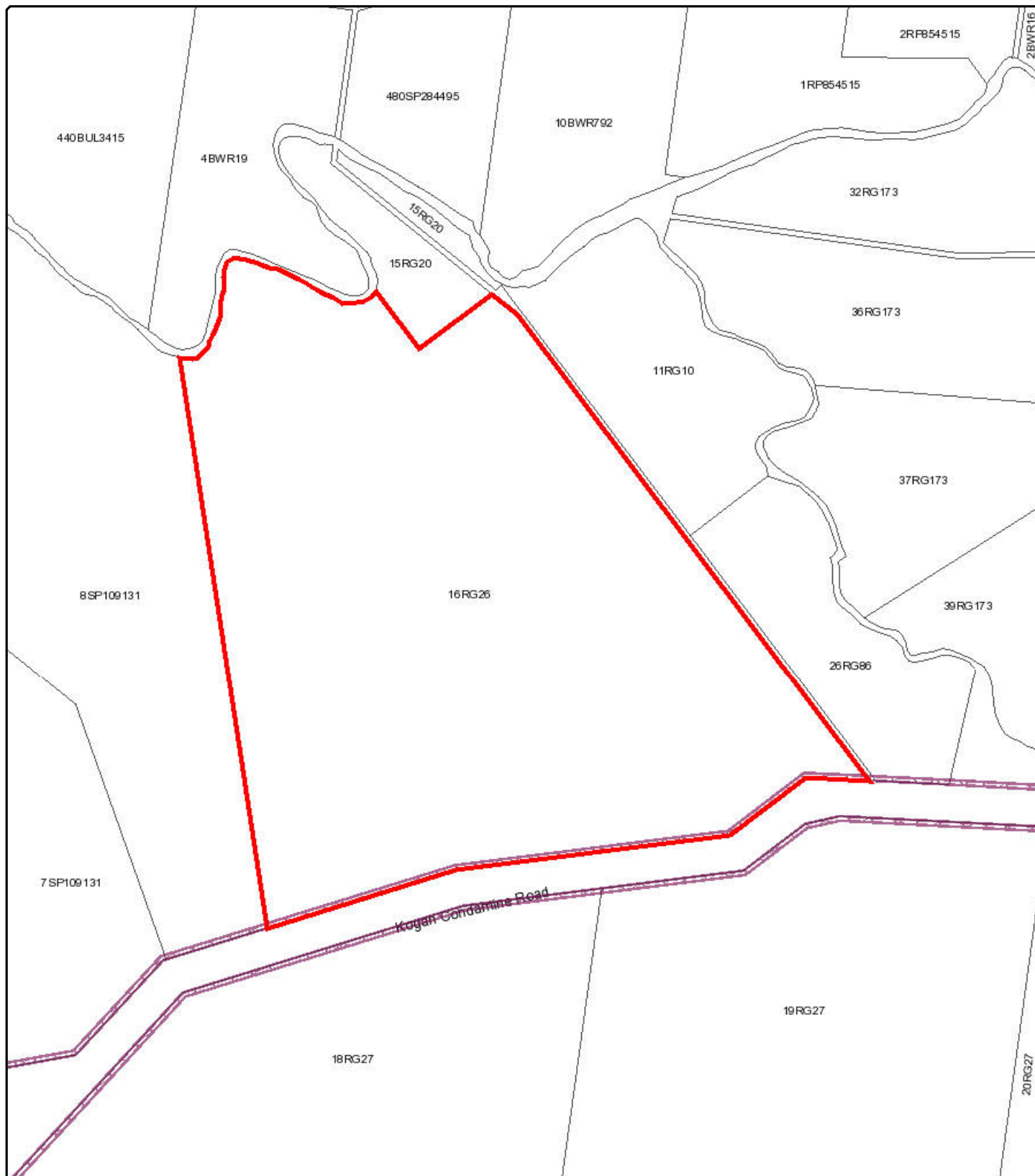


Water resource planning area boundaries

0 580 1,160 1,740 2,320
Metres

Disclaimer:

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State Assessment and Referral Agency

Date: 04/10/2024



Queensland Government

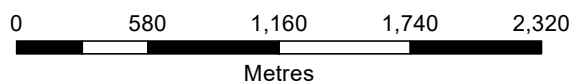
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Legend

Area within 25m of a State-controlled road

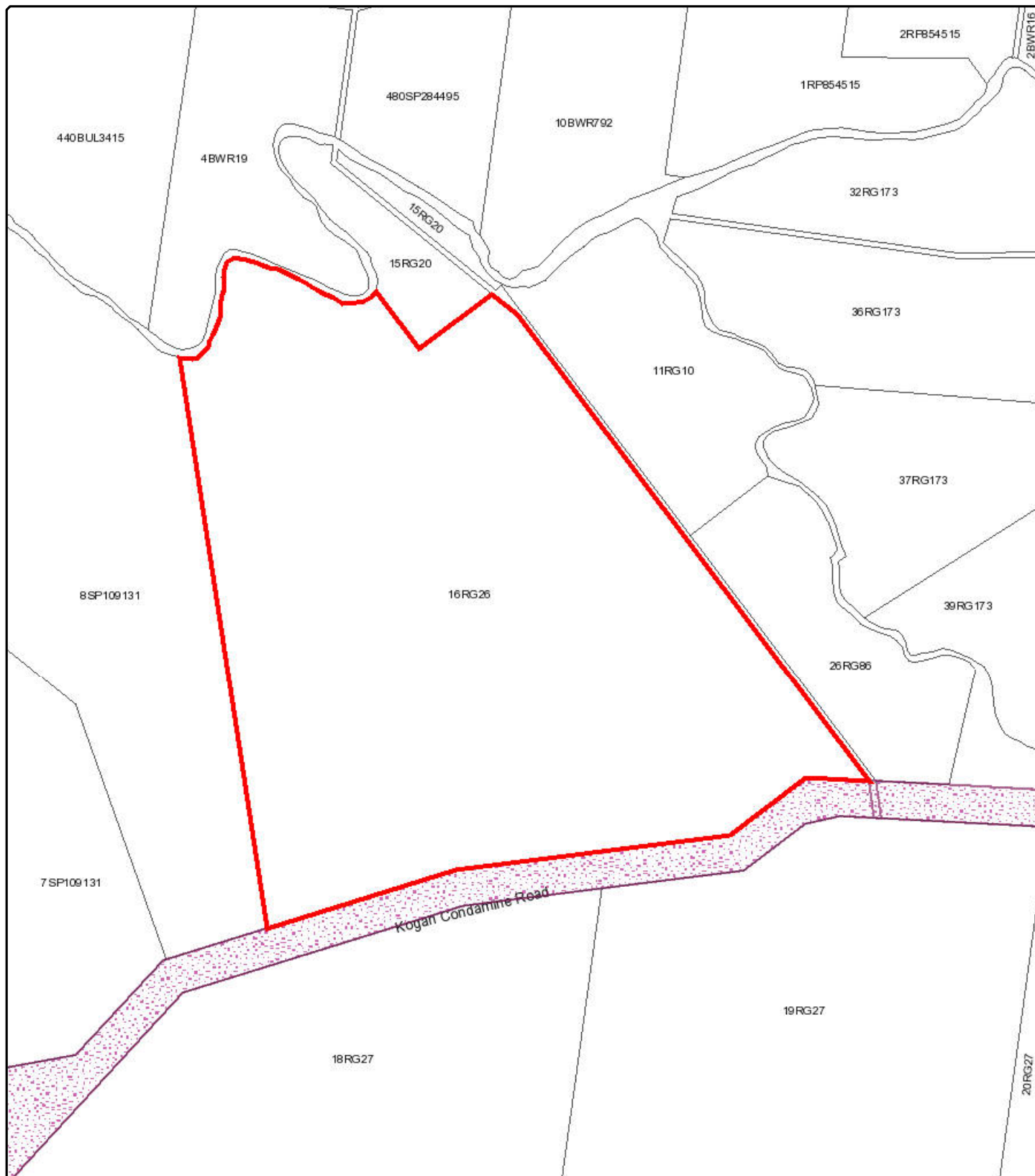


Area within 25m of a State-controlled road



Disclaimer:

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State Assessment and Referral Agency

Date: 04/10/2024



Queensland Government

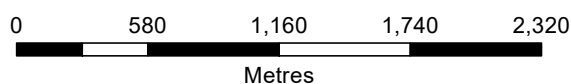
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Legend

State-controlled road



State-controlled road



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Email subject :

MyDAS2 notification — 2410-42724 SRA

Email body :

Your referral (reference [2410-42724 SRA](#)) has been successfully delivered to the State Assessment and Referral Agency.

For this application to be accepted as properly referred, the department must first validate your application to confirm all application requirements are met. An officer from the department will provide correspondence to you shortly about the outcome of this validation process.

Please contact the department's Darling Downs South West regional office on 0746167307 or via email ToowoombaSARA@dsdilgp.qld.gov.au if you have any questions.

This is a system-generated message. Do not respond to this email.

RA1-E





Information request response—2410-42724 SRA

Copy of applicant response to the State Assessment and Referral Agency

Details of the information request response

Date of response	Response
27 February 2025	I am providing all the information requested

Interested parties

Name	Application responsibility
Western Downs Regional Council	Assessment manager
SARA	Referral agency

Development details

Nature of development	Approval type	Category of assessment
Operational work	Development permit	Code assessment
Description of proposal: Other Change to an existing Development Approval for Operational Work (Ring Tank)		

Location details

Lot and plan	Adjacent or adjoining	Address	Local government area
16RG26	No	Kogan Condamine Road, Crossroads	Western Downs Regional Council



SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001

25 October 2024

Lloyd Pastoral Company Pty Ltd
C/- EnviroAg Australia Pty Ltd
PO BOX 411
TOOWOOMBA QLD 4350
[Personal information] enviroag.net.au

Attention:

[Personal information]

Dear

[Personal information]

SARA information request - Kogan Condamine Road, Crossroads

(Given under section 12 of the Development Assessment Rules)

This notice has been issued because the State Assessment and Referral Agency (SARA) has identified that information necessary to assess your application against the relevant provisions of the State Development Assessment Provisions (SDAP) has not been provided.

State code 10: Taking or interfering with water

1.	<p>Issue:</p> <p>Section 3.3 of the submitted Technical Briefing Note (referenced 24665.113186) details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. The proposed ring tank should therefore only take water from the Condamine River and omit all other overland flow. The submitted Process Flow Diagram (Dwg No. 24598.CDAD.103 Rev A) shows the ring tank can store water from the three (3) contaminated agricultural runoff (CAR) dams.</p> <p>Based on the submitted material, it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the <i>Water Act 2000</i>) is to be stored in the ring tank.</p> <p>Note: Development Approval reference 1811-8340 SDA did not authorise the ring tank for CAR water use. This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval, and as conditioned on the approval.</p>
----	--

	<p><u>Action:</u></p> <ul style="list-style-type: none"> (a) Provide further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water. (b) Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, the applicant must demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). (c) Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this.
--	---

How to respond

You have three months to respond to this request and the due date to SARA is 3 February 2025.

You may respond by providing either: (a) all of the information requested; (b) part of the information requested; or (c) a notice that none of the information will be provided. Further guidance on responding to an information request is provided in section 13 of the [Development Assessment Rules](#) (DA Rules).

It is recommended that you provide all the information requested above. If you decide not to provide all the information requested, your application will be assessed and decided based on the information provided to date.

You are requested to upload your response and complete the relevant tasks in [MyDAS2](#).

As SARA is a referral agency for this application, a copy of this information request will be provided to the assessment manager in accordance with section 12.4 of the DA Rules.

If you require further information or have any questions about the above, please contact Danica Clark, Senior Planner, on 3307 6175 or via email ToowoombaSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Personal information

Paul Gleeson
A/Manager

cc Western Downs Regional Council, info@wdrc.qld.gov.au

Development details	
Description:	Development permit Operational work for Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role:	Referral agency
SARA trigger:	<ul style="list-style-type: none"> Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
SARA reference:	2410-42724 SRA
Assessment criteria:	State code 10; Taking or interfering with water



Our reference: 2410-42724 SRA
Your reference: 24665

14 October 2024

Lloyd Pastoral Company Pty Ltd
C/- EnviroAg Australia Pty Ltd
PO BOX 411
TOOWOOMBA QLD 4350
[Personal information]@enviroag.net.au

Attention: [Personal information]

Dear [Personal information]

Referral confirmation notice

(Given under section 7 of the Development Assessment Rules)

The development application described below is taken to be properly referred to the State Assessment and Referral Agency (SARA) under Part 2: Referral of the Development Assessment Rules.

Location details

Street address:	Kogan Condamine Road, Crossroads
Real property description:	Lot 16 on RG26
Local government area:	Western Downs Regional Council

Application details

Development permit	Other Change to an existing Development Approval for Operational Work (Ring Tank)
--------------------	---

The referral confirmation period ended on 14 October 2024. SARA's assessment will be under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 Operational work that is taking or interfering with water
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 Operational work on premises near a state transport corridor

For further information please contact Danica Clark, Senior Planner, on 3307 6175 or via email ToowoombaSARA@dildgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Personal information

Paul Gleeson
A/Manager

cc Western Downs Regional Council, info@wdrc.qld.gov.au



Our reference: 2410-42724 SRA
Your reference: 24665

3 February 2025

Lloyd Pastoral Company Pty Ltd
C/- EnviroAg Australia Pty Ltd
PO BOX 411
TOOWOOMBA QLD 4350
[Personal information]@enviroag.net.au

Attention:

[Personal information]

Dear

[Personal information]

Response to request to extend the information response period

(Related to section 33 of the Development Assessment Rules)

The State Assessment and Referral Agency (SARA) received your request to extend the information response period on 3 February 2025 for your development application described below.

Location details

Street address:	Kogan Condamine Road, Crossroads
Real property description:	Lot 16 on RG26
Local government area:	Western Downs Regional Council

Application details

Development permit	Other Change to an existing Development Approval for Operational Work (Ring Tank)
--------------------	---

SARA agrees to extend the information response period until 3 March 2025.

For further information please contact Danica Clark, Senior Planner, on 3307 6175 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Personal information

A rectangular box with a thin black border, intended for a signature. The text 'Personal information' is written in red at the top left corner of the box.

Rodney O'Brien
Principal Planning Officer

cc Western Downs Regional Council, info@wdrc.qld.gov.au

Our Reference: 24665.114466
Your Reference: 2410-42724 SRA
DTV: 1.1



25th February 2025

Ms Danica Clark
Senior Planning Officer: Planning Services
Planning Group
Department of Housing, Local Government, Planning and Public
Works
PO Box 825
Toowoomba, QLD 4350

PO Box 411
TOOWOOMBA QLD 4350
Telephone: (07) 4638 2228
Free Call: 1800 445 389
info@enviroag.net.au
www.enviroag.net.au
ABN: 56 135 005 999

toowoombasara@dsdilgp.qld.gov.au;
danica.clark@dilgp.qld.gov.au

Dear Ms Clark

Re: Response to RFI – LPC – Ring Tank - Kogan Condamine Road, Crossroads

We write to provide response to a *SARA information request - Kogan Condamine Road, Crossroads* issued on the 25th October 2024 (Attachment 1). The request is in relation to SARA application 2410-42724 SRA and Western Downs Regional Council (WDRC) application 050.2024.510.001.

The issues raised in the information request are presented below:

Issue:

Section 3.3 of the submitted Technical Briefing Note (referenced 24665.113186) details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. The proposed ring tank should therefore only take water from the Condamine River and omit all other overland flow. The submitted Process Flow Diagram (Dwg No. 24598.CDAD.103 Rev A) shows the ring tank can store water from the three (3) contaminated agricultural runoff (CAR) dams.

Based on the submitted material, it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the Water Act 2000) is to be stored in the ring tank.

Note: Development Approval reference 1811-8340 SDA did not authorise the ring tank for CAR water use. This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval, and as conditioned on the approval.

Subsequent to the issuing of the information request the Department of Primary Industries has reviewed and amended the Environmental Authority (EA) for the site. The current ERA 2 (2022-1) issued on the 7th February 2025 (see Attachment 2) clearly defines the feedlot controlled drainage area and associated facilities per:

- 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia, Revision B, 22 November 2024
- Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024

The responses to the SARA actions provided below are presented in consideration of the amended ERA 2.

Actions:

(a) Provide further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water.

- The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation.
- The storage may also be used as a “balancing storage” to shandy disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas.
- The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same.

(b) Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, the applicant must demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm).

- The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water.
- No CAR water is captured or used on this site.
- Per the ERA 2 (2022-1) **terminal ponds** capture and hold the initial and possibly heavily polluted runoff from a storm event (polluted WUDA tail waters) , as well as the direct **tailwater** generated by excess effluent irrigation. The ERA 2 dictates that this captured polluted water is to be reused on the waste utilisation and disposal areas to prevent pollution of nearby waterways.

(c) Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this.

- Refer to the previous two action responses for the intended function and use of the ring tank.
- The ERA 2 (2022-1) includes a copy of the approved Process Flow Diagram (PFD) for this site. This approved PFD should be considered the most current and correct.

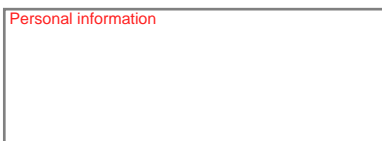
It is also stated in the SARA Information Request that;

“it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the Water Act 2000) is to be stored in the ring tank”.

To clarify, no overland flow waters or CAR waters will be stored by the ring tank / balancing storage or indeed on the site. As outlined by the EA, only environmental water will be captured. The terminal ponds will only capture excess effluent irrigation tail waters from waste utilisation-disposal areas (WUDA’s) and the initial (25 mm) and possibly heavily polluted runoff from a storm event from the WUDA’s. The ring tank / balancing storage will store licenced take from the Condamine River and may be used as a “balancing storage” to mix (shandy) the tailwaters with clean water prior to reuse on disposal areas.

Yours sincerely,

Personal information



Senior Environmental Scientist
EnviroAg Australia Pty Limited

Attachment 1 – SARA RFI – 25/010/2024



SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001

25 October 2024

Lloyd Pastoral Company Pty Ltd
C/- EnviroAg Australia Pty Ltd
PO BOX 411
TOOWOOMBA QLD 4350
[Personal information] enviroag.net.au

Attention:

[Personal information]

Dear

[Personal information]

SARA information request - Kogan Condamine Road, Crossroads

(Given under section 12 of the Development Assessment Rules)

This notice has been issued because the State Assessment and Referral Agency (SARA) has identified that information necessary to assess your application against the relevant provisions of the State Development Assessment Provisions (SDAP) has not been provided.

State code 10: Taking or interfering with water

1.	<p>Issue:</p> <p>Section 3.3 of the submitted Technical Briefing Note (referenced 24665.113186) details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. The proposed ring tank should therefore only take water from the Condamine River and omit all other overland flow. The submitted Process Flow Diagram (Dwg No. 24598.CDAD.103 Rev A) shows the ring tank can store water from the three (3) contaminated agricultural runoff (CAR) dams.</p> <p>Based on the submitted material, it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the <i>Water Act 2000</i>) is to be stored in the ring tank.</p> <p>Note: Development Approval reference 1811-8340 SDA did not authorise the ring tank for CAR water use. This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval, and as conditioned on the approval.</p>
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	<p><u>Action:</u></p> <ul style="list-style-type: none"> (a) Provide further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water. (b) Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, the applicant must demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). (c) Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this.
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How to respond

You have three months to respond to this request and the due date to SARA is 3 February 2025.

You may respond by providing either: (a) all of the information requested; (b) part of the information requested; or (c) a notice that none of the information will be provided. Further guidance on responding to an information request is provided in section 13 of the [Development Assessment Rules](#) (DA Rules).

It is recommended that you provide all the information requested above. If you decide not to provide all the information requested, your application will be assessed and decided based on the information provided to date.

You are requested to upload your response and complete the relevant tasks in [MyDAS2](#).

As SARA is a referral agency for this application, a copy of this information request will be provided to the assessment manager in accordance with section 12.4 of the DA Rules.

If you require further information or have any questions about the above, please contact Danica Clark, Senior Planner, on 3307 6175 or via email ToowoombaSARA@dsdipg.qld.gov.au who will be pleased to assist.

Yours sincerely

Personal information

Paul Gleeson
A/Manager

cc Western Downs Regional Council, info@wdrc.qld.gov.au

Development details	
Description:	Development permit Operational work for Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role:	Referral agency
SARA trigger:	<ul style="list-style-type: none"> Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
SARA reference:	2410-42724 SRA
Assessment criteria:	State code 10; Taking or interfering with water

Attachment 2 – ERA 2 (2022-1) – 07/02/2025

Permit

Environmental Protection Act 1994

Environmental Authority 2022-01

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

Environmental authority number: 2022-01

Environmental authority takes effect 7 February 2025

The anniversary date of this environmental authority is the same day each year as the effective date.

Environmental authority holder(s)

Name and Suitable Operator Reference		Registered address	
<div>Personal information</div>		<div>Personal information</div>	

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – b) more than 10,000	Lot 16 RG26; Lot 18 RG27; Lot 19 RG27; Lot 20 RG27. 3963 Kogan-Condamine Road Crossroads Queensland

Additional information for holders of environmental authorities

Environmentally relevant activities

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

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

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

Contaminated land

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

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

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

Personal information

Luke Boucher
Manager Environmental Regulation

7 February 2025

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Department of Primary Industries
Intensive Livestock Unit
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Department of Primary Industries

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)

Other permits required

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

Development Approval

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

Conditions of environmental authority

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

Agency interest: General	
Condition number	Condition
G1	Any breach of a condition of this environmental authority must be reported to the 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	<p>The activity must be undertaken in accordance with written procedures that:</p> <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.
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.
G8	<p>The feedlot controlled drainage areas and associated facilities must be constructed generally in accordance with the following plans:</p> <ol style="list-style-type: none"> 1. 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia, Revision B, 22 November 2024. 2. Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024.

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	<p>Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place:</p> <p>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</p> <p>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)</p>
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.
WT4	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This may include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event.
WT5	Terminal ponds must be designed, constructed and maintained in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the design permeability specification of Appendix C & G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition.

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
	L _{Aeq adj,T}	Noise measured at a commercial place					
		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

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	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
WS2	Any release or utilisation of waste products generated by the activity must not cause environmental harm.

Attachments

1. 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia Pty Limited, Revision B, 22 November 2024.
2. Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024.

Definitions

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

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

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

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

delegate of the administering authority means an officer of the Department of Primary Industries (DPI) 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—

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

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

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.

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

- f) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- g) a motel, hotel or hostel; or

- h) a kindergarten, school, university or other educational institution; or
- i) a medical centre or hospital; or
- j) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- k) a public thoroughfare, park or gardens; or
- l) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

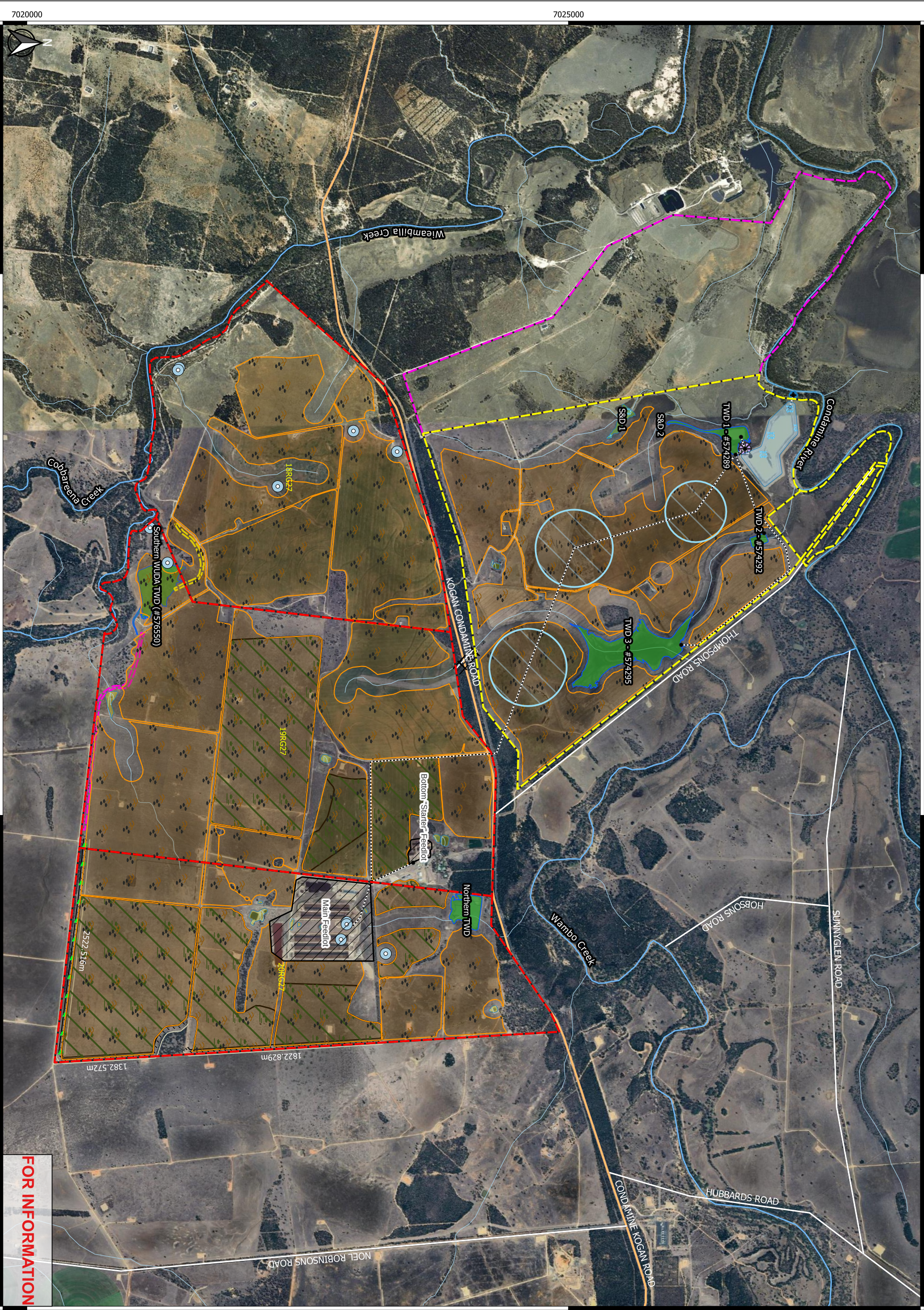
tailwater is runoff from an irrigation area which arises when irrigation water is applied in excess of the infiltration capacity of the soil.

terminal pond means a pond located at the end of an effluent irrigation area. It is intended to capture the initial and possibly heavily polluted runoff from a storm event. It is also intended to capture and hold **tailwater** generated by effluent irrigation systems.

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

you means the holder of the environmental authority.

END OF ENVIRONMENTAL AUTHORITY



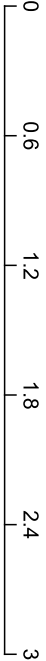
FOR INFORMATION

Legend:

- Site
 - Lot Boundaries
 - Wiamblia
 - Talinga
 - Turinga
- Infrastructure
 - Pending Change Application
 - Balancing Storage
 - Existing and Approved
 - Feedlot CDA
 - Bores
 - Minor Dams
 - S&D 1
 - S&D 2
 - Pipelines
 - Pumps
 - Manifold
 - Centre Pivots
 - Culvert
- Waste Utilisation Areas
 - WUDA (Manure)
 - WUDA (Effluent)
- Drains
 - East Drain
 - West Drain
 - Drain (Swale)
 - Drain (Bunding)
- Tailwater Dams
 - Northern WUDATWD
 - Southern WUDATWD
 - WUDA TWD 1
 - WUDA TWD 2
 - WUDA TWD 3
- Infrastructure
 - Culvert
 - Road Network
 - Secondary Roads
 - Street/Local
- Environment
 - Watercourse_lines - Western Downs
 - River
 - Creek
 - Unnamed
- Imagery
 - Google Satellite

Project:	24709 - Lloyd Pastoral Company
File:	24709 - Lloyd Pastoral Company.qgz
Software:	QGIS 3.34 - desktop (Windows)
Prepared By:	Pete Pearson

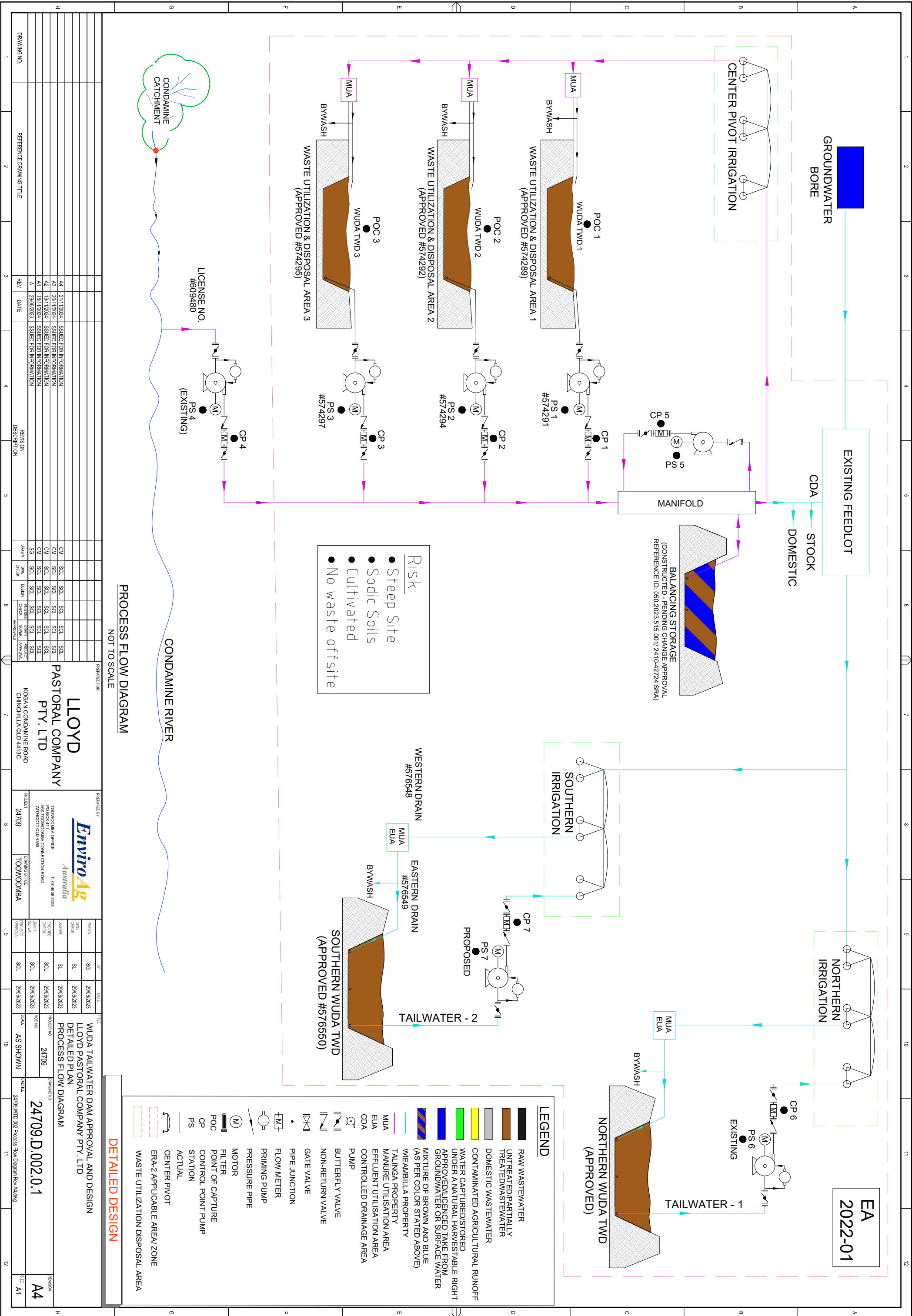
No.	Rev.	Date
-	B	22 November 2024



Scale 1:35,000

CRS:	EPSG:7856
Coordinate Units:	Meters
Scale:	1:35,000
Page Size:	420 x 297

Disclaimer: The information in this map has been provided in good faith. While all effort has been made to ensure the accuracy and completeness of the information and images, The data providers take no responsibility for any errors or omissions that may occur or losses or damage that may result from the use of this information.



From: [ToowoombaSARA](#)
To: [Danica Clark](#)
Subject: TMR24-043922 - Receipt of application for Kogan Condamine Road, Crossroads QLD 4413 (2410-42724 SRA)
Date: Tuesday, 15 October 2024 1:50:34 PM

FYI

From: eDAMdonotreply <donotreply@mail.edam.tmr.qld.gov.au>
Sent: Tuesday, 15 October 2024 11:01 AM
To: ToowoombaSARA <ToowoombaSARA@dsdilgp.qld.gov.au>
Subject: TMR24-043922 - Receipt of application for Kogan Condamine Road, Crossroads QLD 4413 (2410-42724 SRA)

TMR has received the application for 2410-42724 SRA at Kogan Condamine Road, Crossroads QLD 4413 (note that this address may not align with SARA records).

TMR wishes to advise the application has been assigned to Markus Dittmann, Town Planner for technical assessment.

If you would like to discuss this application, please contact Markus Dittmann by email at Downs.South.West.IDAS@tmr.qld.gov.au or on 4639 0739.

If this is a Fast Track application, please ignore this email.

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Regards,
eDAM System | Department of Transport and Main Roads

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Opinions contained in this email do not necessarily reflect the opinions of the Department

of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

From: [ToowoombaSARA](#)
To: [Danica Clark](#)
Subject: TMR24-043922 - TMR No Information Request required for Kogan Condamine Road, Crossroads QLD 4413 (Reference Numbers: 2410-42724 SRA)
Date: Tuesday, 22 October 2024 12:52:37 PM

FYI

From: eDAMdonotreply <donotreply@mail.edam.tmr.qld.gov.au>
Sent: Tuesday, 22 October 2024 12:00 PM
To: ToowoombaSARA <ToowoombaSARA@dsdilgp.qld.gov.au>
Cc: markus.s.dittmann@tmr.qld.gov.au
Subject: TMR24-043922 - TMR No Information Request required for Kogan Condamine Road, Crossroads QLD 4413 (Reference Numbers: 2410-42724 SRA)

Our Reference: TMR24-043922

Application street address: Kogan Condamine Road, Crossroads QLD 4413

Reference is made to the State Assessment Referral Agency (SARA) email to the Department of Transport and Main Roads (TMR) dated 15 October 2024 for the above development application.

For the purpose of Item RA-3 of the Service Level Agreement between TMR and SARA, TMR wishes to advise SARA that our agency does not need further information to finalise our assessment of the application. Although no formal information request is recommended, TMR may recommend SARA to issue a further advice notice about the application. If relevant, TMR aims to provide its recommendation for further advice to SARA within SLA timeframes.

If no further advice is required, TMR will continue to assess the application and provide its detailed technical agency advice to SARA within SLA timeframes or by no later than 7 Nov 2024. Should you have any further enquiries about the status of TMR's assessment, please contact Markus Dittmann at markus.s.dittmann@tmr.qld.gov.au.

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Regards,

eDAM System | Department of Transport and Main Roads

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From: ToowoombaSARA <ToowoombaSARA@dsdipg.qld.gov.au>
Sent: Monday, 21 October 2024 3:12 PM
To: Danica Clark <Danica.Clark@dsdipg.qld.gov.au>
Subject: FW: 2410-42724 SRA - Ring Tank Lloyd Pastoral Company

Hi Danica,

FYA below - 2410-42724 SRA

Zinny

From: WaterServices Toowoomba <WaterServices.Toowoomba@rdmw.qld.gov.au>
Sent: Monday, 21 October 2024 2:54 PM
To: ToowoombaSARA <ToowoombaSARA@dsdipg.qld.gov.au>
Subject: FW: 2410-42724 SRA - Ring Tank Lloyd Pastoral Company

OFFICIAL

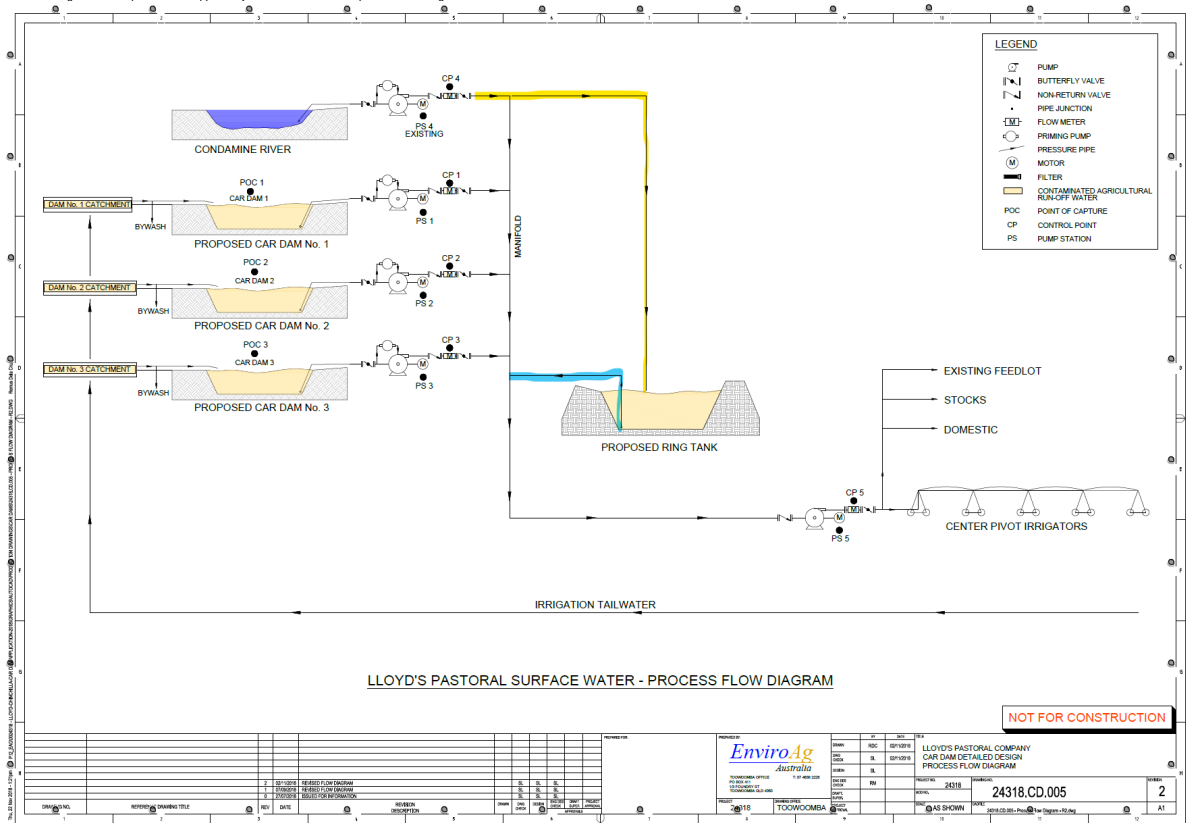
Good afternoon,
In regard to 2410-42724 SRA, the Technical briefing note (24665.113186.0) provided does not address the Department's concerns previously raised through TA Assessment response for 2404-40188.

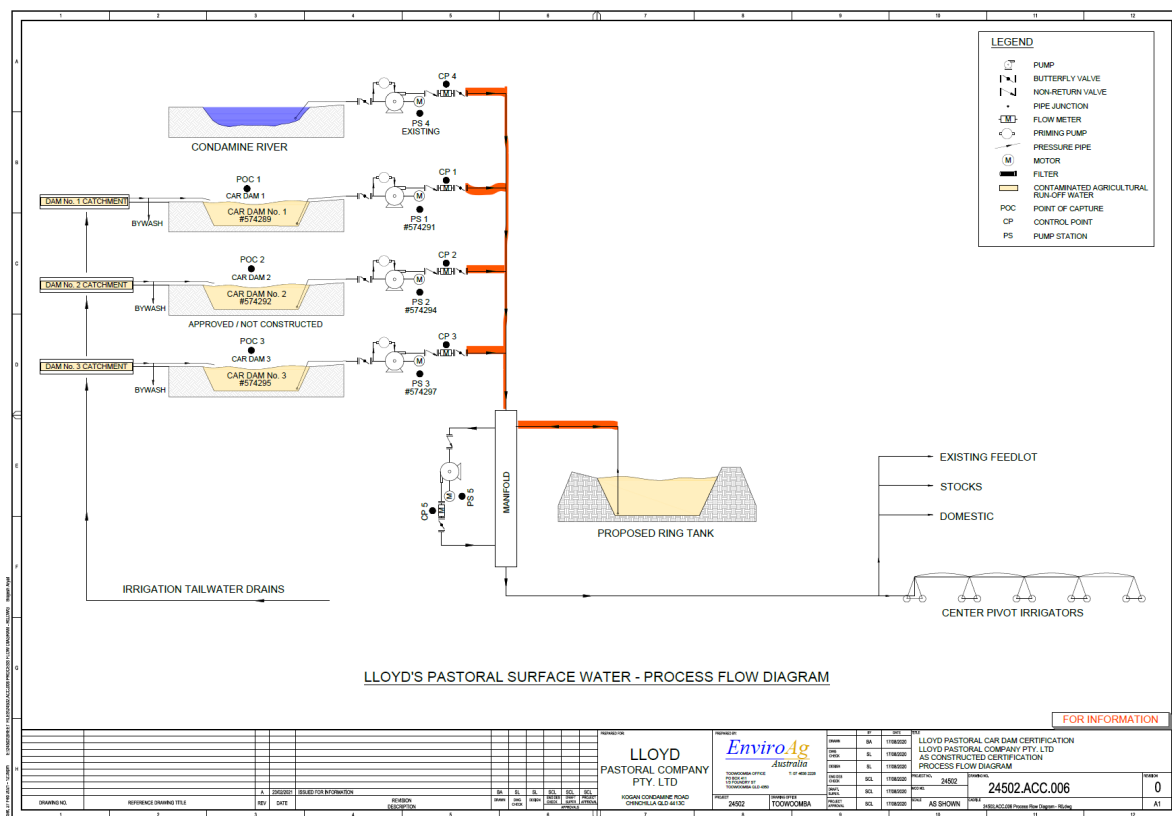
It is acknowledged that section 3.3 of the Briefing note details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. As previously raised in assessment advice 2404-40188:

While the client has specified that there will be no change to the proposed use of the ring tank or changes to the linkage between the ring tank and existing CAR approvals, there is still an issue that the proposed ring tank was never approved to be able to store CAR water under Development Approval 1811-8340 SDA.

Section 3.2 of the briefing note states that the manifold has been "on plan" since 2019 with approval under 1811-8340. As per the previous advice provided for 2404-40188:
Development Approval reference 1811-8340 SDA never authorised the ring tank for CAR water use. The TAR for this approval states that "Water stored in the proposed CAR dams will not be transferred to the proposed ring tank. Water will be delivered directly to the proposed irrigation centre pivots covering 150 ha." This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval.

As previously advised the pre-construction drawing (24318.CD.005 supplied on cert report 24318.97226 dated 10/01/2019) and post construction drawing (24502.ACC.006 supplied on cert report 24502.105206 dated 07/04/2021) differed significantly regarding the manifold setup. The originally approved drawing 24318.CD.005 clearly demonstrates only river water captured in the ring tank. As apposed to the post construction drawing 24502.ACC.006 which shows the river and CAR dam water manifolded together which presents the opportunity for CAR water to be captured in the Ring tank.





Item 3 of our Pre-lodgement advice noted that more information needed to be supplied regarding the use and purpose of the ring tank and how this works with the manifold including whether the ring tank is capable of storing CAR water.

Confirmation is still required to ensure that no form of overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the *Water Act 2000*) is to be stored in the ring tank. This confirmation is required to be provided in the form of a schematic which clearly identifies the separation of the CAR and river water. The application cannot be accepted until such time as this information is provided.

Regards,



Carly Nielsen
Senior Water Officer
Water Services | South Region
 Department of Regional Development, Manufacturing and Water

P: 45 291 255
E: Waterservices.Toowoomba@rdmw.qld.gov.au
A: 203 Tor Street, Toowoomba (Visits via appointment only)
M: PO Box 318, TOOWOOMBA QLD 4350
W: www.rdmw.qld.gov.au

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From: [ToowoombaSARA](#)
To: [Danica Clark](#)
Subject: TMR24-043922 - TMR correspondence for Kogan Condamine Road, Crossroads QLD 4413 (Reference Numbers 2410-42724 SRA; 050.2024.510.001; 24665)
Date: Tuesday, 22 October 2024 12:54:56 PM
Attachments: [DA - Recommend No Requirements_1.docx](#)
[DA - Recommend No Requirements_1.pdf](#)

For your action

From: eDAMdonotreply <donotreply@mail.edam.tmr.qld.gov.au>
Sent: Tuesday, 22 October 2024 12:01 PM
To: ToowoombaSARA <ToowoombaSARA@dsdilgp.qld.gov.au>
Cc: markus.s.dittmann@tmr.qld.gov.au; Scott.A.McDonald@tmr.qld.gov.au;
Downs.South.West.IDAS@tmr.qld.gov.au
Subject: TMR24-043922 - TMR correspondence for Kogan Condamine Road, Crossroads QLD 4413 (Reference Numbers 2410-42724 SRA; 050.2024.510.001; 24665)

Our Reference: TMR24-043922
Application Street Address: [Kogan Condamine Road, Crossroads QLD 4413](#)

Please see the attached [[DA - Recommend No Requirements_1.pdf](#)] from the Department of Transport and Main Roads.

PLEASE DO NOT REPLY TO THIS EMAIL AS THE MAILBOX IS NOT MONITORED

If you require any further information or clarification, please contact Toowoomba TMR Region on (07) 4639 0777, or via email Downs.South.West.IDAS@tmr.qld.gov.au who will be able to assist.

Regards,
eDAM System | Department of Transport and Main Roads

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Development Application Recommendation: No Requirements

SARA reference: 2410-42724 SRA
 SARA role Referral Agency
 SARA regional office: SARA Darling Downs South West
 SARA email: ToowoombaSARA@dsdilgp.qld.gov.au
 TMR reference: TMR24-043922
 TMR contact name: Markus Dittmann
 TMR contact details: 4639 0739

1.0 Application details

Street address: Kogan Condamine Road, Crossroads QLD 4413
 Real property description: 16RG26
 Local government area: Western Downs Regional Council
 Applicant name: Lloyd Pastoral Company Pty Ltd c/- EnvironAg Australia Pty Ltd
 Applicant contact details: 2963 Kogan Condamine Road
 Chinchilla QLD 4413
 Personal information enviroag.net.au

2.0 Aspects of development and type of approval being sought

Aspect_Of_Development	Type_Of_Approval	Description
Operational Works	Development Permit	Other Change to an Existing Development Approval - Ring Tank

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the *Planning Regulation 2017*:

Trigger Mode	Trigger Number	Trigger Description
State-Controlled Roads	10.9.4.2.5.1	Development application for operational work, if - (a) all or part of the premises are within 25m of a State transport corridor; and (b) the work - (i) relates to access to a State transport corridor; or (ii) involves extracting, excavating or filling more than 50m ³ ; or (iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm ² , to a State transport corridor; and (c) the work does not relate to - (i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or (ii) reconfiguring a lot stated in table 1, item 1,

		column 2 or table 3, item 1, column 2; or (iii) government supported transport infrastructure
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4.0 Assessment of Application

4.1 Considerations and assessment

Proposal

The application seeks a development permit for Other Change to an existing Development Approval for Operational Work (Ring Tank).

During the construction some minor changes were required. The ring tank (DA 050.2021.72.001) design and footprint was changed (SMK QLD Pty Ltd). This change occurred due to:

- conflicting footprints between the constructed/approved CAR dam and the approved ring tanks design; and,
- the discovery of a sand lens at the proposed location, which would have caused issues with the integrity of the original design.

The ring tank is located on a rural property in close proximity to a creek where overflow is directed. The location of the ring tank is approximately 3km from Kogan-Condamine Road (state-controlled road).



Figure 1: As constructed dam design.



Figure 2: Location of ring tank / dam in relation to the state-controlled road.

Based on the above, it is considered that no upgrades to the state-controlled road network is warranted by the proposal. The safety of road users and the operating performance of the network will not be adversely affected by the development.

State Development Assessment Provisions (SDAP)

The SDAP is a specific assessment benchmark that a development must be assessed against as prescribed under the Regulation. In this instance, the development triggers assessment against the following State Code:

- State Code 1: Development in a state-controlled road environment.



Department of
Transport and Main Roads

State code 1: Development in a state-controlled road environment

Table 1.1 Development in general

Performance outcomes	Acceptable outcomes	Response
Buildings, structures, infrastructure, services and utilities		
PO1 The location of the development does not create a safety hazard for users of the state-controlled road.	AO1.1 Development is not located in a state-controlled road. AND AO1.2 Development can be maintained without requiring access to a state-controlled road.	Complies The ring tank is located approximately 3km from the state-controlled road.
PO2 The design and construction of the development does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	Complies Refer to PO1 response.
PO3 The location of the development does not obstruct road transport infrastructure or adversely impact the operating performance of the state-controlled road.	No acceptable outcome is prescribed.	Complies Refer to PO1 response.
PO4 The location, placement, design and operation of advertising devices, visible from the state-controlled road, do not create a safety hazard for users of the state-controlled road.	No acceptable outcome is prescribed.	N/A Advertising devices are not proposed.
PO5 The design and construction of buildings and structures does not create a safety hazard by distracting users of the state-controlled road.	AO5.1 Facades of buildings and structures fronting the state-controlled road are made of non-reflective materials.	N/A No buildings or structures proposed in the vicinity of the state-controlled road.

Performance outcomes	Acceptable outcomes	Response
	<p>AND</p> <p>AO5.2 Facades of buildings and structures do not direct or reflect point light sources into the face of oncoming traffic on the state-controlled road.</p> <p>AND</p> <p>AO5.3 External lighting of buildings and structures is not directed into the face of oncoming traffic on the state-controlled road.</p> <p>AND</p> <p>AO5.4 External lighting of buildings and structures does not involve flashing or laser lights.</p>	
PO6 Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto the state-controlled road.	AO6.1 Road, pedestrian and bikeway bridges over the state-controlled road include throw protection screens in accordance with section 4.11 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2020.	N/A No road, pedestrian and bikeway bridges are proposed.
Landscaping		
PO7 The location of landscaping does not create a safety hazard for users of the state-controlled road.	<p>AO7.1 Landscaping is not located in a state-controlled road.</p> <p>AND</p> <p>AO7.2 Landscaping can be maintained without requiring access to a state-controlled road.</p> <p>AND</p> <p>AO7.3 Landscaping does not block or obscure the sight lines for vehicular access to a state-controlled road.</p>	Complies with PO The development does not include landscaping near the state-controlled road.

Performance outcomes	Acceptable outcomes	Response
Stormwater and overland flow		
PO8 Stormwater run-off or overland flow from the development site does not create or exacerbate a safety hazard for users of the state-controlled road.	No acceptable outcome is prescribed.	Complies The ring tank is located 3km from Kogan Condamine Road and overflow is directed to a creek (not towards the state-controlled road).
PO9 Stormwater run-off or overland flow from the development site does not result in a material worsening of the operating performance of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	Complies Refer to PO8 response
PO10 Stormwater run-off or overland flow from the development site does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	Complies Refer to PO8 response
PO11 Development ensures that stormwater is lawfully discharged.	AO11.1 Development does not create any new points of discharge to a state-controlled road. AND AO11.2 Development does not concentrate flows to a state-controlled road. AND AO11.3 Stormwater run-off is discharged to a lawful point of discharge. AND AO11.4 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.	Complies Development does not create a new point of discharge and does not concentrate flows to a state-controlled road.

Performance outcomes	Acceptable outcomes	Response
Flooding		
PO12 Development does not result in a material worsening of flooding impacts within a state-controlled road.	<p>AO12.1 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (within +/- 10mm) to existing flood levels within a state-controlled road.</p> <p>AND</p> <p>AO12.2 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to existing peak velocities within a state-controlled road.</p> <p>AND</p> <p>AO12.3 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to existing time of submergence of a state-controlled road.</p>	<p>Complies</p> <p>This matter was addressed in the original application. The variation to the ring tank design does not change the original assessment.</p>
Drainage Infrastructure		
PO13 Drainage infrastructure does not create a safety hazard for users in the state-controlled road.	<p>AO13.1 Drainage infrastructure is wholly contained within the development site, except at the lawful point of discharge.</p> <p>AND</p> <p>AO13.2 Drainage infrastructure can be maintained without requiring access to a state-controlled road.</p>	<p>Complies</p> <p>Drainage infrastructure will be wholly contained and maintained within the development site.</p> <p>There will be no safety hazard for users of the state-controlled road.</p>
PO14 Drainage infrastructure associated with, or within, a state-controlled road is constructed, and designed to ensure the structural integrity and physical condition of existing drainage infrastructure and the surrounding drainage network.	No acceptable outcome is prescribed.	<p>N/A</p> <p>No drainage infrastructure a state-controlled road is proposed.</p>

Table 1.2 Vehicular access, road layout and local roads

Performance outcomes	Acceptable outcomes	Response
Vehicular access to a state-controlled road or within 100 metres of a state-controlled road intersection		
PO15 The location, design and operation of a new or changed access to a state-controlled road does not compromise the safety of users of the state-controlled road.	No acceptable outcome is prescribed.	N/A The proposed development does not seek new or changed access to the state-controlled road.
PO16 The location, design and operation of a new or changed access does not adversely impact the functional requirements of the state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO15 response.
PO17 The location, design and operation of a new or changed access is consistent with the future intent of the state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO15 response.
PO18 New or changed access is consistent with the access for the relevant limited access road policy: 1. LAR 1 where direct access is prohibited; or 2. LAR 2 where access may be permitted, subject to assessment.	No acceptable outcome is prescribed.	N/A The subject site is not located on a limited access road.
PO19 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not compromise the safety of users of the state-controlled road.	No acceptable outcome is prescribed.	N/A No new access involved. Operational works only.
PO20 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not adversely impact on the operating performance of the intersection.	No acceptable outcome is prescribed.	N/A Refer to PO19 response.
Public passenger transport and active transport		
PO21 Development does not compromise the safety of users of public passenger transport infrastructure, public passenger services and active transport infrastructure.	No acceptable outcome is prescribed.	N/A No public passenger transport infrastructure, public passenger services and active transport infrastructure in the vicinity of the subject site.

Performance outcomes	Acceptable outcomes	Response
PO22 Development maintains the ability for people to access public passenger transport infrastructure, public passenger services and active transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO21 response.
PO23 Development does not adversely impact the operating performance of public passenger transport infrastructure, public passenger services and active transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO21 response
PO24 Development does not adversely impact the structural integrity or physical condition of public passenger transport infrastructure and active transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO21 response

Table 1.3 Network impacts

Performance outcomes	Acceptable outcomes	Response
PO25 Development does not compromise the safety of users of the state-controlled road network.	No acceptable outcome is prescribed.	Complies The proposed development does not seek access to the state-controlled road. Operational works only.
PO26 Development ensures no net worsening of the operating performance of the state-controlled road network.	No acceptable outcome is prescribed.	Complies Refer to PO25 response.
PO27 Traffic movements are not directed onto a state-controlled road where they can be accommodated on the local road network.	No acceptable outcome is prescribed.	Complies Refer to PO25 response.
PO28 Development involving haulage exceeding 10,000 tonnes per year does not adversely impact the pavement of a state-controlled road.	No acceptable outcome is prescribed.	N/A Proposal does not include haulage.
PO29 Development does not impede delivery of planned upgrades of state-controlled roads.	No acceptable outcome is prescribed.	N/A The proposed development is not located in a planned upgrade area.
PO30 Development does not impede delivery of corridor improvements located entirely within the state-controlled road corridor.	No acceptable outcome is prescribed.	N/A The proposed development is located outside the state-controlled road corridor.

Table 1.4 Filling, excavation, building foundations and retaining structures

Performance outcomes	Acceptable outcomes	Response
PO31 Development does not create a safety hazard for users of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	N/A The proposed change will not create a safety hazard for users of the state-controlled road.
PO32 Development does not adversely impact the operating performance of the state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO33 Development does not undermine, damage or cause subsidence of a state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO34 Development does not cause ground water disturbance in a state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO35 Excavation, boring, piling, blasting and fill compaction do not adversely impact the physical condition or structural integrity of a state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO36 Filling and excavation associated with the construction of new or changed access do not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.

Table 1.5 Environmental emissions

Performance outcomes	Acceptable outcomes	Response
Reconfiguring a lot		
Involving the creation of 5 or fewer new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO37 Development minimises free field noise intrusion from a state-controlled road.	AO37.1 Development provides a noise barrier or earth mound which is designed, sited and constructed: <ol style="list-style-type: none"> to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); in accordance with: <ol style="list-style-type: none"> Chapter 7 integrated noise barrier design of the Transport Noise Management Code of 	N/A The application does not include Reconfiguring a Lot.

Performance outcomes	Acceptable outcomes	Response
	<p>Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;</p> <p>b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</p> <p>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</p> <p>OR</p> <p>AO37.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p> <p>OR</p> <p>AO37.3 Development provides a solid gap-free fence or other solid gap-free structure along the full extent of the boundary closest to the state-controlled road.</p>	
Involving the creation of 6 or more new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO38 Reconfiguring a lot minimises free field noise intrusion from a state-controlled road.	<p>AO38.1 Development provides noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: <ol style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; 	<p>N/A</p> <p>The application does not include Reconfiguring a Lot.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</p> <p>OR</p> <p>AO38.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	
Material change of use (accommodation activity)		
Ground floor level requirements adjacent to a state-controlled road or type 1 multi-modal corridor		
PO39 Development minimises noise intrusion from a state-controlled road in private open space.	<p>AO39.1 Development provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.2) for private open space at the ground floor level; 2. in accordance with: <ol style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO39.2 Development achieves the maximum free field acoustic level in reference table 2 (item 2.2) for private open space by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	<p>N/A</p> <p>The proposal does not involve an accommodation activity. Operational works only.</p>

Performance outcomes	Acceptable outcomes	Response
PO40 Development (excluding a relevant residential building or relocated building) minimises noise intrusion from a state-controlled road in habitable rooms at the facade.	<p>AO40.1 Development (excluding a relevant residential building or relocated building) provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms; 2. in accordance with: <ol style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO40.2 Development (excluding a relevant residential building or relocated building) achieves the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	<p>N/A Refer to PO39 response.</p>
PO41 Habitable rooms (excluding a relevant residential building or relocated building) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	<p>N/A Refer to PO39 response.</p>
Above ground floor level requirements (accommodation activity) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO42 Balconies, podiums, and roof decks include: <ol style="list-style-type: none"> 1. a continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 	No acceptable outcome is provided.	<p>N/A Refer to PO39 response.</p>

Performance outcomes	Acceptable outcomes	Response
2. highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums, and roof decks.		
PO43 Habitable rooms (excluding a relevant residential building or relocated building) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	N/A Refer to PO39 response.
Material change of use (other uses)		
Ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO44 Development: <ol style="list-style-type: none"> 1. provides a noise barrier or earth mound that is designed, sited and constructed: <ol style="list-style-type: none"> a. to achieve the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas; b. in accordance with: <ol style="list-style-type: none"> i. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; ii. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; iii. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or 2. Achieves the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas by alternative noise attenuation measures where it is 	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.

Performance outcomes	Acceptable outcomes	Response
not practical to provide a noise barrier or earth mound.		
PO45 Development involving a childcare centre or educational establishment: <ol style="list-style-type: none"> provides a noise barrier or earth mound that is designed, sited and constructed: to achieve the maximum building facade acoustic level in reference table 1 (item 1.2); in accordance with: <ol style="list-style-type: none"> Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or Achieves the maximum building facade acoustic level in reference table 1 (item 1.2) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound. 	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.
PO46 Development involving: <ol style="list-style-type: none"> indoor education areas and indoor play areas; or sleeping rooms in a childcare centre; or patient care areas in a hospital achieves the maximum internal acoustic level in reference table 3 (items 3.2-3.4). 	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.
Above ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO47 Development involving a childcare centre or educational establishment which have balconies,	No acceptable outcome is provided.	N/A

Performance outcomes	Acceptable outcomes	Response
podiums or elevated outdoor play areas predicted to exceed the maximum free field acoustic level in reference table 2 (item 2.3) due to noise from a state-controlled road are provided with: <ol style="list-style-type: none"> 1. a continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies or elevated outdoor play areas. 		The development application does not include childcare centre, educational establishment, hospital.
PO48 Development including: <ol style="list-style-type: none"> 1. indoor education areas and indoor play areas in a childcare centre or educational establishment; or 2. sleeping rooms in a childcare centre; or 3. patient care areas in a hospital located above ground level, is designed and constructed to achieve the maximum internal acoustic level in reference table 3 (items 3.2-3.4). 	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.
Air, light and vibration		
PO49 Private open space, outdoor education areas and outdoor play areas are protected from air quality impacts from a state-controlled road.	AO49.1 Each dwelling or unit has access to a private open space which is shielded from a state-controlled road by a building, solid gap-free fence, or other solid gap-free structure. OR AO49.2 Each outdoor education area and outdoor play area is shielded from a state-controlled road by a building, solid gap-free fence, or other solid gap-free structure.	N/A The development application does not include childcare centre, educational establishment, hospital.

Performance outcomes	Acceptable outcomes	Response
PO50 Patient care areas within hospitals are protected from vibration impacts from a state-controlled road or type 1 multi-modal corridor.	AO50.1 Hospitals are designed and constructed to ensure vibration in the patient treatment area does not exceed a vibration dose value of $0.1\text{m/s}^{1.75}$. AND AO50.2 Hospitals are designed and constructed to ensure vibration in the ward of a patient care area does not exceed a vibration dose value of $0.4\text{m/s}^{1.75}$.	N/A The development does not include a hospital.
PO51 Development is designed and sited to ensure light from infrastructure within, and from users of, a state-controlled road or type 1 multi-modal corridor, does not: <ol style="list-style-type: none"> intrude into buildings during night hours (10pm to 6am); create unreasonable disturbance during evening hours (6pm to 10pm). 	No acceptable outcomes are prescribed.	N/A

Table 1.6: Development in a future state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
PO52 Development does not impede delivery of a future state-controlled road.	AO52.1 Development is not located in a future state-controlled road. OR ALL OF THE FOLLOWING APPLY: AO52.2 Development does not involve filling and excavation of, or material changes to, a future state-controlled road. AND	N/A The subject land is not located in a future state-controlled road.

Performance outcomes	Acceptable outcomes	Response
	<p>AO52.3 The intensification of lots does not occur within a future state-controlled road.</p> <p>AND</p> <p>AO52.4 Development does not result in the landlocking of parcels once a future state-controlled road is delivered.</p>	
PO53 The location and design of new or changed access does not create a safety hazard for users of a future state-controlled road.	AO53.1 Development does not include new or changed access to a future state-controlled road.	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>
PO54 Filling, excavation, building foundations and retaining structures do not undermine, damage or cause subsidence of a future state-controlled road.	No acceptable outcome is prescribed.	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>
PO55 Development does not result in a material worsening of stormwater, flooding, overland flow or drainage impacts in a future state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>
PO56 Development ensures that stormwater is lawfully discharged.	<p>AO56.1 Development does not create any new points of discharge to a future state-controlled road.</p> <p>AND</p> <p>AO56.2 Development does not concentrate flows to a future state-controlled road.</p> <p>AND</p> <p>AO56.3 Stormwater run-off is discharged to a lawful point of discharge.</p> <p>AND</p>	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>

Performance outcomes	Acceptable outcomes	Response
	AO56.4 Development does not worsen the condition of an existing lawful point of discharge to the future state-controlled road.	



Department of
Transport and Main Roads

5.0 Recommendations

5.1 Technical agency advice for SARA as referral agency

Our agency has no requirements relating to the application (*Planning Act 2016* section 56(1)(a)).

6.0 Endorsement

Officer

Markus Dittmann
Town Planner
4639 0739
Downs.South.West.IDAS@tmr.qld.gov.au

Approver

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Development Application Recommendation: No Requirements

SARA reference: 2410-42724 SRA
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- conflicting footprints between the constructed/approved CAR dam and the approved ring tanks design; and,
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The ring tank is located on a rural property in close proximity to a creek where overflow is directed. The location of the ring tank is approximately 3km from Kogan-Condamine Road (state-controlled road).



Figure 1: As constructed dam design.



Figure 2: Location of ring tank / dam in relation to the state-controlled road.

Based on the above, it is considered that no upgrades to the state-controlled road network is warranted by the proposal. The safety of road users and the operating performance of the network will not be adversely affected by the development.

State Development Assessment Provisions (SDAP)

The SDAP is a specific assessment benchmark that a development must be assessed against as prescribed under the Regulation. In this instance, the development triggers assessment against the following State Code:

- State Code 1: Development in a state-controlled road environment.



Department of
Transport and Main Roads

State code 1: Development in a state-controlled road environment

Table 1.1 Development in general

Performance outcomes	Acceptable outcomes	Response
Buildings, structures, infrastructure, services and utilities		
PO1 The location of the development does not create a safety hazard for users of the state-controlled road.	AO1.1 Development is not located in a state-controlled road. AND AO1.2 Development can be maintained without requiring access to a state-controlled road.	Complies The ring tank is located approximately 3km from the state-controlled road.
PO2 The design and construction of the development does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	Complies Refer to PO1 response.
PO3 The location of the development does not obstruct road transport infrastructure or adversely impact the operating performance of the state-controlled road.	No acceptable outcome is prescribed.	Complies Refer to PO1 response.
PO4 The location, placement, design and operation of advertising devices, visible from the state-controlled road, do not create a safety hazard for users of the state-controlled road.	No acceptable outcome is prescribed.	N/A Advertising devices are not proposed.
PO5 The design and construction of buildings and structures does not create a safety hazard by distracting users of the state-controlled road.	AO5.1 Facades of buildings and structures fronting the state-controlled road are made of non-reflective materials.	N/A No buildings or structures proposed in the vicinity of the state-controlled road.

Performance outcomes	Acceptable outcomes	Response
	<p>AND</p> <p>AO5.2 Facades of buildings and structures do not direct or reflect point light sources into the face of oncoming traffic on the state-controlled road.</p> <p>AND</p> <p>AO5.3 External lighting of buildings and structures is not directed into the face of oncoming traffic on the state-controlled road.</p> <p>AND</p> <p>AO5.4 External lighting of buildings and structures does not involve flashing or laser lights.</p>	
PO6 Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto the state-controlled road.	AO6.1 Road, pedestrian and bikeway bridges over the state-controlled road include throw protection screens in accordance with section 4.11 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2020.	N/A No road, pedestrian and bikeway bridges are proposed.
Landscaping		
PO7 The location of landscaping does not create a safety hazard for users of the state-controlled road.	<p>AO7.1 Landscaping is not located in a state-controlled road.</p> <p>AND</p> <p>AO7.2 Landscaping can be maintained without requiring access to a state-controlled road.</p> <p>AND</p> <p>AO7.3 Landscaping does not block or obscure the sight lines for vehicular access to a state-controlled road.</p>	Complies with PO The development does not include landscaping near the state-controlled road.

Performance outcomes	Acceptable outcomes	Response
Stormwater and overland flow		
PO8 Stormwater run-off or overland flow from the development site does not create or exacerbate a safety hazard for users of the state-controlled road.	No acceptable outcome is prescribed.	Complies The ring tank is located 3km from Kogan Condamine Road and overflow is directed to a creek (not towards the state-controlled road).
PO9 Stormwater run-off or overland flow from the development site does not result in a material worsening of the operating performance of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	Complies Refer to PO8 response
PO10 Stormwater run-off or overland flow from the development site does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	Complies Refer to PO8 response
PO11 Development ensures that stormwater is lawfully discharged.	AO11.1 Development does not create any new points of discharge to a state-controlled road. AND AO11.2 Development does not concentrate flows to a state-controlled road. AND AO11.3 Stormwater run-off is discharged to a lawful point of discharge. AND AO11.4 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.	Complies Development does not create a new point of discharge and does not concentrate flows to a state-controlled road.

Performance outcomes	Acceptable outcomes	Response
Flooding		
PO12 Development does not result in a material worsening of flooding impacts within a state-controlled road.	<p>AO12.1 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (within +/- 10mm) to existing flood levels within a state-controlled road.</p> <p>AND</p> <p>AO12.2 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to existing peak velocities within a state-controlled road.</p> <p>AND</p> <p>AO12.3 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to existing time of submergence of a state-controlled road.</p>	<p>Complies</p> <p>This matter was addressed in the original application. The variation to the ring tank design does not change the original assessment.</p>
Drainage Infrastructure		
PO13 Drainage infrastructure does not create a safety hazard for users in the state-controlled road.	<p>AO13.1 Drainage infrastructure is wholly contained within the development site, except at the lawful point of discharge.</p> <p>AND</p> <p>AO13.2 Drainage infrastructure can be maintained without requiring access to a state-controlled road.</p>	<p>Complies</p> <p>Drainage infrastructure will be wholly contained and maintained within the development site.</p> <p>There will be no safety hazard for users of the state-controlled road.</p>
PO14 Drainage infrastructure associated with, or within, a state-controlled road is constructed, and designed to ensure the structural integrity and physical condition of existing drainage infrastructure and the surrounding drainage network.	No acceptable outcome is prescribed.	<p>N/A</p> <p>No drainage infrastructure a state-controlled road is proposed.</p>

Table 1.2 Vehicular access, road layout and local roads

Performance outcomes	Acceptable outcomes	Response
Vehicular access to a state-controlled road or within 100 metres of a state-controlled road intersection		
PO15 The location, design and operation of a new or changed access to a state-controlled road does not compromise the safety of users of the state-controlled road.	No acceptable outcome is prescribed.	N/A The proposed development does not seek new or changed access to the state-controlled road.
PO16 The location, design and operation of a new or changed access does not adversely impact the functional requirements of the state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO15 response.
PO17 The location, design and operation of a new or changed access is consistent with the future intent of the state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO15 response.
PO18 New or changed access is consistent with the access for the relevant limited access road policy: 1. LAR 1 where direct access is prohibited; or 2. LAR 2 where access may be permitted, subject to assessment.	No acceptable outcome is prescribed.	N/A The subject site is not located on a limited access road.
PO19 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not compromise the safety of users of the state-controlled road.	No acceptable outcome is prescribed.	N/A No new access involved. Operational works only.
PO20 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not adversely impact on the operating performance of the intersection.	No acceptable outcome is prescribed.	N/A Refer to PO19 response.
Public passenger transport and active transport		
PO21 Development does not compromise the safety of users of public passenger transport infrastructure,	No acceptable outcome is prescribed.	N/A No public passenger transport infrastructure, public passenger

Performance outcomes	Acceptable outcomes	Response
public passenger services and active transport infrastructure.		services and active transport infrastructure in the vicinity of the subject site.
PO22 Development maintains the ability for people to access public passenger transport infrastructure, public passenger services and active transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO21 response.
PO23 Development does not adversely impact the operating performance of public passenger transport infrastructure, public passenger services and active transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO21 response
PO24 Development does not adversely impact the structural integrity or physical condition of public passenger transport infrastructure and active transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO21 response

Table 1.3 Network impacts

Performance outcomes	Acceptable outcomes	Response
PO25 Development does not compromise the safety of users of the state-controlled road network.	No acceptable outcome is prescribed.	Complies The proposed development does not seek access to the state-controlled road. Operational works only.
PO26 Development ensures no net worsening of the operating performance of the state-controlled road network.	No acceptable outcome is prescribed.	Complies Refer to PO25 response.
PO27 Traffic movements are not directed onto a state-controlled road where they can be accommodated on the local road network.	No acceptable outcome is prescribed.	Complies Refer to PO25 response.
PO28 Development involving haulage exceeding 10,000 tonnes per year does not adversely impact the pavement of a state-controlled road.	No acceptable outcome is prescribed.	N/A Proposal does not include haulage.
PO29 Development does not impede delivery of planned upgrades of state-controlled roads.	No acceptable outcome is prescribed.	N/A The proposed development is not located in a planned upgrade area.
PO30 Development does not impede delivery of corridor improvements located entirely within the state-controlled road corridor.	No acceptable outcome is prescribed.	N/A

Performance outcomes	Acceptable outcomes	Response
		The proposed development is located outside the state-controlled road corridor.

Table 1.4 Filling, excavation, building foundations and retaining structures

Performance outcomes	Acceptable outcomes	Response
PO31 Development does not create a safety hazard for users of the state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	N/A The proposed change will not create a safety hazard for users of the state-controlled road.
PO32 Development does not adversely impact the operating performance of the state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO33 Development does not undermine, damage or cause subsidence of a state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO34 Development does not cause ground water disturbance in a state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO35 Excavation, boring, piling, blasting and fill compaction do not adversely impact the physical condition or structural integrity of a state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.
PO36 Filling and excavation associated with the construction of new or changed access do not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road.	No acceptable outcome is prescribed.	N/A Refer to PO31 response.

Table 1.5 Environmental emissions

Performance outcomes	Acceptable outcomes	Response
Reconfiguring a lot		
Involving the creation of 5 or fewer new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		

Performance outcomes	Acceptable outcomes	Response
PO37 Development minimises free field noise intrusion from a state-controlled road.	<p>AO37.1 Development provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: <ol style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO37.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p> <p>OR</p> <p>AO37.3 Development provides a solid gap-free fence or other solid gap-free structure along the full extent of the boundary closest to the state-controlled road.</p>	<p>N/A</p> <p>The application does not include Reconfiguring a Lot.</p>
Involving the creation of 6 or more new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO38 Reconfiguring a lot minimises free field noise intrusion from a state-controlled road.	<p>AO38.1 Development provides noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: 	<p>N/A</p> <p>The application does not include Reconfiguring a Lot.</p>

Performance outcomes	Acceptable outcomes	Response
	<ul style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO38.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	
Material change of use (accommodation activity)		
Ground floor level requirements adjacent to a state-controlled road or type 1 multi-modal corridor		
PO39 Development minimises noise intrusion from a state-controlled road in private open space.	<p>AO39.1 Development provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ul style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.2) for private open space at the ground floor level; 2. in accordance with: <ul style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; 	<p>N/A</p> <p>The proposal does not involve an accommodation activity. Operational works only.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</p> <p>OR</p> <p>AO39.2 Development achieves the maximum free field acoustic level in reference table 2 (item 2.2) for private open space by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	
<p>PO40 Development (excluding a relevant residential building or relocated building) minimises noise intrusion from a state-controlled road in habitable rooms at the facade.</p>	<p>AO40.1 Development (excluding a relevant residential building or relocated building) provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms; 2. in accordance with: <ol style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO40.2 Development (excluding a relevant residential building or relocated building) achieves the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	<p>N/A Refer to PO39 response.</p>

Performance outcomes	Acceptable outcomes	Response
PO41 Habitable rooms (excluding a relevant residential building or relocated building) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	N/A Refer to PO39 response.
Above ground floor level requirements (accommodation activity) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO42 Balconies, podiums, and roof decks include: 1. a continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums, and roof decks.	No acceptable outcome is provided.	N/A Refer to PO39 response.
PO43 Habitable rooms (excluding a relevant residential building or relocated building) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	N/A Refer to PO39 response.
Material change of use (other uses)		
Ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO44 Development: 1. provides a noise barrier or earth mound that is designed, sited and constructed: a. to achieve the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas; b. in accordance with: i. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.

Performance outcomes	Acceptable outcomes	Response
<ul style="list-style-type: none"> ii. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; iii. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or <p>2. Achieves the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>		
<p>PO45 Development involving a childcare centre or educational establishment:</p> <ul style="list-style-type: none"> 1. provides a noise barrier or earth mound that is designed, sited and constructed: 2. to achieve the maximum building facade acoustic level in reference table 1 (item 1.2); 3. in accordance with: <ul style="list-style-type: none"> a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or 4. Achieves the maximum building facade acoustic level in reference table 1 (item 1.2) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound. 	No acceptable outcome is provided.	<p>N/A</p> <p>The development application does not include childcare centre, educational establishment, hospital.</p>

Performance outcomes	Acceptable outcomes	Response
PO46 Development involving: <ol style="list-style-type: none"> 1. indoor education areas and indoor play areas; or 2. sleeping rooms in a childcare centre; or 3. patient care areas in a hospital achieves the maximum internal acoustic level in reference table 3 (items 3.2-3.4). 	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.
Above ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO47 Development involving a childcare centre or educational establishment which have balconies, podiums or elevated outdoor play areas predicted to exceed the maximum free field acoustic level in reference table 2 (item 2.3) due to noise from a state-controlled road are provided with: <ol style="list-style-type: none"> 1. a continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies or elevated outdoor play areas. 	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.
PO48 Development including: <ol style="list-style-type: none"> 1. indoor education areas and indoor play areas in a childcare centre or educational establishment; or 2. sleeping rooms in a childcare centre; or 3. patient care areas in a hospital located above ground level, is designed and constructed to achieve the maximum internal acoustic level in reference table 3 (items 3.2-3.4). 	No acceptable outcome is provided.	N/A The development application does not include childcare centre, educational establishment, hospital.

Performance outcomes	Acceptable outcomes	Response
Air, light and vibration		
PO49 Private open space, outdoor education areas and outdoor play areas are protected from air quality impacts from a state-controlled road.	<p>AO49.1 Each dwelling or unit has access to a private open space which is shielded from a state-controlled road by a building, solid gap-free fence, or other solid gap-free structure.</p> <p>OR</p> <p>AO49.2 Each outdoor education area and outdoor play area is shielded from a state-controlled road by a building, solid gap-free fence, or other solid gap-free structure.</p>	<p>N/A</p> <p>The development application does not include childcare centre, educational establishment, hospital.</p>
PO50 Patient care areas within hospitals are protected from vibration impacts from a state-controlled road or type 1 multi-modal corridor.	<p>AO50.1 Hospitals are designed and constructed to ensure vibration in the patient treatment area does not exceed a vibration dose value of $0.1\text{m/s}^{1.75}$.</p> <p>AND</p> <p>AO50.2 Hospitals are designed and constructed to ensure vibration in the ward of a patient care area does not exceed a vibration dose value of $0.4\text{m/s}^{1.75}$.</p>	<p>N/A</p> <p>The development does not include a hospital.</p>
<p>PO51 Development is designed and sited to ensure light from infrastructure within, and from users of, a state-controlled road or type 1 multi-modal corridor, does not:</p> <ol style="list-style-type: none"> 1. intrude into buildings during night hours (10pm to 6am); 2. create unreasonable disturbance during evening hours (6pm to 10pm). 	No acceptable outcomes are prescribed.	N/A

Table 1.6: Development in a future state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
PO52 Development does not impede delivery of a future state-controlled road.	<p>AO52.1 Development is not located in a future state-controlled road.</p> <p>OR ALL OF THE FOLLOWING APPLY:</p> <p>AO52.2 Development does not involve filling and excavation of, or material changes to, a future state-controlled road.</p> <p>AND</p> <p>AO52.3 The intensification of lots does not occur within a future state-controlled road.</p> <p>AND</p> <p>AO52.4 Development does not result in the landlocking of parcels once a future state-controlled road is delivered.</p>	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>
PO53 The location and design of new or changed access does not create a safety hazard for users of a future state-controlled road.	AO53.1 Development does not include new or changed access to a future state-controlled road.	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>
PO54 Filling, excavation, building foundations and retaining structures do not undermine, damage or cause subsidence of a future state-controlled road.	No acceptable outcome is prescribed.	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>
PO55 Development does not result in a material worsening of stormwater, flooding, overland flow or drainage impacts in a future state-controlled road or road transport infrastructure.	No acceptable outcome is prescribed.	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>
PO56 Development ensures that stormwater is lawfully discharged.	<p>AO56.1 Development does not create any new points of discharge to a future state-controlled road.</p> <p>AND</p>	<p>N/A</p> <p>The subject land is not located in a future state-controlled road.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>AO56.2 Development does not concentrate flows to a future state-controlled road.</p> <p>AND</p> <p>AO56.3 Stormwater run-off is discharged to a lawful point of discharge.</p> <p>AND</p> <p>AO56.4 Development does not worsen the condition of an existing lawful point of discharge to the future state-controlled road.</p>	



Department of
Transport and Main Roads

5.0 Recommendations

5.1 Technical agency advice for SARA as referral agency

Our agency has no requirements relating to the application (*Planning Act 2016* section 56(1)(a)).

6.0 Endorsement

Officer

Markus Dittmann
Town Planner
4639 0739
Downs.South.West.IDAS@tmr.qld.gov.au

Approver

Access refused under section 47(3)(b) of the RTI Act. Dis

Scott McDonald
A/Senior Planner
(07) 4639 0737
Downs.South.West.IDAS@tmr.qld.gov.au
22 October 2024

From: Danica Clark
To: WaterServices.Toowoomba@ndmw.qld.gov.au
Subject: RE: 2410-42724 SRA - Ring Tank Lloyd Pastoral Company
Date: Friday, 25 October 2024 9:43:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Thanks Carly

We'll issue an information request capturing the below points.

Kind regards

Danica Clark
Senior Planner
Planning and Development Services
Planning Group
Department of Housing, Local Government, Planning and Public Works
P 07 33076175
E danica.clark@ndmqlp.qld.gov.au



I acknowledge the Traditional Custodians of the land on which we work,
work and live. I pay my respects to Elders past, present, and emerging.

From: WaterServices Toowoomba <WaterServices.Toowoomba@ndmw.qld.gov.au>
Sent: Monday, 21 October 2024 2:54 PM
To: ToowoombaSARA <ToowoombaSARA@ndmqlp.qld.gov.au>
Subject: FW: 2410-42724 SRA - Ring Tank Lloyd Pastoral Company

OFFICIAL

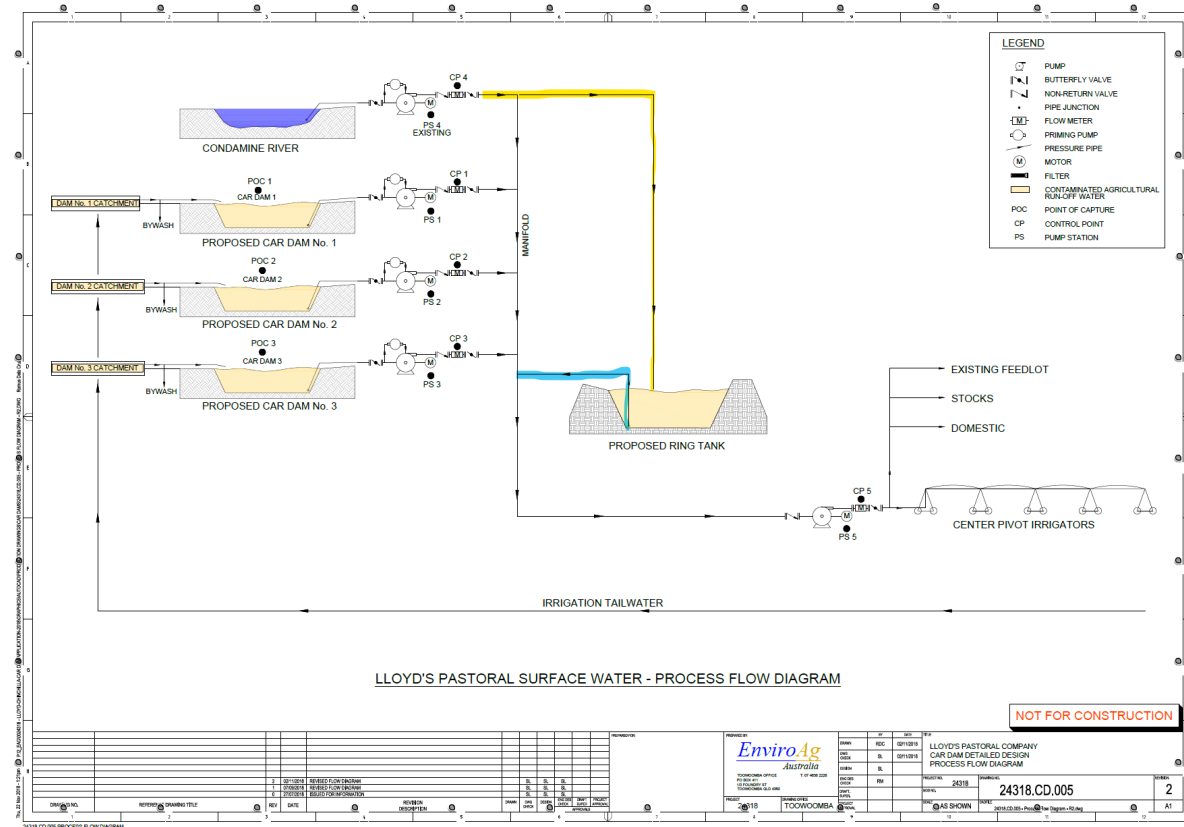
Good afternoon,
In regard to 2410-42724 SRA, the Technical briefing note (24665.113186.0) provided does not address the Department's concerns previously raised through TA Assessment response for 2404-40188.

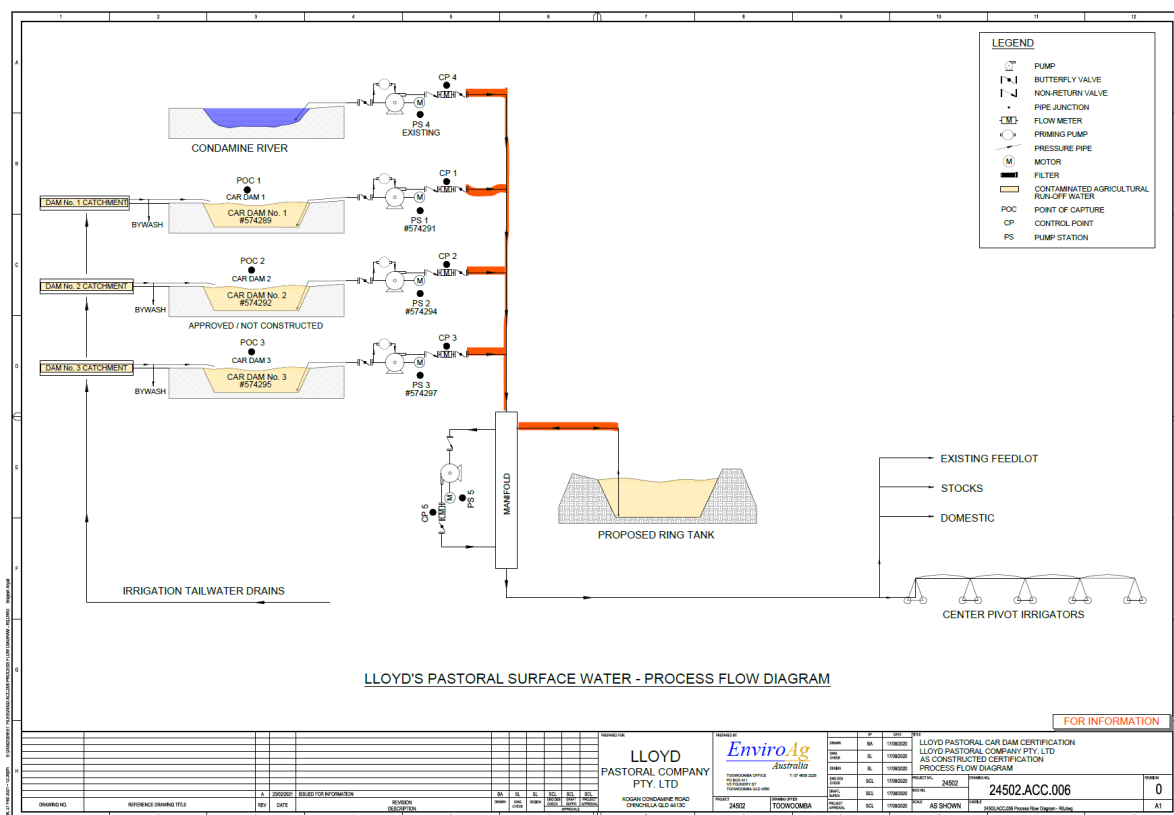
It is acknowledged that section 3.3 of the Briefing note details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. As previously raised in assessment advice 2404-40188:

While the client has specified that there will be no change to the proposed use of the ring tank or changes to the linkage between the ring tank and existing CAR approvals, there is still an issue that the proposed ring tank was never approved to be able to store CAR water under Development Approval 1811-8340 SDA.

Section 3.2 of the briefing note states that the manifold has been "on plan" since 2019 with approval under 1811-8340. As per the previous advice provided for 2404-40188: **Development Approval reference 1811-8340 SDA never authorised the ring tank for CAR water use. The TAR for this approval states that "Water stored in the proposed CAR dams will not be transferred to the proposed ring tank. Water will be delivered directly to the proposed irrigation centre pivots covering 150 ha."** This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval.

As previously advised the pre-construction drawing (24318.CD.005 supplied on cert report 24318.97226 dated 10/01/2019) and post construction drawing (24502.ACC.006 supplied on cert report 24502.105206 dated 07/04/2021) differed significantly regarding the manifold setup. The originally approved drawing 24318.CD.005 clearly demonstrates only river water captured in the ring tank. As apposed to the post construction drawing 24502.ACC.006 which shows the river and CAR dam water manifolded together which presents the opportunity for CAR water to be captured in the Ring tank.





Item 3 of our Pre-lodgement advice noted that more information needed to be supplied regarding the use and purpose of the ring tank and how this works with the manifold including whether the ring tank is capable of storing CAR water.

Confirmation is still required to ensure that no form of overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the *Water Act 2000*) is to be stored in the ring tank. This confirmation is required to be provided in the form of a schematic which clearly identifies the separation of the CAR and river water. The application cannot be accepted until such time as this information is provided.

Regards,



Carly Nielsen
Senior Water Officer
Water Services | South Region
Department of Regional Development, Manufacturing and Water

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From: [Danica Clark](#)
To: Personal information enviroag.net.au
Subject: 2410-42724 SRA - Response to Information Request
Date: Friday, 31 January 2025 1:53:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Personal in

Your response to SARA's information request is due Monday, 3 February 2025.

Did you require additional time to respond?

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

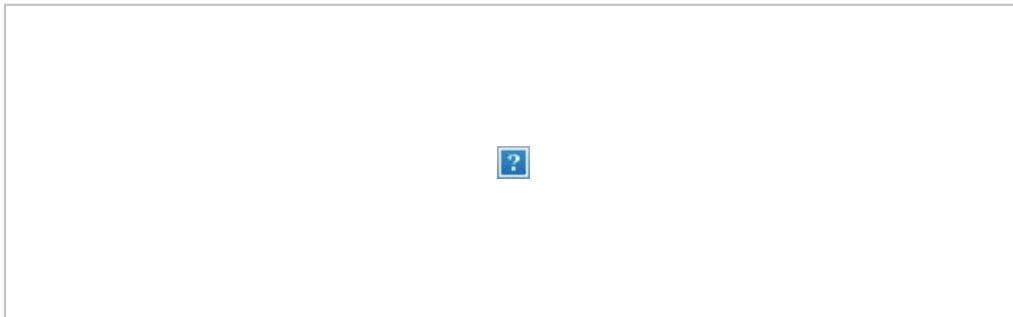
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



From: [Danica Clark](#)
To: Personal information
Subject: RE: 2410-42724 SRA - Response to Information Request
Date: Monday, 3 February 2025 8:29:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Personal information

Thanks for the update.

I'll extend your response period by 4 weeks (20bd) to 3 March 2025.

Feel free to contact me should you require any additional time or information prior to responding formally.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

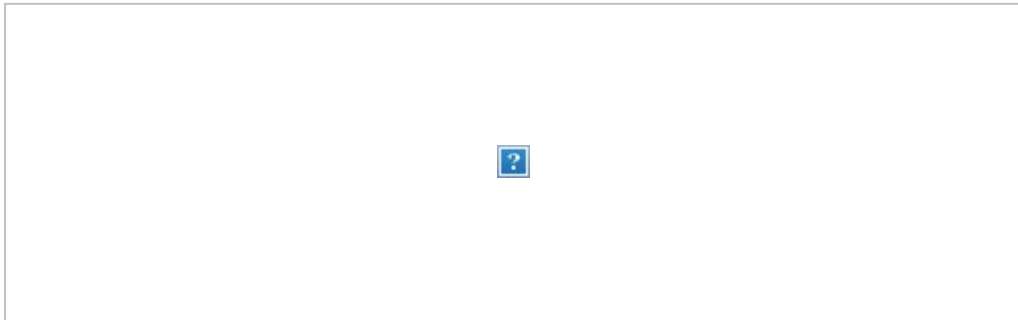
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

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From: Personal information <enviroag.net.au>
Sent: Monday, 3 February 2025 7:47 AM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Personal information <@lloydpastoral.com.au> Personal information <lloydpastoral.com.au>;
Personal information <lloydpastoral.com.au>
Subject: RE: 2410-42724 SRA - Response to Information Request

Good Morning Danica,

Apologies for my delay in responding. I was offline much of last week.

We are currently awaiting an amended ERA2 from DPI, as this will impact our response to the RFI. This has been delayed due to DPI staff leave as well as the Christmas and New Year period. However, they have all the information they require from us, and we do expect this to be issued soon.

In light of this, we do require some additional time.

Would you accept a 4 week extension?

Kind regards,

Personal information

EnviroAg Australia Pty Limited
a: 82 Glen Innes Road, Armidale NSW 2350
m: PO Box 1775, Armidale NSW 2350
p: Personal information
w: www.enviroag.net.au

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: Danica Clark [<mailto:Danica.Clark@dasilgp.qld.gov.au>]
Sent: Friday, 31 January 2025 14:53
To: Personal information
Subject: 2410-42724 SRA - Response to Information Request

Hi Personal information

Your response to SARA's information request is due Monday, 3 February 2025.

Did you require additional time to respond?

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

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PO Box 825, Toowoomba QLD 4350
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From: [Personal information]
To: [Danica Clark](#)
Cc: [Personal information] loydpastoral.com.au; [Personal] loydpastoral.com.au
Subject: RE: 2410-42724 SRA - Response to Information Request
Date: Monday, 3 February 2025 7:47:04 AM
Attachments: [image003.png](#)
[image005.png](#)

Good Morning Danica,

Apologies for my delay in responding. I was offline much of last week.

We are currently awaiting an amended ERA2 from DPI, as this will impact our response to the RFI. This has been delayed due to DPI staff leave as well as the Christmas and New Year period. However, they have all the information they require from us, and we do expect this to be issued soon.

In light of this, we do require some additional time.

Would you accept a 4 week extension?

Kind regards,

[Personal information]

EnviroAg Australia Pty Limited
a: 82 Glen Innes Road, Armidale NSW 2350
m: PO Box 1775, Armidale NSW 2350
p: [Personal information]
w: www.enviroag.net.au

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: Danica Clark [<mailto:Danica.Clark@dasilgp.qld.gov.au>]
Sent: Friday, 31 January 2025 14:53
To: [Personal information]
Subject: 2410-42724 SRA - Response to Information Request

Hi [Personal inform]

Your response to SARA's information request is due Monday, 3 February 2025.

Did you require additional time to respond?

Kind regards

Danica Clark
Senior Planner



Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

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128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

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From: [Duncan Livingstone](#)
To: [Danica Clark](#); [Sallie BATTIST](#)
Cc: [DAAT](#); [Mica Cook](#)
Subject: RE: 2410-42724 SRA
Date: Monday, 24 February 2025 11:48:23 AM
Attachments: [image002.png](#)
[image003.png](#)

Hi Danica,

I spoke with Sallie about this. Unless this one is a refusal it can stay with you/the region. Please however to reach out to Mica to discuss this one as there are broader issues at play with how we assess these applications.

Regards,

Duncan Livingstone

Principal Planner

**Development Assessment Advisory Team
(DAAT) – Planning Group**

Department of State Development, Infrastructure and Planning

[Microsoft Teams – meet now](#)

P 07 3243 1650

Level 13, 1 William Street, Brisbane QLD 4000

statedevelopment.qld.gov.au



From: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Sent: Thursday, 20 February 2025 4:13 PM

To: DAAT <DAAT@dsdilgp.qld.gov.au>

Subject: 2410-42724 SRA

Good afternoon DAAT

The above reference application was properly referred by SARA on 14 October 2024, for operational works that is a ring tank dam (taking water from the Condamine River).

SARA issued an information request on 25 October 2024, requesting further information about the intended use of the ring tank (e.g. It should be omitting all overland flow water and contaminated agricultural runoff (CAR), however the submitted plans show the ring tank can store CAR water).

The applicant has recently provided an update that they intend to provide an amended EA as part of their response to the IR, and therefore the intent is to capture CAR water.

With consideration given to other applications that involve CAR water being reallocated to DAAT, can

you please advise if this application is to also be reallocated?

Application number	2410-42724 SRA
Applicant	Lloyd Pastoral Company Pty Ltd C/- EnviroAg Australia Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Operational Work
Description of proposal	Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role	Referral Agency
Triggers	<ul style="list-style-type: none">• Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water• Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
Decision due date	Currently awaiting applicant response to SARA's IR. Due 3 March 2025
Level of assessment	Code
SARA recommendation	TBA
Delegate	Manager

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

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From: [Pete Pearson](#)
To: [Danica Clark](#)
Subject: RE: 2410-42724 SRA - Response to Information Request
Date: Thursday, 27 February 2025 11:08:31 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Hi Danica,

Thank you for checking in.

No further extension should be required.

I intend to send through a response document later today.

Kind regards,

Personal information

EnviroAg Australia Pty Limited
a: 82 Glen Innes Road, Armidale NSW 2350
m: PO Box 1775, Armidale NSW 2350
p: [Personal information](#)
w: www.enviroag.net.au

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: Danica Clark [mailto:Danica.Clark@dsdilgp.qld.gov.au]
Sent: Thursday, 27 February 2025 12:03
To: [Personal information](#)
Subject: RE: 2410-42724 SRA - Response to Information Request

Hi [Personal inf](#)

Just checking in as to how you are progressing with your IR response, and whether you needed a further extension?

The current response date is Monday, 3 March 2025.

Kind regards

Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now



P 3307 6175

128 Margaret Street, Toowoomba QLD 4350
PO Box 825, Toowoomba QLD 4350
statedevelopment.qld.gov.au



From: [Personal information] enviroag.net.au>
Sent: Monday, 3 February 2025 7:47 AM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: [Personal information] lloydpastoral.com.au) [Personal info] lloydpastoral.com.au>;
[Personal info] lloydpastoral.com.au
Subject: RE: 2410-42724 SRA - Response to Information Request

Good Morning Danica,

Apologies for my delay in responding. I was offline much of last week.

We are currently awaiting an amended ERA2 from DPI, as this will impact our response to the RFI. This has been delayed due to DPI staff leave as well as the Christmas and New Year period. However, they have all the information they require from us, and we do expect this to be issued soon.

In light of this, we do require some additional time.

Would you accept a 4 week extension?

Kind regards,

[Personal information]

EnviroAg Australia Pty Limited
a: 82 Glen Innes Road, Armidale NSW 2350
m: PO Box 1775, Armidale NSW 2350
p: [Personal information]

w: www.enviroag.net.au

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: Danica Clark [<mailto:Danica.Clark@dasilgp.qld.gov.au>]
Sent: Friday, 31 January 2025 14:53
To: Personal information
Subject: 2410-42724 SRA - Response to Information Request

H Personal informati

Your response to SARA's information request is due Monday, 3 February 2025.

Did you require additional time to respond?

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

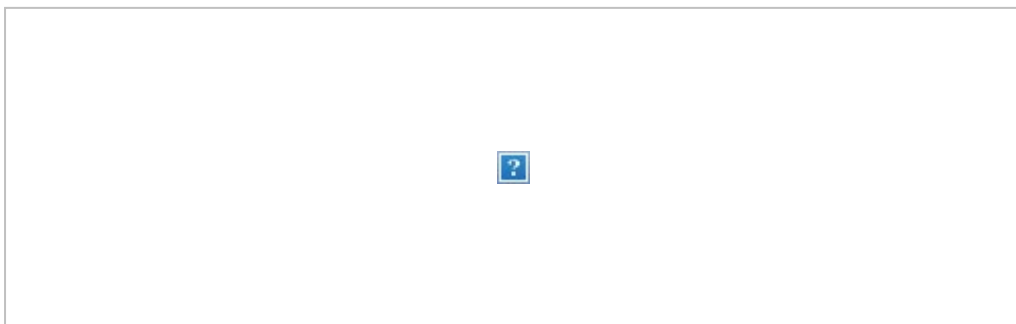
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

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From: Personal information
To: [ToowoombaSARA; Danica Clark](#)
Cc: [Development Apps @. EnviroAg](#)
Subject: RE: 2410-42724 SRA application correspondence
Date: Thursday, 27 February 2025 12:17:25 PM
Attachments: [24665.114466_250225_Lloyds Pastoral_SARA RFI Response Letter_Rev0.pdf](#)

Good afternoon Danica,

Please find attached a letter outlining our responses to your Information Request issued on the 25th October 2024.

Should you have any further queries, please do not hesitate to contact us.

Kind regards,

Personal information

EnviroAg Australia Pty Limited
a: 82 Glen Innes Road, Armidale NSW 2350
m: PO Box 1775, Armidale NSW 2350
p: Personal information
w: www.enviroag.net.au

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: No Reply [<mailto:mydas-notifications-prod2@qld.gov.au>]
Sent: Friday, 25 October 2024 18:03
To: toowoombasara@dsdilgp.qld.gov.au; Personal information
Cc: danica.clark@dilgp.qld.gov.au; info@wdrc.qld.gov.au
Subject: 2410-42724 SRA application correspondence

Please find attached a notice regarding application [2410-42724 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

GE33-N

alt=



Our Reference: 24665.114466
Your Reference: 2410-42724 SRA
DTV: 1.1



25th February 2025

Ms Danica Clark
Senior Planning Officer: Planning Services
Planning Group
Department of Housing, Local Government, Planning and Public
Works
PO Box 825
Toowoomba, QLD 4350

PO Box 411
TOOWOOMBA QLD 4350
Telephone: (07) 4638 2228
Free Call: 1800 445 389
info@enviroag.net.au
www.enviroag.net.au
ABN: 56 135 005 999

toowoombasara@dsdilgp.qld.gov.au;
danica.clark@dilgp.qld.gov.au

Dear Ms Clark

Re: Response to RFI – LPC – Ring Tank - Kogan Condamine Road, Crossroads

We write to provide response to a *SARA information request - Kogan Condamine Road, Crossroads* issued on the 25th October 2024 (Attachment 1). The request is in relation to SARA application 2410-42724 SRA and Western Downs Regional Council (WDRC) application 050.2024.510.001.

The issues raised in the information request are presented below:

Issue:

Section 3.3 of the submitted Technical Briefing Note (referenced 24665.113186) details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. The proposed ring tank should therefore only take water from the Condamine River and omit all other overland flow. The submitted Process Flow Diagram (Dwg No. 24598.CDAD.103 Rev A) shows the ring tank can store water from the three (3) contaminated agricultural runoff (CAR) dams.

Based on the submitted material, it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the Water Act 2000) is to be stored in the ring tank.

Note: Development Approval reference 1811-8340 SDA did not authorise the ring tank for CAR water use. This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval, and as conditioned on the approval.

Subsequent to the issuing of the information request the Department of Primary Industries has reviewed and amended the Environmental Authority (EA) for the site. The current ERA 2 (2022-1) issued on the 7th February 2025 (see Attachment 2) clearly defines the feedlot controlled drainage area and associated facilities per:

- 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia, Revision B, 22 November 2024
- Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024

The responses to the SARA actions provided below are presented in consideration of the amended ERA 2.

Actions:

(a) Provide further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water.

- The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation.
- The storage may also be used as a “balancing storage” to shandy disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas.
- The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same.

(b) Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, the applicant must demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm).

- The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water.
- No CAR water is captured or used on this site.
- Per the ERA 2 (2022-1) **terminal ponds** capture and hold the initial and possibly heavily polluted runoff from a storm event (polluted WUDA tail waters) , as well as the direct **tailwater** generated by excess effluent irrigation. The ERA 2 dictates that this captured polluted water is to be reused on the waste utilisation and disposal areas to prevent pollution of nearby waterways.

(c) Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this.

- Refer to the previous two action responses for the intended function and use of the ring tank.
- The ERA 2 (2022-1) includes a copy of the approved Process Flow Diagram (PFD) for this site. This approved PFD should be considered the most current and correct.

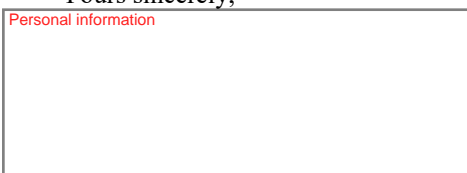
It is also stated in the SARA Information Request that;

“it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the Water Act 2000) is to be stored in the ring tank”.

To clarify, no overland flow waters or CAR waters will be stored by the ring tank / balancing storage or indeed on the site. As outlined by the EA, only environmental water will be captured. The terminal ponds will only capture excess effluent irrigation tail waters from waste utilisation-disposal areas (WUDA’s) and the initial (25 mm) and possibly heavily polluted runoff from a storm event from the WUDA’s. The ring tank / balancing storage will store licenced take from the Condamine River and may be used as a “balancing storage” to mix (shandy) the tailwaters with clean water prior to reuse on disposal areas.

Yours sincerely,

Personal information



EnviroAg Australia Pty Limited

Attachment 1 – SARA RFI – 25/010/2024



SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001

25 October 2024

Lloyd Pastoral Company Pty Ltd
C/- EnviroAg Australia Pty Ltd
PO BOX 411
TOOWOOMBA QLD 4350
[Personal information] enviroag.net.au

Attention:

[Personal information]

Dear

[Personal information]

SARA information request - Kogan Condamine Road, Crossroads

(Given under section 12 of the Development Assessment Rules)

This notice has been issued because the State Assessment and Referral Agency (SARA) has identified that information necessary to assess your application against the relevant provisions of the State Development Assessment Provisions (SDAP) has not been provided.

State code 10: Taking or interfering with water

1.	<p>Issue:</p> <p>Section 3.3 of the submitted Technical Briefing Note (referenced 24665.113186) details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. The proposed ring tank should therefore only take water from the Condamine River and omit all other overland flow. The submitted Process Flow Diagram (Dwg No. 24598.CDAD.103 Rev A) shows the ring tank can store water from the three (3) contaminated agricultural runoff (CAR) dams.</p> <p>Based on the submitted material, it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the <i>Water Act 2000</i>) is to be stored in the ring tank.</p> <p>Note: Development Approval reference 1811-8340 SDA did not authorise the ring tank for CAR water use. This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval, and as conditioned on the approval.</p>
----	--

	<p><u>Action:</u></p> <ul style="list-style-type: none"> (a) Provide further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water. (b) Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, the applicant must demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). (c) Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this.
--	---

How to respond

You have three months to respond to this request and the due date to SARA is 3 February 2025.

You may respond by providing either: (a) all of the information requested; (b) part of the information requested; or (c) a notice that none of the information will be provided. Further guidance on responding to an information request is provided in section 13 of the [Development Assessment Rules](#) (DA Rules).

It is recommended that you provide all the information requested above. If you decide not to provide all the information requested, your application will be assessed and decided based on the information provided to date.

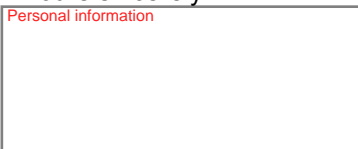
You are requested to upload your response and complete the relevant tasks in [MyDAS2](#).

As SARA is a referral agency for this application, a copy of this information request will be provided to the assessment manager in accordance with section 12.4 of the DA Rules.

If you require further information or have any questions about the above, please contact Danica Clark, Senior Planner, on 3307 6175 or via email ToowoombaSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Personal information



Paul Gleeson
A/Manager

cc Western Downs Regional Council, info@wdrc.qld.gov.au

Development details	
Description:	Development permit Operational work for Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role:	Referral agency
SARA trigger:	<ul style="list-style-type: none"> Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
SARA reference:	2410-42724 SRA
Assessment criteria:	State code 10; Taking or interfering with water

Attachment 2 – ERA 2 (2022-1) – 07/02/2025

Permit

Environmental Protection Act 1994

Environmental Authority 2022-01

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

Environmental authority number: 2022-01

Environmental authority takes effect 7 February 2025

The anniversary date of this environmental authority is the same day each year as the effective date.

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
<div>Personal information</div>	<div>Personal information</div>

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – b) more than 10,000	Lot 16 RG26; Lot 18 RG27; Lot 19 RG27; Lot 20 RG27. 3963 Kogan-Condamine Road Crossroads Queensland

Additional information for holders of environmental authorities

Environmentally relevant activities

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

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

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

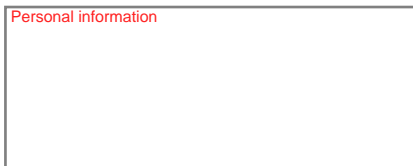
Contaminated land

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

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

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

Personal information

A rectangular box with a thin black border, containing the text 'Personal information' in red at the top left. The rest of the box is empty, indicating redacted content.

Luke Boucher
Manager Environmental Regulation

7 February 2025

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Department of Primary Industries
Intensive Livestock Unit
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Department of Primary Industries

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)

Other permits required

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

Development Approval

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

Conditions of environmental authority

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

Agency interest: General	
Condition number	Condition
G1	Any breach of a condition of this environmental authority must be reported to the 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	<p>The activity must be undertaken in accordance with written procedures that:</p> <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.
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.
G8	<p>The feedlot controlled drainage areas and associated facilities must be constructed generally in accordance with the following plans:</p> <ol style="list-style-type: none"> 1. 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia, Revision B, 22 November 2024. 2. Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024.

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	<p>Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place:</p> <p>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</p> <p>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)</p>
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.
WT4	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This may include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event.
WT5	Terminal ponds must be designed, constructed and maintained in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the design permeability specification of Appendix C & G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition.

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
	L _{Aeq adj,T}	Noise measured at a commercial place					
		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	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
WS2	Any release or utilisation of waste products generated by the activity must not cause environmental harm.

Attachments

1. 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia Pty Limited, Revision B, 22 November 2024.
2. Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024.

Definitions

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

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

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

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

delegate of the administering authority means an officer of the Department of Primary Industries (DPI) 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—

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

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

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.

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

- f) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- g) a motel, hotel or hostel; or

- h) a kindergarten, school, university or other educational institution; or
- i) a medical centre or hospital; or
- j) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- k) a public thoroughfare, park or gardens; or
- l) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

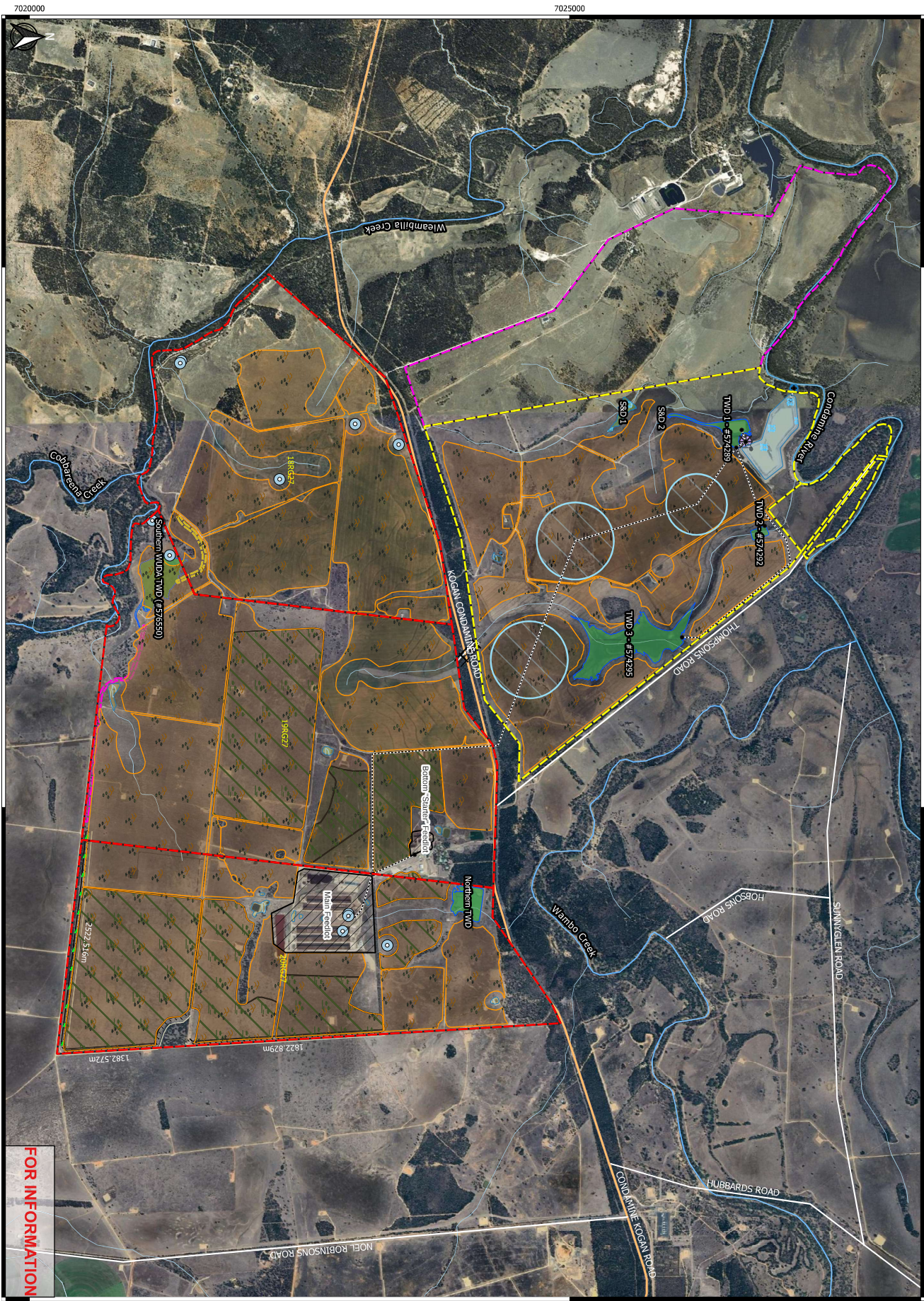
tailwater is runoff from an irrigation area which arises when irrigation water is applied in excess of the infiltration capacity of the soil.

terminal pond means a pond located at the end of an effluent irrigation area. It is intended to capture the initial and possibly heavily polluted runoff from a storm event. It is also intended to capture and hold **tailwater** generated by effluent irrigation systems.

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

you means the holder of the environmental authority.

END OF ENVIRONMENTAL AUTHORITY



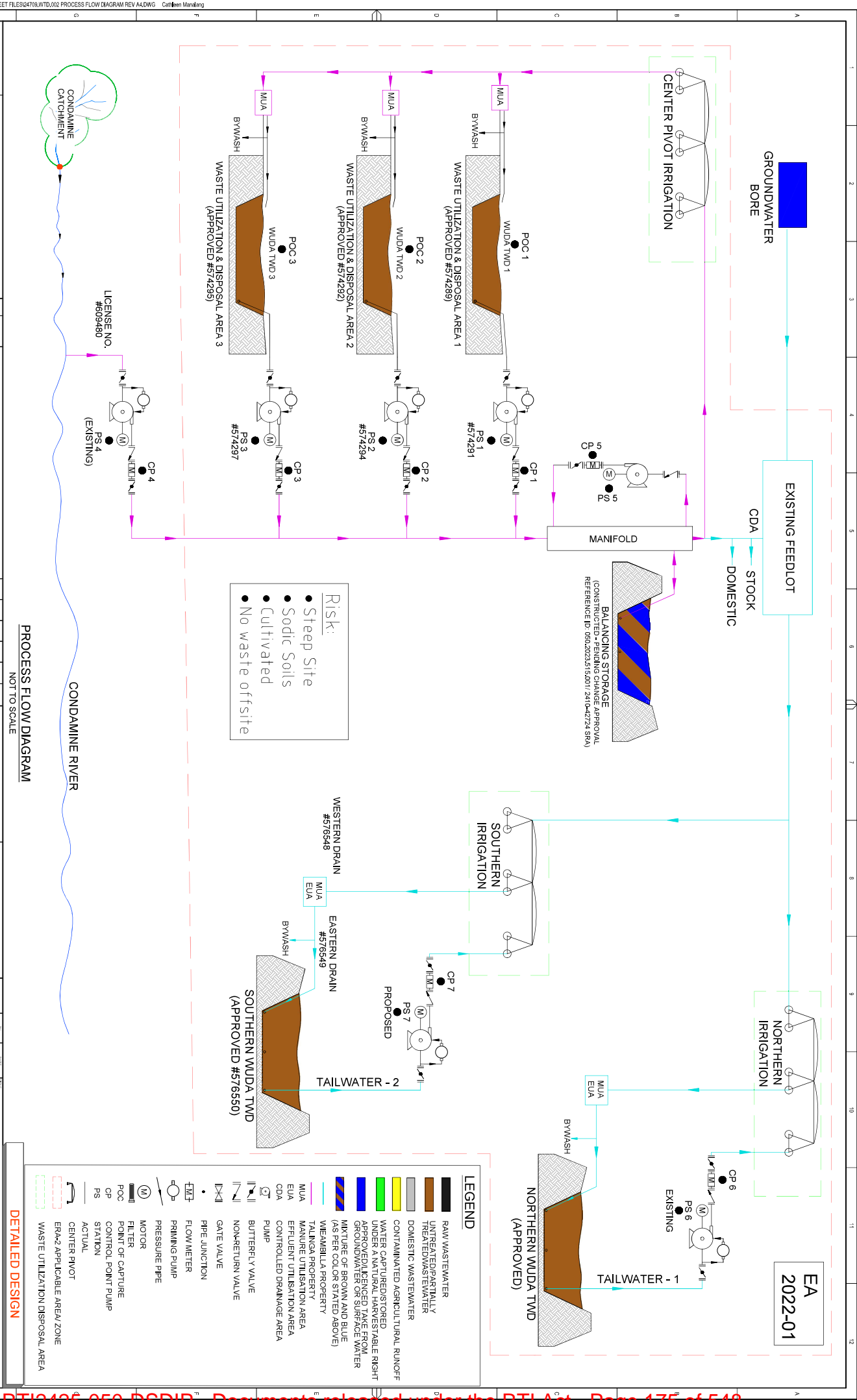
Project:	24709 - Lloyd Pastoral Company
File:	24709 - Lloyd Pastoral Company.qgz
Software:	OGIS 3.34 - desktop (Windows)
Prepared By:	Pete Pearson

No.	Rev.	Date
-	B	22 November 2024

0	0.6	1.2	1.8	2.4	3
Kilometers					
Scale 1:35,000					
Enviro4gis					

CRS:	EPSG:7856
Coordinate Units:	Meters
Scale:	1:35,000
Page Size:	420 x 297

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PROCESS FLOW DIAGRAM
NOT TO SCALE

DETAILED DESIGN

PREPARED BY:

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REVISION:

From: [Danica Clark](#)
To: Personal information
Subject: RE: 2410-42724 SRA - Response to Information Request
Date: Thursday, 27 February 2025 11:02:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Personal info

Just checking in as to how you are progressing with your IR response, and whether you needed a further extension?

The current response date is Monday, 3 March 2025.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

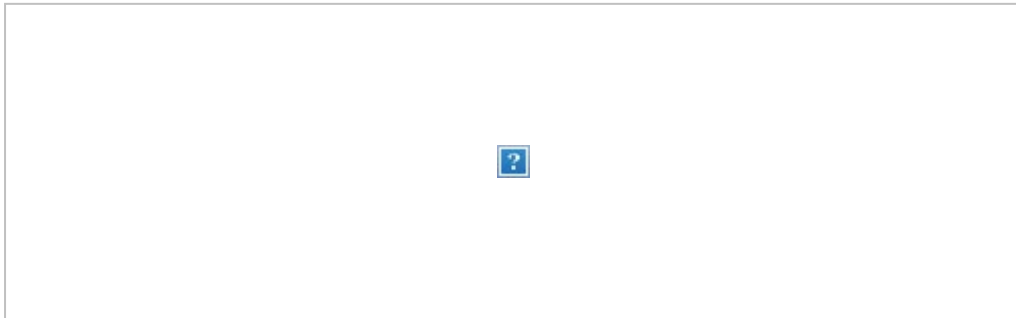
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



From: Personal information <enviroag.net.au>
Sent: Monday, 3 February 2025 7:47 AM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Personal information <lloydpastoral.com.au> Personal info <lloydpastoral.com.au>;
Personal info <lloydpastoral.com.au>
Subject: RE: 2410-42724 SRA - Response to Information Request

Good Morning Danica,

Apologies for my delay in responding. I was offline much of last week.

We are currently awaiting an amended ERA2 from DPI, as this will impact our response to the RFI. This has been delayed due to DPI staff leave as well as the Christmas and New Year period. However, they have all the information they require from us, and we do expect this to be issued soon.

In light of this, we do require some additional time.

Would you accept a 4 week extension?

Kind regards,

Personal information

EnviroAg Australia Pty Limited
a: 82 Glen Innes Road, Armidale NSW 2350
m: PO Box 1775, Armidale NSW 2350
p: Personal information
w: www.enviroag.net.au

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: Danica Clark [<mailto:Danica.Clark@dasilgp.qld.gov.au>]
Sent: Friday, 31 January 2025 14:53
To: Personal information
Subject: 2410-42724 SRA - Response to Information Request

Hi Personal information

Your response to SARA's information request is due Monday, 3 February 2025.

Did you require additional time to respond?

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350
PO Box 825, Toowoomba QLD 4350
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From: [Danica Clark](#)
To: Personal information
Subject: RE: 2410-42724 SRA application correspondence
Date: Thursday, 27 February 2025 4:02:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Personal in

Confirming receipt of the response to SARA's information request.

If we require any additional information I will be in contact.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

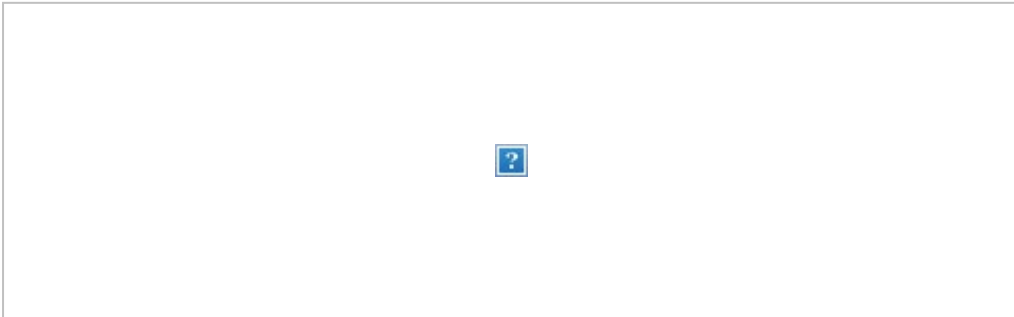
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



From: Personal information <enviroag.net.au>
Sent: Thursday, 27 February 2025 12:17 PM
To: ToowoombaSARA <ToowoombaSARA@dsdilgp.qld.gov.au>; Danica Clark
<Danica.Clark@dsdilgp.qld.gov.au>
Cc: Development_Apps @. EnviroAg <development_apps@enviroag.net.au>
Subject: RE: 2410-42724 SRA application correspondence

Good afternoon Danica,

Please find attached a letter outlining our responses to your Information Request issued on the 25th October 2024.

Should you have any further queries, please do not hesitate to contact us.

Kind regards,

Personal information

EnviroAg Australia Pty Limited
a: 82 Glen Innes Road, Armidale NSW 2350
m: PO Box 1775, Armidale NSW 2350
p: Personal information
w: www.enviroag.net.au

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: No Reply [<mailto:mydas-notifications-prod2@qld.gov.au>]
Sent: Friday, 25 October 2024 18:03
To: toowoombasara@dsdilgp.qld.gov.au; Personal information
Cc: danica.clark@dilgp.qld.gov.au; info@wdrc.qld.gov.au
Subject: 2410-42724 SRA application correspondence

Please find attached a notice regarding application [2410-42724 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

GE33-N

alt=



Email Id: RFLG-1024-0021-9981

From: [Danica Clark](#)
To: Waterservices.Toowoomba@rdmw.qld.gov.au
Cc: carly.nielsen@rdmw.qld.gov.au
Subject: Response to Information Request - 2410-42724 SRA - Lloyd Pastoral
Date: Thursday, 27 February 2025 4:01:00 PM
Attachments: [24665.114466_250225_Lloyds Pastoral_SARA RFI Response Letter_Rev0.pdf](#)
[image001.png](#)
[image002.png](#)

Good afternoon Water Services

The applicant has provided the attached response to the information request issued for Lloyd Pastoral – OPW for Ring Tank.

DRDMW's technical response is now due 14 March 2025.

If you require any additional information, please don't hesitate to contact me.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



From: Personal information <[redacted]> <[redacted]>@enviroag.net.au>
Sent: Thursday, 27 February 2025 12:17 PM
To: ToowoombaSARA <ToowoombaSARA@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Development_Apps @. EnviroAg <development_apps@enviroag.net.au>
Subject: RE: 2410-42724 SRA application correspondence

Good afternoon Danica,

Please find attached a letter outlining our responses to your Information Request issued on the 25th October 2024.

Should you have any further queries, please do not hesitate to contact us.

Kind regards,

Personal information

EnviroAg Australia Pty Limited

a: 82 Glen Innes Road, Armidale NSW 2350

m: PO Box 1775, Armidale NSW 2350

p: Personal information

w: www.enviroag.net.au

We value your feedback. Please [click here](#) to complete our brief feedback form.

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EnviroAg Australia Pty Limited ACN 135 005 999 ABN 56 135 005 999

From: No Reply [<mailto:mydas-notifications-prod2@qld.gov.au>]

Sent: Friday, 25 October 2024 18:03

To: toowoombasara@dsdilgp.qld.gov.au; Personal information

Cc: danica.clark@dilgp.qld.gov.au; info@wdrc.qld.gov.au

Subject: 2410-42724 SRA application correspondence

Please find attached a notice regarding application [2410-42724 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

GE33-N

alt=



Email Id: RFLG-1024-0021-9981

Our Reference: 24665.114466
Your Reference: 2410-42724 SRA
DTV: 1.1



25th February 2025

Ms Danica Clark
Senior Planning Officer: Planning Services
Planning Group
Department of Housing, Local Government, Planning and Public
Works
PO Box 825
Toowoomba, QLD 4350

PO Box 411
TOOWOOMBA QLD 4350
Telephone: (07) 4638 2228
Free Call: 1800 445 389
info@enviroag.net.au
www.enviroag.net.au
ABN: 56 135 005 999

toowoombasara@dsdilgp.qld.gov.au;
danica.clark@dilgp.qld.gov.au

Dear Ms Clark

Re: Response to RFI – LPC – Ring Tank - Kogan Condamine Road, Crossroads

We write to provide response to a *SARA information request - Kogan Condamine Road, Crossroads* issued on the 25th October 2024 (Attachment 1). The request is in relation to SARA application 2410-42724 SRA and Western Downs Regional Council (WDRC) application 050.2024.510.001.

The issues raised in the information request are presented below:

Issue:

Section 3.3 of the submitted Technical Briefing Note (referenced 24665.113186) details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. The proposed ring tank should therefore only take water from the Condamine River and omit all other overland flow. The submitted Process Flow Diagram (Dwg No. 24598.CDAD.103 Rev A) shows the ring tank can store water from the three (3) contaminated agricultural runoff (CAR) dams.

Based on the submitted material, it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the Water Act 2000) is to be stored in the ring tank.

Note: Development Approval reference 1811-8340 SDA did not authorise the ring tank for CAR water use. This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval, and as conditioned on the approval.

Subsequent to the issuing of the information request the Department of Primary Industries has reviewed and amended the Environmental Authority (EA) for the site. The current ERA 2 (2022-1) issued on the 7th February 2025 (see Attachment 2) clearly defines the feedlot controlled drainage area and associated facilities per:

- 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia, Revision B, 22 November 2024
- Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024

The responses to the SARA actions provided below are presented in consideration of the amended ERA 2.

Actions:

(a) Provide further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water.

- The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation.
- The storage may also be used as a “balancing storage” to shandy disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas.
- The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same.

(b) Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, the applicant must demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm).

- The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water.
- No CAR water is captured or used on this site.
- Per the ERA 2 (2022-1) **terminal ponds** capture and hold the initial and possibly heavily polluted runoff from a storm event (polluted WUDA tail waters) , as well as the direct **tailwater** generated by excess effluent irrigation. The ERA 2 dictates that this captured polluted water is to be reused on the waste utilisation and disposal areas to prevent pollution of nearby waterways.

(c) Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this.

- Refer to the previous two action responses for the intended function and use of the ring tank.
- The ERA 2 (2022-1) includes a copy of the approved Process Flow Diagram (PFD) for this site. This approved PFD should be considered the most current and correct.

It is also stated in the SARA Information Request that;

“it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the Water Act 2000) is to be stored in the ring tank”.

To clarify, no overland flow waters or CAR waters will be stored by the ring tank / balancing storage or indeed on the site. As outlined by the EA, only environmental water will be captured. The terminal ponds will only capture excess effluent irrigation tail waters from waste utilisation-disposal areas (WUDA's) and the initial (25 mm) and possibly heavily polluted runoff from a storm event from the WUDA's. The ring tank / balancing storage will store licenced take from the Condamine River and may be used as a “balancing storage” to mix (shandy) the tailwaters with clean water prior to reuse on disposal areas.

Yours sincerely,

Personal information

EnviroAg Australia Pty Limited

Attachment 1 – SARA RFI – 25/010/2024



SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001

25 October 2024

Lloyd Pastoral Company Pty Ltd
C/- EnviroAg Australia Pty Ltd
PO BOX 411
TOOWOOMBA QLD 4350
[Personal information] enviroag.net.au

Attention: [Personal information]

Dear [Personal information]

SARA information request - Kogan Condamine Road, Crossroads

(Given under section 12 of the Development Assessment Rules)

This notice has been issued because the State Assessment and Referral Agency (SARA) has identified that information necessary to assess your application against the relevant provisions of the State Development Assessment Provisions (SDAP) has not been provided.

State code 10: Taking or interfering with water

1.	<p>Issue:</p> <p>Section 3.3 of the submitted Technical Briefing Note (referenced 24665.113186) details river water will be received by the ring tank; there has been no change to the proposed usage of the ring tank and there is no change to the linkages between this ring tank and all existing approvals. The proposed ring tank should therefore only take water from the Condamine River and omit all other overland flow. The submitted Process Flow Diagram (Dwg No. 24598.CDAD.103 Rev A) shows the ring tank can store water from the three (3) contaminated agricultural runoff (CAR) dams.</p> <p>Based on the submitted material, it is unclear whether overland flow water, including WUDA/CAR and all environmental water (captured under section 97 of the <i>Water Act 2000</i>) is to be stored in the ring tank.</p> <p>Note: Development Approval reference 1811-8340 SDA did not authorise the ring tank for CAR water use. This was confirmed in the drawing number 24318.CD.005 within Certification Report Number 24318.97226, titled Lloyd CAR Dam Concept Design and Application for Approval, and as conditioned on the approval.</p>
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	<p><u>Action:</u></p> <ul style="list-style-type: none"> (a) Provide further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water. (b) Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, the applicant must demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). (c) Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this.
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How to respond

You have three months to respond to this request and the due date to SARA is 3 February 2025.

You may respond by providing either: (a) all of the information requested; (b) part of the information requested; or (c) a notice that none of the information will be provided. Further guidance on responding to an information request is provided in section 13 of the [Development Assessment Rules](#) (DA Rules).

It is recommended that you provide all the information requested above. If you decide not to provide all the information requested, your application will be assessed and decided based on the information provided to date.

You are requested to upload your response and complete the relevant tasks in [MyDAS2](#).

As SARA is a referral agency for this application, a copy of this information request will be provided to the assessment manager in accordance with section 12.4 of the DA Rules.

If you require further information or have any questions about the above, please contact Danica Clark, Senior Planner, on 3307 6175 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Personal information

Paul Gleeson
A/Manager

cc Western Downs Regional Council, info@wdrc.qld.gov.au

Development details	
Description:	Development permit Operational work for Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role:	Referral agency
SARA trigger:	<ul style="list-style-type: none"> Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
SARA reference:	2410-42724 SRA
Assessment criteria:	State code 10; Taking or interfering with water

Attachment 2 – ERA 2 (2022-1) – 07/02/2025

Permit

Environmental Protection Act 1994

Environmental Authority 2022-01

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

Environmental authority number: 2022-01

Environmental authority takes effect 7 February 2025

The anniversary date of this environmental authority is the same day each year as the effective date.

Environmental authority holder(s)

Name and Suitable Operator Reference	Registered address
<div>Personal information</div>	<div>Personal information</div>

Environmentally relevant activity and location details

Environmentally relevant activity	Location
ERA 2 – Intensive animal feedlotting 1 keeping the following number of standard cattle units in a feedlot – b) more than 10,000	Lot 16 RG26; Lot 18 RG27; Lot 19 RG27; Lot 20 RG27. 3963 Kogan-Condamine Road Crossroads Queensland

Additional information for holders of environmental authorities

Environmentally relevant activities

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

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

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

Contaminated land

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

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

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

Personal information

Luke Boucher
Manager Environmental Regulation

7 February 2025

Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

Department of Primary Industries
Intensive Livestock Unit
203 Tor Street
TOOWOOMBA QLD 4350

Phone: 13 25 23
Fax: 07 4529 9233
Email: livestockregulator@daf.qld.gov.au

Department of Primary Industries

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)

Other permits required

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

Development Approval

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

Conditions of environmental authority

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

Agency interest: General	
Condition number	Condition
G1	Any breach of a condition of this environmental authority must be reported to the 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	<p>The activity must be undertaken in accordance with written procedures that:</p> <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.
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.
G8	<p>The feedlot controlled drainage areas and associated facilities must be constructed generally in accordance with the following plans:</p> <ol style="list-style-type: none"> 1. 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia, Revision B, 22 November 2024. 2. Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024.

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	<p>Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place:</p> <p>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</p> <p>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)</p>
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.
WT4	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This may include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event.
WT5	Terminal ponds must be designed, constructed and maintained in accordance with accepted engineering practice, to ensure long term structural integrity. The in-situ coefficient of permeability of the finished base, batters and embankments must not exceed 0.1mm/day. If this standard cannot be achieved using the in-situ material, lining must be carried out in accordance with the design permeability specification of Appendix C & G of the National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition.

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
L _{Aeq adj,T}	Noise measured at a commercial place					
	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	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
WS2	Any release or utilisation of waste products generated by the activity must not cause environmental harm.

Attachments

1. 24709 – Lloyd Pastoral Company – Site Infrastructure, EnviroAg Australia Pty Limited, Revision B, 22 November 2024.
2. Process flow Diagram, EnviroAg Australia, Drawing No. 24709.D.002.0.1, Revision A4, 21 November 2024.

Definitions

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

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

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

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

delegate of the administering authority means an officer of the Department of Primary Industries (DPI) 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—

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

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

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.

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

- f) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- g) a motel, hotel or hostel; or

- h) a kindergarten, school, university or other educational institution; or
- i) a medical centre or hospital; or
- j) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- k) a public thoroughfare, park or gardens; or
- l) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

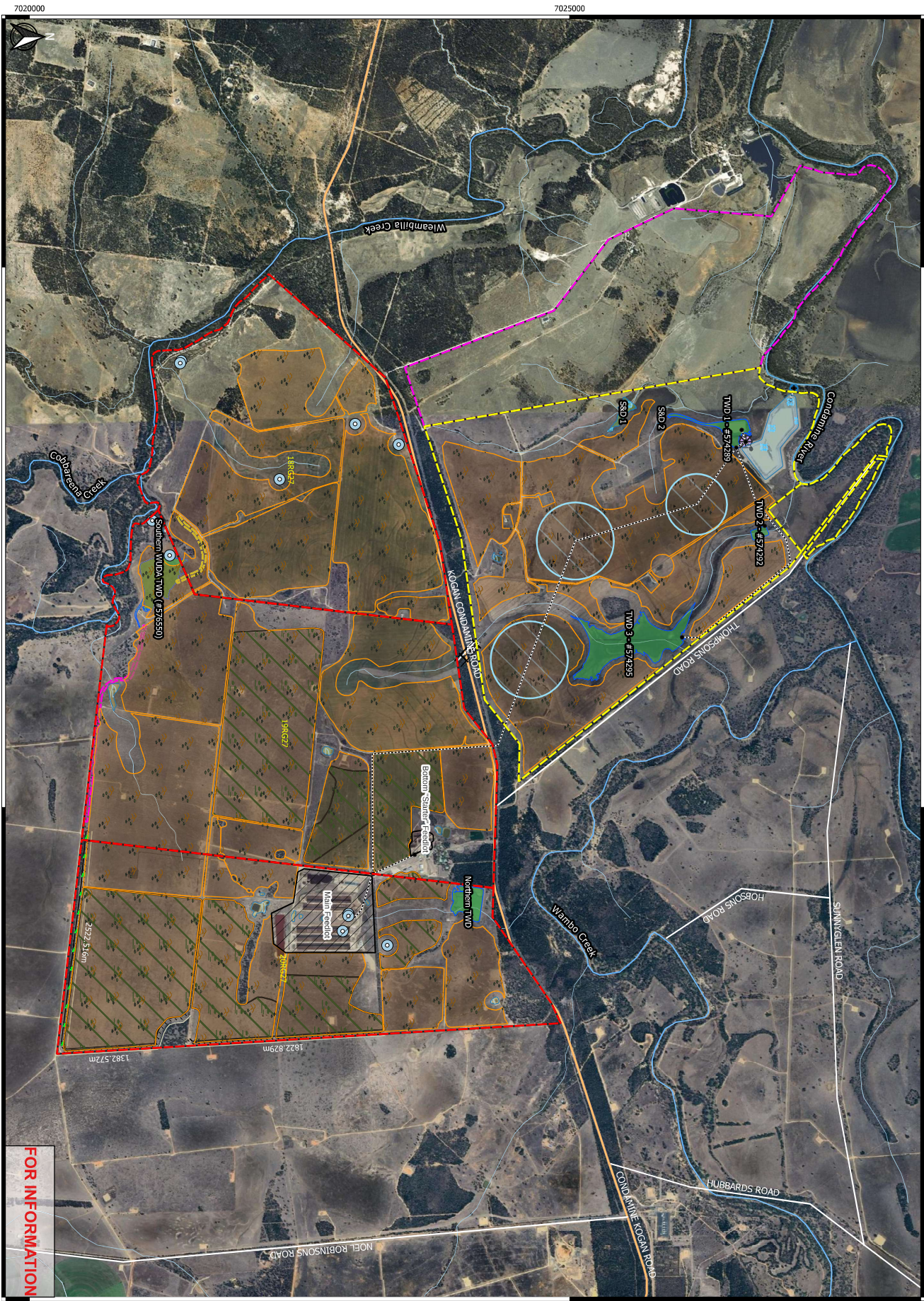
tailwater is runoff from an irrigation area which arises when irrigation water is applied in excess of the infiltration capacity of the soil.

terminal pond means a pond located at the end of an effluent irrigation area. It is intended to capture the initial and possibly heavily polluted runoff from a storm event. It is also intended to capture and hold **tailwater** generated by effluent irrigation systems.

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

you means the holder of the environmental authority.

END OF ENVIRONMENTAL AUTHORITY



FOR INFORMATION

Legend:

- Site
 - Lot Boundaries
 - Wiambullia
 - Talinga
 - Turinga
- Infrastructure
 - Pending Change Application
 - Balancing Storage
- Existing and Approved
 - Bones
 - Minor Dams
 - SKD 1
 - SKD 2
 - Pipelines
 - Pumps
 - Manifold
 - Centre Ponds
 - Culvert
- Waste Utilisation Areas
 - WUDA (Manure)
 - WUDA (Effluent)
- Drains
 - East Drain
 - West Drain
 - Drain (Swale)
 - Drain (Bundling)
- Tailwater Dams
 - Northern WUDA TWD
 - Southern WUDA TWD
 - WUDA TWD 1
 - WUDA TWD 2
 - WUDA TWD 3
- Infrastructure
 - Culvert
 - Road Network
 - Street/Local
 - Secondary Roads
- Environment
 - Watercourse_Lines - Western Downs
 - River
 - Creek
 - Unnamed
- Imagery
 - Google Satellite

Project:	24709 - Lloyd Pastoral Company
File:	24709 - Lloyd Pastoral Company.qgz
Software:	OGIS 3.34 - desktop (Windows)
Prepared By:	Pete Pearson

No.	Rev.	Date
-	B	22 November 2024

0 0.6 1.2 1.8 2.4 3
Kilometers
Scale 1:35,000
Enviro4g
Australia

CRS:	EPSG:7856
Coordinate Units:	Meters
Scale:	1:35,000
Page Size:	420 x 297

Disclaimer: The information in this map has been provided in good faith. While all effort has been made to ensure the accuracy and completeness of the information and images, The data providers take no responsibility for any errors or omissions that may occur or losses or damage that may result from the use of this information.



From: [DAAT](#)
To: [Danica Clark](#)
Subject: FW: Request: Extension of time to review information received x 3
Date: Monday, 10 March 2025 3:15:41 PM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)
[image003.png](#)
[image007.png](#)

Hi Danica,

FYI – I am not sure you received the below email due to incorrect email address. The applicant has been unwilling to extend out stat dates and I am awaiting a response from Water regarding their position and next steps.

I am assuming your application is for a WUDA dam also? I am not sure if you have been briefed on the issues arising from these applications at all? If you would like to discuss, please feel free to give me a call.

Thanks heaps,

Mica

Mica Cook

Principal Planner – DA Advisory Team (DAAT)
Planning Services – Planning Group
Department of State Development, Infrastructure and Planning
Work days: Monday – Wednesday
Microsoft Teams – meet now
P 07 3452 7591
Level 13, 1 William Street, Brisbane QLD 4000
statedevelopment.qld.gov.au



From: DAAT <DAAT@dsdilgp.qld.gov.au>
Sent: Thursday, 6 March 2025 7:18 AM
To: WaterServices Toowoomba <Waterservices.Toowoomba@rdmw.qld.gov.au>; DAAT <DAAT@dsdilgp.qld.gov.au>
Cc: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>; dancia.clark@dsdilgp.qld.gov.au; Samantha Van Ryt <Samantha.VanRyt@rdmw.qld.gov.au>; Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>

Subject: RE: Request: Extension of time to review information received x 3

Hi Lucie,

Thank you for your email.

As discussed, we will seek an extension to the statutory due date from the applicant for Irrelevant informa and Irrelevant informa to allow sufficient time for you to round out your internal discussions and receive advice and feedback from DPI (formerly DAF).

I will be in touch early next week with an update on timing.

Kind regards,

Mica

Mica Cook

Principal Planner – DA Advisory Team (DAAT)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

P 07 3452 7591

Level 13, 1 William Street, Brisbane QLD 4000

statedevelopment.qld.gov.au



From: WaterServices Toowoomba <Waterservices.Toowoomba@rdmw.qld.gov.au>

Sent: Wednesday, 5 March 2025 12:16 PM

To: DAAT <DAAT@dsdilgp.qld.gov.au>

Cc: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>; dancia.clark@dsdilgp.qld.gov.au; Samantha Van Ryt <Samantha.VanRyt@rdmw.qld.gov.au>

Subject: Request: Extension of time to review information received x 3

Good Afternoon SARA,

Could we (water) please formally request an extension for the following applications?

We need more time to review the information received and there may be additional information requested before we can assess the applications.

SARA Reference	Client	JOB	Comment
Irrelevant information deleted in accordance with section 73(2) of the RTI Act.			
2410-42724 SRA	Lloyd	JOB044155	TAR due 14/03/25
Irrelevant information deleted in accordance with section 73(2) of the RTI Act.			

Many thanks.

Kind regards,
Lucie



Lucie McLachlan

Senior Water Officer, Water Entitlement Dealings (Murray Darling Basin)

Water Resource Management

Department of Local Government, Water and Volunteers

P: 1300 097 826

E: Waterservices.Toowoomba@rdmw.qld.gov.au

A: 203 Tor Street, Toowoomba QLD 4350 (visits via appointment only)

M: PO Box 318, Toowoomba, QLD 4350

W: www.rdmw.qld.gov.au

I work part-time and I will endeavour to attend to your email in a timely manner.

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business. If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

From: [Mica Cook](#)
To: [Danica Clark](#)
Subject: RE: Request: Extension of time to review information received x 3
Date: Monday, 10 March 2025 4:37:40 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image006.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

Hi Danica,

Sounds good, will speak with you tomorrow.

Kind regards,

Mica

Mica Cook

Principal Planner – Development Advisory and Referral Team
(DART)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

P 07 3452 7591

Level 13, 1 William Street, Brisbane QLD 4000

statedevelopment.qld.gov.au



From: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Sent: Monday, 10 March 2025 4:24 PM

To: DAAT <DAAT@dsdilgp.qld.gov.au>

Subject: RE: Request: Extension of time to review information received x 3

Hi Mica

Thanks for sending this through, I wasn't aware of the extension request.

I was intending on checking in with Water early this week to get an indication of its position now that we have received a response to the information request.

I'll give you call tomorrow to have a chat.

Kind regards
Danica



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

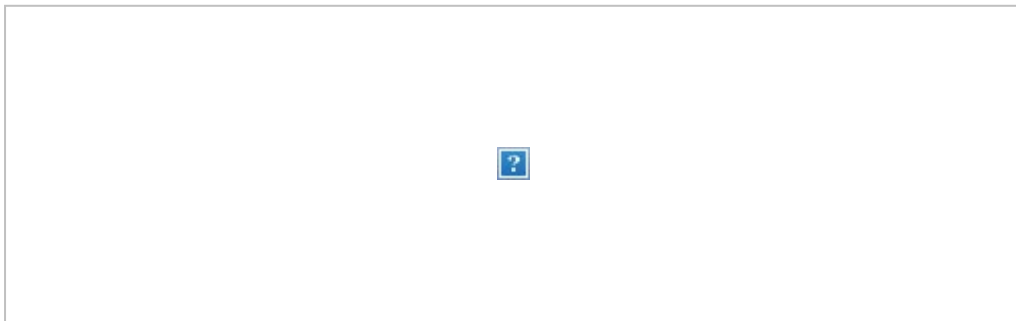
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



From: DAAT <DAAT@dsdilgp.qld.gov.au>

Sent: Monday, 10 March 2025 3:16 PM

To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Subject: FW: Request: Extension of time to review information received x 3

Hi Danica,

FYI – I am not sure you received the below email due to incorrect email address. The applicant has been unwilling to extend out stat dates and I am awaiting a response from Water regarding their position and next steps.

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Thanks heaps,

Mica

Mica Cook

Principal Planner – DA Advisory Team (DAAT)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

P 07 3452 7591

Level 13, 1 William Street, Brisbane QLD 4000

statedevelopment.qld.gov.au



From: DAAT <DAAT@dsdilgp.qld.gov.au>

Sent: Thursday, 6 March 2025 7:18 AM

To: WaterServices Toowoomba <Waterservices.Toowoomba@rdmw.qld.gov.au>; DAAT <DAAT@dsdilgp.qld.gov.au>

Cc: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>; dancia.clark@dsdilgp.qld.gov.au; Samantha Van Ryt <Samantha.VanRyt@rdmw.qld.gov.au>; Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>

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Sent: Wednesday, 5 March 2025 12:16 PM

To: DAAT <DAAT@dsdilgp.qld.gov.au>

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Many thanks.

Kind regards,

Lucie



Lucie McLachlan

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Water Resource Management

Department of Local Government, Water and Volunteers

P: 1300 097 826

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W: www.rdmw.qld.gov.au

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From: [Danica Clark](#)
To: [DAAT](#)
Subject: RE: Request: Extension of time to review information received x 3
Date: Monday, 10 March 2025 4:23:00 PM
Attachments: [image001.png](#)
[image004.png](#)
[image008.png](#)
[image003.png](#)
[image002.png](#)
[image006.png](#)

Hi Mica

Thanks for sending this through, I wasn't aware of the extension request.

I was intending on checking in with Water early this week to get an indication of its position now that we have received a response to the information request.

I'll give you call tomorrow to have a chat.

Kind regards
Danica



Danica Clark

Senior Planner

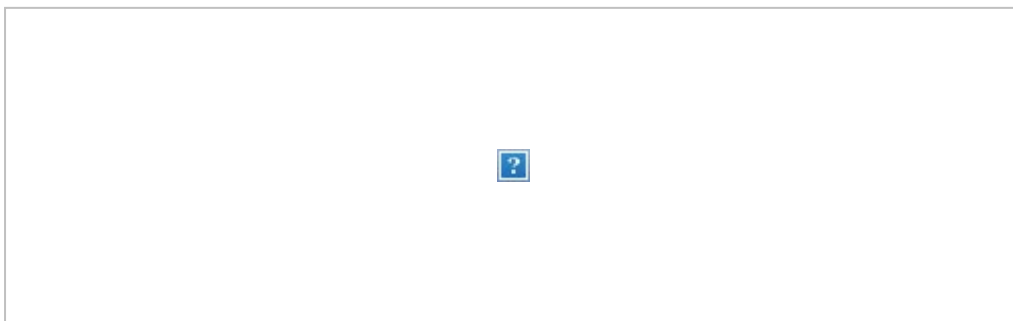
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From: [Lucie McLachlan](#)
To: [Danica Clark](#)
Subject: RE: Request: Extension of time to review information received x 3
Date: Wednesday, 12 March 2025 2:41:17 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image008.png](#)
[image006.png](#)
[image007.png](#)

OFFICIAL

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Cheers,
Lucie



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E: lucie.mclachlan@rdmw.qld.gov.au

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M: PO Box 318, Toowoomba, QLD 4350

W: www.dlgwv.qld.gov.au

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Sent: Wednesday, 12 March 2025 11:35 AM

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Hi Lucie

Hope you're well ☺

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Can you please give me a call back - just wanting to know if Water has a position yet.

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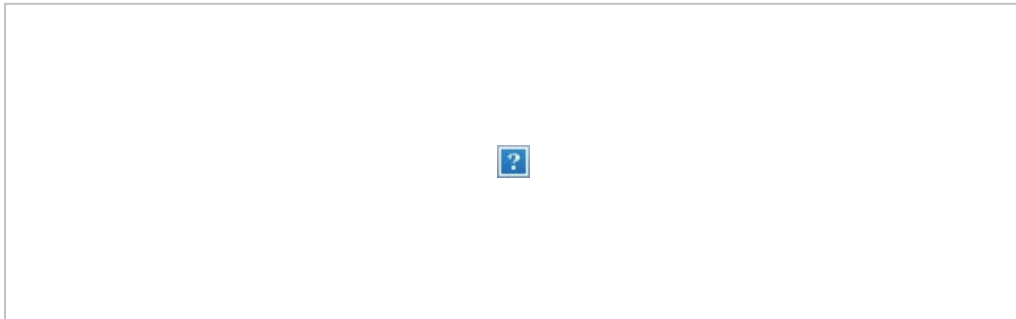
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From: [Danica Clark](#)
To: [MCLACHLAN Lucie](#)
Subject: RE: Request: Extension of time to review information received x 3
Date: Wednesday, 12 March 2025 11:34:00 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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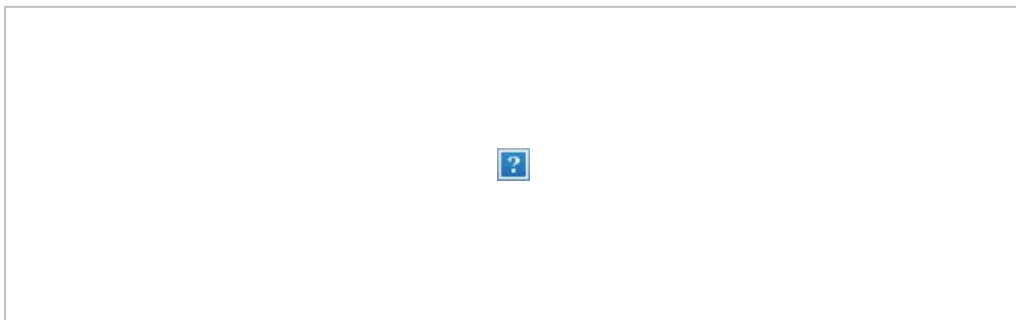
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To: [Lucie Mclachlan](#)
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Date: Thursday, 13 March 2025 2:21:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image008.png](#)

Hi Lucie

Sorry I missed you again on the phone.

Water's TAR is still due tomorrow, 14 March 2025.

I've asked about the applicable event extension, and I've been advised that it's SARA's position not to apply it to our timeframes. So unfortunately, I can't extend it using the applicable event.

I'm not sure whether the applicant will be agreeable unless we were to be negotiating to move it towards supporting the application.

How much additional time were you needing?

Kind regards



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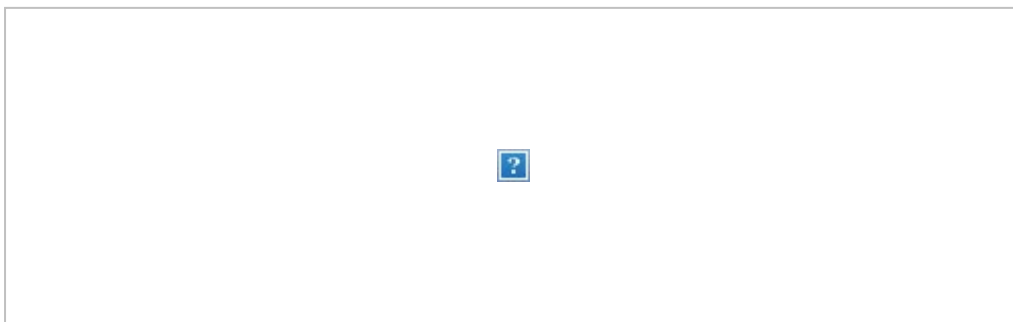
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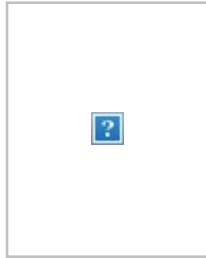
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Sent: Wednesday, 5 March 2025 12:16 PM

To: DAAT <DAAT@dsdilgp.qld.gov.au>

Cc: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>; dancia.clark@dsdilgp.qld.gov.au; Samantha Van Ryt <Samantha.VanRyt@rdmw.qld.gov.au>

Subject: Request: Extension of time to review information received x 3

Good Afternoon SARA,

Could we (water) please formally request an extension for the following applications?

We need more time to review the information received and there may be additional information requested before we can assess the applications.

SARA Reference	Client	JOB	Comment
Irrelevant information deleted in accordance with section 73(2) of the RTI Act.			
2410-42724 SRA	Lloyd	JOB044155	TAR due 14/03/25
Irrelevant information deleted in accordance with section 73(2) of the RTI Act.			

Many thanks.

Kind regards,
Lucie



Lucie McLachlan

Senior Water Officer, Water Entitlement Dealings (Murray Darling Basin)

Water Resource Management

Department of Local Government, Water and Volunteers

P: 1300 097 826

E: Waterservices.Toowoomba@rdmw.qld.gov.au

A: 203 Tor Street, Toowoomba QLD 4350 (visits via appointment only)

M: PO Box 318, Toowoomba, QLD 4350

W: www.rdmw.qld.gov.au

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From: [Lucie McLachlan](#)
To: [Danica Clark](#)
Subject: RE: Request: Extension of time to review information received x 3
Date: Friday, 14 March 2025 8:32:17 AM
Attachments: [image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)
[image009.png](#)

OFFICIAL

Hey Danica – all good.

We will have the TAR to you today.

Cheers,
Lucie



Lucie McLachlan

Senior Water Officer, Water Entitlement Dealings (Murray Darling Basin)

Water Resource Management

Department of Local Government, Water and Volunteers

P: 07 4529 1342

E: lucie.mclachlan@rdmw.qld.gov.au

A: 203 Tor Street, Toowoomba QLD 4350 (visits via appointment only)

M: PO Box 318, Toowoomba, QLD 4350

W: www.dlgwv.qld.gov.au

I work part-time and I will endeavour to attend to your email in a timely manner.

From: Danica Clark <danica.clark@dsdilgp.qld.gov.au>

Sent: Thursday, 13 March 2025 2:21 PM

To: Lucie McLachlan

Subject: RE: Request: Extension of time to review information received x 3

OFFICIAL

Hi Lucie

Sorry I missed you again on the phone.

Water's TAR is still due tomorrow, 14 March 2025.

I've asked about the applicable event extension, and I've been advised that it's SARA's position not to apply it to our timeframes. So unfortunately, I can't extend it using the applicable event.

I'm not sure whether the applicant will be agreeable unless we were to be negotiating to move it towards supporting the application.

How much additional time were you needing?

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

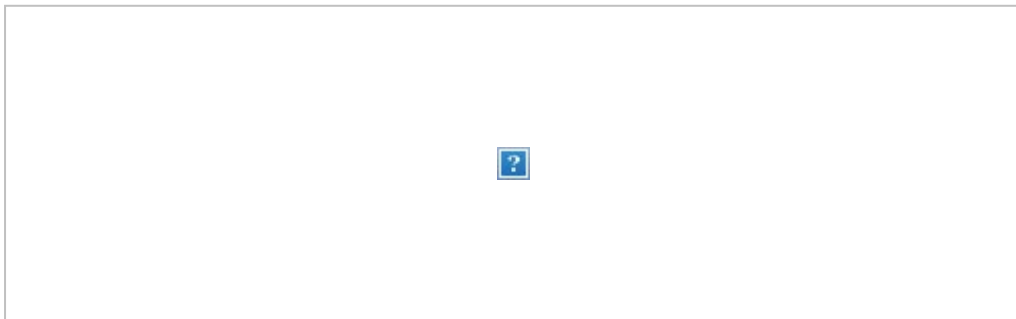
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



From: Lucie Mclachlan <Lucie.Mclachlan@rdmw.qld.gov.au>

Sent: Wednesday, 12 March 2025 2:41 PM

To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Subject: RE: Request: Extension of time to review information received x 3

OFFICIAL

Hey Danica,

I hope everything is going okay down that way. Sorry I missed your call - I've been in and out of meetings today and it seems we are playing phone tag as I've just tried to call you.

I just want to confirm what date the TAR is due for this application - is it still Friday 14/03/25? Or has this been pushed out now that extension to assessment timeframes has changed due to the cyclone?

Water will likely be refusing this application (similar to the Irrelevant informati and Irrelevant inform ones

that we are refusing also).

Cheers,
Lucie



Lucie McLachlan

Senior Water Officer, Water Entitlement Dealings (Murray Darling Basin)

Water Resource Management

Department of Local Government, Water and Volunteers

P: 07 4529 1342

E: lucie.mclachlan@rdmw.qld.gov.au

A: 203 Tor Street, Toowoomba QLD 4350 (visits via appointment only)

M: PO Box 318, Toowoomba, QLD 4350

W: www.dlgwv.qld.gov.au

I work part-time and I will endeavour to attend to your email in a timely manner.

From: Danica Clark <danica.clark@dsdilgp.qld.gov.au>

Sent: Wednesday, 12 March 2025 11:35 AM

To: Lucie Mclachlan

Subject: RE: Request: Extension of time to review information received x 3

Hi Lucie

Hope you're well ☺

I tried calling earlier to discuss the Lloyd Pastoral application and extension.

Can you please give me a call back - just wanting to know if Water has a position yet.

Thanks
Danica



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



From: DAAT <DAAT@dsdilgp.qld.gov.au>

Sent: Monday, 10 March 2025 3:16 PM

To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Subject: FW: Request: Extension of time to review information received x 3

Hi Danica,

FYI – I am not sure you received the below email due to incorrect email address. The applicant has been unwilling to extend out stat dates and I am awaiting a response from Water regarding their position and next steps.

I am assuming your application is for a WUDA dam also? I am not sure if you have been briefed on the issues arising from these applications at all? If you would like to discuss, please feel free to give me a call.

Thanks heaps,

Mica

Mica Cook

Principal Planner – DA Advisory Team (DAAT)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

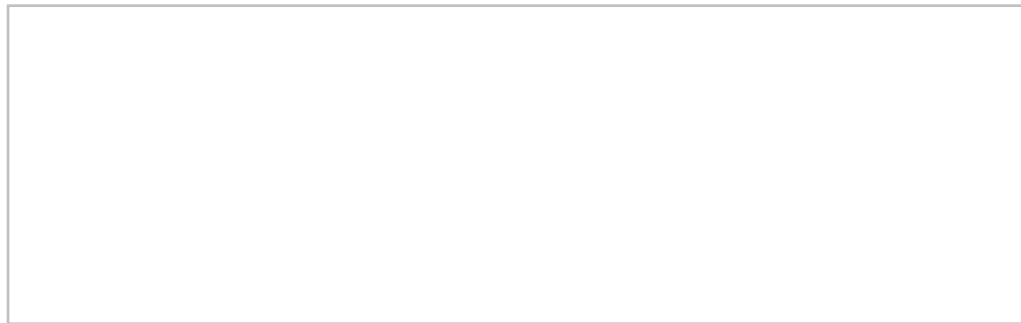
Work days: Monday – Wednesday

Microsoft Teams – meet now

P 07 3452 7591

Level 13, 1 William Street, Brisbane QLD 4000

statedevelopment.qld.gov.au



From: DAAT <DAAT@dsdilgp.qld.gov.au>

Sent: Thursday, 6 March 2025 7:18 AM

To: WaterServices Toowoomba <Waterservices.Toowoomba@rdmw.qld.gov.au>; DAAT <DAAT@dsdilgp.qld.gov.au>

Cc: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>; dancia.clark@dsdilgp.qld.gov.au; Samantha Van Ryt <Samantha.VanRyt@rdmw.qld.gov.au>; Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>

Subject: RE: Request: Extension of time to review information received x 3

Hi Lucie,

Thank you for your email.

As discussed, we will seek an extension to the statutory due date from the applicant for Irrelevant inform and Irrelevant informatio to allow sufficient time for you to round out your internal discussions and receive advice and feedback from DPI (formerly DAF).

I will be in touch early next week with an update on timing.

Kind regards,

Mica

Mica Cook

Principal Planner – DA Advisory Team (DAAT)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

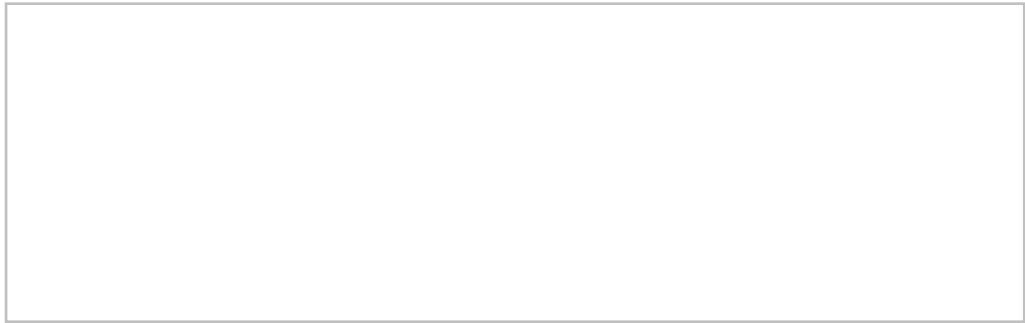
Work days: Monday – Wednesday

Microsoft Teams – meet now

P 07 3452 7591

Level 13, 1 William Street, Brisbane QLD 4000

statedevelopment.qld.gov.au



From: WaterServices Toowoomba <Waterservices.Toowoomba@rdmw.qld.gov.au>
Sent: Wednesday, 5 March 2025 12:16 PM
To: DAAT <DAAT@dsdilgp.qld.gov.au>
Cc: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>; dancia.clark@dsdilgp.qld.gov.au; Samantha Van Ryt <Samantha.VanRyt@rdmw.qld.gov.au>
Subject: Request: Extension of time to review information received x 3

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Many thanks.

Kind regards,
Lucie



Lucie McLachlan

Senior Water Officer, Water Entitlement Dealings (Murray Darling Basin)

Water Resource Management

Department of Local Government, Water and Volunteers

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From: [Lucie McLachlan](#)
To: [Danica Clark](#); [ToowoombaSARA](#); [DAAT](#)
Cc: [Carly Nielsen](#); [Richard Dickfos](#)
Subject: TAR (refusal) 2410-42724 SRA
Date: Friday, 14 March 2025 1:19:09 PM
Attachments: [image001.png](#)
[20250314_TAR Refusal \(Water\)_ 2410-42724 SRA \(JOB044155\).docx](#)

OFFICIAL

Hey Danica,

Please see attached TAR for the refusal of application 2410-42724 SRA for Lloyd Pastoral Company Pty Ltd.

Could you please email us a copy of the draft Decision Notice before it is finalised for review.

I've also uploaded a copy of the TAR into MYDAS.

Thank you!

Cheers,
Lucie



Lucie McLachlan

Senior Water Officer, Water Entitlement Dealings (Murray Darling Basin)

Water Resource Management

Department of Local Government, Water and Volunteers

P: 07 4529 1342

E: lucie.mclachlan@rdmw.qld.gov.au

A: 203 Tor Street, Toowoomba QLD 4350 (visits via appointment only)

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RA7-TA

SARA technical agency assessment response

Technical agency (TA)— Department of Local Government, Water and Volunteers

SARA reference: 2410-42724 SRA
 SARA role: referral agency
 SARA regional office: Darling Downs South West regional office
 SARA email: ToowoombaSARA@dsdilgp.qld.gov.au
 [NB: all responses are to be returned to this email address]
 TA reference: JOB044155 (WMS Event: 635127)
 TA contact name: Lucie McLachlan
 TA contact details: 1300 097 826
 TA approver: Richard Dickfos

1.0 Application details

Street address: Kogan Condamine Road, Crossroads
 Real property description: 16RG26
 Local government area: Western Downs Regional Council

Applicant name: Lloyd Pastoral Company Pty Ltd

Applicant contact details: PO BOX 411
 Toowoomba QLD 4350
 Personal information enviroag.net.au

2.0 Aspects of development and type of approval being sought

Nature of development	Approval type	Category of assessment
Operational work	Development permit	Code assessment
Description of proposal: Other Change to an existing Development Approval for Operational Work (Ring Tank)		

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the Planning Regulation 2017:

Trigger	Description	Technical agency	Fast track?
10.19.1.3.1.1	Development application for operational work that is assessable development under section 29, unless the chief executive is the prescribed assessment manager for the application	DRDMW	N

10.9.4.2.5.1	Development application for operational work, if- (a) all or part of the premises are within 25m of a State transport corridor; and (b) the work- (i) relates to access to a State transport corridor; or (ii) involves extracting, excavating or filling more than 50m ³ ; or (iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm ² , to a State transport corridor; and (c) the work does not relate to- (i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or (ii) reconfiguring a lot stated in table 1, item 1, column 2 or table 3, item 1, column 2; or (iii) government supported transport infrastructure	DTMR	N
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4.0 Assessment

4.1 Considerations and assessment

The application seeks approval for an existing Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources. The Ring Tank stores water from the Condamine River under Water Allocation 21 on AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate a proposed 150hectares (this figure was based on the proposed irrigatable area from the Development Approval 1811-3840 SDA. This area has not been provided as part of this application or in any supporting information).

Supporting information provided along with the application claims that there has been no change to the proposed use of the Ring Tank, nor has there been any change to the linkages between this Ring Tank and all existing works (Technical Briefing Note, dated 06 September 2024 reference 24665.113186.0) where this has identified that the *"Ring Tank (DA 050.2021.72.001) design and footprint was change (SMK QLD Pty Ltd) with the change occurred due to conflicting footprints between the constructed CAR dam and the approved ring tank design difference between the proposed footprint and the discovery of sand lens at the proposed location which would have issues with the integrity of the original design."*

From the department's perspective, this is not the case as the original contaminated agricultural run-off water dams (approved under 1811-8340 SDA) were never approved for a linkage with the Ring Tank. It is also worth noting that:

1. This application (2410-42724 SRA) relates the operational works (referral agency) as part of Western Downs Regional Councils application reference 050.2024.00000510.001 (Request to Change Existing Approval).
2. The department was never referred for comment under the original Development Approval from the Western Downs Regional Council application reference 040.2019.00000039.001.
3. Applicant has previously been advised that the Ring Tank could not have linkage to the contaminated agricultural run-off water dams.
4. The approved infrastructure under 1811-8340 SDA and the post constructed certification report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that there is a link with the Ring Tank and the contaminated agricultural run-off water dams. The Ring Tank (at time of application under 1811-8340 SDA) claimed to use the Ring Tank for fresh water supply to the feedlot when required.

5. Supporting information supplied for this application, claims there is no contaminated agricultural run-off water captured on site, with the previously approved contaminated agricultural run-off water dams (Works 574289, 574292, 574295 under 1811-8340 SDA) now used as Waste Utilisation and Disposal Area Dams under the Environmental Authority 2022-01.
6. Works 574289 (CAR Dam 1) and 574295 (CAR Dam 3) are installed. Works 574292 (CAR Dam 2) is not installed and taken to be lapsed under Development Approval 1811-3840 SDA.
7. Works 574289 and 574295 have been built larger than what was approved under Development Approval 1811-3840 SDA.

Background

This Development Approval 1811-8340 SDA did not authorise the storage of CAR water into the Ring Tank and required all CAR water to be delivered direct to crop. This approval was granted subject to the works being constructed in accordance with:

1. Infrastructure Layout Plan, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CC.003, revision 2
2. Site Plan – Vegetation and Catchment Map, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CC.004, revision 2
3. General Notes and Drawings Index, prepared by Enviro Ag Australia, dated 2 November 2018, reference 24318.CD.001, revision 2
4. Site Plan, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.002, revision 3
5. CAR Dam No. 1 - Plan and Details, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.003, revision 3
6. CAR Dam No. 2 – Plan and Details, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.004, revision 4
7. Process Flow Diagram, prepared by Enviro Ag Australia, dated, reference 02 November 2018 24318.CD.005, revision 2
8. CAR Dam No. 3 (Embankment) – Plan and Section, prepared by Enviro Ag Australia, dated 22 November 2018, reference 24318.CD.006, revision 1

A post constructed report received 7 April 2021 (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that CAR Dam 1 (Works 574289) and CAR Dam 3 (Works 574295) are connected to the Ring Tank (see Image One and Two below) and have also been built larger than what was authorised under Development Approval 1811-3840 SDA (see Table One below). Development Approval 1811-3840 SDA allowed for the first flush (25mm) of 972.77ha of contaminated area, giving a contaminated agricultural run-off capacity of 243.2ML. The post constructed report indicates that the works were built to a contaminated area of 1008.1ha which allows for 250.05ML of contaminated agricultural run-off capacity. Works 574289 was approved for capacity of 95.7ML and Works 574295 was approved for 113.5ML. The post constructed report indicates that these sizes are now 107.1ML and 119.39ML respectively. Works 574292 are not constructed and taken to be lapsed.

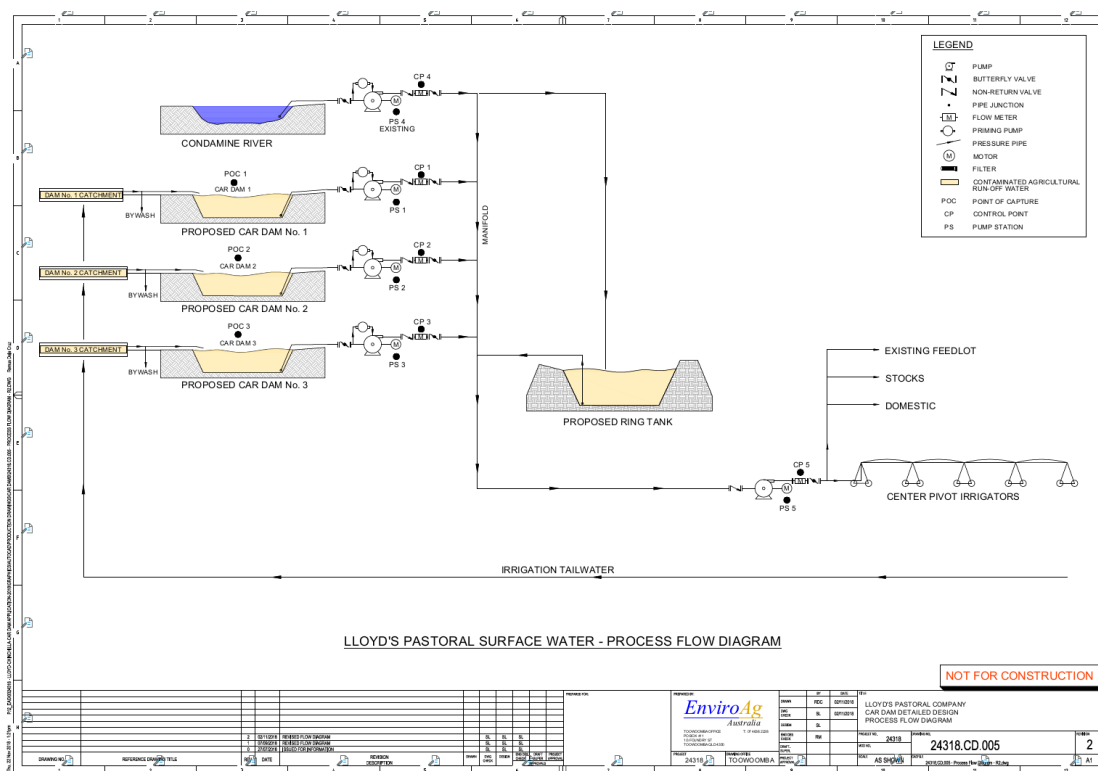


Image One: Drawing 24318.CD.005 (within Certification Report 24318.97226, Rev 2, dated 10 January 2019)

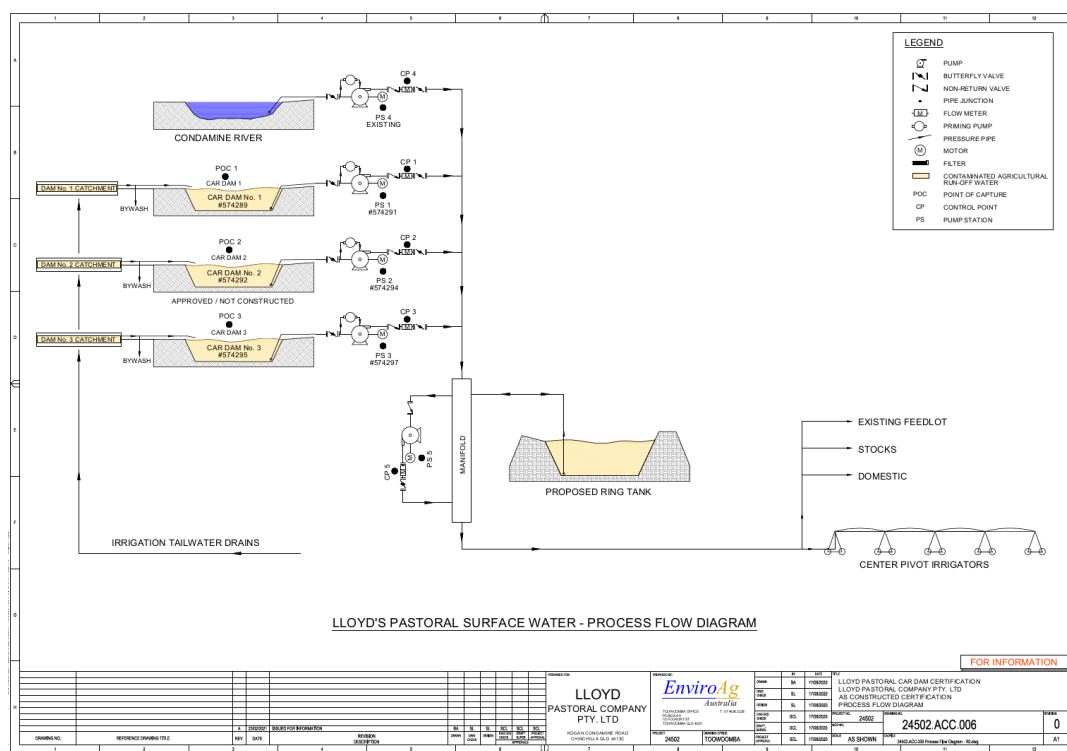


Image Two: Drawing 24502.ACC.006 (within Certification Report 24502.105206, Rev 0, dated 07 April 2021)

What was approved vs What is installed					
Works	Name	Approved		Installed as of 07/04/2021	
		Lot/Plan	Description	Installed (Table 13, Report No. 24502.105206)	Difference
574289	CAR Dam 1	16/RG26	Capacity 95.7ML Sump TWL RL 288.50m Crest RL 290m Freeboard 1.5m Surface Area at TWL 2.04ha Fetch 197.7m Internal batter 3H:1V Bywash height RL 288.5m	Capacity 110.2ML Sump TWL RL 290.65m Crest RL 292m Freeboard 1.35m Surface Area at TWL 5.74ha Not supplied: Fetch, Internal batter, Bywash height. Drawing 24502.ACC.003	Increase in Capacity of 14.5ML (110.2-95.7) Increase in TWL RL 2.15m (290.65 – 288.50) Increase in Crest RL 2m (292 – 290) Increase in Surface Area at TWL 3.70ha (5.74 – 2.04) Decrease in Freeboard 0.15m (1.5-1.3.5)
574290	Tailwater Drain/Contour Bank 1	16/RG26	Depth min. 0.5m Width 3m Internal Batter 3H:1V	Depth min. 1.0m Width 16.3m? varies Drawing 24502.ACC.005	Increase in depth 0.5m (1-0.5) Increase in width 13.3 (16.3-3 but need to confirm width as drawing indicates it varies)
574291	Pump 1	16/RG26	Max rate 47.85ML/day	Proposed – in progress	N/A
574292	CAR Dam 2	16/RG26	Capacity 33.6ML Sump TWL RL 290.50m Crest RL 292m Freeboard 1.5m Surface Area at TWL 1.24ha Fetch 130m Internal batter 3H:1V Bywash height RL 290.50m	Proposed	N/A
574293	Tailwater Drain/Contour Bank 2	16/RG26	Depth min. 0.5m Width 3m Internal Batter 1:3	Proposed	N/A
574294	Pump 2	16/RG26	Max rate 16.8ML/day	Proposed	N/A
574295	CAR Dam 3	16/RG26	Capacity 113.55ML Open Storage (Gully Dam) TWL RL 291.6m Crest RL 292.10m Freeboard 0.5m Max. Embankment height above NS 1.72m Surface Area at TWL 9.11ha Fetch 121.0m Internal batter varies with natural surface Average depth 1.246m	Capacity 149.44ML Open Storage (Gully Dam) TWL RL 292.25m Crest RL 293.25m Freeboard 1m Max. Embankment height above NS 1.72m Surface Area at TWL 28.4ha Fetch N/A Internal batter 1:5 Average depth N/A Drawing 24502.ACC.004	Increase in Capacity of 35.89ML (149.44-113.55) Increase in TWL RL 0.65m (292.25 – 291.60) Increase in Crest RL 1.15m (293.25 – 292.10) Increase in Surface Area at TWL 19.29ha (28.4 – 9.11) Increase in Freeboard 0.5m (1 – 0.5)
574296	Tailwater Drain/Contour Bank 3	16/RG26	Depth min. 0.5m Width 3m Internal Batter 1:3	Proposed	N/A
574297	Pump 3	16/RG26	Max rate 56.75ML/day	Proposed – in progress	N/A

Table One: Works approved under Development Approval 1811-3840 SDA and what was constructed as per post constructed report received 7 April 2021.

A field inspection undertaken by Compliance team on 11 February 2025 confirms that both CAR Dam 1 (works 574289) and CAR Dam 3 (works 574295) are connected to the Ring Tank via an irrigation line and transferred into the Ring Tank. Further compliance action may be pending regarding this.

Previous advice has been provided to SARA/the applicant to this effect under the following Development Approval applications/pre-lodgment advice:

- 1811-8340 SDA
- 2404-40188 SPL
- 2312-38105 SRA

Assessment under State Development Assessment Provisions

While the Ring Tank is not the primary works used to capture overland flow on the property, this application will be refused as it has the potential to increase the take of overland flow based on:

1. Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water, are linked and capable of transferring water from these storages into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these dams have been constructed larger than what was approved under this Development Approval.
2. Supporting information with this application, claims that Works 574289 and 574295 (authorised under 1811-3840 SDA) are now known as waste utilisation and disposal Area dams or terminal ponds under the Environmental Authority.

It is the position of the Department that the existing works and therefore Ring Tank do not satisfy the requirements of the Environmental Approval as the total capacity of the works outside of the feedlot area is deemed excessive for the purposes of the Environmental Approval. While the Environmental Approval now includes a condition that allows terminal ponds, the condition also included the word 'may' that indicates the Environmental Authority holders are able to achieve this via other means. There is no conflict with Environmental Authority holders not constructing these terminal ponds, so these are deemed not necessary to meet the Environmental Authority conditions. As such, this application will address both the state codes (State Code 10 for taking overland flow water) that relate to taking overland flow that is contaminated agriculture run-off water in a Queensland Murray Darling Basin catchment (noting that Works 574289 and 574295 under 1811-3840 SDA were granted prior to the treat and release requirements) and taking overland flow water that is necessary to meet the requirements of an Environmental Authority under the *Environmental Protection Act 1994*.

State Code 10: Purpose Statement

The purpose of this code is to ensure sustainable management of water by ensuring that development:

1. *maintains:*
 - a. *natural ecosystem processes;*
 - b. *riverine environments;*
 - c. *underground water systems;*
 - d. *physical integrity of watercourses;*
2. *does not result in an adverse impact on:*
 - a. *connectivity between underground water and water in a watercourse, lake or spring;*
 - b. *property of others;*
 - c. *the water security of other users and their access to the water resource;*
3. *minimises the volume of overland flow water taken, consistent with the development;*
4. *minimises the take of contaminated agricultural run-off water;*
5. *in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved.*

The current application does not meet purpose statement 3, 4 and 5, and has the potential to impact purpose statement 2(a) and (b).

For assessment of this application:

1. The works linked to the ring tank are deemed excessive in size and not necessary to meet the conditions of the Environmental Authority. The works are set up with the intent to irrigate a proposed 150 hectares. Feedlot Services (whom are a part of DPI) have advised based on their calculations, a terminal pond allowable size would be 12.4ML with the total irrigation area to be 103 hectares. This is under the proposed 150 hectares the applicant intends to irrigate. **This does not meet purpose statement 3, 4 and 5.**
2. The supporting information with the application indicates that Works 574289 and 574295 are now 'terminal ponds'. However, these works (if identified now as terminal ponds) DO NOT meet the allowable volume for capturing contaminated agricultural runoff waters under the Environment Authority. **This does not meet purpose statement 3, 4 and 5.**
3. Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water and are linked/capable of transferring water from these works into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. Therefore, these works are in breach of the development approval and indicates that overland flow water that is not contaminated is being taken with the installed works which are also linked to the ring tank. **This**

does not meet purpose statement 2, 3, 4 and 5.

4. As there is an increase in take of overland flow water, there is an impact on purpose statement 2 by reducing access to the water resource for other users.

The above demonstrates that the application does not meet the purpose statement of State Code 10 – Taking or interfering with water. The application will also be assessed against both the provisions under State Code 10 for the capture of overland flow water that is necessary for the operation of the environmental authority.

Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water, are linked and capable of transferring water from these storages into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. Therefore, these works are in breach of the development approval.

The relevant criteria for the assessment of this application in accordance with the State Development Assessment Provisions version 3.2. State Code 10 : Taking or interfering with water is relevant to this application, specifically, the relevant provisions that relate to this application are listed in Table 10.1 and Table 10.2 of the code:

Development	Relevant Provisions of the code
For works that take overland flow water as part of environmentally relevant activity or under an environmental authority.	General: PO1 - PO4 Overland flow water: PO7 – PO8 Environmentally relevant activity: PO17
Contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment	General: PO1-PO4 Overland flow water: PO7 – PO8 Contaminated agricultural run-off water: PO14 – PO16

The provisions of State Code 10 are addressed below.

Performance Outcomes	Acceptable Outcome	Comment
General		
PO1 Works do not cause an unacceptable impact on natural ecosystems.	No acceptable outcome prescribed.	There will be no impact on the natural riverine ecosystem. The prescribed outcome is met.
PO2 Works do not cause an unacceptable impact on other users' ability to access the resource	No acceptable outcome prescribed.	The installed works (works reference 574289 and 574295) are used to take overland flow water and are tied to the Ring Tank. Works 574289 and 574294 are oversized and allow additional overland flow water that is not contaminated to be captured. Therefore, approval of this Ring Tank (even as a secondary water storage) is an increase in overland flow take and could cause an unacceptable impact on other users' ability to access the resource. <u>The prescribed outcome is not met.</u>
PO3 Works do not cause an unacceptable impact on the physical integrity of the watercourse, lake or spring .	No acceptable outcome prescribed.	There will be no impact on the physical integrity of a watercourse. The prescribed outcome is met.
PO4 Works are consistent	No acceptable outcome	The application is located within the <i>Water Plan (Condamine and Balonne) 2019</i> and Condamine and

<p>with any of the following, to the extent they are relevant to the proposed development:</p> <ul style="list-style-type: none"> • a water plan • a water management protocol • a moratorium notice issued under the <i>Water Act 2000</i>. 	prescribed.	<p>Balonne Water Management Protocol 2019.</p> <p>While the plan and protocol allow the take of water for contaminated agricultural runoff and to comply with an obligation on the person under the <i>Environmental Protection Act 1994</i>, the works are deemed not to be consistent with this plan and protocol as the works are more than the volume necessary to meet the obligations under the <i>Environmental Protection Act 1994</i>. As the works do not meet the volume necessary under the <i>Environmental Protection Act 1994</i>, the works are treated as contaminated agricultural runoff works which operate under treat and release provisions.</p> <p>In this case, the existing works (Works 574289 and 574295) were authorised under Development Approval 1811-3840 SDA. These works were authorised to capture contaminated agricultural runoff water before the treat and release provisions came into effect. The concern is that these works are linked and capable of transferring water from these works into the Ring Tank. This was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval (as per the post constructed report, Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021).</p> <p>There are currently no moratorium notices issued under the <i>Water Act 2000</i> for this area.</p> <p>The prescribed outcome is not met.</p>
Overland flow water		
<p>PO7 Works to take overland flow water are for one of the following:</p> <ol style="list-style-type: none"> 1. for an activity prescribed by regulation under the <i>Water Act 2000</i>; or 2. for reconfiguring existing works; or 3. in a limited catchment area identified in a water plan; or 4. for contaminated agricultural run-off water; or 5. part of an environmentally relevant activity or under an environmental authority; or 6. incidental to capturing coal seam gas water; or 7. consistent with a water entitlement; or 8. for the purpose of water sensitive urban 	No acceptable outcome prescribed.	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>The works to take overland flow water:</p> <ol style="list-style-type: none"> 1. Are not for an activity prescribed by regulation under the <i>Water Act 2000</i>. 2. Are not for reconfiguring existing works. 3. Are not located in a limited catchment area identified in a water plan area. 4. The application does not meet this criterion. Works 574289 and 574295 (approved under 1811-3840 SDA) for the capture of contaminated agriculture run-off water prior to the treat and release provisions. The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that these works have been constructed over the sized approved under this Development Approval 1811-3840 SDA and also

design; for developments in urban areas Protection Act 1994		<p>with a link to the Ring Tank. As this connection with the Ring Tank was never assessed at the time of application (under 1811-3840 SDA), and these works have been constructed larger than authorised, this demonstrates that the existing works (including the ring tank) are capturing overland flow water that is not contaminated and therefore an increase in overland flow take than what is allowed.</p> <ol style="list-style-type: none"> 5. The application does not meet this criterion. As outlined in PO17, the proposed works are more than deemed necessary to meet the minimum requirements of the Environmental Authority. 6. Are not incidental to capturing coal seam gas water. 7. Are not consistent with a water entitlement. 8. Are not for the purpose of water sensitive urban design. <p>The prescribed outcome is not met.</p>
PO8 Works are located, constructed and operated in a way that do not adversely impact on neighbouring properties	<p>AO8.1 Works are contained within the property boundaries.</p> <p>AND</p> <p>AO8.2 At full supply level, the area inundated is contained within the property boundaries</p> <p>AND</p> <p>AO8.3 Bywash resulting from the works and any water diverted away from contaminated areas exits the property as close as practicable to the same location at which it exited the property boundary prior to construction of the works.</p>	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>This increase is also demonstrated in the post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), as the works authorised for contaminated agriculture run-off water have been constructed over the size approved under Development Approval 1811-3840 SDA.</p> <p>AO8.1 – the Ring Tank will be contained within the property boundaries.</p> <p>AO8.2 – the Ring Tank will be contained within the property boundaries at full supply level.</p> <p>AO8.3 – There is no bywash on the Ring Tank.</p> <p>The prescribed outcome is met.</p>
Environmentally relevant activity		
PO17 Works only capture the volume of overland flow water necessary for the	No acceptable outcome prescribed.	The works are deemed in excess to the amount of water necessary for the operation of the environmental authority. The works are not considered as necessary under the Environmental Authority. DPI have advised

<p>operation of the environmentally relevant activity or environmental authority under the <i>Environmental Protection Act 1994</i>.</p>		<p>that the terminal pond sized for this environmental authority would be 12.4ML and allow the irrigation of 103 hectares (not the irrigate a proposed 150 hectares the applicant is intending to irrigate).</p> <p>While DPI has allowed for proposals that include terminal ponds, the DPI has amended a standard condition WT3 to include that terminal ponds are an appropriate method to meet this condition however the word “may” indicates that an Environmental Authority holder could achieve this via other means.</p> <p>Advice from DPI regarding this matter is that: <i>“Whilst terminal ponds used to capture potentially contaminated runoff from effluent irrigation areas likely to minimise the amount of levels of contamination leaving the effluent utilisation areas, DPI considers that there would not be conflict with the current EA conditions if these structures are not constructed.”</i></p> <p><i>There are also other conditions on the EA that require the application rates of effluent and waste to be managed in such a way that does not contaminate (e.g. WT5, WS3, WS4, WS5 and WS6 on the EA).</i></p> <p><u>The prescribed outcome is not met.</u></p>
Contaminated agricultural run-off water		
<p>PO14 Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required.</p>	<p>No acceptable outcome prescribed.</p>	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), demonstrates that the works authorised for contaminated agriculture run-off water have been constructed over the size approved under Development Approval 1811-3840 SDA and also with a link to the Ring Tank which was not approved under this Development Approval.</p> <p><u>The prescribed outcome is not met.</u></p>
<p>PO15 Works to take contaminated agricultural run-off water: 1. are not be larger than required to contain contaminated agricultural run-off water; and 2. allow for water that is not contaminated agricultural run-off water</p>		<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <p>1. The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim),</p>

to be passed through the works		<p>report number 24502.105206, revision 0, dated 7 April 2021), shows that Works 574289 and 574295 have been constructed larger than what was approved under Development Approval 1811-3840 SDA and the link to the Ring Tank was also never approved under this Development Approval (see information further up the report).</p> <p>2. As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works.</p> <p><u>The prescribed outcome is not met.</u></p>
Contaminated agricultural run-off water in Queensland Murray Darling Basin catchment		
<p>PO16 Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment:</p> <ol style="list-style-type: none"> 1. do not increase the volume of overland flow water taken in a water year; and 2. allow for the release of water when an acceptable quality of water is achieved. 	No acceptable outcome prescribed.	<p>The Ring Tank will not directly take overland flow water but is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. This approval never allowed for the link with the Ring Tank and these works. The applicant has previously been advised of this on multiple occasions under other development correspondence. Now there is a link with the existing works and Ring Tank, there is the capability for an increase in overland flow water take.</p> <ol style="list-style-type: none"> 1. The information provided indicates that the works will increase the amount of overland flow captured as the works are constructed over the allowable size approved under Development Approval 1811-3840 SDA for contaminated agricultural run-off water (see information on this further up the report). The link to the Ring Tank was never approved under this Development Approval (1811-3840 SDA). The post constructed report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that Works 574289 and 574295 have been constructed larger than what was approved under DA 1811-3840 SDA. 2. Works 574289 and 574295 were approved for the capture of contaminated agricultural run-off before the treat and release requirements. <p><u>The prescribed outcome is not met.</u></p>

5.0 Recommendations

5.1 Technical agency advice for SARA as referral agency

Our agency:

- (a) recommends that the assessment manager is directed to refuse the application for the reasons described below (*Planning Act 2016* section 56(1)(c)):
 - The reasons for this decision are:
 - List of reasons for decision

- The application is refused on the grounds that it does not meet the provisions and purpose statement of State Development Assessment Provisions version 3.2 State Code 10: Taking or interfering with water.
- List findings on material questions of fact
 - The application does not meet the provisions regarding the capture of overland flow water that is necessary for the operation of the environmental authority under the *Environmental Protection Act 1994* as the proposed works are more than the volume necessary. The refusal of the application is not considered to be a conflict with the current Environmental Authority conditions if the proposed works were not constructed. The amendment to the Environmental Authority to include condition WT3 to include terminal ponds uses the wording of “may” which indicates that an Environmental Authority holder could achieve this via other means.
 - DPI (Feedlot Services) have advised that for this environmental authority, a terminal pond of 12.4ML would be allowing the irrigation of 103 hectares not irrigate 150 hectares as proposed - this figure was based on the proposed irrigatable area from the Development Approval 1811-3840 SDA. This area has not been provided as part of this application or in any supporting information.
 - While the Ring Tank is not the primary works used to capture overland flow on the property, this application will be refused as it has the potential to increase the take of overland flow based on:
 - Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water are linked and capable of transferring water from these storages into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA; and
 - These works have been constructed larger than what was approved under Development Approval 1811-3840 SDA and therefore are capturing water that is not contaminated.
- List evidence or other material on which the findings were based
 - Water Act 2000.
 - Planning Act 2016.
 - Water Plan (Condamine and Balonne) 2019.
 - Condamine and Balonne Water Management Protocol 2019.
 - State Code 10: Taking or interfering with water.
 - Policy Advice Position Paper Application of s97, dated 23 April 2024, supplied to applicant.
 - Water Allocation 21AP7585.
 - Environmental Authority 2022-01.
 - Western Downs Regional Council Development application reference 050.2024.00000510.001.
 - Development Approval 1811- 8340 SDA dated 21 January 2019.
 - Pre-lodgment advice reference 2404-40188 SPL provided to SARA dated 26 July 2024.
 - Pre-lodgment advice reference 2210-31398 SPL provided to SARA dated 16 November 2022.
 - Development Approval 2309-36913 SRA dated 9 November 2023.
 - Certification Report Lloyd CAR Dam Concept Design and Application for Approval, prepared by EnviroAg Australia, reference 24318.97226 version 2, dated 10 January 2019.
 - CAR Dam System: As constructed Certification (Interim) ‘Wieambilla Aggregate’ Qld, prepared by EnviroAg Australia, reference 24502.105206, dated 7 April 2021.
 - Re: Change Request, prepared by EnviroAg Australia, reference 24665.112176, dated 5 June 2024.
 - Re: Ring Tank, Lloyd Pastoral Company – 2404-40188 SPL, prepared by EnviroAg Australia, reference 24665.112841, dated 2 August 2024.
 - Technical Briefing Note, prepared by EnviroAg Australia, reference

24665.113186, dated 6 September 2024.

- Request for Information sent from SARA reference 2410-42724 SRA dated 25 October 2024.
- Response to Request for Information received from EnviroAg Australia reference 24665.114466 dated 25 February 2025.

(b) recommends the following advice be provided to the assessment manager (*Planning Act 2016* section 56(3)):

General advice	
Ref.	
	Any proposed Holding Ponds as part of the feedlot complex will require a Development Approval under the <i>Planning Act 2016</i> . Under section 97 of the <i>Water Act 2000</i> , a person may take overland flow water that is not more than the volume necessary to satisfy the requirements of an environmental authority therefore a Development Approval application will be required to authorise the holding pond.
	Works 576550 (under 2309-36913 SRA) known now as Southern WUDA TWD dam is only authorised to capture contaminated agricultural run-off water for treat and release purposes only. The Process Flow Diagram Drawing reference 24709.D.002.0.1 (provided in the Briefing Note Response to RFI – LPC- Ring Tank reference 24665.114466 dated 25 February 2025) indicates that the intent is to irrigate from this dam.
	The Northern WUDA TWD dam is not authorised for any take of water under the <i>Water Act 2000</i> or <i>Planning Act 2016</i> . The Process Flow Diagram Drawing reference 24709.D.002.0.1 (provided in the Briefing Note Response to RFI – LPC- Ring Tank reference 24665.114466 dated 25 February 2025) – this will not be allowed if the dam is capturing contaminated agricultural run-off water.
	<p>Works 574289 (CAR Dam 1 now identified as Waste Utilisation and Disposal Area 1) and Works 574295 (CAR Dam 3 now identified as Waste Utilisation and Disposal Area 3) are installed and taking to be approved under Development Approval 1811-8340 SDA and able to capture contaminated agricultural run-off water with the ability to irrigation from these dams only.</p> <p>Works 574292 (CAR Dam 2 now identified as Waste Utilisation and Disposal Area 2) are not installed and are taken to be lapsed works under issued Development Approval 1811-8340 SDA. Any future development of these works will require a new Development Approval and will be captured by the treat and release contaminated agricultural run-off water provided under State Code 10.</p>

5.2 Approved plans and specifications

Our agency recommends that the following plans and specifications should be referenced in the response:

Drawing/Report title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development:				
Certification Report Lloyd CAR Dam Concept Design and Application for Approval	EnviroAg Australia	8 November 2018	24318.97226	0
Certification Report Lloyd CAR Dam Concept Design and Application for Approval	EnviroAg Australia	28 November 2018	24318.97226	1
Certification Report Lloyd CAR Dam	EnviroAg	10 January 2019	24318.97226	2

Concept Design and Application for Approval				
Decision Development Approval 1811-8340 SDA	Department of State Development, Manufacturing, Infrastructure and Planning	21 January 2019	1811-8340 SDA	0
CAR Dam System: As constructed Certification (Interim) 'Wieambilla Aggregate' Qld	EnviroAg Australia	7 April 2021	24502.105206	
Pre-lodgement Advice provided to SARA	RDMW	16 November 2022	2210-31398 SPL	
Decision Development Approval 2309-36913 SRA	Department of State Development, Manufacturing, Infrastructure and Planning	9 November 2023	2309-36913 SRA	
Policy Advice Position Paper Application section 97 of the <i>Water Act 2000</i>	RDMW	23 April 2024		
Re: Change Request	EnviroAg	5 June 2024	24665.112176	0
Pre-lodgement Advice provided to SARA	RDMW	26 July 2024	2404-40188 SPL	
Re: Ring Tank, Lloyd Pastoral Company – 2404-40188 SPL	EnviroAg Australia	2 August 2024	24665.112841	0
Technical Briefing Note	EnviroAg Australia	6 September 2024	24665.113186	0
SARA information request – Kogan Condamine Road, Crossroads	SARA	25 October 2024	2410-42724 SRA	0
Response to RFI – LPC – Ring Tank – Kogan Condamine Road, Crossroads	EnviroAg Australia	25 February 2025	24665.114466	0

6.0 Endorsement

Officer	Lucie McLachlan	Senior Water Officer	1300 097 826	lucie.mclachlan@rdm.w.qld.gov.au
Approver	Richard Dickfos	Principal Water Officer	1300 097 826	richard.dickfos@rdmw.qld.gov.au

From: [Mica Cook](#)
To: [Danica Clark](#)
Cc: [Melinda Ruis;](#) [Sallie BATTIST](#)
Subject: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers
Date: Monday, 17 March 2025 12:46:56 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Hi Danica,

I understand Department of Local Government, Water and Volunteers have issued a refusal TAR for an application you currently have under assessment for an Other Change to an existing Development Approval for Operation Work (Ring Tank) (2410-42724 SRA).

Can you please advise the status of the application. I understand the current stat date is this **Friday, 21 March 2025**.

As discussed last week, we have recently (Thursday 13 March 2025, and today, 17 March 2025) refused two applications for tailwater dams. These applications were the same applicant, and they were unwilling to extend the statutory timeframe.

If you are intending to progress this application to a decision, within the current statutory timeframes, can you please confirm if Steve has been given visibility of the upcoming decision and has been briefed? Alternatively, have you had further discussions with the applicant regarding the TAR recommendation and are they agreeable to an extension to the statutory timeframe?

We recommend you take the application to the 'Round Table' on Wednesday to discuss.

We would appreciate if you could provide an update on the status of the application asap.

Kind regards,

Mica

Mica Cook

Principal Planner – Development Advisory and Referral Team
(DART)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

P 07 3452 7591

Level 13, 1 William Street, Brisbane QLD 4000

statedevelopment.qld.gov.au



From: [Danica Clark](#)
To: [Mica Cook](#)
Cc: [Sallie BATTIST](#); [Melinda Ruis](#)
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers
Date: Monday, 17 March 2025 2:02:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)

Hi Mica

The current timeframe for the RAR is 21 March 2025. An extension was not sought last week as DLGWV advised it would finalise its TAR by the due date.

The applicant is currently out in the field, and I understand is returning tomorrow – I have left a message for them to contact me on their return. I anticipate an extension may only be considered should the applicant be willing to amend the application.

Previous advice from DAAT has been to keep the application in region – can you please advise of the process that needs to be followed for the delegation?

Kind regards
Danica



Danica Clark

Senior Planner

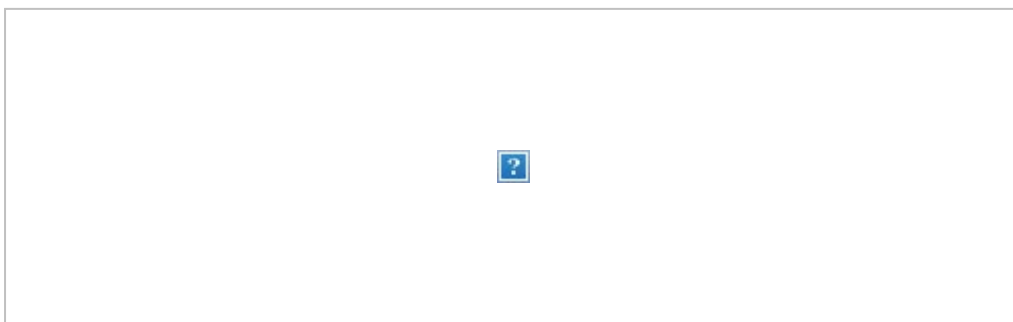
Planning Services

Department of State Development, Infrastructure and Planning

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From: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>
Sent: Monday, 17 March 2025 12:47 PM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Cc: Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>; Sallie BATTIST
<Sallie.Battist@dsdilgp.qld.gov.au>

Subject: 2410-42724 SRA - Refusal recommendation from Department of Local Government,
Water and Volunteers

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Mica

Mica Cook

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From: [Sallie BATTIST](#)
To: [Mica Cook](#); [Danica Clark](#)
Cc: [Melinda Ruis](#)
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers
Date: Tuesday, 18 March 2025 9:37:53 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Hello Danica

Are you bringing this tomorrow to the SARA Roundtable / ED Briefing?

I just noticed there is not information in the agenda, please let me know if you need assistance entering information.

Cheers

Sallie

Sallie Battist

Manager, Planning Services

Planning Group

Department of State Development, Infrastructure
and Planning

P 3452 7656 M Access refused under s

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From: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>
Sent: Monday, 17 March 2025 3:46 PM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>; Melinda Ruis
<Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers

Hi Danica,

If you support the Technical Agencies recommendation, and recommend refusal, then you will need to brief Steve as the delegate for a refusal.

As the clearing house briefing was today, please bring this matter to the Round Table on Wednesday (I understand Sallie has sent you this appointment). Following this, you will then need to brief Steve as the delegate on Wednesday afternoon 1.30-2.30pm at our ED briefing (I will forward this appointment to you).

Attached is a copy of the most recent decision notice (and report) so you can see the format of the notice. The grounds are fairly high level – the report addresses the grounds in a little more detail.

Pending the outcome of the ED briefing, you will need to email Steve the decision package (assessment report and decision notice) for his review and decision. It should be in the same format as that in the attached email.

Please note that Sallie and I are not in the office Thursday or Friday this week.

Kind regards,

Mica

Mica Cook

Principal Planner – Development Advisory and Referral Team
(DART)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

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From: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Sent: Monday, 17 March 2025 2:02 PM

To: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>

Cc: Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>; Melinda Ruisis <Melinda.Ruisis@dsdilgp.qld.gov.au>

Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers

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Danica



Danica Clark

Senior Planner

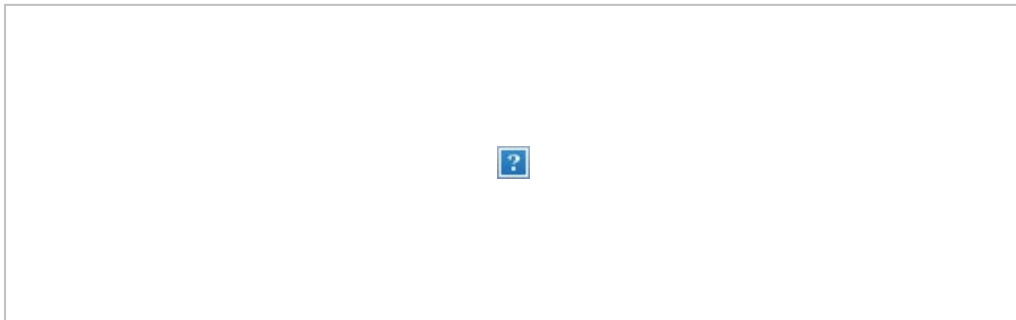
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Sent: Monday, 17 March 2025 12:47 PM

To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Cc: Melinda Ruisis <Melinda.Ruisis@dsdilgp.qld.gov.au>; Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>

Subject: 2410-42724 SRA - Refusal recommendation from Department of Local Government,

Water and Volunteers

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Mica

Mica Cook

Principal Planner – Development Advisory and Referral Team
(DART)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

P 07 3452 7591

Level 13, 1 William Street, Brisbane QLD 4000

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Matt Woodforth

From: Mica Cook
Sent: Monday, 17 March 2025 3:46 PM
To: Danica Clark
Cc: Sallie BATTIST; Melinda Ruis
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers
Attachments: FOR ED DECISION: Stat Date 17 March 2025 - REFUSAL - 789 Phillips Road, Hannaford and 816 Yoothapina Road, Inglestone (2501-44137 SRA)

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Queensland
Government

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Planning Services

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From: Sallie BATTIST
Sent: Monday, 17 March 2025 5:50 AM
To: Steve CONNER
Cc: Mica Cook; DARTsupport; Shane Spargo
Subject: FOR ED DECISION: Stat Date 17 March 2025 - REFUSAL - 789 Phillips Road, Hannaford and 816 Yoothapina Road, Inglestone (2501-44137 SRA)
Attachments: 2501-44137 SRA Response - refusal.docx; 2501-44137 SRA - Assessment report_Referral Agency.docx

Hello Steve

As discussed, you are the delegate for this SARA decision under the Operational Policy as the SARA officer recommendation is a refusal.

The referral agency response is attached and is due today **17 March 2024**.

Details below:

Application number	<input type="text"/>
Applicant	<input type="text"/>
Site address	<input type="text"/>
Type of application	Other change - Operational Works
Description of proposal	Other change to an approved Intensive animal industry (10,000 SCU) and Environmentally relevant activity 2(1b) for Operational work for earthworks to take overland flow water
SARA role	Referral agency
Triggers	Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item.1 – Operational work that involves taking or interfering with water
Response due date	17 March 2025
Level of assessment	Code
SARA recommendation	Direct the assessment manager to refuse the application
Delegate	ED – refusal

Please confirm you approve SARA's recommendation and authorise the use of your electronic signature to issue the SARA decision through MyDAS2 via return email (including attachments).

Please let Mica or I know if you have any questions.

Cheers
Sallie



Sallie Battist

Manager, Planning Services

Planning Group

Department of State Development, Infrastructure
and Planning

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RA13-N

SARA reference:
Council reference:
Applicant reference:

###Secondary1###

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

Attention:

Dear

SARA referral agency response —

(Referral agency response given under section 56(1)(c) of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 20 January 2025.

Response

Outcome: Referral agency response - direct the assessment manager to refuse the development application

Date of response: ###Secondary1###

Reasons for refusal

Under section 56(1)(c) of the *Planning Act 2016*, SARA directs the assessment manager to refuse the development application. As per section 62 of the *Planning Act 2016*, the assessment manager must refuse this application.

Description of relevant site characteristics and surrounding land uses

The site consists of three existing lots with a total area of 4,570.4621ha. The site is located

The site is in the Rural zone in the Western Downs Regional Planning Scheme.

The site is improved by a 10,000 Standard Cattle Unit (SCU) feedlot and associated infrastructure, with the locality being comprised of predominantly rural land uses.

SARA's view on the proposal's impact on taking or interfering with water

The proposed development to install Waste Utilisation (WUDA) tailwater dams and associated infrastructure does not ensure sustainable management of water.

The proposal will have an adverse impact on the water security within water catchment and impact other users and their access to the water source. The proposal does not minimise the volume of overland flow water taken consistent with the development on the site.

The proposal captures a greater volume of overland flow water than necessary for the operation of the Environmental Authority (EA) under the *Environmental Protection Act 1994* for the feedlot.

The proposed dam sizes are greater than what is required for the WUDA tailwater dams, and there is concern additional overland flow water is being captured in excess of the requirements required to comply with the EA.

Reasons for refusal

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through the proposed dams, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed design capacity of the dams are greater than the size required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Border Rivers and Moonie) 2019* (plan) and *Border Rivers and Moonie Water Management Protocol 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area
 - not for contaminated agricultural run-off water, as this allows for treat and release only where the proposed works are linked and setup to irrigate
 - more than deemed necessary to meet the minimum requirements of the EA

- not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
 - PO14 of State code 10, the contaminated agriculture run-off water is not proposed to be captured and stored using existing works, additionally the proposed dams are greater than required to capture contaminated agriculture run-off water
 - PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
 - PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to reuse the water to irrigate
 - PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

The material used in the assessment of the application were:

- The development application material and submitted plans
- Technical agency advice provided by the Department of Local Government, Water and Volunteers
- *Planning Act 2016*
- *Planning Regulation 2017*
- The State Development Assessment Provisions (version 3.1)
- The Development Assessment Rules
- Section 58 of the Human Rights Act 2019

Development details

Description:	Development Permit	Other change to an approved Animal Husbandry (100,00 SCU) and Environmentally Relevant activity 2(1b) for Operational work for earthworks to take overland flow
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 (Planning Regulation 2017) – Operational work that involves taking or interfering with water.	
SARA reference:	2501-44137 SRA	
Assessment manager:	Western Downs Regional Council	
Street address:		
Real property description:		
Applicant name:		

Applicant contact details: PO BOX 411
Toowoomba QLD 4350
Personal information enviroag.net.au

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

For further information please contact Mica Cook, Principal Planner, on 07 3452 7591 or via email
DARTsupport@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Signature
placeholder

###Secondary2###

###Secondary3###

cc Personal information enviroag.net.au

From: [Sallie BATTIST](#)
To: [Danica Clark](#)
Cc: [Melinda Ruis](#); [Mica Cook](#)
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers
Date: Wednesday, 19 March 2025 8:36:53 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

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Sallie Battist

Manager, Planning Services

Planning Group

Department of State Development, Infrastructure
and Planning

P 3452 7656 M Access refused under se
Level 13, 1 William Street, Brisbane QLD 4000
PO Box 15009, CITY EAST QLD 4002

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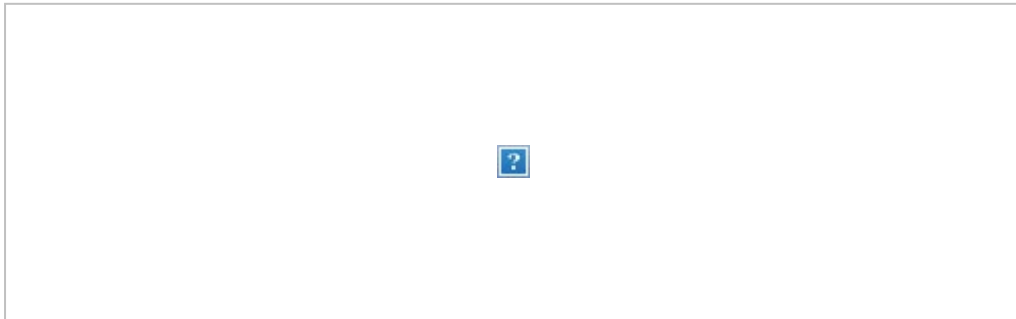
Microsoft Teams – meet now

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Manager, Planning Services

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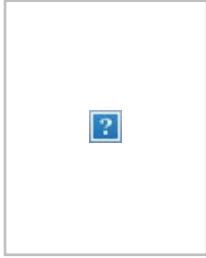
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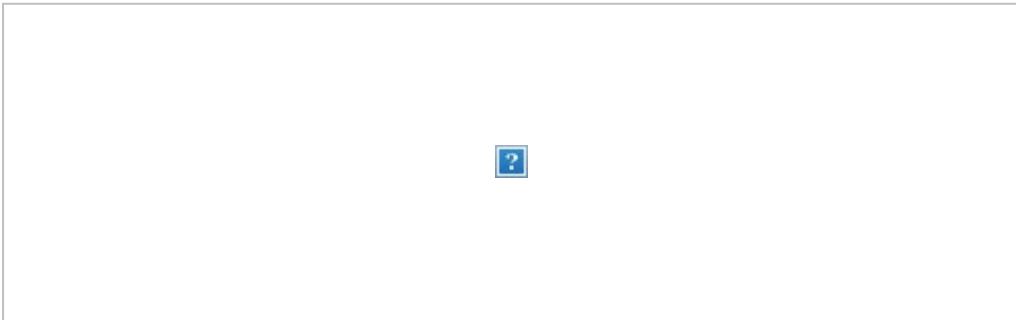
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Date: Wednesday, 19 March 2025 8:43:00 AM
Attachments: [SARA - Assessment report - 2410-42724 SRA.docx](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
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Sent: Monday, 17 March 2025 2:02 PM

To: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>
Cc: Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>; Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers

Hi Mica

The current timeframe for the RAR is 21 March 2025. An extension was not sought last week as DLGWV advised it would finalise its TAR by the due date.

The applicant is currently out in the field, and I understand is returning tomorrow – I have left a message for them to contact me on their return. I anticipate an extension may only be considered should the applicant be willing to amend the application.

Previous advice from DAAT has been to keep the application in region – can you please advise of the process that needs to be followed for the delegation?

Kind regards
Danica



Danica Clark

Senior Planner

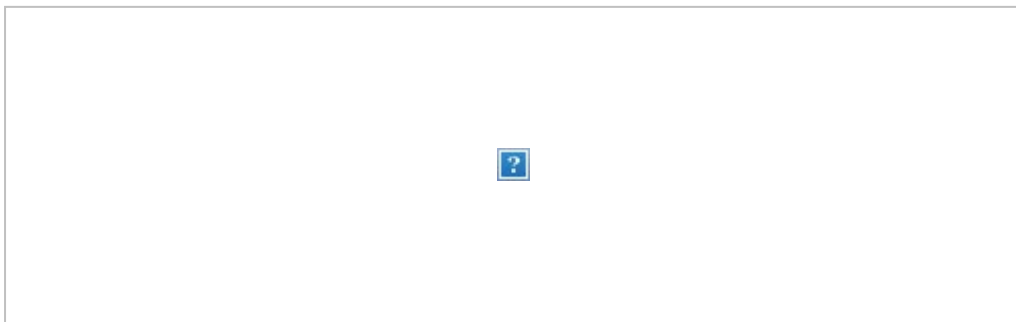
Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

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From: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>
Sent: Monday, 17 March 2025 12:47 PM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>; Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>

Subject: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers

Hi Danica,

I understand Department of Local Government, Water and Volunteers have issued a refusal TAR for an application you currently have under assessment for an Other Change to an existing Development Approval for Operation Work (Ring Tank) (2410-42724 SRA).

Can you please advise the status of the application. I understand the current stat date is this **Friday, 21 March 2025**.

As discussed last week, we have recently (Thursday 13 March 2025, and today, 17 March 2025) refused two applications for tailwater dams. These applications were the same applicant, and they were unwilling to extend the statutory timeframe.

If you are intending to progress this application to a decision, within the current statutory timeframes, can you please confirm if Steve has been given visibility of the upcoming decision and has been briefed? Alternatively, have you had further discussions with the applicant regarding the TAR recommendation and are they agreeable to an extension to the statutory timeframe?

We recommend you take the application to the 'Round Table' on Wednesday to discuss.

We would appreciate if you could provide an update on the status of the application asap.

Kind regards,

Mica

Mica Cook

Principal Planner – Development Advisory and Referral Team
(DART)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

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State Assessment Referral Agency (SARA) Assessment Report — referral agency

1.0 Application summary

SARA reference number	2410-42724 SRA
Applicant name	Lloyd Pastoral Company Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Other Change to an existing Development Approval for Operational Work (Ring Tank)
Description of proposal	<p>The application seeks approval for a Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources.</p> <p>It is noted that the Ring Tank is existing. The Ring Tank stores water from the Condamine River under Water Allocation 21AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate.</p>
Referral matters under the Planning Regulation 2017 (Planning Regulation)	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item.1 – Operational work that involves taking or interfering with water. • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor
State Development Assessment Provisions (SDAP)	<ul style="list-style-type: none"> • Version 3.1 • Code: <ul style="list-style-type: none"> ○ State code 10: Taking or interfering with water ○ State code 1: Development in a state-controlled road environment
Related applications under a separate act	Not applicable. This application does not involve an application under a separate Act.
SARA referral confirmation notice date	11 October 2024
Response due date	21 March 2025

2.0 Assessment summary

Pre-lodgement advice	2404-40188 SPL – (requested 5 June 2024) 2301-32825 SPL – (requested 17 February 2023)
Technical Agency advice	The development application was referred to the Department of Local Government, Water and Volunteers (DLGWV) which provided its Technical Agency Response (TAR) on 14 March 2025 (link) recommending refusal.
Information request	<p>Issued: 25 October 2024 (link)</p> <p>Information requested included:</p> <ul style="list-style-type: none"> • Further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water.

	<ul style="list-style-type: none"> Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, further information is required to demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this. <p>Response: 27 February 2025 (link)</p> <p>The response included:</p> <ul style="list-style-type: none"> The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation. The storage may also be used as a “balancing storage” to mix (shandy) disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas. The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same. The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water. No CAR water is captured or used on this site.
Advice notice	No advice notice was issued.
Department of State Development, Infrastructure and Planning (DSDIP) officer recommendation	Direct the assessment manager to refuse the application.
Reason for recommendation	The proposal does not comply with State code 10: Taking or interfering with water of SDAP and cannot be conditioned to comply.
Recommendation different to Technical Agency advice	The recommendation is consistent with the Department of Local Government, Water and Volunteers Technical Agency advice.
Delegate for decision	In accordance with the Operation Policy: Guide to exercising delegated authority – SARA dated December 2020 and Instrument of Delegation dated 20 March 2020, the Executive Director, Planning Group has delegation to consider this application as the recommendation is for refusal.

3.0 Site Context

Real property description	16RG26
Local Government Area	Western Downs Regional Council

Site area	826.368ha
Relevant site matter(s)	<p>The subject site:</p> <ul style="list-style-type: none"> • is located at Crossroads, approximately 25km south-west of Chinchilla • is within the Rural Zone under the Western Downs Regional Planning Scheme • is mapped with the following state interests: <ul style="list-style-type: none"> ○ water resources planning area boundaries ○ area within 25 of a state-controlled road ○ category X and B areas on the regulated vegetation management map ○ low, moderate and major risk mapped Queensland waterway for waterway barrier works
Mapped state matter(s) not relevant to the site	<ul style="list-style-type: none"> • regulated vegetation • waterways
Existing use	Intensive animal industry - Feedlot (more than 10,000 SCU)
Site history	<ul style="list-style-type: none"> • Operational Work - Ring Tank Water Storage, application reference 040.2019.00000039.001, approved 8/4/2019 (link) • Request to Change Existing Approval: Operational Work – Earthworks (Extension), application reference 050.2021.00000072.001, approved 5 March 2021 (link) • Material Change of Use: Intensive Animal Industry (expansion of waste utilisation area), application reference 030.2021.00000844.001, approved 3 March 2022 (link), including SARA referral 2111-26215 SRA (link). <p>The current development application relates to and seeks to rely on the environmental authority issued by Department of Primary Industries, concurrent to the Material Change of Use application.</p> <ul style="list-style-type: none"> • Operational Work – Taking overland flow (capture contaminated agricultural runoff water), SARA reference 1811-8340 SDA, approved 21 January 2019 (link).

4.0 Location imagery

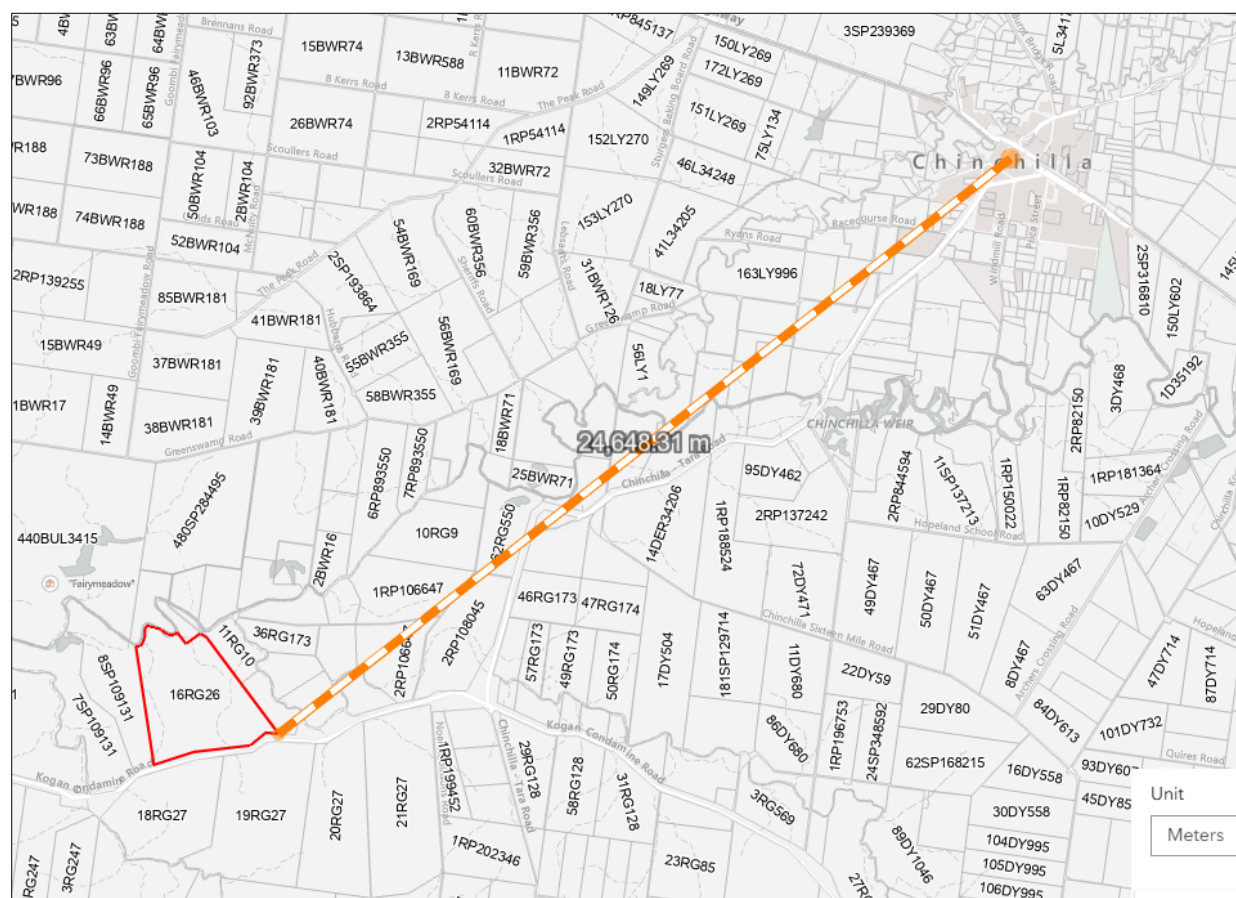


Figure 1: Site location (source: DAMS mapping)

[illegible]

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Figure 4: Water resource planning area boundaries (source: DAMS mapping)

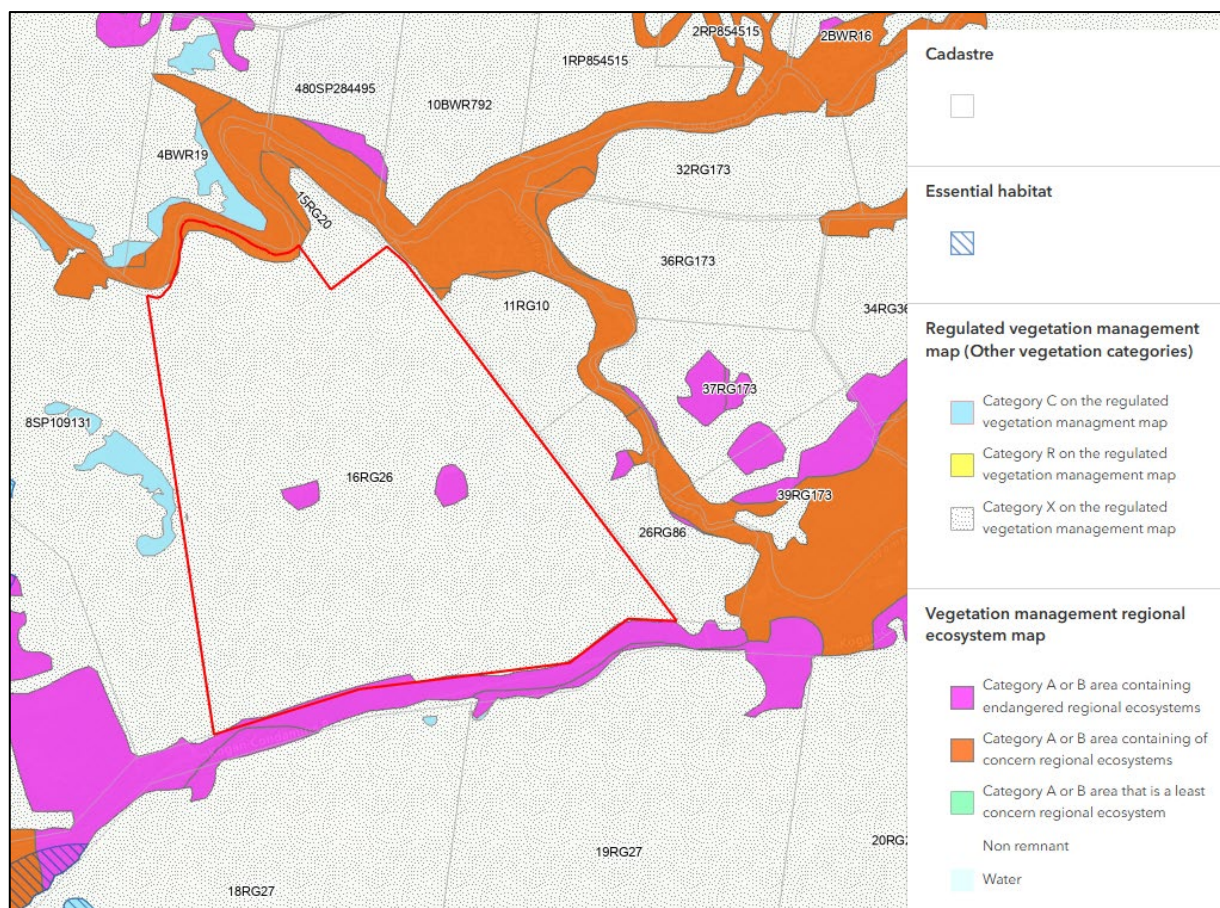


Figure 5: Native vegetation (source: DAMS mapping)

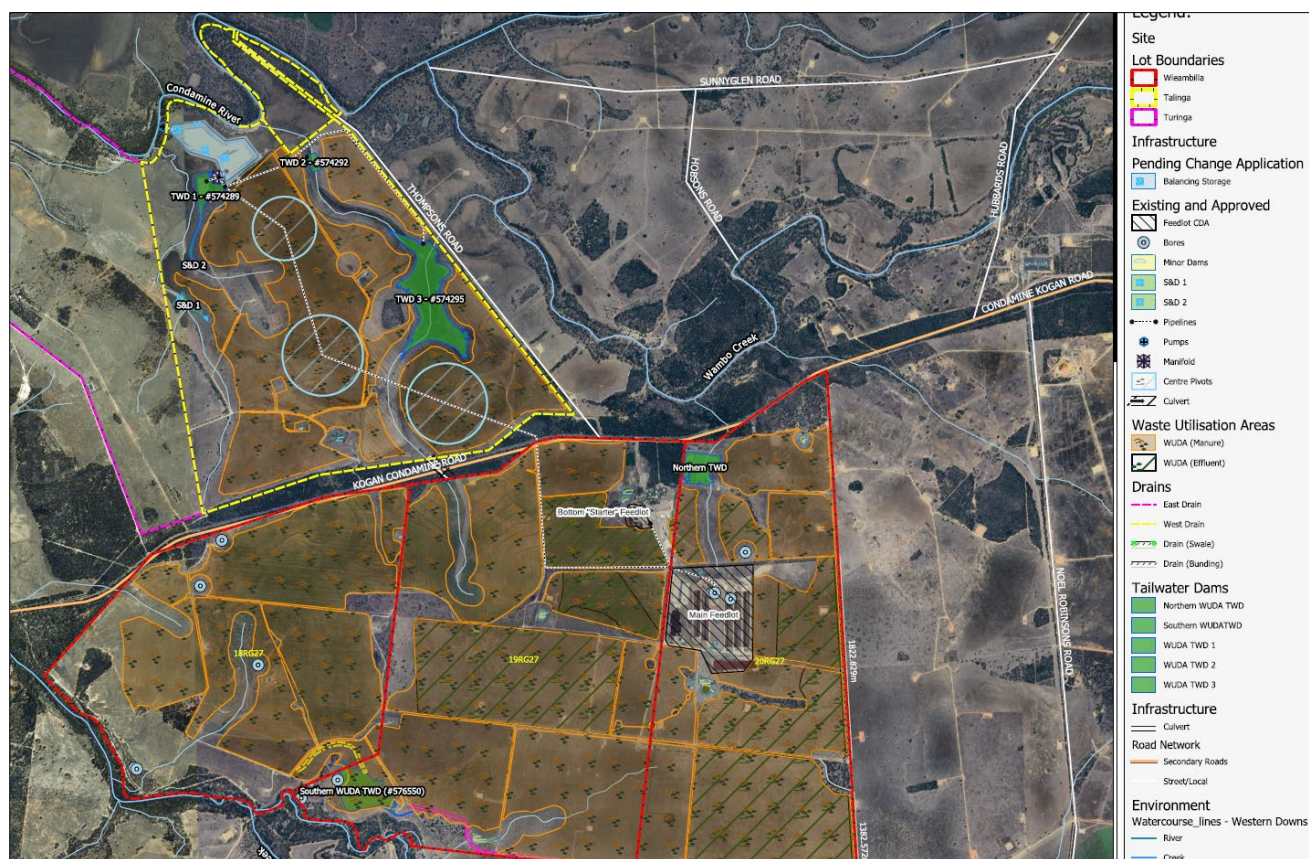


Figure 6: Proposal plan (source: Application material)

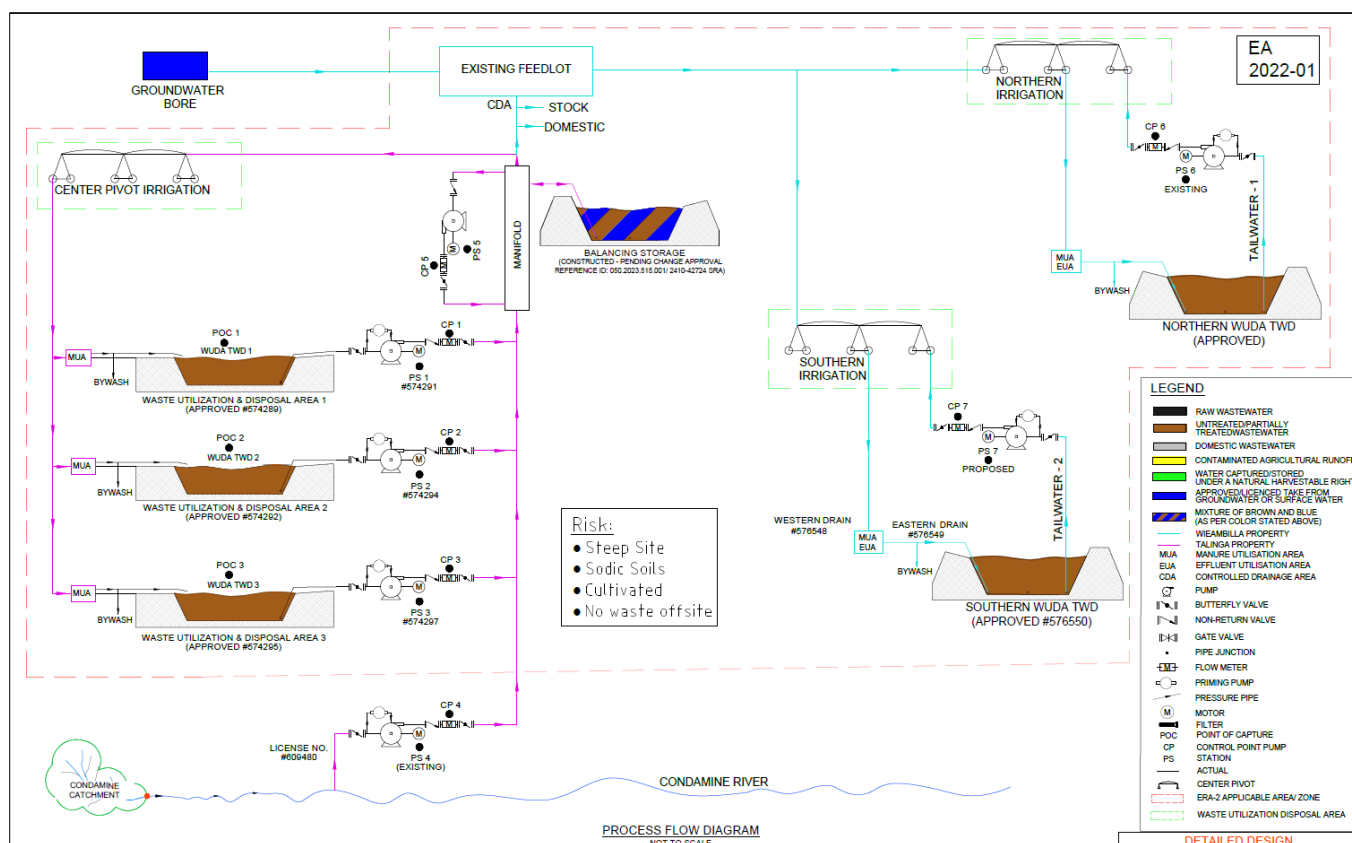


Figure 7: Process flow diagram (source: Application material)

5.0 Background to application

- This application (2410-42724 SRA) relates to Western Downs Regional Council's application reference 050.2024.00000510.001 (Request to Change Existing Approval).
- The original Development Approval, application reference 040.2019.00000039.001, was never referred to SARA for assessment.
- The applicant has previously been advised that the Ring Tank could not have linkage to the contaminated agricultural run-off water dams.
- The approved infrastructure under 1811-8340 SDA and the post constructed certification report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that there is a link with the Ring Tank and the contaminated agricultural run-off water dams. The Ring Tank (at time of application under 1811-8340 SDA) stated the Ring Tank was for the provision of fresh water supply to the feedlot when required.
- Supporting information supplied with this application, claims there is no contaminated agricultural run-off water captured on site, with the previously approved contaminated agricultural run-off water dams (Works 574289, 574292, 574295 under 1811-8340 SDA) now used as Waste Utilisation and Disposal Area Dams under the Environmental Authority 2022-01.
- Works 574289 (CAR Dam 1) and 574295 (CAR Dam 3) are installed. Works 574292 (CAR Dam 2) is not installed and taken to be lapsed under Development Approval 1811-3840 SDA.
- The Department of Local Government, Water and Volunteers have conducted a field inspection on 11 February 2025 and advised that Works 574289 and 574295 have been built larger than what was approved under Development Approval 1811-3840 SDA. The works are also currently connected to the Ring Tank via an irrigation line.

6.0 Assessment

6.1 State matters not triggered for referral

The following matters were considered and determined to be not relevant to the assessment:

State Matter	Reason for non-referral
Category B on the regulated vegetation management map	The proposal does not involve clearing of regulated vegetation. It is noted that the ring tank dam is located approximately 40m from mapped regulated vegetation that is located within the property boundary.
Mapped Queensland waterways for waterway barrier works	No operational work for waterway barrier works is proposed. The ring tank dam is not located on or within a mapped waterway.

6.2 Assessment against SDAP

SARA has assessed the development application against the requirements identified in Schedule 10, Part 9 of the Planning Regulation 2017, being SDAP version 3.1. SARA is satisfied the proposal complies with State code 1.

SARA is not satisfied that the proposal complies, or can be conditioned to comply, with the relevant assessment benchmarks of State code 10 and recommends the application be refused due to the nature and extent of non-compliance with State code 10 as follows:

5.2.1 State code 10 – Taking or interfering with water

Purpose statement

The purpose of State code 10 is to ensure sustainable management of water by ensuring that development:

1. maintains:
 - a. natural ecosystem processes;
 - b. riverine environments;
 - c. underground water systems;
 - d. physical integrity of watercourses;
2. does not result in an adverse impact on:
 - a. connectivity between underground water and water in a watercourse, lake or spring;
 - b. property of others;
 - c. the water security of other users and their access to the water resource;
3. minimises the volume of overland flow water taken, consistent with the development;
4. minimises the take of contaminated agricultural run-off water;
5. in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved.

Purpose statement 2: does not result in an adverse impact on:

(b) Property of others

(c) the water security of other users and their access to the water resource

The proposed development does not adequately demonstrate that the proposal will not adversely impact on property of others, or the water security of other users and their access to the water resource. For example, as there is an increase in take of overland flow water, there is an impact on purpose statement 2 by reducing access to the water resource for other users.

Purpose statement 3 – minimises the volume of overland flow water taken, consistent with the development

The application does not meet the provisions regarding the capture overland flow water that is necessary for the operation of the environmental authority under the *Environmental Protection Act 1994* as the proposed works to capture overland flow water are deemed in excess of the amount of water necessary for the operation of the environmental authority. The works are set up with the intent to irrigate a proposed 150 hectares. Feedlot Services (Department of Primary Industries) have provided advice, that based on their calculations, a terminal pond allowable size would be 12.4ML with a total irrigation area of 103 hectares. This is under the proposed 150 hectares the applicant intends to irrigate.

While the environmental authority includes a standard condition, WT3, which identify terminal ponds as being an appropriate method to meet the water quality requirements, the condition states that the terminal

ponds “may” be used, indicating that an environmental authority holder could achieved this via other means.

The environmental authority does not specify water requirements for the taking of water or overland flow and does not specify the volume of water required to comply with the environmental authority.

Purpose statement 4: - *minimises the take of contaminated agricultural run-off water*

The supporting information with the application indicates that Works 574289 and 574295 are now ‘terminal ponds’. However, these works do not meet the allowable volume for capturing contaminated agricultural runoff waters under the Environment Authority.

Purpose statement 5 - *in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved*

Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water and are linked/capable of transferring water from these works into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. This indicates that overland flow water that is not contaminated is being taken with the installed works which are also linked to the ring tank.

Performance outcomes

PO2 - *Works do not cause an unacceptable impact on other users’ ability to access the resource*

The application has not demonstrated that the impact on other users’ ability to access the resource has been considered and will not cause an unacceptable impact. The installed works (works reference 574289 and 574295) are used to take overland flow water and are tied to the Ring Tank. Works 574289 and 574294 are oversized and allow additional overland flow water that is not contaminated to be captured. Therefore, approval of this Ring Tank (even as a secondary water storage) is an increase in overland flow take and could cause an unacceptable impact on other users’ ability to access the resource.

PO4 - *Works are consistent with any of the following, to the extent they are relevant to the proposed development:*

- ***a water plan***
- ***a water management protocol***
- ***a moratorium notice issued under the Water Act 2000***

The site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA,

however the proposal takes a greater volume of water and therefore is not considered to be consistent with the plan and protocol.

PO7 - Works to take overland flow water are for one of the following:

- ***for an activity prescribed by regulation under the Water Act 2000; or***
- ***for reconfiguring existing works; or***
- ***in a limited catchment area identified in a water plan; or***
- ***for contaminated agricultural run-off water; or***
- ***part of an environmentally relevant activity or under an environmental authority; or***
- ***incidental to capturing coal seam gas water; or***
- ***consistent with a water entitlement; or***
- ***for the purpose of water sensitive urban design; for developments in urban areas***
Protection Act 1994

The proposed Ring Tank will not directly take overland flow water, however it is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

The proposed works to take overland flow water:

- is not for an activity prescribed by regulation under the *Water Act 2000*
- is not for reconfiguring existing works
- is not located in a limited catchment area identified in a water plan area
- is not for contaminated agricultural run-off water, for treat and release only, as the proposed works are linked to existing works and the water proposed to be reused for irrigation. There is not sufficient evidence to demonstrate that the works will not capture clean overland flow water
- the proposed works are more than deemed necessary to meet the minimum requirements of the Environmental Authority
- is not incidental to capturing coal seam gas water
- is not consistent with a water entitlement.
- is not for the purpose of water sensitive urban design.

PO14 - Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required

The Ring Tank will not directly take overland flow water, however it is proposed to be connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO15 - Works to take contaminated agricultural run-off water:

- ***are not larger than required to contain contaminated agricultural run-off water; and***
- ***allow for water that is not contaminated agricultural run-off water to be passed through the works***

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works.

The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO16 - Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment:

- **do not increase the volume of overland flow water taken in a water year; and**
- **allow for the release of water when an acceptable quality of water is achieved**

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works. The proposed link between the existing works and the proposed Ring Tank will allow the capability for an increase in overland flow water take. The proposal seeks to use the captured overland flow water to irrigate, rather than allow for the release of water once an acceptable quality is achieved.

PO17 - Works only capture the volume of overland flow water necessary for the operation of the environmentally relevant activity or environmental authority under the Environmental Protection Act 1994

The proposed works to capture overland flow water are deemed in excess to the amount of water. The operation of the environmental authority under the EA.

While the EA allows for terminal ponds (as per condition WT4 of environmental authority (reference 2022-01), as per condition WT4 which states:

*“The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This **may** include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event”.*

Bold added for emphasis

Department of Local Government, Water and Volunteers received advice from the Department of Primary Industries which states *“whilst terminal ponds used to capture potentially contaminated runoff from effluent irrigation areas likely minimise the amount of levels of contamination leaving the effluent utilisation areas, DPI considers that there would not be conflict with the current EA conditions if these structures are not constructed.”*

The applicant can meet condition WT4 of the EA via other means. The proposed works do not satisfy the requirements of the EA, as the total water storage capacity of the works outside of the feedlot area is deemed to be of a volume above what is necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.3 Planning Regulation considerations

SARA has given regard to the following matters as identified in section 22(3) of the Planning Regulation 2017 being:

- local government planning scheme strategic outcomes, purpose statements and overlays
- regional plan strategic intent and desired regional outcomes
- *State Planning Policy July 2017 (SPP)*, parts C and D
- any temporary State Planning Policy
- any infrastructure designation
- any previous and current development approvals applying to the site
- common material received by SARA.

SARA has determined that any potential inconsistencies are not relevant to the assessment of the application cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.4 Human rights assessment

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.

A consideration of the 23 fundamental human rights protected under the the *Human Rights Act 2019* has been undertaken as part of this decision. The following relevant human rights for this decision have been considered as follows:

Human right	Assessment
Equity before the law (s15)	<ul style="list-style-type: none"> The decision is based on planning considerations only and does not discriminate based on human characteristics. The decision does not limit this human right.
Freedom of expression (s21)	<ul style="list-style-type: none"> The referral agency response has no impact on whether or not submission rights arise and therefore there will be no impact by the decision on a person's right to freedom of expression. The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions as public consultation was not required to be carried out by the applicant. The decision does not limit this human right.
Taking part in public life (s23)	<ul style="list-style-type: none"> The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions or undertake public consultation. The decision does not limit this human right.
Property rights (s24)	<ul style="list-style-type: none"> This human right is not relevant because the referral agency assessment has been undertaken in accordance with the requirements of the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and DA Rules. On balance, the proposal was considered not to comply with the requirements of SDAP and could not be conditioned to comply. The decision does not limit this human right as the statutory process was followed and the applicant will have a right to a fair hearing in accordance with s31(as detailed below). The decision does not limit this human right.
Right to a fair hearing (s31)	<ul style="list-style-type: none"> This human right is relevant because the applicant will have a right to appeal SARA's refusal. SARA's refusal does not limit the applicant to make representations on the referral response. The decision does not limit this human right.

6.5 Material relied upon in the assessment

- The development application material and submitted plans
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and the Department of Transport and Main Roads
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.1)
- The Development Assessment Rules
- Section 58 of the *Human Rights Act 2019*

7.0 Recommendation to the delegate

6.1. Recommendation

It is recommended that SARA as referral agency:

1. the delegate approve the referral agency response, and
 2. that SARA as referral agency:
- directs the assessment manager to refuse the application on the grounds identified in the referral agency response

6.2. Reason(s) for the recommendation:

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed process flow and linkages between existing works and the ring tank result in a size that is greater than what is required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact.
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol.
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area

- not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate
 - more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
 - PO14 of State code 10, the proposal allows for an increased take of overland flow water by connecting the ring tank with existing works. This will result in a take of water that is greater than required.
 - PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
 - PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and takes additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to reuse the water to irrigate
 - PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

8.0 Recommending officer

Case officer	Danica Clark	Senior Planner
Reviewer		

RA3-AR

Delegate consideration

After considering the proposal, the assessment report and the decision material, I, Steve Conner, as the delegate:

1. confirm that the SARA recommendation is approved
2. the decision material is to be issued
3. authorise the use of my electronic signature to issue the SARA referral response through MyDAS2 (including attachments).

From: [Danica Clark](#)
To: [Sallie BATTIST](#)
Cc: [Melinda Ruisis](#); [Mica Cook](#)
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers
Date: Wednesday, 19 March 2025 8:24:00 AM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image009.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Sallie

I have copied over the information into the One Note file. Please let me know if it hasn't saved correctly and I can send through a word copy.

Thanks
Danica



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

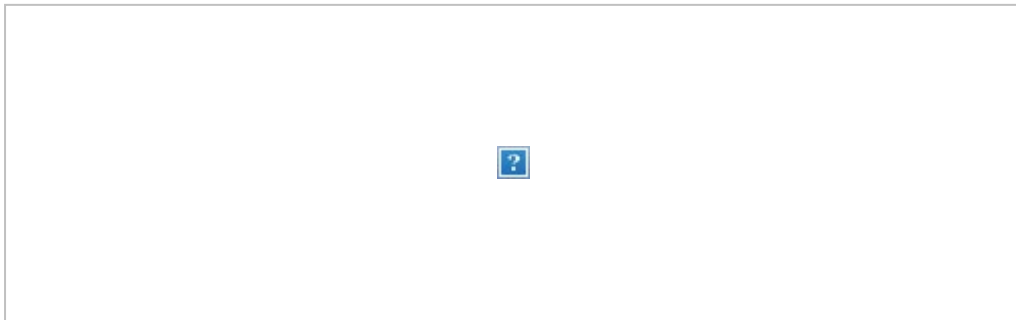
Microsoft Teams – meet now

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From: Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>
Sent: Tuesday, 18 March 2025 9:38 PM
To: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Melinda Ruisis <Melinda.Ruisis@dsdilgp.qld.gov.au>
Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers

Hello Danica

Are you bringing this tomorrow to the SARA Roundtable / ED Briefing?

I just noticed there is not information in the agenda, please let me know if you need assistance entering information.

Cheers

Sallie

Sallie Battist

Manager, Planning Services

Planning Group

Department of State Development, Infrastructure
and Planning

P 3452 7656 M Access refused under s

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From: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>

Sent: Monday, 17 March 2025 3:46 PM

To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Cc: Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>; Melinda Ruisis
<Melinda.Ruisis@dsdilgp.qld.gov.au>

Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government,
Water and Volunteers

Hi Danica,

If you support the Technical Agencies recommendation, and recommend refusal, then you will need to brief Steve as the delegate for a refusal.

As the clearing house briefing was today, please bring this matter to the Round Table on Wednesday (I understand Sallie has sent you this appointment). Following this, you will then need to brief Steve as the delegate on Wednesday afternoon 1.30-2.30pm at our ED

briefing (I will forward this appointment to you).

Attached is a copy of the most recent decision notice (and report) so you can see the format of the notice. The grounds are fairly high level – the report addresses the grounds in a little more detail.

Pending the outcome of the ED briefing, you will need to email Steve the decision package (assessment report and decision notice) for his review and decision. It should be in the same format as that in the attached email.

Please note that Sallie and I are not in the office Thursday or Friday this week.

Kind regards,

Mica

Mica Cook

Principal Planner – Development Advisory and Referral Team
(DART)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

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From: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Sent: Monday, 17 March 2025 2:02 PM

To: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>

Cc: Sallie BATTIST <Sallie.Battist@dsdilgp.qld.gov.au>; Melinda Ruisis
<Melinda.Ruisis@dsdilgp.qld.gov.au>

Subject: RE: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers

Hi Mica

The current timeframe for the RAR is 21 March 2025. An extension was not sought last week as DLGWV advised it would finalise its TAR by the due date.

The applicant is currently out in the field, and I understand is returning tomorrow – I have left a message for them to contact me on their return. I anticipate an extension may only be considered should the applicant be willing to amend the application.

Previous advice from DAAT has been to keep the application in region – can you please advise of the process that needs to be followed for the delegation?

Kind regards
Danica



Danica Clark

Senior Planner

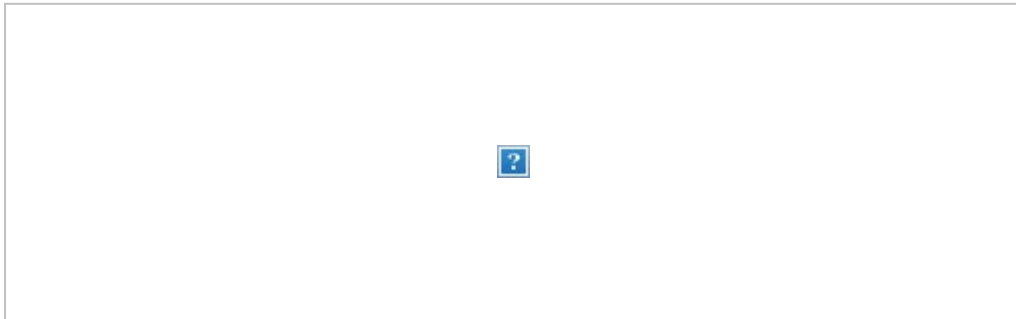
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From: Mica Cook <Mica.Cook@dsdilgp.qld.gov.au>

Sent: Monday, 17 March 2025 12:47 PM

To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Cc: Melinda Rusis <Melinda.Rusis@dsdilgp.qld.gov.au>; Sallie BATTIST
<Sallie.Battist@dsdilgp.qld.gov.au>

Subject: 2410-42724 SRA - Refusal recommendation from Department of Local Government, Water and Volunteers

Hi Danica,

I understand Department of Local Government, Water and Volunteers have issued a refusal TAR for an application you currently have under assessment for an Other Change to an existing Development Approval for Operation Work (Ring Tank) (2410-42724 SRA).

Can you please advise the status of the application. I understand the current stat date is

this **Friday, 21 March 2025**.

As discussed last week, we have recently (Thursday 13 March 2025, and today, 17 March 2025) refused two applications for tailwater dams. These applications were the same applicant, and they were unwilling to extend the statutory timeframe.

If you are intending to progress this application to a decision, within the current statutory timeframes, can you please confirm if Steve has been given visibility of the upcoming decision and has been briefed? Alternatively, have you had further discussions with the applicant regarding the TAR recommendation and are they agreeable to an extension to the statutory timeframe?

We recommend you take the application to the 'Round Table' on Wednesday to discuss.

We would appreciate if you could provide an update on the status of the application asap.

Kind regards,

Mica

Mica Cook

Principal Planner – Development Advisory and Referral Team
(DART)

Planning Services – Planning Group

Department of State Development, Infrastructure and Planning

Work days: Monday – Wednesday

Microsoft Teams – meet now

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From: [Danica Clark](#)
To: [DAAT](#)
Subject: 2410-42724 SRA
Date: Thursday, 20 February 2025 4:12:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Good afternoon DAAT

The above reference application was properly referred by SARA on 14 October 2024, for operational works that is a ring tank dam (taking water from the Condamine River).

SARA issued an information request on 25 October 2024, requesting further information about the intended use of the ring tank (e.g. It should be omitting all overland flow water and contaminated agricultural runoff (CAR), however the submitted plans show the ring tank can store CAR water).

The applicant has recently provided an update that they intend to provide an amended EA as part of their response to the IR, and therefore the intent is to capture CAR water.

With consideration given to other applications that involve CAR water being reallocated to DAAT, can you please advise if this application is to also be reallocated?

Application number	2410-42724 SRA
Applicant	Lloyd Pastoral Company Pty Ltd C/- EnviroAg Australia Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Operational Work
Description of proposal	Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role	Referral Agency
Triggers	<ul style="list-style-type: none">• Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water• Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
Decision due date	Currently awaiting applicant response to SARA's IR. Due 3 March 2025
Level of assessment	Code
SARA recommendation	TBA
Delegate	Manager

Kind regards

Danica Clark



Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

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From: [Dominique Gallagher](#)
To: [Melinda Ruis](#)
Cc: [Danica Clark](#)
Subject: RE: 2410-42724 SRA - Ring Tank summary
Date: Thursday, 20 March 2025 3:13:24 PM
Attachments: [image001.png](#)
[image002.png](#)

Spoke to Steve- please continue to progress with conditions.
Happy to chat

Thanks
Dom

From: Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Sent: Thursday, 20 March 2025 1:35 PM
To: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>
Cc: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Subject: FW: 2410-42724 SRA - Ring Tank summary

Hi Dom

For your meeting with Steve this arvo, some dotters on the potential refusal application:

Background -

- The application is for an already constructed ring tank (which is fed water from the Condamine River under water licence). Application material shows connections to other existing dams which capture contaminated agricultural runoff (CAR) but they didn't apply for this per se
- Stat due date for referral agency response is TOMORROW
- Presented to the SARA roundtable yesterday as Water recommended refusal on the basis that SDAP State Code 10: Taking or interfering with water cannot be met as the application material indicates that contaminated agricultural runoff (CAR) would be captured and used for irrigation (which SC10 does not allow).
- Presented to the DAAT ED briefing yesterday – Steve recommended it be conditioned rather than approved
- Danica advised Dept Water of decision to approve with conditions and they are maintaining need to refuse as they say it will strengthen their position on compliance (there is a quantum of non compliant work on the land already); Water think that conditioning this works may give a tacit impression of “endorsing” the know non compliant works

Next steps:

- Water keen to discuss with Steve directly about their compliance concerns
- We would ideally need Water's advice on conditioning; we are concerned they may not provide it as they want refusal
 - We do have some similar draft conditions we could draw on done for very similar application (same applicant I think) from last year that was withdrawn before refusal issued
- The applicant is very unlikely to agree to an extension

Cheers
Mel

From: Danica Clark <[Danica.Clark@dsdilgp.qld.gov.au](#)>
Sent: Thursday, 20 March 2025 1:07 PM

To: Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>

Subject: 2410-42724 SRA - Ring Tank summary

Hi Mel

As discussed, dot points below.

Proposed development and issues:

- Op works for a Ring Tank (already constructed).
- Located in the Murray Darling Basin Catchment area.
- Applicant has a water licence to take from the Condamine River and has three existing CAR dams on the same lot.
- The process diagram shows that the Ring Tank will be connected to all 3 CAR dams, therefore is capable of also capturing overland flow water.
- Under the Marray Darling Basin Catchment area provisions, all new works that capture CAR water must operate as a store and release.
- The process flow diagram shows the CAR water is to be piped into the Ring Tank and used for irrigation, therefore does not comply with these provisions.
- The applicant has referred to the conditions of the EA as an authorisation to take CAR water. However, the relevant EA does not explicitly require overland flow to be captured.
- Water Services has also advised that the existing CAR dams have not been constructed as approved and are oversized. Therefore, these dams are also taking clean overland flow water.
- Advice has previously been given to the applicant, advising that the Ring Tank cannot be connected to the existing CAR dams for the reasons above.
- DLGVW recommended refusal.

DLGVW feedback to SARA response to recommend approval subject to conditions.

To condition, it is preferred that the application provide a schematic and diagrams to reflect what's happening on ground. It is noted the applicant has not engaged in these requests to date. DLGVW disagrees with conditioning (amending in red) as the applicant already has constructed the ring tank and is connected to take overland flow and irrigate.

Concern that agreeing to an approval (conditioned) knowing its already connected, weakens its ability to take compliance action.

Ring tank sizing (as a standalone water storage) – it is oversized for the take of water from the Condamine River, however, is not really an issue due to entitlement under the water licence. However, it is an issue as it is currently collecting overland flow and allowing oversized CAR dams to empty into the Ring Tank (excessive take of overland flow and irrigation use).

DLGVW has requested a meeting with SARA ED to discuss their concerns, should the application proceed to a response with conditions.

Kind regards

Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning



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From: [Richard Dickfos](#)
To: [Danica Clark](#)
Cc: [Dominique Gallagher](#); [Steve CONNER](#); [Ainslee Hempseed](#); [Shannon Dempster](#); [Susan Harch](#); [Hamish Butler](#)
Subject: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank
Date: Thursday, 20 March 2025 5:54:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[DNRME SARA Service Level Agreement 2018.pdf](#)

OFFICIAL

Hi Danica

Our department is concerned about SARA's inconsistency regarding DA approvals for feedlot operational works.

We believe approving this application subject to conditions is not a satisfactory outcome and are invoking clause 2.4.12 of the DNRME SARA Service Level Agreement 2018 (attached) and want to escalate this. Due to time constraints, we require the delegate to have a meeting with our A/ED Susan Harch ASAP to discuss this proposed DA decision.

The Statutory timeframe to decide this DA is tomorrow, 21st March 2025. It will be an unacceptable outcome if this DA is approved without conditions because these timeframes are not met.

Regards



Richard Dickfos

Principal Water Officer

Water Resource Management | South Region | Toowoomba

Department of Local Government, Water and Volunteers

P: (07) 3478 8174

M: [Access refused under sect](#)

E: Richard.Dickfos@rdmw.qld.gov.au

A: 203 Tor Street Toowoomba QLD 4350

W: www.rdmw.qld.gov.au

 [Chat with me on Teams!](#)

From: Danica Clark <danica.clark@dsdilgp.qld.gov.au>

Sent: Thursday, 20 March 2025 4:36 PM

To: Richard Dickfos

Subject: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Hi Richard

Thank you for your time earlier.

As discussed, the Department of Local Government, Volunteers and Water's recommendation of a refusal has not been supported.

SARA will be progressing with a recommendation of requiring conditions to attach to any approval given, and is currently drafting conditions to ensure the proposed development complies with State code 10 of the SDAP.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

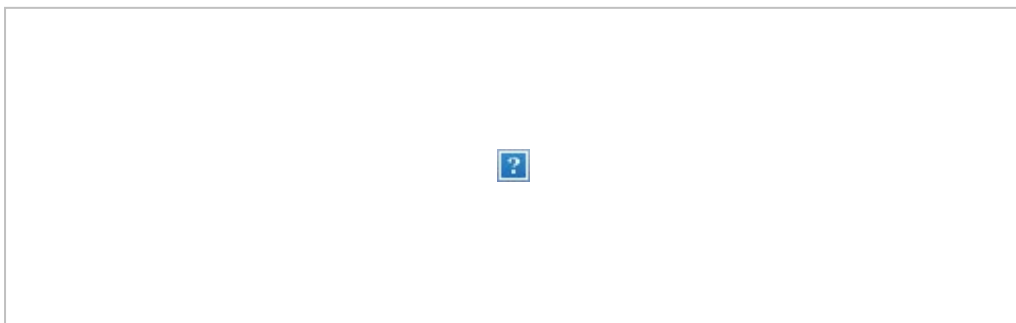
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**Department of State Development,
Manufacturing, Infrastructure and Planning**

And

**Department of Natural Resources, Mines and
Energy**

Service Level Agreement

*An inter-agency agreement for the provision of technical advice and support for
the State Assessment and Referral Agency (SARA) and Infrastructure
Designations*

April 2018

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1 PART A – Operation of agreement

1.1 Effect of Agreement

This service level agreement (this agreement) has effect from the date of signing until a new agreement supersedes it.

1.2 Purpose

The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and Department of Natural Resources, Mines and Energy (DNRME) are committed to working together in the operation of the State Assessment and Referral Agency (SARA) and Infrastructure Designation (ID) assessments to contribute towards delivering the best development assessment system in Australia.

This agreement is written to continue the success of the SARA operations and to ensure the ongoing provision of high standards of inter-agency cooperation.

1.3 Dissolution of agreement

The parties acknowledge that there may be a requirement to dissolve the agreement. The parties may agree to dissolve the agreement through written consent of the authorised signatories of the agreement.

1.4 Confidentiality

Without limiting DNRME responsibilities under the *Right to Information Act 2009* the parties agree to maintain confidence and confidentiality related to the agreement and to maintain the privacy of our respective clients in regard to the delivery of programs. For clarity, this means:

- technical reports and all other written correspondence clearly identified as confidential in nature by DNRME is only to be provided to the DSDMIP and not third parties; and
- DNRME are not to speak with third parties (e.g. local governments, applicants or any member of the public) on matters of a confidential nature.

It is noted that all public servants are bound by the 'Code of Conduct'.

1.5 Dispute resolution

In the event that a dispute develops regarding the agreement, the parties will try to resolve the dispute through direct negotiation and agree to use all reasonable endeavours acting in good faith to resolve the dispute through discussions.

1.6 Variances

Variances to future agreements can be discussed and negotiated by the Executive Director, Operations Support, DNRME, and the Executive Director, Development Assessment Division, DSDMIP, and subject to the approval of the Directors-General of DNRME and DSDMIP.

2 PART B – SARA

2.1 Embodying SARA culture

DNRME and DSDMIP are committed to working collaboratively to support a SARA culture which:

- a) is driven by a focus on outcomes and solutions, not just process
- b) assists applicants to prepare quality, 'decision ready' development applications
- c) strikes the right balance between protecting matters of state interest and facilitating projects
- d) sponsors a culture of 'no surprises' for applicants by:
 - i) providing early signals of assessment concerns
 - ii) facilitating communication during assessments to enhance and improve proposals, and
 - iii) ensuring final decisions do not present major surprises
- e) is reasonable with our imposts on projects, and
- f) looks for ways to collaborate and continually improve.

2.2 Roles and responsibilities

DNRME and DSDMIP will work collaboratively to continue the success of SARA through the following defined roles and responsibilities:

DSDMIP will:

- a) undertake the decision maker role of SARA, in accordance with the chief executive's role under the Planning Regulation 2017
- b) have considered regard to technical assessments and recommendations provided by DNRME
- c) undertake decision making against the assessment benchmarks in the State Development Assessment Provisions (SDAP) and coordinate, assess and decide applications received as assessment manager, referral agency or responsible entity
- d) meet operational timeframes outlined in Schedule 1
- e) facilitate and contribute constructively to inter-agency discussions and negotiations to address complex development applications
- f) consider the impact of certain applications on the relevant matters of state interest, and confirm technical agency involvement
- g) lead continuous business improvement of SARA, including trigger refinement, the SDAP and systems management
- h) complete regular monitoring and reporting in relation to key performance indicators and operational timeframes, and
- i) when proposing changes to SARA operations DSDMIP will consult with DNRME.

DNRME will:

- a) collaborate with DSDMIP to resolve day-to-day issues associated with development assessment and on-going policy development
- b) undertake the technical agency role of SARA, to support the chief executive's role in accordance with the Planning Regulation 2017 and assess development applications against the assessment benchmarks in the SDAP
- c) participate in, and contribute constructively to, inter-agency discussions and negotiations to address complex development applications and significant disagreements
- d) meet operational timeframes outlined in Schedule 1
- e) administer and enforce conditions related to the matters within its area of jurisdiction where delegated by the chief executive administering the *Planning Act 2016* (the Act)
- f) investigate offences and enforce development approval conditions related to its area of jurisdiction where delegated by the chief executive administering the Act, and
- g) actively engage with DSDMIP in the continuous improvement of SARA operations, referral triggers and SDAP.

2.3 Governance

2.3.1 Leadership

DSDMIP leadership arrangements

SARA's development assessment functions will be undertaken regionally, and a case officer will be assigned to each application.

Executive Director, Development Assessment Division, DSDMIP, is responsible for program leadership.

DNRME leadership arrangements

DNRME will provide details of contact officers for its areas of interest and provide updates, as required.

Key senior departmental contacts (by role) are:

- Executive Director Operations Support (DNRME) will be responsible for program leadership.

2.3.2 Management arrangements

As part of DSDMIP's ongoing commitment to improving the operational efficiency and effectiveness of SARA, ongoing operational matters (including day-to-day and policy requirements) will be discussed/managed via DSDMIP's SARA Central working teams. This will involve regular contact (e.g. via meetings) between DSDMIP's SARA Central working teams and DNRME.

2.3.3 SARA Reporting

DSDMIP will provide technical agencies (including DNRME) with quarterly SARA reporting on operational information.

Quarterly reporting against the SARA key performance indicators and operational timeframes will be undertaken by DSDMIP on a regional and state-wide basis.

2.3.4 Development application fees refunds

Two types of refunds are undertaken by DSDMIP:

- 1) Standard Refunds – Administrative refunds to facilitate a refund associated with withdrawn applications or incorrect triggers, and
- 2) Non-standard Refunds – Refunds requested by the applicant and assessed against DSDMIP non-standard refund scenarios.

DSDMIP will consult with DNRME regarding the inclusion of any new non-standard refund scenarios.

2.3.5 Key Performance indicators (KPIs)

A key element of SARA's culture of improvement has been a yearly cycle of publishing, then subsequent reporting against a suite of KPIs across the various facets of SARA's functions. This cycle enables DSDMIP to regularly monitor SARA's performance relative to the adopted targets.

At the end of the financial year reporting cycle, actual performance against the set KPI targets will be measured and documented by DSDMIP. Highlighting areas where targets are not achieved provides SARA with an opportunity to focus on areas of practice that require improvement.

DNRME and DSDMIP will use their best endeavours to meet the KPI targets published on DSDMIP's website at <https://planning.dsdmip.qld.gov.au/>.

2.4 SARA operational issues and decision making

The following are the key operational responsibilities for DNRME and DSDMIP.

2.4.1 Annual priorities and resourcing

DSDMIP is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and statutory timeframes in the Act and Development Assessment Rules (DA Rules). Additionally, DSDMIP will strive to meet the adopted KPIs and agreed process improvements.

DNRME is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and agreed process improvements. Additionally, DNRME will strive to meet the adopted KPIs.

2.4.2 Records and right to information

DSDMIP is responsible for maintaining records in relation to development applications managed by SARA.

Without limiting the requirements and responsibilities of the Right to Information (RTI) process, DNRME will provide DSDMIP with all relevant records relating to DNRME technical advice with respect to SARA processes in the event of an RTI request.

2.4.3 Inter-departmental communication and operational timeframes

Operational timeframes

DSDMIP is responsible for administering the development assessment functions as a referral agency and assessment manager under the Act, Planning Regulation 2017 and DA Rules. The development assessment provisions in the Act and DA Rules require statutory timeframes to be met by SARA. In order to achieve this, DNRME and DSDMIP agree to meet the operational timeframes in Schedule 1.

The key principles that DNRME and DSDMIP will embody to achieve the operational timeframes are:

- a) most assessments will need to be completed faster and more efficiently (than under the *Sustainable Planning Act 2009* (SPA))
- b) time is a precious commodity that applicants control
- c) preliminary phase of assessment is critical (i.e. the first 12 business days)
- d) to spend limited time on straightforward applications and implement practices to get these actioned well before operational timeframes
- e) to send early and clear signals to applicants, to enable the applicant to 'help us to help them' resolve issues and foster a culture of 'no surprises'
- f) that many decisions will need to be made with less than perfect information
- g) to strongly promote pre-lodgement meetings.

Communications

DNRME will receive formal communications (including information requests, further advice requests, referral agency responses, decision notices, responsible entity responses, pre-referral responses, extension application responses and change application decisions made under the Act and DA Rules, and pre-lodgement minutes/advice) from DSDMIP electronically.

Application material will be downloaded by DNRME from the DSDMIP nominated IT system. In unexpected circumstances resulting in failure of the DSDMIP nominated IT system, DSDMIP will consider case-by-case the most appropriate method of providing DNRME with application material as quickly as possible.

Requests, recommendations and copies of records from DNRME will be provided to DSDMIP electronically. In unexpected circumstances resulting in failure of the DSDMIP nominated IT system, DNRME will consider case-by-case the most appropriate method of providing DSDMIP with responses as quickly as possible.

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DSDMIP nominated IT system and DNRME internal systems. DSDMIP is responsible for recording and storing meeting minutes taken over the course of the application.

Templates

DNRME will provide technical agency assessment and recommendations in the templates provided by DSDMIP. The templates are provided to DNRME to assist in engagement with DSDMIP.

2.4.4 Communication with an applicant

DSDMIP will foster the culture of 'no surprises' for applicants by maintaining open and ongoing communication during assessment to provide early signals of assessment concerns and to enhance and improve proposals.

DSDMIP will issue reminder notices to applicants advising of upcoming statutory timeframes, including a reminder to provide a response to further advice in a timely manner to allow SARA time to assess the information prior to making a decision.

DSDMIP will encourage applicants to use the stopping a current period provisions to allow more time for applicants to respond to further advice and SARA to assess new information.

Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.

2.4.5 Sustainable Planning Act 2009 applications and functions

DNRME and DSDMIP will continue to process SPA development applications and undertake associated functions in accordance with the Service Level Agreements signed 16 June 2016 (for former Department of Natural Resources and Mines) and 6 April 2016 (for former Department of Energy and Water Supply), inclusive of operational timeframes.

2.4.6 Pre-lodgement discussions and advice

SARA is committed to the use of pre-lodgement processes to assist proponents prepare 'decision ready' applications that can be efficiently assessed after lodgement. Pre-lodgement discussions/advice will be flexible and proponent driven. Requests for pre-lodgement advice can take any form including, teleconferences, written or email based requests or face-to-face meetings.

In response to any pre-lodgement requests, SARA will accommodate and respond to the level of detail provided by the proponent. There is no such thing as 'insufficient information' provided by potential applicants for SARA pre-lodgement requests. SARA will respond in a 'fit-for-purpose' manner to the level of information provided. SARA may provide advice on other consents, permits or approvals required, where this matter is identified in the information provided by the proponent.

SARA acknowledges that when applicants are provided with written pre-lodgement advice they have a reasonable expectation that the subsequent assessment (on the assumption that the lodged proposal is the same as what advice was sought on) will be consistent with the advice.

In managing requests for pre-lodgement discussions or advice, DNRME and DSDMIP will ensure that:

- pre-lodgement meetings are co-ordinated and chaired by a DSDMIP planning officer
- relevant (as empowered as practically possible) DNRME representatives participate (either in person or via phone or video conference), unless DNRME has advised DSDMIP of non-participation or provided advice to be represented by DSDMIP

- key matters/issues are communicated between DNRME and DSDMIP prior to pre-lodgement meetings, either by written advice or by a pre-meeting
- DSDMIP will ensure adequate time is allowed prior to a pre-lodgement meeting to ensure technical agency input is able to be provided, especially for complex assessment matters
- if no input is provided by DNRME in pre-lodgement advice, the proponent will understandably form an expectation that none of those state interests will impact on their proposal
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant state interest matters and where possible offer suggestions for the proposal to avoid adversely impacting on state interests and being formulated into a 'decision ready' application
- meeting minutes are to be taken in real time and agreed to by the attending parties prior to concluding the meeting. Meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by SARA. Minutes are not to be a verbatim record of the discussion
- where agreed between the parties that the pre-lodgement advice would benefit from SARA giving further consideration to certain aspects after the meeting – this will be finalised and issued as an addendum to the minutes within 7 business days, and
- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All SARA written pre-lodgement advice and minutes will state 'valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice'.

Assessment of applications are to have due regard to issued pre-lodgement advice. In fulfilling the culture of 'no surprises', during assessment SARA must be mindful of contradicting pre-lodgement advice.

2.4.7 Response before application (pre-referral response)

Pre-referral responses will be provided for low risk applications only, where:

1. assessment by technical agency is not required
2. an information request is not required, and
3. either no requirements or model conditions can be applied.

Pre-referral requests will not be sent to DNRME for technical agency assessment and are decided by DSDMIP.

Where a pre-referral request is not consistent with points 1 – 3 above, standard SARA assessment will apply to the proposal and the applicant will be advised accordingly by DSDMIP.

It is noted that referable dams are not considered low risk applications.

2.4.8 Information requests and further advice

Information requests

Information requests are only to be issued by DSDMIP in accordance with the DA Rules where information essential for the assessment is missing from an application.

DSDMIP will give due consideration to requests for information made by DNRME. When DSDMIP issues an information request, a copy will be provided to DNRME.

Operational timeframes for information requests are detailed in Schedule 1.

Further advice

To support a culture of 'no surprises' for applicants, further advice will be issued where SARA seeks to provide advice about how the applicant may change the application in order to obtain a favourable assessment. Further advice may be issued at any time before an application is decided or a referral agency response is issued. However, the initial further advice operational timeframe is detailed in Schedule 1. DNRME may request that DSDMIP issue further advice more than once for an application where necessary.

DSDMIP will give due consideration to request for further advice by DNRME. When DSDMIP issues further advice, a copy will be provided to DNRME.

If a response to a further advice notice has not been provided 2 business days before the statutory due date for the SARA referral agency response/decision, DSDMIP will advise the applicant that it will form a view on the application with the current information.

2.4.9 Missed referrals

Where a missed referral is identified for an application that was not previously referred, SARA will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

Where a missed referral is identified for an application that has been previously referred to SARA, SARA will refund the missed referral assessment fee in full (after it has been paid) and will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

2.4.10 DNRME involvement in certain applications

For certain applications or functions, DNRME technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

2.4.11 SARA decision making

DNRME and DSDMIP acknowledge that the SDAP is the primary instrument for assessment of all development applications where SARA is either a referral agency or assessment manager.

In making a decision about an application, as assessment manager or referral agency, DSDMIP will:

- given consideration to recommendations made in DNRME's technical agency assessment response
- formulate a decision having due regard to the technical agency assessment response and where conditions are required, model conditions will be applied and non-model conditions drafted by DSDMIP.

Where a disagreement with DNRME's technical agency recommendations cannot be resolved at officer level, the escalation and dispute resolution procedures will be followed.

Conditions

For clarity it is noted that conditions are defined as either 'Model' or 'Non-model'. 'Non-model' conditions are conditions that have not been endorsed as SARA model conditions. 'Model' conditions are part of a suite of general conditions that have been endorsed by DNRME and DSDMIP.

DSDMIP in consultation with DNRME will update the SARA Model Conditions on an as needs basis to:

- update, if necessary, the drafting of existing conditions
- include new conditions
- modify or delete conditions to reflect changes to SDAP or legislation.

DSDMIP will provide DNRME with updated versions of the SARA Model Conditions for distribution to regional staff. It will be DNRME's responsibility to ensure the SARA Model Conditions are distributed to necessary officers.

Where conditions are required for a decision notice or referral agency response via the technical agency response, DNRME will recommend to DSDMIP:

- which model conditions should be applied using the current version of the SARA Model Conditions,

- where non-model conditions are considered necessary, provide details on the issues that are to be addressed by the non-model condition(s)¹.

In determining non-model conditions, DSDMIP will draft non-model conditions based on the issues identified and the technical agency assessment provided in the DNRME technical agency response.

In instances where DNRME recommends refusal and DSDMIP considers a conditional approval is warranted, the application is to be escalated in accordance with section 2.4.12.

2.4.12 Escalation and dispute resolution

In the instances where there is a significant disagreement between DNRME and DSDMIP about a technical agency recommendation, the application will be escalated for resolution.

The process for escalation of an application is as follows:

- Where a disagreement arises, the DSDMIP case officer will refer the application to the Regional Director for review and coordination of negotiations. If agreement is reached, the application can be decided.
- When agreement cannot be reached between the parties following initial negotiations, DSDMIP will prepare the draft referral agency response or decision notice and issue to the technical agency for review and further comment. If SARA Central and DNRME agree with the recommendation, the application can then be decided.
- If following review of the draft referral agency response or decision notice DNRME does not agree, DNRME has the opportunity to escalate the matter to their senior management or other nominated position (as per the internal escalation procedures of the technical agency) to finalise the negotiations with DSDMIP. The application will then be decided.

Only in exceptional circumstances will DSDMIP escalate an application to the Executive Director, Development Assessment Division or the Deputy Director-General.

DNRME will have the opportunity to escalate development applications directly to DSDMIP Regional Directors at any stage of the assessment process. The escalation and dispute resolution process can be used for all development applications; however, it should typically be used for complex issues where negotiations have broken down. Best endeavours should be made by both parties to resolve issues without escalation.

For all escalated development applications, the DSDMIP case officer will provide a copy of the final decision notice and reasons for the decision to DNRME within 1 business day of the decision being issued to the applicant.

2.4.13 Nomination of DNRME to ensure compliance with, and enforcement of, conditions

The chief executive administering the Act (being the Director-General of DSDMIP), has provided delegation to DNRME to administer and enforce conditions imposed on development approvals in accordance with Schedule 2 of the Act, within its areas of jurisdiction.

Administration of conditions includes, but is not limited to the:

- acceptance and management of monetary contributions
- confirmation that conditions imposed on development approvals have been complied with, as requested and to DNRME's discretion, and
- responding only to relevant complaints about non-compliance.

Where DSDMIP requests DNRME confirmation of whether conditions have been complied with, where possible, DNRME will endeavour to give advice within 20 business days.

¹ DNRME can provide a recommended condition, however there is no obligation for DSDMIP to accept the wording for the non-model condition.

Costs associated with the administration of conditions, excluding the initial case management of requests, will be the responsibility of DNRME.

2.4.14 Investigating development offences and enforcing development conditions

As a nominated 'enforcement authority' under Schedule 2 of the Act, DNRME will be responsible for investigating and responding, in a timely manner, to complaints alleging development offences under Chapter 5, Part 2 of the Act within its areas of jurisdiction. DSDMIP will, where relevant, provide information regarding any development approval associated with any alleged development offence to DNRME in a timely manner.

In the event that development offences are identified, legal proceedings associated with enforcement will be initiated and managed by DNRME. Costs associated with the legal proceedings will be the responsibility of DNRME. To be clear, enforcement matters are at DNRME's discretion.

DNRME will be responsible for notifying DSDMIP of any enforcement actions undertaken that are associated with offences involving a development approval or a referral agency response. DNRME will provide SARA Central with notice of the enforcement action as soon as is practicable.

2.4.15 Appeals and legal proceedings

DSDMIP will be responsible for managing appeals and legal proceedings relating to decisions made under SARA (apart from those nominated in section 2.4.13 relating to development offences). DNRME will provide technical support, technical information and any records relating to the specifics of the relevant development application to DSDMIP for the purpose of disclosure in a timely manner when requested by DSDMIP.

DSDMIP will seek DNRME's opinions in relation to joining an appeal to inform DSDMIP's decision. Also where considered relevant, DSDMIP will liaise with DNRME regarding appeals and consider any recommendations in relation to the management of specific appeals and will inform DNRME of the outcome of appeals and any learning that may benefit DNRME.

If requested by DNRME prior to engagement of expert witnesses, DSDMIP will consult with DNRME to ascertain any recommendation of an expert witness related to the area of expertise of DNRME. However, the final decision related to procurement of legal service providers, expert witnesses or barristers rests solely with DSDMIP.

DSDMIP will attend strategy meetings, without prejudice meetings and mediations. However, if requested by DSDMIP, DNRME's staff may attend and be actively involved in without prejudice meetings and mediations.

Where DNRME has unresolved appeals at the time SARA commenced, it will retain responsibility for the on-going management of those appeals and legal proceedings.

2.4.16 DSDMIP nominated IT system — MyDAS (including MyDAS2)

DSDMIP will provide the information technology systems to support SARA, currently known as MyDAS and MyDAS2. MyDAS will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.

DSDMIP will provide systems administration and user support services for user administration and access.

MyDAS is to be used by DNRME to access and download application material. Communication protocols related to the operation of IT system will be followed by both DNRME and DSDMIP.

DNRME will provide user access requirements to DSDMIP. DNRME will advise DSDMIP of all staff movements relevant to SARA functions to ensure all licences are in current use and not shared between individuals. DSDMIP will ensure appropriate access is available and requirements for access are provided promptly.

Licensing and accessing costs for DNRME to use MyDAS2 will be borne by DSDMIP. All additional DNRME licensing requirements and non-MyDAS applications (e.g. network and infrastructure) will be the financial responsibility of DNRME.

2.4.17 SARA operational amendments

Within confidentiality requirements, DNRME is to inform DSDMIP's SARA Central, of any proposed amendments to:

- legislation and subordinate legislation that will impact on SARA
- guidelines referred to in SDAP
- changes to website links and
- any other material which operationally requires alignment with SARA.

DSDMIP is to inform DNRME in a timely manner of any impending amendments to:

- legislation and subordinate legislation that will impact on the requirements for DNRME to provide technical advice to SARA and investigate and enforce development offences
- SDAP guidance material and
- any other material that will affect the delivery of technical advice to DSDMIP.

2.4.18 State Development Assessment Provisions (SDAP)

SDAP contains the assessment benchmarks for the assessment of development applications by DNRME and DSDMIP and provides applicants with:

- increased transparency and clarity on how development can comply with the matters of interest to the state
- clarity regarding when the state is to be involved in the assessment of a development application
- qualifying criteria to enable self-identification of eligibility for FastTrack5 assessment pathway.

SDAP is the primary instrument for the assessment of matters of state interest relevant to development applications. Where there is a conflict between the SDAP and any reference documents listed in SDAP, the SDAP prevails.

DNRME will contribute to the continuous improvement of SDAP by:

- assisting DSDMIP with any review or amendments to SDAP
- recommending improvements to the state codes of SDAP that are relevant to DNRME's area of interest.

DNRME will prepare and publish guidance material for SDAP state codes in consultation with DSDMIP.

2.4.19 Native title

DSDMIP will ensure that native title is assessed prior to making a decision about an application that SARA is the assessment manager or responsible entity.

DNRME Aboriginal and Torres Strait Islander Land Services team may assist DSDMIP with interpretation and access to information in certain circumstances on native title assessments.

2.4.20 Environmental offset agreements

As part of the development assessment process DNRME will provide technical advice to DSDMIP on whether a development proposal will, or is likely to, result in a Significant Residual Impact (SRI), thereby triggering the need for an environmental offset for a prescribed activity under the *Environmental Offset Act 2014*.

DSDMIP will condition an offset requirement relating to DNRME's area of jurisdiction in a manner consistent with DNRME's technical agency response and relevant model conditions.

3 PART C – Infrastructure designations

3.1 General

DNRME and DSDMIP acknowledge that the ID process will be conducted in accordance with Chapter 2, Part 5 of the Act, Chapter 7 and Chapter 8 of the Minister's Guidelines and Rules (MGR). The parties also acknowledge that the Minister is the responsible decision maker for Ministerial ID decisions and for undertaking state interest review of a local government ID under these provisions.

Both parties acknowledge that on behalf of the Minister the ID process will be conducted along the following lines:

- a) being cognisant that Ministerial ID is set up to provide an approval pathway for infrastructure that is essential to support the development of a prosperous and sustainable Queensland
- b) ensuring that consultation undertaken during the ID process is 'fit-for-purpose' and provides relevant stakeholders with adequate information
- c) that state agency input into the ID process should be 'fit-for-purpose'
- d) ensuring that both parties act in a timely manner throughout the ID process in order to provide timely recommendations to the Minister.

Note – Minister means Planning Minister.

3.2 Roles and responsibilities

DNRME and DSDMIP will work collaboratively to successfully manage the ID process through the following defined roles and responsibilities:

DSDMIP will:

- a) coordinate, assess and provide recommendations to inform the decision of an ID proposal made by the Minister
- b) meet operational timeframes outlined in Schedule 4
- c) endeavour to ensure that the Minister meets the relevant statutory timeframes for an ID proposal
- d) having regard to the criteria in Schedule 3, use discretion to determine whether or not a particular ID proposal affects DNRME's state interests to the extent that DNRME needs to be involved in the ID process
- e) endeavour to ensure that native title and state tenure aspects are properly considered during ID assessments
- f) lead, organise, participate in (including documenting meeting outcomes) and provide accurate advice through pre-lodgement discussions and meetings
- g) have regard to matters/issues raised by DNRME in assessing ID proposals to inform DSDMIP in drafting recommendations
- h) respond to RTI requests made to DSDMIP, and assist with RTI requests made to DNRME, relating to ID matters.

DNRME will:

- a) undertake the technical agency role and provide a first principles assessment having regard to State Planning Policy (SPP), the relevant Regional Plan and the purpose statements of the SDAP that relate to Schedule 3
- b) collaborate with DSDMIP to resolve day-to-day issues associated with ID requests and ongoing policy development
- c) meet operational timeframes outlined in Schedule 4
- d) participate constructively in, and provide accurate advice through, pre-lodgement discussions
- e) assist with RTI requests made to DSDMIP, if required, and respond to RTI requests made to DNRME relating to ID matters
- f) actively engage with DSDMIP in the continuous business improvement of ID processes, including the development of the low impact proposal criteria.

3.3 Governance

3.3.1 Leadership

Department of State Development, Manufacturing, Infrastructure and Planning's leadership arrangements

The Minister is the sole decision maker of Ministerial ID and state interest review outcomes of a local government ID.

DSDMIP's key departmental contact:

Executive Director, Development Assessment Division, DSDMIP, is responsible for program leadership.

DNRME key departmental contacts:

DNRME will provide details of contact officers for its areas of interest and provide updates, as required. Executive Director Operations Support is responsible for program leadership

3.3.2 Management arrangements

The assessment functions for IDs will be centralised, and a case officer from the DA Projects team will be assigned to each request.

DSDMIP is committed to improving the operational efficiency and effectiveness of the ID process. Ongoing operational matters (including day-to-day and policy requirements) will be discussed/managed via the DA Projects team. This will involve regular contact (e.g. via meetings) between the DA Projects team and DNRME.

3.4 ID operational issues

The following are the key operational responsibilities for DNRME and DSDMIP.

3.4.1 Annual priorities and resourcing

DNRME and DSDMIP are responsible for ensuring adequate resources are provided to meet the statutory and operational timeframes in Schedule 4 for IDs and agreed process improvements.

3.4.2 Records and right to information

DSDMIP is responsible for maintaining records in relation to ID proposals managed by the DA Projects team.

Without limiting the requirements and responsibilities of the RTI process, DNRME will provide DSDMIP with all relevant records relating to DNRME technical advice with respect to ID processes in the event of an RTI request.

3.4.3 Inter-departmental communication and operational timeframes

Operational timeframes

The Minister has delegated a range of functions for the Ministerial ID process to DSDMIP as the lead agency. DSDMIP is responsible for administering a range of functions including, but not limited to:

- acknowledgement of request for a Ministerial ID
- state interest review outcome for a Ministerial ID – (*incorporating draft requirements*).

However, the Minister is responsible for making the overall decision to:

- approve or refuse a Ministerial ID

- approve or refuse the extension of a Ministerial ID
- approve or refuse an amendment to a Ministerial ID
- approve or refuse the repealing of a Ministerial ID
- state interest review outcome for a local government ID – *(incorporating draft requirements)*.

The Minister's decision will be informed by recommendations provided by DSDMIP.

The Act and the MGR provide statutory timeframes to be met by the Minister. DNRME and DSDMIP are required to meet the agreed operational timeframes specified in Schedule 4 in order to meet the statutory timeframes.

Requests to extend the state interest review operational timeframe may be sought in exceptional circumstances, but are subject to further agreement by the proponent. The request from DNRME to extend should include sufficient justification to support the extension being granted. Acceptable reasons for an extension include, but are not limited to:

- where DNRME receives an ID request outside of operational timeframes stipulated in Schedule 4
- a matter being resolved through the escalation and dispute resolution process, and this matter is required to be resolved to meet operational timeframes
- other reasons outside normal operating processes have not allowed progression of the application, for example natural disasters, failure of the DSDMIP nominated ICT system.

DSDMIP will reasonably consider DNRME requests to extend the state interest review operational timeframe. DNRME will be advised of the DSDMIP decision (including reasons) about whether a request to extend the timeframes will be sought as soon as practical. Should an extension be sought and granted by the proponent agreement, DSDMIP will advise DNRME of the latest agreed timeframes by no later than the operational timeframe indicated in Schedule 4.

IT system

Communication protocols related to the operation of the IT system will be followed by both DNRME and DSDMIP.

DSDMIP will:

- provide an IT system to support the functions of IDs. The IT system will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.
- ensure appropriate access to the IT system is available for DNRME and any requests to amend access will be actioned promptly.
- provide DNRME with administration and user support services for the IT system.
- consider case-by-case the most appropriate method of providing DNRME with material for the ID proposal, as quickly as possible, in the event of an unexpected IT system failure.
- bear the costs for DNRME to use the IT system e.g. licence or access.

DNRME will:

- use the IT system to access and download ID documentation.
- receive formal communications from DSDMIP electronically for ID matters (such as including acknowledgment notice, state interest review outcomes, and decision outcomes).
- provide user access requirements to DSDMIP.
- advise DSDMIP of all staff movements, relevant to ID operations, to ensure all licences are in current use and not shared between individuals.
- provide electronic records of DNRME's advice or material associated with an ID proposal.
- be financially responsible for any internal software required for the functions of IDs.

Communications

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DSDMIP nominated IT system and DNRME internal systems. DSDMIP will be responsible for recording and storing meeting minutes taken over the course of an ID proposal.

Templates for IDs

DNRME will provide pre-lodgement advice, advice regarding further information required, technical advice for state interest review outcomes and identify matters that will assist DSDMIP in the drafting of requirements in the templates provided by DSDMIP. The templates are provided to DNRME to assist in engagement with DSDMIP.

Any changes to DSDMIP technical assessment templates must be in consultation with DNRME to allow DNRME to meet systems change requirements.

Operational procedures

The DA Projects team will support DNRME in ongoing improvements to operational procedures. This may take the form of verbal or written advice or by preparing operational 'how to' guidelines that will provide additional detail about operational matters. The material may assist with providing further detail about matters such as pre-lodgement discussions and advice, state interest review outcomes and escalation and dispute resolution.

DNRME is not to make any submissions during the consultation stage of an ID process. DNRME involvement will be limited to that identified in Schedule 3.

3.4.4 Pre-lodgement discussions and advice

DSDMIP is committed to undertaking pre-lodgements that contribute to the efficiency of the ID process. ID proposals will only be provided to DNRME for pre-lodgement discussions and advice where the proposal involves a matter identified in Schedule 3. Pre-lodgements will be undertaken in a range of formats that suit the needs of the proponent. Formats include general phone enquiries, emailed or written requests and face-to-face meetings. Meetings may also be undertaken via teleconference facilities in order to overcome distance constraints.

There are circumstances when the information a proponent is seeking may not constitute a formal 'pre-lodgement' approach and could be more efficiently dealt with by the proponent making direct contact with the relevant technical agency. This is particularly the case when agencies provide broader (but sometimes related) services to the public than those for ID proposals.

Where a proponent has sought a face-to-face meeting, written advice may be provided in lieu of the meeting. If the proponent still requests a meeting, a meeting will be arranged by DSDMIP and attended by DNRME where possible, either in person or via teleconference facilities (where the office location is a constraint).

In managing requests for pre-lodgement discussions or advice, DNRME and DSDMIP will ensure that:

- timeframes outlined in schedule 4 are met or another timeframe that is agreed upon by both parties
- if no advice is provided by DNRME, DSDMIP will determine that the matters under schedule 3 will not be impacted by the proposal hence DNRME will not be involved for the remainder of the ID proposal
- pre-lodgement meetings are co-ordinated and chaired by a DSDMIP planning officer
- relevant (as empowered as practically possible) DNRME representatives participate (either in person or via phone or video conference), unless DNRME has advised DSDMIP of non-participation or provided advice to be represented by DSDMIP
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant matters under schedule 3 and where possible offer suggestions for the proposal to avoid adversely impacting on matters under schedule 3
- meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by DSDMIP. Minutes are to be a summary of the discussions at the meeting
- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All DSDMIP pre-lodgement advice and minutes will state 'valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice'.

3.5 Acknowledgement of the request

DSDMIP will consider any requests for further information made by DNRME, if it is essential information to consider the proposal, during the acknowledgement of the request. Should further information be sought, DSDMIP will provide a copy of the acknowledgement of request to DNRME. The further information required must be formulated having regard to the 'first principles' of the SPP, the purpose statements of the SDAP that relate to Schedule 3 and the relevant Regional Plan only. DSDMIP will endeavour to ensure that State Land tenure aspects and Native Title issues are properly identified in this stage, with assistance from DNRME Aboriginal and Torres Strait Islander Land Services team when required.

Refer to operational timeframes in Schedule 4.

3.6 State interest review

DNRME and DSDMIP must have regard to the overarching 'first principles' of the primary statutory documents the Minister must have regard to, in particular the SPP, the purpose statements of the SDAP that relate to Schedule 3 and any relevant Regional Plan when undertaking a Ministerial ID or a state interest review for a local government ID.

In undertaking a state interest review about a Ministerial ID or local government ID, DSDMIP will:

- consider recommendations in accordance with the 'first principles' assessment of the purpose statements of SDAP related to schedule 3, the SPP and the relevant Regional Plan made by DNRME via its technical agency assessment response
- formulate a state interest review outcome having regard to the issues identified in the DNRME technical agency advice
- where requirements are necessary, requirements will be drafted by DSDMIP's case officer based on advice provided by DNRME
- recommend a consolidated set of draft requirements as part of the Minister's state interest review outcome.

DSDMIP will provide a copy of the state interest review outcomes to DNRME at the same time as providing the notice to the infrastructure entity for a Ministerial ID or to the local government for a local government ID.

3.7 Escalation and dispute resolution

The escalation process relates to the preparation and content of further information required and identified issues during the state interest review which will assist the formulation of draft requirements.

In the event that a disagreement arises and agreement cannot be reached on a particular matter between DNRME case officer and the DSDMIP case officer, DNRME will:

- have 6 business days to resolve the disagreement with DSDMIP as detailed in Schedule 4
- have the opportunity to escalate this matter to their nominated DNRME officers and the DSDMIP's Director – Development Assessment Services for a resolution.

4 PART D – Execution of agreement

The Agreement and the Schedules herein are a record of the cooperative arrangements between the parties and the specific service delivery objectives of each party. The signing of this agreement signifies that all parties agree to the Service Level Agreement and will continue to work together cooperatively in good faith.

This Service Level Agreement is made:

BETWEEN: Department of State Development, Manufacturing, Infrastructure and Planning

Signed:

Access refused under section 47(3)(b) of the

Mrs Rachel Hunter
Director-General

19/6/18

Access refused under section 47(3)(b) of th

Witnessed by
Name:

ELIZABETH DICKENS

19/6/18

AND: Department of Natural Resources, Mines and Energy

Signed:

Access refused under section 47(3)(b) of the RTI Ac

Mr James Purtill
Director-General

5/6/18

Access refused under section 47(3)(b) of the RTI Act. Disclos

Witnessed by
Name:

GRACE BRUNTON

5/6/18

Schedule 1—Operational timeframes for SARA

The following tables detail the maximum operational timeframes for both DNRME (technical agency) and DSDMIP in the implementation of SARA. The timing is reflective of the statutory timeframes within the Act and DA Rules. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.

Pre-lodgement

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Pre-lodgement – written advice				
PL – 1	DSDMIP	a) Receive request for pre-lodgement written advice b) Forwards to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 2	Technical agency	Provide advice to DSDMIP	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 3	DSDMIP	a) Issue written pre-lodgement advice b) Provide a copy to technical agency	7 days starting from day of lodgement of pre-lodgement request	NA
Pre-lodgement – meeting				
PL – 4	DSDMIP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment c) Coordinate meeting with applicant and technical agency.	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 5	DSDMIP	Arrange a pre-lodgement meeting date with applicant and technical agency (if required)	5 days starting from day of lodgement of pre-lodgement request (taking into account time required for PL – 6)	NA
PL – 6	Technical agency	a) Provide advice to DSDMIP on key matters to be discussed at the meeting, or b) Attend SARA technical pre-meeting with DSDMIP	5 days in advance of the pre-lodgement meeting date	NA
PL – 7	DSDMIP	Issue meeting outcomes / actions / minutes to all attendees (including technical agency)	Day of pre-lodgement meeting	NA
PL – 8	DSDMIP	Issue follow up written advice to all attendees	7 days starting from day of the pre-lodgement meeting	NA

SARA as Assessment manager

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Receive and confirm				
AM – 1	DSDMIP	a) Receive development application (lodgement) b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
AM – 2a	DSDMIP	a) Issue action notice or confirmation notice to relevant entities, including technical agencies	3 days starting from day of lodgement	10 days
AM – 2b	DSDMIP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including technical agencies (if issues in action notice remedied) c) Otherwise further action notice issued to applicant and technical agencies	3 days starting from receipt of response to action notice	10 days
AM – 2c	DSDMIP	a) If, after 20 days issues in action notice are not remedied, application taken to be not properly made, and applicant and TA advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days
Information request and further advice				
AM – 3	Technical agency	Technical agency information request and/or initial further advice provided to DSDMIP	Information request, 7 days starting the day after the confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4a	DSDMIP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4b	DSDMIP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the confirmation notice is issued	NA
Assess and decide				
AM – 5	DSDMIP	a) Provide information request response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an IR response	NA

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
AM – 6	Technical agency	Technical agency assessment report provided to DSDMIP	If no information request issued, 25 days starting the day after the confirmation notice is issued If information request issued, 17 days starting the day after receiving the IR response	Assessment manager to decide applications within 35 days
AM – 7	DSDMIP	Remind the applicant about providing a response to further advice	30 days starting the day after the confirmation notice is issued	NA
AM – 8a	DSDMIP	a) Issue the decision notice b) Provide a copy to technical agency	35 days starting the day after the confirmation notice is issued	Assessment manager to decide applications within 35 days
AM – 8b	DSDMIP	Publish decision notice and notice about the decision on website	1 day after the provisions under s37.1 of the DA Rules are satisfied	If the application is approved, 5 days to publish notice after notice from the applicant of appeal or notice advising not making representations If refused, 5 days to publish notice after giving a copy to the applicant
Applicant makes a minor change to the application				
AM – 9a	DSDMIP	Forwards to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Assessment manager to decide applications within 35 days
AM – 9b	Technical agency	Technical agency to assessment of minor change provided to DSDMIP. <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DSDMIP)	Assessment manager to decide applications within 35 days
Applicant makes a change to the application in response to an information request, further advice or submission (other than a minor change)				
AM – 10a	DSDMIP	a) Receive a change to the application b) Determine type of change and effect on application process, identify any new referral requirements c) Forward to technical agency for assessment (where required)	1 day after receiving the change to the application	Assessment manager to decide applications within 35 days

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
AM – 10b	Technical agency	Provide assessment and recommended response to DSDMIP <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the change to the application (where a technical agency response has already been provided to DSDMIP)	Assessment manager to decide applications within 35 days
Post decision – making change representations about conditions of approval				
AM – 11a	DSDMIP	a) Receive change representations about conditions of approval b) Consider the impact of the change representations on the relevant matters of interests and confirm if technical agency involvement c) Forward to technical agency for assessment	1 day starting the day change representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11b	Technical agency	Technical agency assessment report provided to DSDMIP	12 days (where technical agency assessment is required) starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11c	DSDMIP	a) Make decision on change representations and issue negotiated decision notice (if required) b) Provide a copy to technical agency	20 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

SARA as Referral agency

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Receive and confirm				
RA – 1	DSDMIP	a) Receive development application (referral) b) Confirm validation c) Forward to technical agency for assessment	1 day starting from day of referral	NA
RA – 2a	DSDMIP	a) Issue action notice or confirmation notice to relevant entities including technical agencies and assessment manager	3 days starting from day of referral	5 days to determine if properly referred
RA – 2b	DSDMIP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including	3 days starting from receipt of response to action notice	5 days to determine if properly referred

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		technical agencies (if issues in action notice remedied) c) Otherwise further action notice issued to applicant and technical agencies		
RA – 2c	DSDMIP	a) If, after 20 days issues in action notice are not remedied, application taken to be not properly referred and applicant, technical agency and assessment manager advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days after the applicant was given the action notice
Information request and further advice				
RA – 3	Technical agency	Technical agency information request or initial further advice provided to DSDMIP	Information request, 7 days starting the day after the referral confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
RA – 4a	DSDMIP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the referral confirmation notice is issued	10 days to issue information request
RA – 4b	DSDMIP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the referral confirmation notice is issued	NA
Assess and decide				
RA – 5	DSDMIP	a) Provide information response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an information request response	NA
RA – 6	Technical agency	Technical agency assessment report provided to DSDMIP	If no information request issued, 18 days starting the day after the referral confirmation notice is issued If information request issued, 11 days starting the day after receiving the information request response	Referral agency to give referral agency response within 25 days
RA – 7	DSDMIP	Remind the applicant about providing a response to further advice	21 days starting the day after the referral confirmation notice is issued	NA

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
RA – 8a	DSDMIP	a) Issues the referral agency response b) Provide a copy to technical agency	25 days starting the day after the referral confirmation notice is issued	Referral agency to give referral agency response within 25 days
RA – 8b	DSDMIP	Publish referral agency response and notice about the decision on website	1 day starting the day after receiving a copy of the decision notice from the assessment manager	5 days starting the day after receiving a copy of the decision notice from the assessment manager
Applicant makes a minor change to the application				
RA – 9a	DSDMIP	Forward to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Referral agency to give referral agency response within 25 days
RA – 9b	Technical agency	Technical agency assessment of minor change provided to DSDMIP. <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DSDMIP)	Referral agency to give referral agency response within 25 days
Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response <u>not</u> issued) (other than a minor change)				
RA – 10a	DSDMIP	a) Receive advice from the assessment manager is received on the change and effect on development assessment process. b) Determine if any new referral requirements. c) Forwards to technical agency for assessment (where required)	1 day after the day of receiving the change to the application	Referral agency to give referral agency response within 25 days
RA – 10b	Technical agency	Where no new referral requirements, provides technical agency assessment on change to DSDMIP. <i>If new referral requirements, the referral period and operational timeframes applies again.</i> <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after the day of receiving the change to the application (where a technical agency response has already been provided to DSDMIP)	Referral agency to give referral agency response within 25 days

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response issued)				
RA – 11a	DSDMIP	a) Advice from the assessment manager is received on the change and effect on development assessment process. b) Determine if any new referral requirements. c) Forward to technical agency for assessment (where required)	1 day after the day of receiving the change to the application	NA
RA – 11b	Technical agency	Recommend if an amended technical agency response is required	2 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11c	DSDMIP	Determine and advise assessment manager if an amended referral agency response is required	5 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11d	Technical agency	Provide assessment and recommended response to DSDMIP	7 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
RA – 11e	DSDMIP	Issue an amended referral agency response	10 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
Applicant makes representations about referral agency response				
RA – 12a	DSDMIP	a) Receive representations. b) Consider the impact of the representations on the relevant matters of interests and confirm if technical agency involvement c) Forward to technical agency for assessment (where required)	1 day starting the day change representations about a decision are received	NA
RA – 12b	Technical agency	Provide assessment and recommended response to DSDMIP	10 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
RA – 12c	DSDMIP	Respond advising no changes or seek applicant's agreement to issue changed referral response. <i>If applicant agrees, changed referral agency response issued. If not and the applicant makes additional representations –</i>	15 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		<i>restart from day 1 of applicant makes representations about response.</i>		

Changes to approval (minor change) – SARA as Responsible entity

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
MC – 1	DSDMIP	a) Receive change application b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day after the day of receiving the change application	NA
MC – 2	Technical agency	Technical agency provides assessment and recommended response to DSDMIP	14 days from receiving change application	If no affected entity, 20 days after receiving the application If affected entity, 25 days
MC – 3	DSDMIP	Receive response from affected entities Issues response and provide a copy to relevant entities, including technical agencies	If no affected entity, 20 days after receiving the application If affected entity, 25 days	If no affected entity, 20 days after receiving the application If affected entity, 25 days

Changes to approval (other change)

As per either assessment manager with non-SARA referrals, assessment manager with no referrals or referral agency operational timeframes.

Extension applications and Pre-referral responses

Technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

Schedule 2—Criteria for technical agency involvement for certain SARA applications

The table below identifies scenarios where DNRME's advice is not required when reviewing applications for:

- pre-referral response
- representations about a referral agency response
- change representations about a development condition (negotiated decision notice)
- extension applications
- change applications (minor change) and
- changes to a development application prior to a decision (minor change and change that is not a minor change in response to information request, further advice or submission), including where a referral agency response has or has not been issued.

Column 1 State Interest	Column 2 Scenarios where technical agency advice is not required
All	a) Pre-referral response assessments b) Extension applications c) Requests to rectify administrative errors d) Change to a 'fast-track' application that still meets the 'fast-track' criteria.
Clearing vegetation	Where a proposal does not: a) alter the extent of vegetation clearing associated with the development. The proposal must not increase and/or change the development footprint where it intersects with a Category A area or Category B area shown on the Regulated Vegetation Management Map; and b) result in additional exempt operational work (for example, for firebreaks to protect built infrastructure); and c) affect a requirement for an environmental offset.

Schedule 3—Criteria for technical agency involvement for making or amending an ID

The table below identifies the matters of state interests that apply to DNRME when reviewing an ID during the acknowledgement and state interest review stages. These matters of state interest will be refined and reviewed within 12 months of operation. The ID technical review is to have regard to the first principles of the SPP, the purpose statement of SDAP outlined in this schedule and the relevant Regional plan for a Ministerial ID or a local government ID.

Column 1 Matter of State interest	Column 2 Criteria where DNRME involvement is required
Mining and extractive resources – Key Resource Areas	ID that involves development within: <ul style="list-style-type: none"> • a transport route or transport route separation area of a Key Resource Area, • a Key Resource Area resource/processing area or separation area of a Key Resource Area.
Emissions and Hazardous Activities – Abandoned Mines	ID that involves development on land identified by the proponent as being affected by past mining activity.
Emissions and Hazardous Activities – Explosives	ID that involves development that is either: <ul style="list-style-type: none"> • for or involves an explosives facility, or is • within or adjacent to an explosives reserve (government magazine)
Emissions and Hazardous Activities – High pressure gas pipelines	ID that involves development that is either: <ul style="list-style-type: none"> • for or involves the licencing, construction, operation, or decommissioning of a high pressure gas pipeline, or • on land within a pipeline licence, petroleum facility licence, petroleum lease or easement for the purposes of a pipeline licence, or • on land within the measurement length of a high pressure gas pipeline. <p><i>Note: Pipeline operators are affected parties for consultation</i></p>
Agriculture – Stock Routes	ID that involves land on or adjacent to the stock route network.
Category 3 levees	ID that involves the construction or modification of a levee that fulfils the requirements for a category 3 levee.
Removal of Quarry Material	ID that involves the removal of quarry material from a watercourse or lake (under the <i>Water Act 2000</i>).
Regulated vegetation and MSES	ID that involves the total extent of the development footprint will result in <u>clearing</u> of native <u>vegetation</u> in any of the following: <ul style="list-style-type: none"> • clearing in any Category A area; • in a Category B area, clearing any of the following: <ul style="list-style-type: none"> ○ in a priority reef catchment*, more than 2ha; ○ more than 2ha of an <u>endangered regional ecosystem</u>; ○ more than 5ha of an <u>of concern regional ecosystem</u>; ○ more than 10ha; ○ more than 0.5ha of <u>essential habitat</u>; ○ more than 0.5ha within a <u>wetland</u> or within 100m of the <u>defining bank</u> of a <u>wetland</u>;

	<ul style="list-style-type: none"> more than 0.5ha within a <u>watercourse</u> or <u>drainage feature</u>, or within 10m of the <u>defining bank</u> of a stream order 2 (or greater) <u>watercourse</u> or <u>drainage feature</u>. <p>Note: Where an activity is exempt clearing works as per the Planning Regulation 2017, Schedule 21, Part 1 and 2, no referral to DNRME is required.</p> <p>* Priority reef catchments include the Burdekin, Mackay Whitsunday and Wet Tropics catchments.</p> <p>Words underlined have the same meaning given in the Glossary of Terms found in section 16.6 of the State Code 16 – Native vegetation clearing of the SDAP.</p>
Taking or interfering with water	<p>ID that involves the taking or interfering with:</p> <ul style="list-style-type: none"> water in a watercourse, lake or spring underground water through an artesian bore or subartesian bore. <p>ID that involves taking overland flow water.</p>
Development and Construction – state owned land Land Act 1994	<p>ID that involves state owned land that is:</p> <ul style="list-style-type: none"> non-freehold land, or deeds of grant in trust land under the <i>Land Act 1994</i>, or freehold land owned by the DNRME <p><i>Note: Includes land below tidal boundary.</i></p>
Mining and extractive resources – mineral, coal, petroleum and gas resources	<p>ID that involves land within either:</p> <ul style="list-style-type: none"> a mining tenement (exploration permit, mineral development licence, mining claim, mining lease) a greenhouse gas storage authority a geothermal authority. <p><i>Note: Tenement holders are affected parties for consultation.</i></p>
Dams	ID involving the construction of a referable dam.

Schedule 4—Operational timeframes

The following tables detail the maximum operational timeframes for both DNRME and DSDMIP in the assessment of a Ministerial ID or a local government ID. The timing is reflective of the statutory timeframes within the Act and MGR. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.
– Minister means Planning Minister.

Pre-lodgement requests

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Pre-lodgement – written advice				
PL – 1	DSDMIP	a) Receive request for pre-lodgement written advice b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 2	Technical agency	Provide advice to DSDMIP	7 days starting from day of lodgement of pre-lodgement request	NA
PL – 3	DSDMIP	a) Give written pre-lodgement advice to proponent b) Forward a copy to technical agency	10 days starting from day of lodgement of pre-lodgement request	NA
Pre-lodgement – meeting				
PL – 4	DSDMIP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 5	DSDMIP	a) Co-ordinate and organise meeting with applicant and technical agency b) Prepare and circulate agenda	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 6	DSDMIP	a) Undertake pre-lodgement meeting b) Chair meeting and record formal minutes (including outcomes/actions).	10 days starting from day of lodgement of pre-lodgement request	NA
PL – 7	DSDMIP	Give draft meeting minutes to technical agency.	2 days starting from day of when the pre-lodgement meeting was held	NA
PL – 8	Technical agency	a) Confirm meeting outcomes with DSDMIP b) Provide further advice to DSDMIP, about certain aspect (if required)	3 days starting from day of DSDMIP circulating draft meeting outcomes / actions / minutes	NA
PL – 9	DSDMIP	a) Provide meeting minutes (including outcomes/actions) to proponent b) Forward a copy to technical agency	7 days starting from day of when the pre-lodgement meeting was held	NA

Making or amending a Ministerial infrastructure designation

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Minister's acknowledgement				
ID – 1	DSDMIP	a) Receive ID request (lodgement) b) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
ID – 2	Technical agency	Technical agency provides recommendations to DSDMIP about further information requirements	10 days starting the day after DSDMIP forwards ID request	20 days to give acknowledgement of the request
ID – 3	DSDMIP	a) Give a notice to the proponent stating: <ul style="list-style-type: none"> the relevant matters listed in section 3.1(a) – (d) of the MGR; or any further information that the Minister needs to consider the proposal, and the date by which this information must be given; or that the Minister does not intend to further consider the infrastructure proposal. b) Forward acknowledgement of the request and notify technical agency of its state interest involvement (where required)	20 days starting the day after the ID request is received	20 days to give acknowledgement of the request
State interest review				
ID – 4	DSDMIP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving draft Environmental Assessment Report	NA
ID – 5	Technical agency	Technical agency assessment report provided to DSDMIP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
ID – 6	Technical agency and DSDMIP	DSDMIP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
ID – 7	DSDMIP	a) Give notice of state interest review outcome, incorporating draft requirements	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		b) Provide a copy to technical agency		

Making or amending a local government infrastructure designations

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
State interest review				
ID – 8	DSDMIP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving a draft Environmental Assessment Report	NA
ID – 9	Technical agency	Technical agency assessment report provided to DSDMIP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
ID – 10	Technical agency and DSDMIP	DSDMIP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
ID – 11	DSDMIP	a) Give notice of state interest review outcome b) Provide a copy to technical agency	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome

From: [Melinda Ruis](#)
To: [Dominique Gallagher](#)
Cc: [Danica Clark](#)
Subject: FW: 2410-42724 SRA - Ring Tank summary
Date: Thursday, 20 March 2025 1:34:59 PM
Attachments: [image001.png](#)
[image002.png](#)
[Summary of issues.docx](#)

Hi Dom

For your meeting with Steve this arvo, some dotters on the potential refusal application:

Background -

- The application is for an already constructed ring tank (which is fed water from the Condamine River under water licence). Application material shows connections to other existing dams which capture contaminated agricultural runoff (CAR) but they didn't apply for this per se
- Stat due date for referral agency response is TOMORROW
- Presented to the SARA roundtable yesterday as Water recommended refusal on the basis that SDAP State Code 10: Taking or interfering with water cannot be met as the application material indicates that contaminated agricultural runoff (CAR) would be captured and used for irrigation (which SC10 does not allow).
- Presented to the DAAT ED briefing yesterday – Steve recommended it be conditioned rather than approved
- Danica advised Dept Water of decision to approve with conditions and they are maintaining need to refuse as they say it will strengthen their position on compliance (there is a quantum of non compliant work on the land already); Water think that conditioning this works may give a tacit impression of “endorsing” the know non compliant works

Next steps:

- Water keen to discuss with Steve directly about their compliance concerns
- We would ideally need Water's advice on conditioning; we are concerned they may not provide it as they want refusal
 - We do have some similar draft conditions we could draw on done for very similar application (same applicant I think) from last year that was withdrawn before refusal issued
- The applicant is very unlikely to agree to an extension

Cheers

Mel

From: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Sent: Thursday, 20 March 2025 1:07 PM
To: Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: 2410-42724 SRA - Ring Tank summary

Hi Mel

As discussed, dot points below.

Proposed development and issues:

- Op works for a Ring Tank (already constructed).
- Located in the Murray Darling Basin Catchment area.
- Applicant has a water licence to take from the Condamine River and has three existing CAR dams on the same lot.
- The process diagram shows that the Ring Tank will be connected to all 3 CAR dams,

therefore is capable of also capturing overland flow water.

- Under the Murray Darling Basin Catchment area provisions, all new works that capture CAR water must operate as a store and release.
- The process flow diagram shows the CAR water is to be piped into the Ring Tank and used for irrigation, therefore does not comply with these provisions.
- The applicant has referred to the conditions of the EA as an authorisation to take CAR water. However, the relevant EA does not explicitly require overland flow to be captured.
- Water Services has also advised that the existing CAR dams have not been constructed as approved and are oversized. Therefore, these dams are also taking clean overland flow water.
- Advice has previously been given to the applicant, advising that the Ring Tank cannot be connected to the existing CAR dams for the reasons above.
- DLGVW recommended refusal.

DLGVW feedback to SARA response to recommend approval subject to conditions.

To condition, it is preferred that the application provide a schematic and diagrams to reflect what's happening on ground. It is noted the applicant has not engaged in these requests to date. DLGVW disagrees with conditioning (amending in red) as the applicant already has constructed the ring tank and is connected to take overland flow and irrigate.

Concern that agreeing to an approval (conditioned) knowing its already connected, weakens its ability to take compliance action.

Ring tank sizing (as a standalone water storage) – it is oversized for the take of water from the Condamine River, however, is not really an issue due to entitlement under the water licence. However, it is an issue as it is currently collecting overland flow and allowing oversized CAR dams to empty into the Ring Tank (excessive take of overland flow and irrigation use).

DLGVW has requested a meeting with SARA ED to discuss their concerns, should the application proceed to a response with conditions.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

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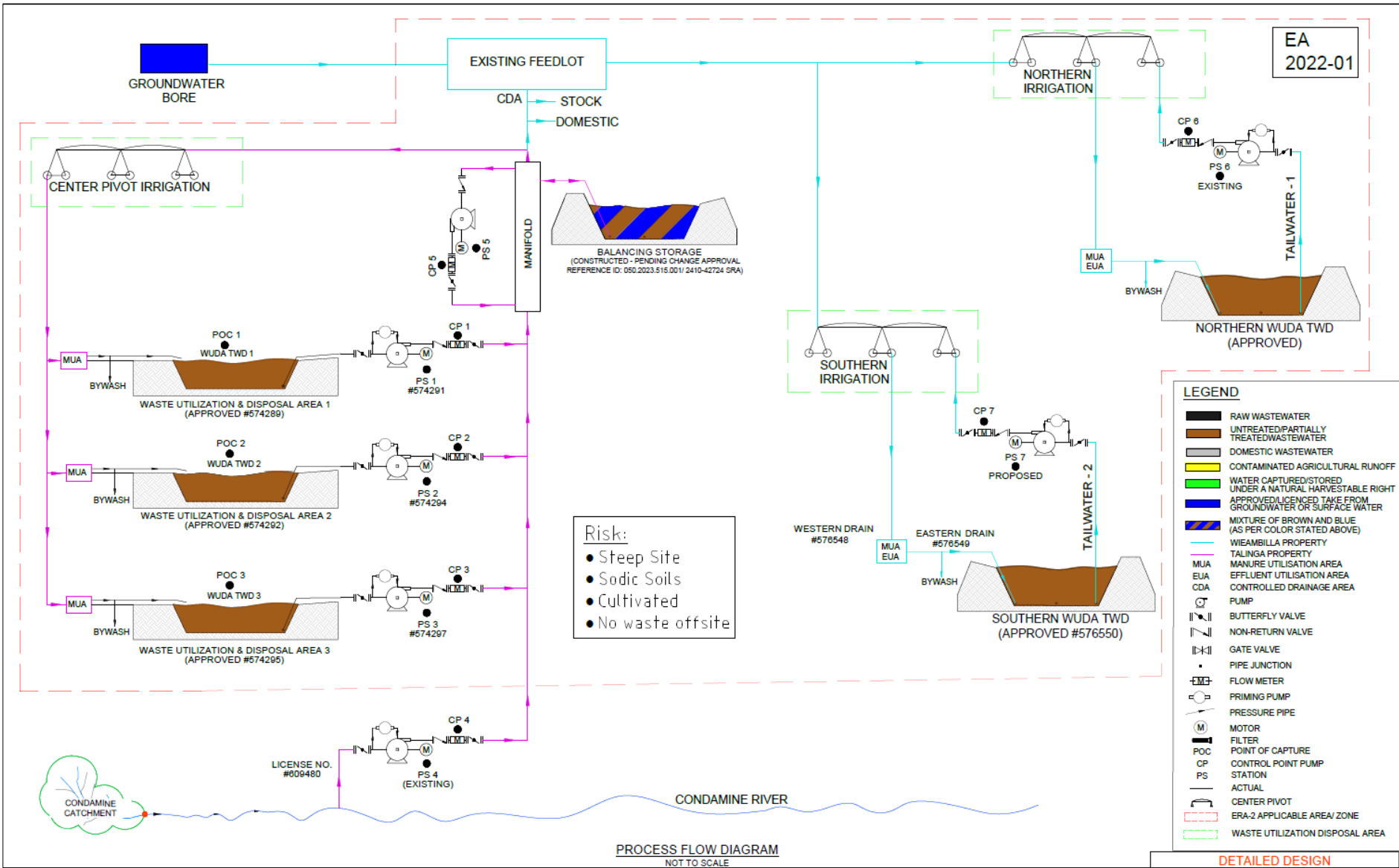
statedevelopment.qld.gov.au



Item	Details	
DDSW - WUDA Dam refusal		
Purpose of briefing: heads up		
Application number	2410-42724 SRA	
Site address	Kogan Condamine Road, Crossroads	
Applicant	Lloyd Pastoral Company Pty Ltd C/- EnviroAg Australia Pty Ltd	
Description of proposal	<p>Operational Work</p> <p>Development application for an Other Change to an existing Development Approval for Operational Work (Ring Tank).</p> <p>The application seeks approval for a Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources.</p> <p>It is noted that the Ring Tank is existing. The Ring Tank stores water from the Condamine River under Water Allocation 21AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate.</p>	
SARA role	Referral Agency	
Triggers / TA's	<ul style="list-style-type: none">Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with waterSchedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 -	

<p>Legend:</p> <p>Site</p> <p>Lot Boundaries</p> <ul style="list-style-type: none">WilembillaTallingaTuringa <p>Infrastructure</p> <p>Pending Change Application</p> <ul style="list-style-type: none">Balancing Storage <p>Existing and Approved</p> <ul style="list-style-type: none">Feedlot CDABoresMinor DamsS&D 1S&D 2PipelinesPumpsManifoldCentre PivotsCulvert <p>Waste Utilisation Areas</p> <ul style="list-style-type: none">WUDA (Manure)WUDA (Effluent) <p>Drains</p> <ul style="list-style-type: none">East DrainWest DrainDrain (Swale)Drain (Bunding) <p>Tailwater Dams</p> <ul style="list-style-type: none">Northern WUDA TWDSouthern WUDATWDWUDA TWD 1WUDA TWD 2WUDA TWD 3 <p>Infrastructure</p> <ul style="list-style-type: none">Culvert <p>Road Network</p> <ul style="list-style-type: none">Secondary RoadsStreet/Local <p>Environment</p> <p>Watercourse_lines - Western Downs</p> <ul style="list-style-type: none">RiverCreek

	Operational work on premises near a state transport corridor
Decision due date	21 March 2025
SARA recommendation	Refusal
Delegate	ED



SDAP non-compliance

Overland flow water	
P07 Works to take overland flow water are for one of the following: <ol style="list-style-type: none">1. for an activity prescribed by regulation under the <i>Water Act 2000</i>; or2. for reconfiguring existing works; or3. in a limited catchment area identified in a water plan; or4. for contaminated agricultural run-off water; or5. part of an environmentally relevant activity or under an environmental authority; or6. incidental to capturing coal seam gas water; or7. consistent with a water entitlement; or8. for the purpose of water sensitive urban design; for developments in urban areas.	No acceptable outcome is prescribed.

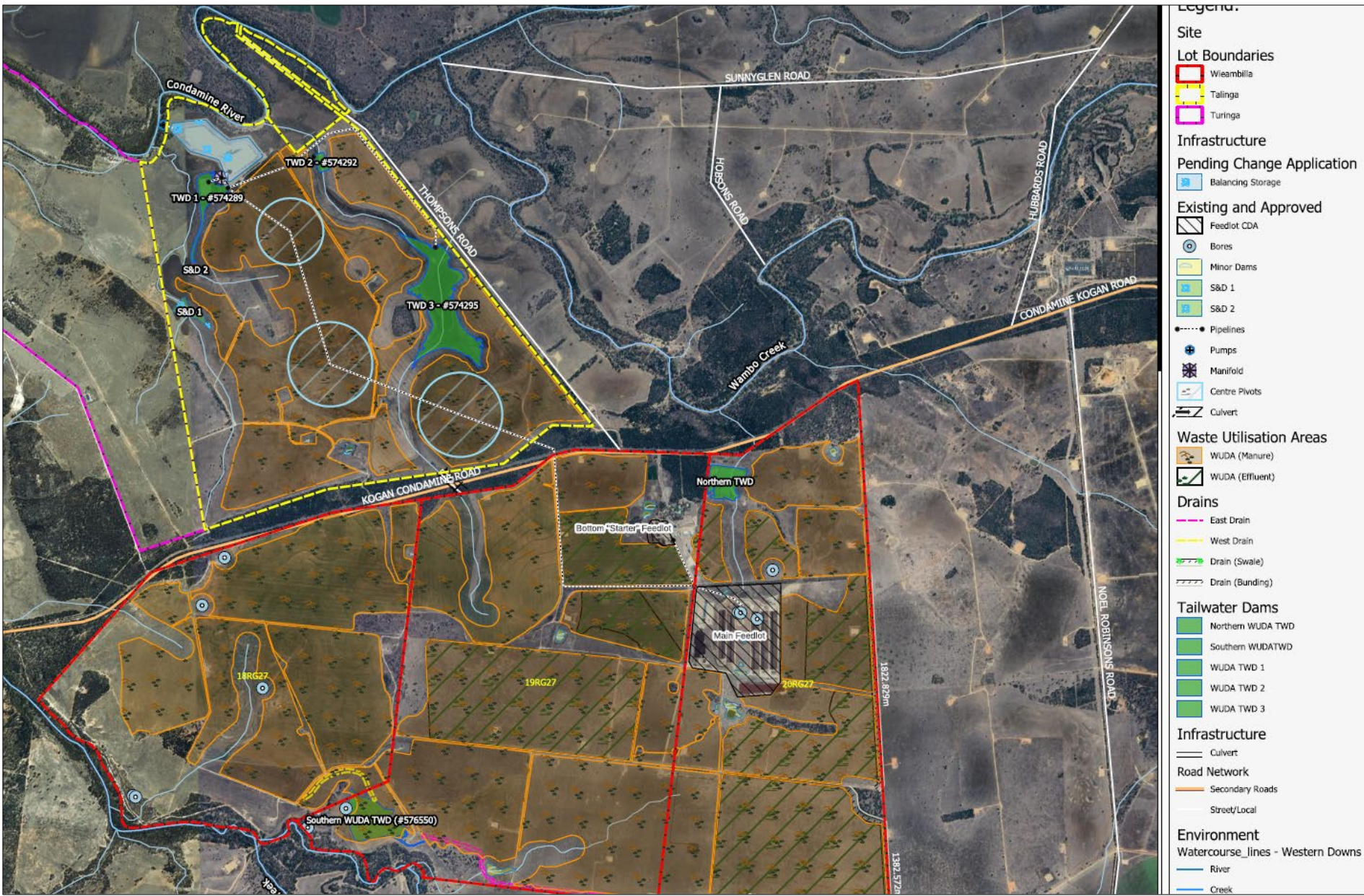
Contaminated agricultural run-off water	
PO14 Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required.	No acceptable outcome is prescribed.
PO15 Works to take contaminated agricultural run-off water : 1. are not be larger than required to contain contaminated agricultural run-off water ; and 2. allow for water that is not contaminated agricultural run-off water to be passed through the works.	No acceptable outcome is prescribed.
Contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment	
PO16 Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment : 1. do not increase the volume of overland flow water taken in a water year ; and 2. allow for the release of water when an acceptable quality of water is achieved.	No acceptable outcome is prescribed.
Environmentally relevant activity	
PO17 Works only capture the volume of overland flow water necessary for the operation of the	No acceptable outcome is prescribed.

EA condition referenced by applicant:

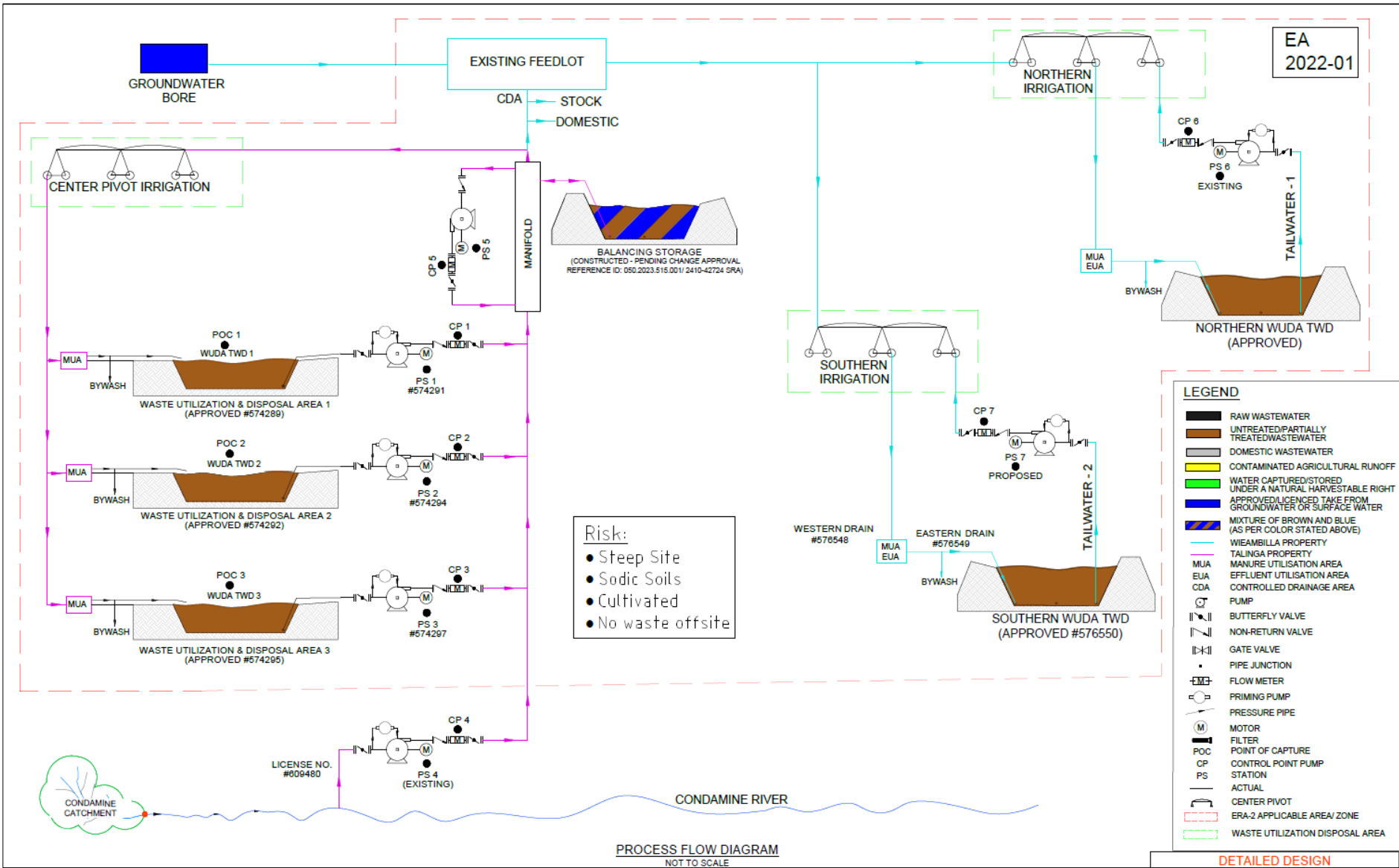
WT4	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This may include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event.
------------	---

- SDAP State code 10 and the Queensland Murray Darling Basin Catchment area provisions require all new works that capture CAR to operate under store and release arrangements.
- an authorisation to take overland flow under the Water Act is only applicable when a DA or EA explicitly requires overland flow to be captured and only to the extent, and not more than the volume, necessary.
- As such, irrigation with CAR flowing from WUAs is regulated (outlined in s1.1 of the 'National guidelines for Beef Cattle Feedlots in Australia' - "the feedlot complex does *not* include manure and effluent utilisation areas").

Item	Details	
DDSW - WUDA Dam refusal		
Purpose of briefing: heads up		
Application number	2410-42724 SRA	
Site address	Kogan Condamine Road, Crossroads	
Applicant	Lloyd Pastoral Company Pty Ltd C/- EnviroAg Australia Pty Ltd	
Description of proposal	<p>Operational Work</p> <p>Development application for an Other Change to an existing Development Approval for Operational Work (Ring Tank).</p> <p>The application seeks approval for a Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources.</p> <p>It is noted that the Ring Tank is existing. The Ring Tank stores water from the Condamine River under Water Allocation 21AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate.</p>	
SARA role	Referral Agency	
Triggers / TA's	<ul style="list-style-type: none"> Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - 	



	Operational work on premises near a state transport corridor
Decision due date	21 March 2025
SARA recommendation	Refusal
Delegate	ED



SDAP non-compliance

Overland flow water	
<p>P07 Works to take overland flow water are for one of the following:</p> <ol style="list-style-type: none"> for an activity prescribed by regulation under the <i>Water Act 2000</i>; or for reconfiguring existing works; or in a limited catchment area identified in a water plan; or for contaminated agricultural run-off water; or part of an environmentally relevant activity or under an environmental authority; or incidental to capturing coal seam gas water; or consistent with a water entitlement; or for the purpose of water sensitive urban design; for developments in urban areas. 	No acceptable outcome is prescribed.

Contaminated agricultural run-off water	
PO14 Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required.	No acceptable outcome is prescribed.
PO15 Works to take contaminated agricultural run-off water : 1. are not be larger than required to contain contaminated agricultural run-off water ; and 2. allow for water that is not contaminated agricultural run-off water to be passed through the works.	No acceptable outcome is prescribed.
Contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment	
PO16 Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment : 1. do not increase the volume of overland flow water taken in a water year ; and 2. allow for the release of water when an acceptable quality of water is achieved.	No acceptable outcome is prescribed.
Environmentally relevant activity	
PO17 Works only capture the volume of overland flow water necessary for the operation of the	No acceptable outcome is prescribed.

EA condition referenced by applicant:

WT4	The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This may include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event.
------------	---

- SDAP State code 10 and the Queensland Murray Darling Basin Catchment area provisions require all new works that capture CAR to operate under store and release arrangements.
- an authorisation to take overland flow under the Water Act is only applicable when a DA or EA explicitly requires overland flow to be captured and only to the extent, and not more than the volume, necessary.
- As such, irrigation with CAR flowing from WUAs is regulated (outlined in s1.1 of the 'National guidelines for Beef Cattle Feedlots in Australia' - "the feedlot complex does *not* include manure and effluent utilisation areas").

From: [Danica Clark](#)
To: [Kieran Hanna](#)
Subject: Ring Tank - Assessment Report
Date: Thursday, 20 March 2025 5:37:00 PM
Attachments: [SARA - Assessment report \(approval\) - 2410-42724 SRA.docx](#)
[image001.png](#)
[image002.png](#)

Hi Kieran

As discussed, attached is the assessment report as currently drafted.

Thanks

Danica



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



RA3-AR

State Assessment Referral Agency (SARA) Assessment Report — referral agency

1.0 Application summary

SARA reference number	2410-42724 SRA
Applicant name	Lloyd Pastoral Company Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Other Change to an existing Development Approval for Operational Work (Ring Tank)
Description of proposal	<p>The application seeks approval for a Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources.</p> <p>It is noted that the Ring Tank is existing. The Ring Tank stores water from the Condamine River under Water Allocation 21AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate.</p>
Referral matters under the Planning Regulation 2017 (Planning Regulation)	<ul style="list-style-type: none"> Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item.1 – Operational work that involves taking or interfering with water. Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor
State Development Assessment Provisions (SDAP)	<ul style="list-style-type: none"> Version 3.1 Code: <ul style="list-style-type: none"> State code 10: Taking or interfering with water State code 1: Development in a state-controlled road environment
Related applications under a separate act	Not applicable. This application does not involve an application under a separate Act.
SARA referral confirmation notice date	11 October 2024
Response due date	21 March 2025

2.0 Assessment summary

Pre-lodgement advice	2404-40188 SPL – (requested 5 June 2024) 2301-32825 SPL – (requested 17 February 2023)
Technical Agency advice	The development application was referred to the Department of Local Government, Water and Volunteers (DLGWV) which provided its Technical Agency Response (TAR) on 14 March 2025 (link) recommending refusal.

Information request	<p>Issued: 25 October 2024 (link)</p> <p>Information requested included:</p> <ul style="list-style-type: none"> • Further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water. • Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, further information is required to demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). • Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this. <p>Response: 27 February 2025 (link)</p> <p>The response included:</p> <ul style="list-style-type: none"> • The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation. The storage may also be used as a “balancing storage” to mix (shandy) disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas. The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same. • The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water. No CAR water is captured or used on this site.
Advice notice	No advice notice was issued.
Department of State Development, Infrastructure and Planning (DSDIP) officer recommendation	Approve the development application subject to conditions being applied.
Reason for recommendation	While the proposal as submitted does not comply with State code 10: Taking or interfering with water of SDAP, it can be conditioned to comply.
Recommendation different to Technical Agency advice	The recommendation is not consistent with the Department of Local Government, Water and Volunteers Technical Agency advice, which recommended refusal based on non-compliance with State code 10.
Delegate for decision	In accordance with the Operation Policy: Guide to exercising delegated authority – SARA dated December 2020 and Instrument of Delegation dated November 2024, the Planning Manager , Planning Group has

	delegation to consider this application as the recommendation is for approval.
--	--

3.0 Site Context

Real property description	16RG26
Local Government Area	Western Downs Regional Council
Site area	826.368ha
Relevant site matter(s)	<p>The subject site:</p> <ul style="list-style-type: none"> • is located at Crossroads, approximately 25km south-west of Chinchilla • is within the Rural Zone under the Western Downs Regional Planning Scheme • is mapped with the following state interests: <ul style="list-style-type: none"> ○ water resources planning area boundaries ○ area within 25 of a state-controlled road ○ category X and B areas on the regulated vegetation management map ○ low, moderate and major risk mapped Queensland waterway for waterway barrier works
Mapped state matter(s) not relevant to the site	<ul style="list-style-type: none"> • regulated vegetation • waterways
Existing use	Intensive animal industry - Feedlot (more than 10,000 SCU)
Site history	<ul style="list-style-type: none"> • Operational Work - Ring Tank Water Storage, application reference 040.2019.00000039.001, approved 8/4/2019 (link) • Request to Change Existing Approval: Operational Work – Earthworks (Extension), application reference 050.2021.00000072.001, approved 5 March 2021 (link) • Material Change of Use: Intensive Animal Industry (expansion of waste utilisation area), application reference 030.2021.00000844.001, approved 3 March 2022 (link), including SARA referral 2111-26215 SRA (link). <p>The current development application relates to and seeks to rely on the environmental authority issued by Department of Primary Industries, concurrent to the Material Change of Use application.</p> <ul style="list-style-type: none"> • Operational Work – Taking overland flow (capture contaminated agricultural runoff water), SARA reference 1811-8340 SDA, approved 21 January 2019 (link).

4.0 Location imagery

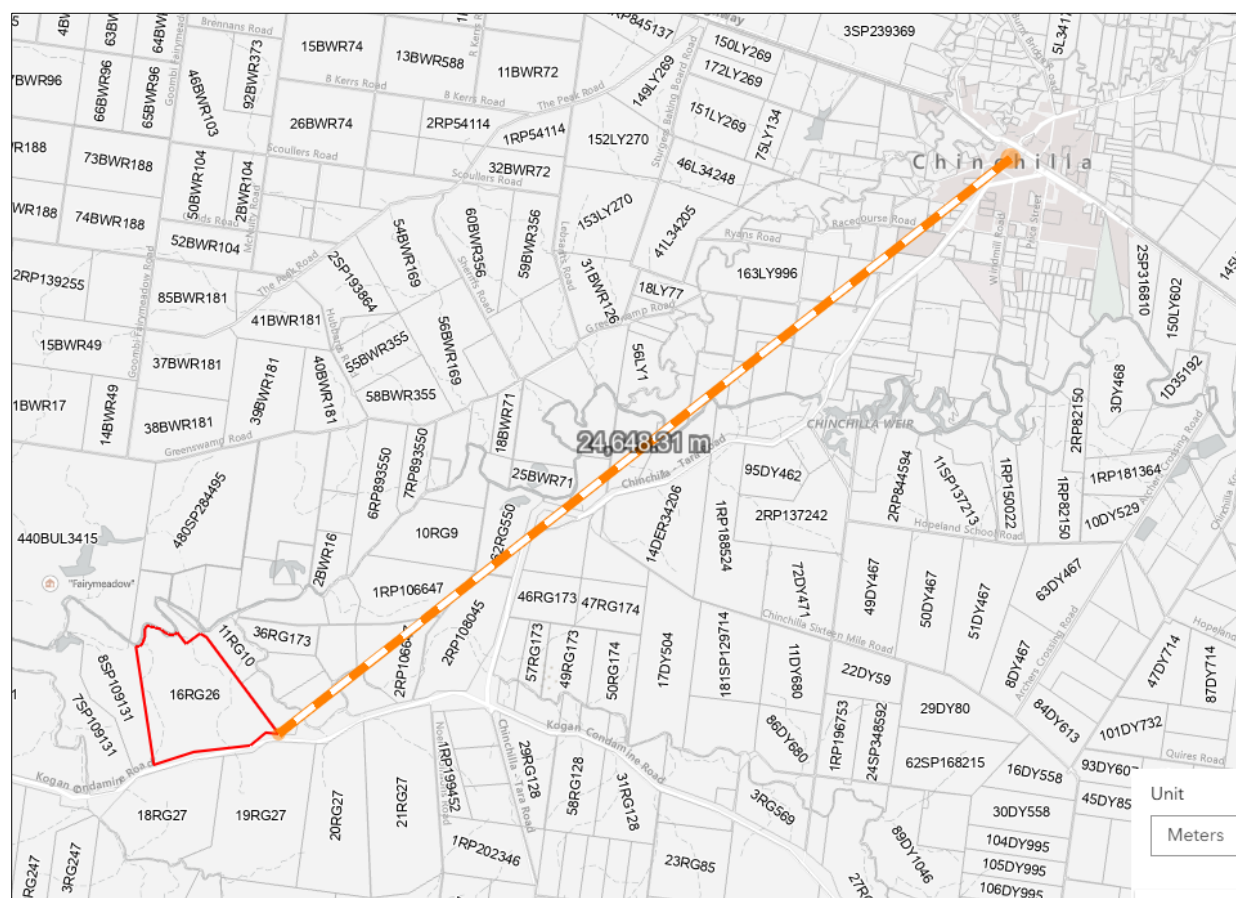


Figure 1: Site location (source: DAMS mapping)



Figure 2: Aerial of site (source: DAMS mapping)

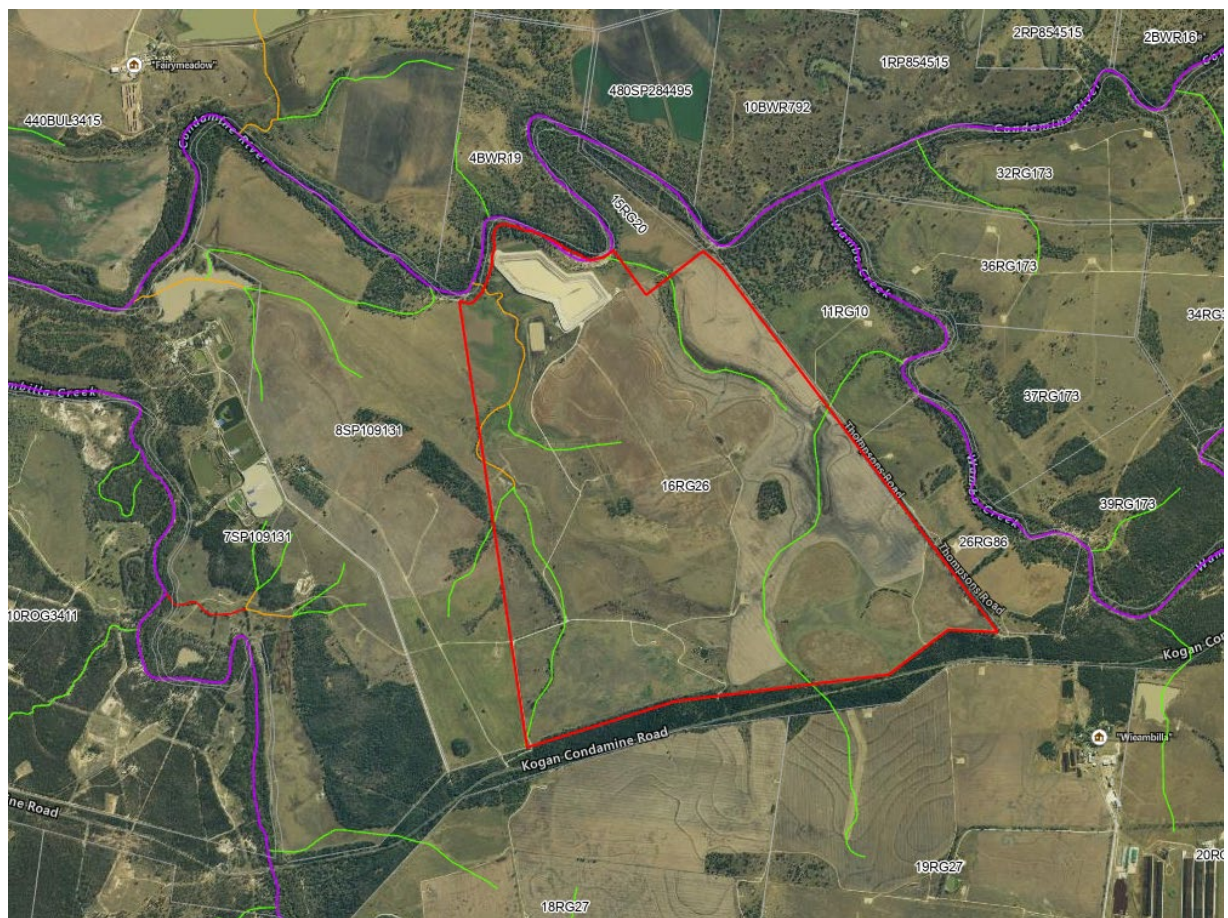


Figure 3: Waterway mapping (Source: DAMS mapping)

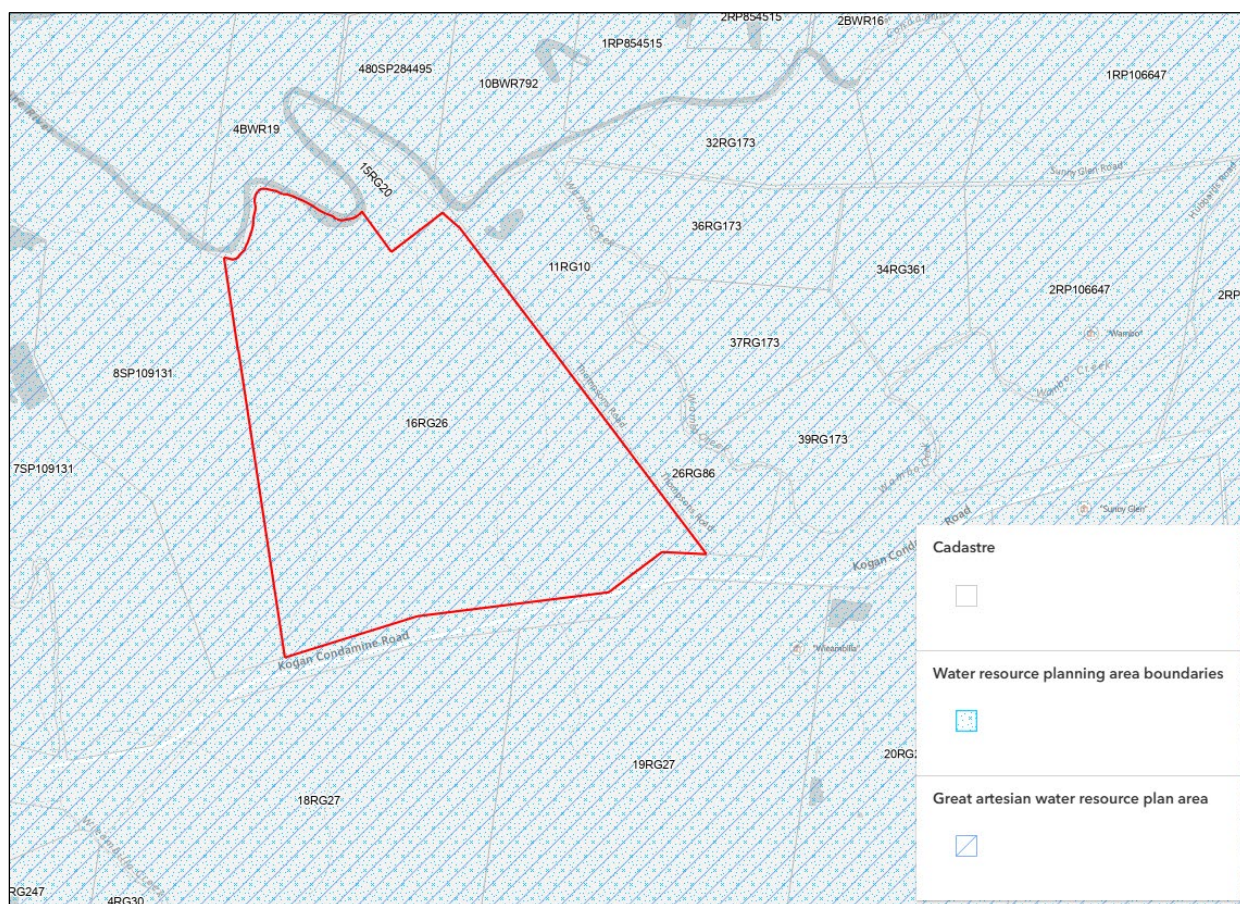


Figure 4: Water resource planning area boundaries (source: DAMS mapping)

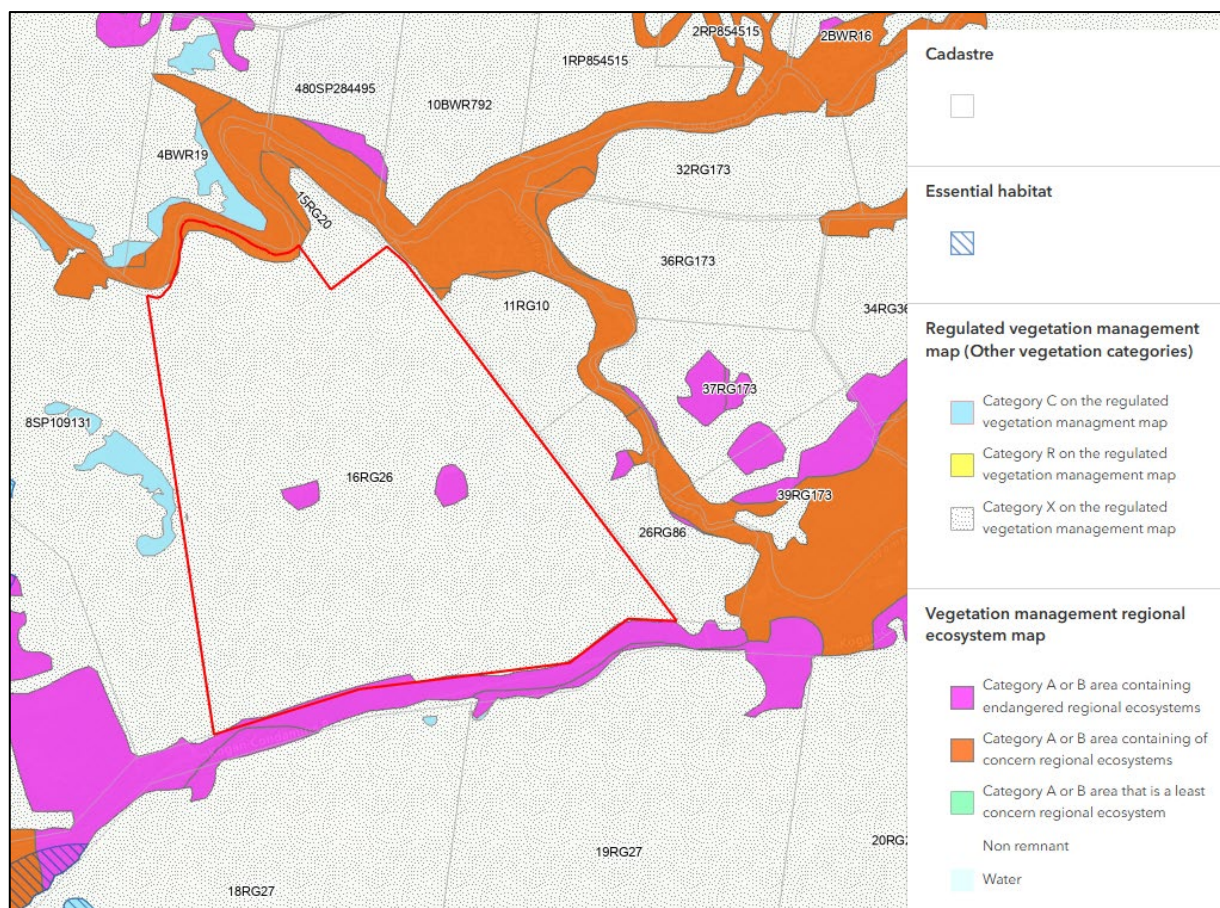


Figure 5: Native vegetation (source: DAMS mapping)

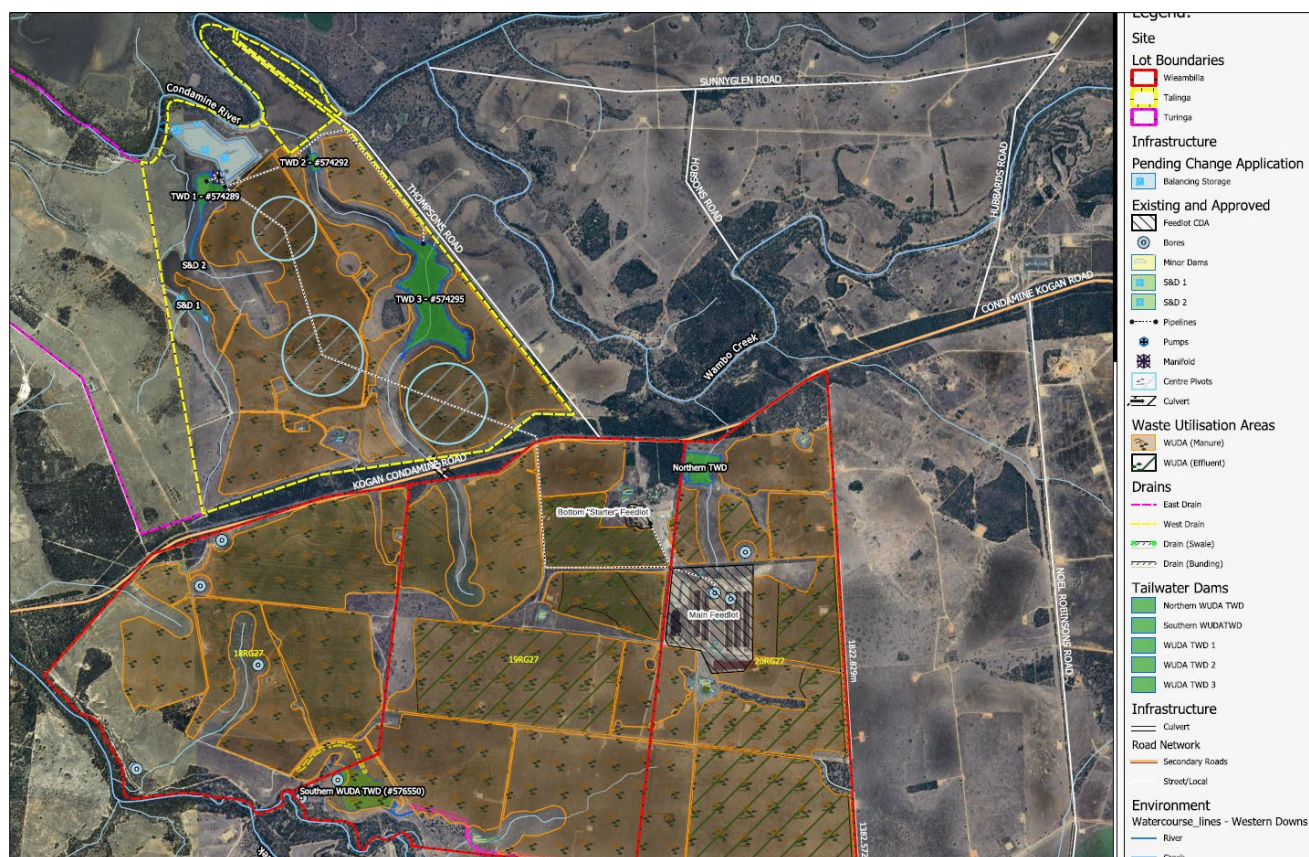


Figure 6: Proposal plan (source: Application material)

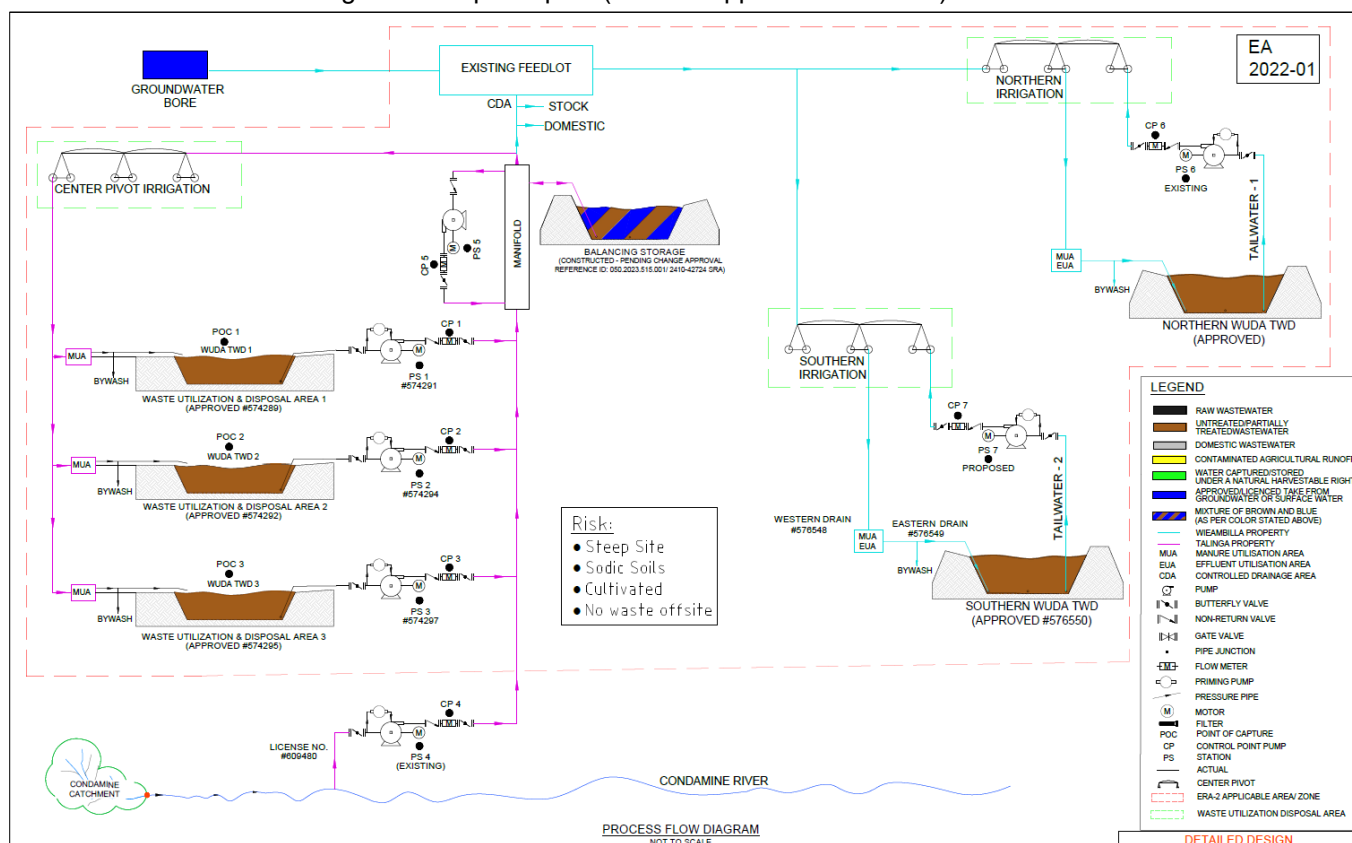


Figure 7: Process flow diagram (source: Application material)

5.0 Background to application

- This application (2410-42724 SRA) relates to Western Downs Regional Council's application reference 050.2024.00000510.001 (Request to Change Existing Approval).
- The original Development Approval, application reference 040.2019.00000039.001, was never referred to SARA for assessment.
- The applicant has previously been advised that the Ring Tank could not have linkage to the contaminated agricultural run-off water dams.
- The approved infrastructure under 1811-8340 SDA and the post constructed certification report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that there is a link with the Ring Tank and the contaminated agricultural run-off water dams. The Ring Tank (at time of application under 1811-8340 SDA) stated the Ring Tank was for the provision of fresh water supply to the feedlot when required.
- Supporting information supplied with this application, claims there is no contaminated agricultural run-off water captured on site, with the previously approved contaminated agricultural run-off water dams (Works 574289, 574292, 574295 under 1811-8340 SDA) now used as Waste Utilisation and Disposal Area Dams under the Environmental Authority 2022-01.
- Works 574289 (CAR Dam 1) and 574295 (CAR Dam 3) are installed. Works 574292 (CAR Dam 2) is not installed and taken to be lapsed under Development Approval 1811-3840 SDA.
- The Department of Local Government, Water and Volunteers have conducted a field inspection on 11 February 2025 and advised that Works 574289 and 574295 have been built larger than what was approved under Development Approval 1811-3840 SDA. The works are also currently connected to the Ring Tank via an irrigation line.

6.0 Assessment

6.1 State matters not triggered for referral

The following matters were considered and determined to be not relevant to the assessment:

State Matter	Reason for non-referral
Category B on the regulated vegetation management map	The proposal does not involve clearing of regulated vegetation. It is noted that the ring tank dam is located approximately 40m from mapped regulated vegetation that is located within the property boundary.
Mapped Queensland waterways for waterway barrier works	No operational work for waterway barrier works is proposed. The ring tank dam is not located on or within a mapped waterway.

6.2 Assessment against SDAP

SARA has assessed the development application against the requirements identified in Schedule 10, Part 9 of the Planning Regulation 2017, being SDAP version 3.1. SARA is satisfied the proposal complies with State code 1.

SARA is not satisfied that the proposal complies with the relevant assessment benchmarks of State code 10, however can be conditioned to comply as follows:

5.2.1 State code 10 – Taking or interfering with water

Performance outcomes

PO2 - Works do not cause an unacceptable impact on other users' ability to access the resource

The application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact. The installed works (works reference 574289 and 574295) are used to take overland flow water and are tied to the Ring Tank. Works 574289 and 574294 are oversized and allow additional overland flow water that is not contaminated to be captured. Therefore, approval of this Ring Tank (even as a secondary water storage) is an increase in overland flow take and could cause an unacceptable impact on other users' ability to access the resource.

The proposed Ring Tank can be conditioned to comply, by requiring the Ring Tank to be a standalone infrastructure, removing connections to all existing dams and irrigation infrastructure. The Ring Tank is to be prohibited from taking overland flow water.

PO4 - Works are consistent with any of the following, to the extent they are relevant to the proposed development:

- **a water plan**
- **a water management protocol**
- **a moratorium notice issued under the Water Act 2000**

The site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA,

however the proposal takes a greater volume of water and therefore is not considered to be consistent with the plan and protocol.

The proposed Ring Tank can be conditioned to comply, by requiring the Ring Tank to be a standalone infrastructure, removing connections to all existing dams and irrigation infrastructure. The Ring Tank is to be prohibited from taking overland flow water.

PO7 - Works to take overland flow water are for one of the following:

- **for an activity prescribed by regulation under the Water Act 2000; or**
 - **for reconfiguring existing works; or**
 - **in a limited catchment area identified in a water plan; or**
 - **for contaminated agricultural run-off water; or**
 - **part of an environmentally relevant activity or under an environmental authority; or**
 - **incidental to capturing coal seam gas water; or**
 - **consistent with a water entitlement; or**
 - **for the purpose of water sensitive urban design; for developments in urban areas**
- Protection Act 1994**

The proposed Ring Tank will not directly take overland flow water, however it is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

The proposed works to take overland flow water:

- is not for an activity prescribed by regulation under the *Water Act 2000*
- is not for reconfiguring existing works
- is not located in a limited catchment area identified in a water plan area
- is not for contaminated agricultural run-off water, for treat and release only, as the proposed works are linked to existing works and the water proposed to be reused for irrigation. There is not sufficient evidence to demonstrate that the works will not capture clean overland flow water
- the proposed works are more than deemed necessary to meet the minimum requirements of the Environmental Authority
- is not incidental to capturing coal seam gas water
- is not consistent with a water entitlement.
- is not for the purpose of water sensitive urban design.

The proposed Ring Tank can be conditioned to comply, by requiring the Ring Tank to be a standalone infrastructure, removing connections to all existing dams and irrigation infrastructure. The Ring Tank is to be prohibited from taking overland flow water.

PO14 - Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required

The Ring Tank will not directly take overland flow water, however it is proposed to be connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

The proposed Ring Tank can be conditioned to comply, by requiring the Ring Tank to be a standalone infrastructure, removing connections to all existing dams and irrigation infrastructure. The Ring Tank is to be prohibited from taking overland flow water.

PO15 - Works to take contaminated agricultural run-off water:

- ***are not larger than required to contain contaminated agricultural run-off water; and***
- ***allow for water that is not contaminated agricultural run-off water to be passed through the works***

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works.

The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

The proposed Ring Tank can be conditioned to comply, by requiring the Ring Tank to be a standalone infrastructure, removing connections to all existing dams and irrigation infrastructure. The Ring Tank is to be prohibited from taking overland flow water.

PO16 - Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment:

- ***do not increase the volume of overland flow water taken in a water year; and***
- ***allow for the release of water when an acceptable quality of water is achieved***

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works. The proposed link between the existing works and the proposed Ring Tank will allow the capability for an increase in overland flow water take. The proposal seeks to use the captured overland flow water to irrigate, rather than allow for the release of water once an acceptable quality is achieved.

The proposed Ring Tank can be conditioned to comply, by requiring the Ring Tank to be a standalone infrastructure, removing connections to all existing dams and irrigation infrastructure. The Ring Tank is to be prohibited from taking overland flow water.

PO17 - Works only capture the volume of overland flow water necessary for the operation of the environmentally relevant activity or environmental authority under the Environmental Protection Act 1994

The proposed works to capture overland flow water are deemed in excess to the amount of water. The operation of the environmental authority under the EA.

While the EA allows for terminal ponds (as per condition WT4 of environmental authority (reference 2022-01), as per condition WT4 which states:

“The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This may include by use of waste utilisation area

terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event”.

Bold added for emphasis

Department of Local Government, Water and Volunteers received advice from the Department of Primary Industries which states “*whilst terminal ponds used to capture potentially contaminated runoff from effluent irrigation areas likely minimise the amount of levels of contamination leaving the effluent utilisation areas, DPI considers that there would not be conflict with the current EA conditions if these structures are not constructed.*”

The applicant can meet condition WT4 of the EA via other means. The proposed works do not satisfy the requirements of the EA, as the total water storage capacity of the works outside of the feedlot area is deemed to be of a volume above what is necessary for the operation of the EA.

The proposed Ring Tank can be conditioned to comply, by requiring the Ring Tank to be a standalone infrastructure, removing connections to all existing dams and irrigation infrastructure. The Ring Tank is to be prohibited from taking overland flow water.

Recommended conditions:

6.3 Planning Regulation considerations

SARA has given regard to the following matters as identified in section 22(3) of the Planning Regulation 2017 being:

- local government planning scheme strategic outcomes, purpose statements and overlays
- regional plan strategic intent and desired regional outcomes
- *State Planning Policy July 2017 (SPP)*, parts C and D
- any temporary State Planning Policy
- any infrastructure designation
- any previous and current development approvals applying to the site
- common material received by SARA.

SARA has determined that any potential inconsistencies are not relevant to the assessment of the application cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.4 Human rights assessment

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.

A consideration of the 23 fundamental human rights protected under the the *Human Rights Act 2019* has been undertaken as part of this decision. The following relevant human rights for this decision have been considered as follows:

Human right	Assessment
Equity before the law (s15)	<ul style="list-style-type: none"> • The decision is based on planning considerations only and does not discriminate based on human characteristics. • The decision does not limit this human right.
Freedom of expression (s21)	<ul style="list-style-type: none"> • The referral agency response has no impact on whether or not submission rights arise and therefore there will be no impact by the decision on a person's right to freedom of expression.

	<ul style="list-style-type: none"> • The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions as public consultation was not required to be carried out by the applicant. • The decision does not limit this human right.
Taking part in public life (s23)	<ul style="list-style-type: none"> • The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions or undertake public consultation. • The decision does not limit this human right.
Property rights (s24)	<ul style="list-style-type: none"> • This human right is not relevant because the referral agency assessment has been undertaken in accordance with the requirements of the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and DA Rules. • On balance, the proposal was considered not to comply with the requirements of SDAP and could not be conditioned to comply. • The decision does not limit this human right as the statutory process was followed and the applicant will have a right to a fair hearing in accordance with s31(as detailed below). • The decision does not limit this human right.

6.5 Material relied upon in the assessment

- The development application material and submitted plans
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and the Department of Transport and Main Roads
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.1)
- The Development Assessment Rules
- Section 58 of the *Human Rights Act 2019*

7.0 Recommendation to the delegate

6.1. Recommendation

It is recommended that SARA as referral agency:

1. the delegate approve the referral agency response, and
2. require that conditions attach to any approval given Requires conditions to attach to any development approval as detailed in the referral agency response (concurrence). (*Planning Act 2016* section 56(1)(b)(i))

6.2. Reason(s) for the recommendation:

SARA has concluded that with conditions, the proposed development can comply with:

- PO2 of State code 10, specifically, the application can be conditioned to ensure the development does not impact on other users' ability to access the resource

- PO4 of State code 10, specifically, the application can be conditioned to ensure the development complied with the requirements of the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol).
- PO7 of State code 10, specifically, the application can be conditioned to prohibit the take of overland flow.
- PO8 of State code 10, specifically, the application can be conditioned to prohibit the take of clean overland flow water.
- PO14 of State code 10, specifically, the application can be conditioned to prohibit the increased take of overland flow water.
- PO15 of State code 10, specifically, the application can be conditioned to ensure water that is not contaminated agricultural run-off water is not captured by the works
- PO16 of State code 10, specifically, the application can be conditioned to prohibit the take and reuse of contaminated agricultural run-off water and additional overland flow water within a Queensland Murray Darling Basin catchment.
- PO17 of State code 10, specifically, the application can be conditioned to prohibit the capture of overland flow water.

The proposed development can be conditioned in a way that would achieve compliance with State code 10 of SDAP.

8.0 Recommending officer

Case officer	Danica Clark	Senior Planner
Reviewer		

delegate consideration

After considering the proposal, the assessment report and the decision material, I, **delegate**, as the delegate:

1. confirm that the SARA recommendation is approved
2. the decision material is to be issued
3. authorise the use of my electronic signature to issue the SARA referral response through MyDAS2 (including attachments).

From: [Danica Clark](#)
To: [Kieran Hanna](#)
Subject: FW: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank
Date: Thursday, 20 March 2025 5:57:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[DNRME SARA Service Level Agreement 2018.pdf](#)

FYI

From: Richard Dickfos <Richard.Dickfos@rdmw.qld.gov.au>
Sent: Thursday, 20 March 2025 5:53 PM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>; Ainslee Hempseed <Ainslee.Hempseed@rdmw.qld.gov.au>; Shannon Dempster <Shannon.Dempster@rdmw.qld.gov.au>; Susan Harch <Susan.Harch@rdmw.qld.gov.au>; Hamish Butler <Hamish.Butler@rdmw.qld.gov.au>
Subject: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

OFFICIAL

Hi Danica

Our department is concerned about SARA's inconsistency regarding DA approvals for feedlot operational works.

We believe approving this application subject to conditions is not a satisfactory outcome and are invoking clause 2.4.12 of the DNRME SARA Service Level Agreement 2018 (attached) and want to escalate this. Due to time constraints, we require the delegate to have a meeting with our A/ED Susan Harch ASAP to discuss this proposed DA decision.

The Statutory timeframe to decide this DA is tomorrow, 21st March 2025. It will be an unacceptable outcome if this DA is approved without conditions because these timeframes are not met.

Regards



Richard Dickfos
Principal Water Officer
Water Resource Management | South Region | Toowoomba
Department of Local Government, Water and Volunteers

P: (07) 3478 8174

M: Access refused under section 50(4)(b)

E: Richard.Dickfos@rdmw.qld.gov.au

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☐ [Chat with me on Teams!](#)

From: Danica Clark <danica.clark@dsdilgp.qld.gov.au>

Sent: Thursday, 20 March 2025 4:36 PM

To: Richard Dickfos

Subject: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Hi Richard

Thank you for your time earlier.

As discussed, the Department of Local Government, Volunteers and Water's recommendation of a refusal has not been supported.

SARA will be progressing with a recommendation of requiring conditions to attach to any approval given, and is currently drafting conditions to ensure the proposed development complies with State code 10 of the SDAP.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

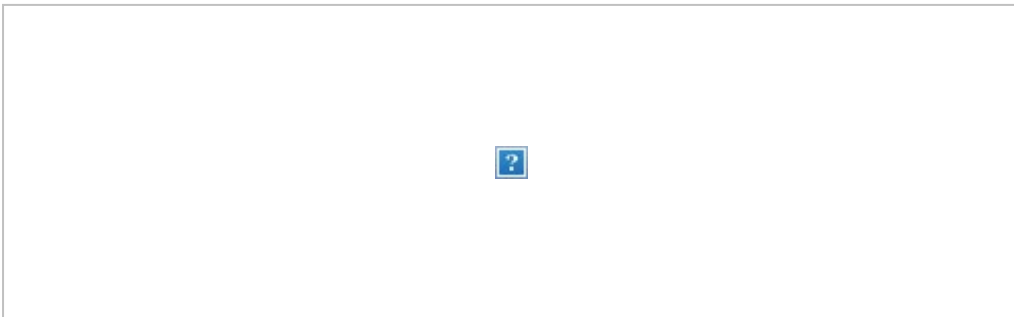
Microsoft Teams – meet now

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

And

**Department of Natural Resources, Mines and
Energy**

Service Level Agreement

*An inter-agency agreement for the provision of technical advice and support for
the State Assessment and Referral Agency (SARA) and Infrastructure
Designations*

April 2018

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1 PART A – Operation of agreement

1.1 Effect of Agreement

This service level agreement (this agreement) has effect from the date of signing until a new agreement supersedes it.

1.2 Purpose

The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and Department of Natural Resources, Mines and Energy (DNRME) are committed to working together in the operation of the State Assessment and Referral Agency (SARA) and Infrastructure Designation (ID) assessments to contribute towards delivering the best development assessment system in Australia.

This agreement is written to continue the success of the SARA operations and to ensure the ongoing provision of high standards of inter-agency cooperation.

1.3 Dissolution of agreement

The parties acknowledge that there may be a requirement to dissolve the agreement. The parties may agree to dissolve the agreement through written consent of the authorised signatories of the agreement.

1.4 Confidentiality

Without limiting DNRME responsibilities under the *Right to Information Act 2009* the parties agree to maintain confidence and confidentiality related to the agreement and to maintain the privacy of our respective clients in regard to the delivery of programs. For clarity, this means:

- technical reports and all other written correspondence clearly identified as confidential in nature by DNRME is only to be provided to the DSDMIP and not third parties; and
- DNRME are not to speak with third parties (e.g. local governments, applicants or any member of the public) on matters of a confidential nature.

It is noted that all public servants are bound by the 'Code of Conduct'.

1.5 Dispute resolution

In the event that a dispute develops regarding the agreement, the parties will try to resolve the dispute through direct negotiation and agree to use all reasonable endeavours acting in good faith to resolve the dispute through discussions.

1.6 Variances

Variances to future agreements can be discussed and negotiated by the Executive Director, Operations Support, DNRME, and the Executive Director, Development Assessment Division, DSDMIP, and subject to the approval of the Directors-General of DNRME and DSDMIP.

2 PART B – SARA

2.1 Embodying SARA culture

DNRME and DSDMIP are committed to working collaboratively to support a SARA culture which:

- a) is driven by a focus on outcomes and solutions, not just process
- b) assists applicants to prepare quality, 'decision ready' development applications
- c) strikes the right balance between protecting matters of state interest and facilitating projects
- d) sponsors a culture of 'no surprises' for applicants by:
 - i) providing early signals of assessment concerns
 - ii) facilitating communication during assessments to enhance and improve proposals, and
 - iii) ensuring final decisions do not present major surprises
- e) is reasonable with our imposts on projects, and
- f) looks for ways to collaborate and continually improve.

2.2 Roles and responsibilities

DNRME and DSDMIP will work collaboratively to continue the success of SARA through the following defined roles and responsibilities:

DSDMIP will:

- a) undertake the decision maker role of SARA, in accordance with the chief executive's role under the Planning Regulation 2017
- b) have considered regard to technical assessments and recommendations provided by DNRME
- c) undertake decision making against the assessment benchmarks in the State Development Assessment Provisions (SDAP) and coordinate, assess and decide applications received as assessment manager, referral agency or responsible entity
- d) meet operational timeframes outlined in Schedule 1
- e) facilitate and contribute constructively to inter-agency discussions and negotiations to address complex development applications
- f) consider the impact of certain applications on the relevant matters of state interest, and confirm technical agency involvement
- g) lead continuous business improvement of SARA, including trigger refinement, the SDAP and systems management
- h) complete regular monitoring and reporting in relation to key performance indicators and operational timeframes, and
- i) when proposing changes to SARA operations DSDMIP will consult with DNRME.

DNRME will:

- a) collaborate with DSDMIP to resolve day-to-day issues associated with development assessment and on-going policy development
- b) undertake the technical agency role of SARA, to support the chief executive's role in accordance with the Planning Regulation 2017 and assess development applications against the assessment benchmarks in the SDAP
- c) participate in, and contribute constructively to, inter-agency discussions and negotiations to address complex development applications and significant disagreements
- d) meet operational timeframes outlined in Schedule 1
- e) administer and enforce conditions related to the matters within its area of jurisdiction where delegated by the chief executive administering the *Planning Act 2016* (the Act)
- f) investigate offences and enforce development approval conditions related to its area of jurisdiction where delegated by the chief executive administering the Act, and
- g) actively engage with DSDMIP in the continuous improvement of SARA operations, referral triggers and SDAP.

2.3 Governance

2.3.1 Leadership

DSDMIP leadership arrangements

SARA's development assessment functions will be undertaken regionally, and a case officer will be assigned to each application.

Executive Director, Development Assessment Division, DSDMIP, is responsible for program leadership.

DNRME leadership arrangements

DNRME will provide details of contact officers for its areas of interest and provide updates, as required.

Key senior departmental contacts (by role) are:

- Executive Director Operations Support (DNRME) will be responsible for program leadership.

2.3.2 Management arrangements

As part of DSDMIP's ongoing commitment to improving the operational efficiency and effectiveness of SARA, ongoing operational matters (including day-to-day and policy requirements) will be discussed/managed via DSDMIP's SARA Central working teams. This will involve regular contact (e.g. via meetings) between DSDMIP's SARA Central working teams and DNRME.

2.3.3 SARA Reporting

DSDMIP will provide technical agencies (including DNRME) with quarterly SARA reporting on operational information.

Quarterly reporting against the SARA key performance indicators and operational timeframes will be undertaken by DSDMIP on a regional and state-wide basis.

2.3.4 Development application fees refunds

Two types of refunds are undertaken by DSDMIP:

- 1) Standard Refunds – Administrative refunds to facilitate a refund associated with withdrawn applications or incorrect triggers, and
- 2) Non-standard Refunds – Refunds requested by the applicant and assessed against DSDMIP non-standard refund scenarios.

DSDMIP will consult with DNRME regarding the inclusion of any new non-standard refund scenarios.

2.3.5 Key Performance indicators (KPIs)

A key element of SARA's culture of improvement has been a yearly cycle of publishing, then subsequent reporting against a suite of KPIs across the various facets of SARA's functions. This cycle enables DSDMIP to regularly monitor SARA's performance relative to the adopted targets.

At the end of the financial year reporting cycle, actual performance against the set KPI targets will be measured and documented by DSDMIP. Highlighting areas where targets are not achieved provides SARA with an opportunity to focus on areas of practice that require improvement.

DNRME and DSDMIP will use their best endeavours to meet the KPI targets published on DSDMIP's website at <https://planning.dsdmip.qld.gov.au/>.

2.4 SARA operational issues and decision making

The following are the key operational responsibilities for DNRME and DSDMIP.

2.4.1 Annual priorities and resourcing

DSDMIP is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and statutory timeframes in the Act and Development Assessment Rules (DA Rules). Additionally, DSDMIP will strive to meet the adopted KPIs and agreed process improvements.

DNRME is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and agreed process improvements. Additionally, DNRME will strive to meet the adopted KPIs.

2.4.2 Records and right to information

DSDMIP is responsible for maintaining records in relation to development applications managed by SARA.

Without limiting the requirements and responsibilities of the Right to Information (RTI) process, DNRME will provide DSDMIP with all relevant records relating to DNRME technical advice with respect to SARA processes in the event of an RTI request.

2.4.3 Inter-departmental communication and operational timeframes

Operational timeframes

DSDMIP is responsible for administering the development assessment functions as a referral agency and assessment manager under the Act, Planning Regulation 2017 and DA Rules. The development assessment provisions in the Act and DA Rules require statutory timeframes to be met by SARA. In order to achieve this, DNRME and DSDMIP agree to meet the operational timeframes in Schedule 1.

The key principles that DNRME and DSDMIP will embody to achieve the operational timeframes are:

- a) most assessments will need to be completed faster and more efficiently (than under the *Sustainable Planning Act 2009* (SPA))
- b) time is a precious commodity that applicants control
- c) preliminary phase of assessment is critical (i.e. the first 12 business days)
- d) to spend limited time on straightforward applications and implement practices to get these actioned well before operational timeframes
- e) to send early and clear signals to applicants, to enable the applicant to 'help us to help them' resolve issues and foster a culture of 'no surprises'
- f) that many decisions will need to be made with less than perfect information
- g) to strongly promote pre-lodgement meetings.

Communications

DNRME will receive formal communications (including information requests, further advice requests, referral agency responses, decision notices, responsible entity responses, pre-referral responses, extension application responses and change application decisions made under the Act and DA Rules, and pre-lodgement minutes/advice) from DSDMIP electronically.

Application material will be downloaded by DNRME from the DSDMIP nominated IT system. In unexpected circumstances resulting in failure of the DSDMIP nominated IT system, DSDMIP will consider case-by-case the most appropriate method of providing DNRME with application material as quickly as possible.

Requests, recommendations and copies of records from DNRME will be provided to DSDMIP electronically. In unexpected circumstances resulting in failure of the DSDMIP nominated IT system, DNRME will consider case-by-case the most appropriate method of providing DSDMIP with responses as quickly as possible.

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DSDMIP nominated IT system and DNRME internal systems. DSDMIP is responsible for recording and storing meeting minutes taken over the course of the application.

Templates

DNRME will provide technical agency assessment and recommendations in the templates provided by DSDMIP. The templates are provided to DNRME to assist in engagement with DSDMIP.

2.4.4 Communication with an applicant

DSDMIP will foster the culture of 'no surprises' for applicants by maintaining open and ongoing communication during assessment to provide early signals of assessment concerns and to enhance and improve proposals.

DSDMIP will issue reminder notices to applicants advising of upcoming statutory timeframes, including a reminder to provide a response to further advice in a timely manner to allow SARA time to assess the information prior to making a decision.

DSDMIP will encourage applicants to use the stopping a current period provisions to allow more time for applicants to respond to further advice and SARA to assess new information.

Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.

2.4.5 Sustainable Planning Act 2009 applications and functions

DNRME and DSDMIP will continue to process SPA development applications and undertake associated functions in accordance with the Service Level Agreements signed 16 June 2016 (for former Department of Natural Resources and Mines) and 6 April 2016 (for former Department of Energy and Water Supply), inclusive of operational timeframes.

2.4.6 Pre-lodgement discussions and advice

SARA is committed to the use of pre-lodgement processes to assist proponents prepare 'decision ready' applications that can be efficiently assessed after lodgement. Pre-lodgement discussions/advice will be flexible and proponent driven. Requests for pre-lodgement advice can take any form including, teleconferences, written or email based requests or face-to-face meetings.

In response to any pre-lodgement requests, SARA will accommodate and respond to the level of detail provided by the proponent. There is no such thing as 'insufficient information' provided by potential applicants for SARA pre-lodgement requests. SARA will respond in a 'fit-for-purpose' manner to the level of information provided. SARA may provide advice on other consents, permits or approvals required, where this matter is identified in the information provided by the proponent.

SARA acknowledges that when applicants are provided with written pre-lodgement advice they have a reasonable expectation that the subsequent assessment (on the assumption that the lodged proposal is the same as what advice was sought on) will be consistent with the advice.

In managing requests for pre-lodgement discussions or advice, DNRME and DSDMIP will ensure that:

- pre-lodgement meetings are co-ordinated and chaired by a DSDMIP planning officer
- relevant (as empowered as practically possible) DNRME representatives participate (either in person or via phone or video conference), unless DNRME has advised DSDMIP of non-participation or provided advice to be represented by DSDMIP

- key matters/issues are communicated between DNRME and DSDMIP prior to pre-lodgement meetings, either by written advice or by a pre-meeting
- DSDMIP will ensure adequate time is allowed prior to a pre-lodgement meeting to ensure technical agency input is able to be provided, especially for complex assessment matters
- if no input is provided by DNRME in pre-lodgement advice, the proponent will understandably form an expectation that none of those state interests will impact on their proposal
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant state interest matters and where possible offer suggestions for the proposal to avoid adversely impacting on state interests and being formulated into a 'decision ready' application
- meeting minutes are to be taken in real time and agreed to by the attending parties prior to concluding the meeting. Meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by SARA. Minutes are not to be a verbatim record of the discussion
- where agreed between the parties that the pre-lodgement advice would benefit from SARA giving further consideration to certain aspects after the meeting – this will be finalised and issued as an addendum to the minutes within 7 business days, and
- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All SARA written pre-lodgement advice and minutes will state 'valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice'.

Assessment of applications are to have due regard to issued pre-lodgement advice. In fulfilling the culture of 'no surprises', during assessment SARA must be mindful of contradicting pre-lodgement advice.

2.4.7 Response before application (pre-referral response)

Pre-referral responses will be provided for low risk applications only, where:

1. assessment by technical agency is not required
2. an information request is not required, and
3. either no requirements or model conditions can be applied.

Pre-referral requests will not be sent to DNRME for technical agency assessment and are decided by DSDMIP.

Where a pre-referral request is not consistent with points 1 – 3 above, standard SARA assessment will apply to the proposal and the applicant will be advised accordingly by DSDMIP.

It is noted that referable dams are not considered low risk applications.

2.4.8 Information requests and further advice

Information requests

Information requests are only to be issued by DSDMIP in accordance with the DA Rules where information essential for the assessment is missing from an application.

DSDMIP will give due consideration to requests for information made by DNRME. When DSDMIP issues an information request, a copy will be provided to DNRME.

Operational timeframes for information requests are detailed in Schedule 1.

Further advice

To support a culture of 'no surprises' for applicants, further advice will be issued where SARA seeks to provide advice about how the applicant may change the application in order to obtain a favourable assessment. Further advice may be issued at any time before an application is decided or a referral agency response is issued. However, the initial further advice operational timeframe is detailed in Schedule 1. DNRME may request that DSDMIP issue further advice more than once for an application where necessary.

DSDMIP will give due consideration to request for further advice by DNRME. When DSDMIP issues further advice, a copy will be provided to DNRME.

If a response to a further advice notice has not been provided 2 business days before the statutory due date for the SARA referral agency response/decision, DSDMIP will advise the applicant that it will form a view on the application with the current information.

2.4.9 Missed referrals

Where a missed referral is identified for an application that was not previously referred, SARA will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

Where a missed referral is identified for an application that has been previously referred to SARA, SARA will refund the missed referral assessment fee in full (after it has been paid) and will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

2.4.10 DNRME involvement in certain applications

For certain applications or functions, DNRME technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

2.4.11 SARA decision making

DNRME and DSDMIP acknowledge that the SDAP is the primary instrument for assessment of all development applications where SARA is either a referral agency or assessment manager.

In making a decision about an application, as assessment manager or referral agency, DSDMIP will:

- given consideration to recommendations made in DNRME's technical agency assessment response
- formulate a decision having due regard to the technical agency assessment response and where conditions are required, model conditions will be applied and non-model conditions drafted by DSDMIP.

Where a disagreement with DNRME's technical agency recommendations cannot be resolved at officer level, the escalation and dispute resolution procedures will be followed.

Conditions

For clarity it is noted that conditions are defined as either 'Model' or 'Non-model'. 'Non-model' conditions are conditions that have not been endorsed as SARA model conditions. 'Model' conditions are part of a suite of general conditions that have been endorsed by DNRME and DSDMIP.

DSDMIP in consultation with DNRME will update the SARA Model Conditions on an as needs basis to:

- update, if necessary, the drafting of existing conditions
- include new conditions
- modify or delete conditions to reflect changes to SDAP or legislation.

DSDMIP will provide DNRME with updated versions of the SARA Model Conditions for distribution to regional staff. It will be DNRME's responsibility to ensure the SARA Model Conditions are distributed to necessary officers.

Where conditions are required for a decision notice or referral agency response via the technical agency response, DNRME will recommend to DSDMIP:

- which model conditions should be applied using the current version of the SARA Model Conditions,

- where non-model conditions are considered necessary, provide details on the issues that are to be addressed by the non-model condition(s)¹.

In determining non-model conditions, DSDMIP will draft non-model conditions based on the issues identified and the technical agency assessment provided in the DNRME technical agency response.

In instances where DNRME recommends refusal and DSDMIP considers a conditional approval is warranted, the application is to be escalated in accordance with section 2.4.12.

2.4.12 Escalation and dispute resolution

In the instances where there is a significant disagreement between DNRME and DSDMIP about a technical agency recommendation, the application will be escalated for resolution.

The process for escalation of an application is as follows:

- Where a disagreement arises, the DSDMIP case officer will refer the application to the Regional Director for review and coordination of negotiations. If agreement is reached, the application can be decided.
- When agreement cannot be reached between the parties following initial negotiations, DSDMIP will prepare the draft referral agency response or decision notice and issue to the technical agency for review and further comment. If SARA Central and DNRME agree with the recommendation, the application can then be decided.
- If following review of the draft referral agency response or decision notice DNRME does not agree, DNRME has the opportunity to escalate the matter to their senior management or other nominated position (as per the internal escalation procedures of the technical agency) to finalise the negotiations with DSDMIP. The application will then be decided.

Only in exceptional circumstances will DSDMIP escalate an application to the Executive Director, Development Assessment Division or the Deputy Director-General.

DNRME will have the opportunity to escalate development applications directly to DSDMIP Regional Directors at any stage of the assessment process. The escalation and dispute resolution process can be used for all development applications; however, it should typically be used for complex issues where negotiations have broken down. Best endeavours should be made by both parties to resolve issues without escalation.

For all escalated development applications, the DSDMIP case officer will provide a copy of the final decision notice and reasons for the decision to DNRME within 1 business day of the decision being issued to the applicant.

2.4.13 Nomination of DNRME to ensure compliance with, and enforcement of, conditions

The chief executive administering the Act (being the Director-General of DSDMIP), has provided delegation to DNRME to administer and enforce conditions imposed on development approvals in accordance with Schedule 2 of the Act, within its areas of jurisdiction.

Administration of conditions includes, but is not limited to the:

- acceptance and management of monetary contributions
- confirmation that conditions imposed on development approvals have been complied with, as requested and to DNRME's discretion, and
- responding only to relevant complaints about non-compliance.

Where DSDMIP requests DNRME confirmation of whether conditions have been complied with, where possible, DNRME will endeavour to give advice within 20 business days.

¹ DNRME can provide a recommended condition, however there is no obligation for DSDMIP to accept the wording for the non-model condition.

Costs associated with the administration of conditions, excluding the initial case management of requests, will be the responsibility of DNRME.

2.4.14 Investigating development offences and enforcing development conditions

As a nominated 'enforcement authority' under Schedule 2 of the Act, DNRME will be responsible for investigating and responding, in a timely manner, to complaints alleging development offences under Chapter 5, Part 2 of the Act within its areas of jurisdiction. DSDMIP will, where relevant, provide information regarding any development approval associated with any alleged development offence to DNRME in a timely manner.

In the event that development offences are identified, legal proceedings associated with enforcement will be initiated and managed by DNRME. Costs associated with the legal proceedings will be the responsibility of DNRME. To be clear, enforcement matters are at DNRME's discretion.

DNRME will be responsible for notifying DSDMIP of any enforcement actions undertaken that are associated with offences involving a development approval or a referral agency response. DNRME will provide SARA Central with notice of the enforcement action as soon as is practicable.

2.4.15 Appeals and legal proceedings

DSDMIP will be responsible for managing appeals and legal proceedings relating to decisions made under SARA (apart from those nominated in section 2.4.13 relating to development offences). DNRME will provide technical support, technical information and any records relating to the specifics of the relevant development application to DSDMIP for the purpose of disclosure in a timely manner when requested by DSDMIP.

DSDMIP will seek DNRME's opinions in relation to joining an appeal to inform DSDMIP's decision. Also where considered relevant, DSDMIP will liaise with DNRME regarding appeals and consider any recommendations in relation to the management of specific appeals and will inform DNRME of the outcome of appeals and any learning that may benefit DNRME.

If requested by DNRME prior to engagement of expert witnesses, DSDMIP will consult with DNRME to ascertain any recommendation of an expert witness related to the area of expertise of DNRME. However, the final decision related to procurement of legal service providers, expert witnesses or barristers rests solely with DSDMIP.

DSDMIP will attend strategy meetings, without prejudice meetings and mediations. However, if requested by DSDMIP, DNRME's staff may attend and be actively involved in without prejudice meetings and mediations.

Where DNRME has unresolved appeals at the time SARA commenced, it will retain responsibility for the on-going management of those appeals and legal proceedings.

2.4.16 DSDMIP nominated IT system — MyDAS (including MyDAS2)

DSDMIP will provide the information technology systems to support SARA, currently known as MyDAS and MyDAS2. MyDAS will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.

DSDMIP will provide systems administration and user support services for user administration and access.

MyDAS is to be used by DNRME to access and download application material. Communication protocols related to the operation of IT system will be followed by both DNRME and DSDMIP.

DNRME will provide user access requirements to DSDMIP. DNRME will advise DSDMIP of all staff movements relevant to SARA functions to ensure all licences are in current use and not shared between individuals. DSDMIP will ensure appropriate access is available and requirements for access are provided promptly.

Licensing and accessing costs for DNRME to use MyDAS2 will be borne by DSDMIP. All additional DNRME licensing requirements and non-MyDAS applications (e.g. network and infrastructure) will be the financial responsibility of DNRME.

2.4.17 SARA operational amendments

Within confidentiality requirements, DNRME is to inform DSDMIP's SARA Central, of any proposed amendments to:

- legislation and subordinate legislation that will impact on SARA
- guidelines referred to in SDAP
- changes to website links and
- any other material which operationally requires alignment with SARA.

DSDMIP is to inform DNRME in a timely manner of any impending amendments to:

- legislation and subordinate legislation that will impact on the requirements for DNRME to provide technical advice to SARA and investigate and enforce development offences
- SDAP guidance material and
- any other material that will affect the delivery of technical advice to DSDMIP.

2.4.18 State Development Assessment Provisions (SDAP)

SDAP contains the assessment benchmarks for the assessment of development applications by DNRME and DSDMIP and provides applicants with:

- increased transparency and clarity on how development can comply with the matters of interest to the state
- clarity regarding when the state is to be involved in the assessment of a development application
- qualifying criteria to enable self-identification of eligibility for FastTrack5 assessment pathway.

SDAP is the primary instrument for the assessment of matters of state interest relevant to development applications. Where there is a conflict between the SDAP and any reference documents listed in SDAP, the SDAP prevails.

DNRME will contribute to the continuous improvement of SDAP by:

- assisting DSDMIP with any review or amendments to SDAP
- recommending improvements to the state codes of SDAP that are relevant to DNRME's area of interest.

DNRME will prepare and publish guidance material for SDAP state codes in consultation with DSDMIP.

2.4.19 Native title

DSDMIP will ensure that native title is assessed prior to making a decision about an application that SARA is the assessment manager or responsible entity.

DNRME Aboriginal and Torres Strait Islander Land Services team may assist DSDMIP with interpretation and access to information in certain circumstances on native title assessments.

2.4.20 Environmental offset agreements

As part of the development assessment process DNRME will provide technical advice to DSDMIP on whether a development proposal will, or is likely to, result in a Significant Residual Impact (SRI), thereby triggering the need for an environmental offset for a prescribed activity under the *Environmental Offset Act 2014*.

DSDMIP will condition an offset requirement relating to DNRME's area of jurisdiction in a manner consistent with DNRME's technical agency response and relevant model conditions.

3 PART C – Infrastructure designations

3.1 General

DNRME and DSDMIP acknowledge that the ID process will be conducted in accordance with Chapter 2, Part 5 of the Act, Chapter 7 and Chapter 8 of the Minister's Guidelines and Rules (MGR). The parties also acknowledge that the Minister is the responsible decision maker for Ministerial ID decisions and for undertaking state interest review of a local government ID under these provisions.

Both parties acknowledge that on behalf of the Minister the ID process will be conducted along the following lines:

- a) being cognisant that Ministerial ID is set up to provide an approval pathway for infrastructure that is essential to support the development of a prosperous and sustainable Queensland
- b) ensuring that consultation undertaken during the ID process is 'fit-for-purpose' and provides relevant stakeholders with adequate information
- c) that state agency input into the ID process should be 'fit-for-purpose'
- d) ensuring that both parties act in a timely manner throughout the ID process in order to provide timely recommendations to the Minister.

Note – Minister means Planning Minister.

3.2 Roles and responsibilities

DNRME and DSDMIP will work collaboratively to successfully manage the ID process through the following defined roles and responsibilities:

DSDMIP will:

- a) coordinate, assess and provide recommendations to inform the decision of an ID proposal made by the Minister
- b) meet operational timeframes outlined in Schedule 4
- c) endeavour to ensure that the Minister meets the relevant statutory timeframes for an ID proposal
- d) having regard to the criteria in Schedule 3, use discretion to determine whether or not a particular ID proposal affects DNRME's state interests to the extent that DNRME needs to be involved in the ID process
- e) endeavour to ensure that native title and state tenure aspects are properly considered during ID assessments
- f) lead, organise, participate in (including documenting meeting outcomes) and provide accurate advice through pre-lodgement discussions and meetings
- g) have regard to matters/issues raised by DNRME in assessing ID proposals to inform DSDMIP in drafting recommendations
- h) respond to RTI requests made to DSDMIP, and assist with RTI requests made to DNRME, relating to ID matters.

DNRME will:

- a) undertake the technical agency role and provide a first principles assessment having regard to State Planning Policy (SPP), the relevant Regional Plan and the purpose statements of the SDAP that relate to Schedule 3
- b) collaborate with DSDMIP to resolve day-to-day issues associated with ID requests and ongoing policy development
- c) meet operational timeframes outlined in Schedule 4
- d) participate constructively in, and provide accurate advice through, pre-lodgement discussions
- e) assist with RTI requests made to DSDMIP, if required, and respond to RTI requests made to DNRME relating to ID matters
- f) actively engage with DSDMIP in the continuous business improvement of ID processes, including the development of the low impact proposal criteria.

3.3 Governance

3.3.1 Leadership

Department of State Development, Manufacturing, Infrastructure and Planning's leadership arrangements

The Minister is the sole decision maker of Ministerial ID and state interest review outcomes of a local government ID.

DSDMIP's key departmental contact:

Executive Director, Development Assessment Division, DSDMIP, is responsible for program leadership.

DNRME key departmental contacts:

DNRME will provide details of contact officers for its areas of interest and provide updates, as required. Executive Director Operations Support is responsible for program leadership

3.3.2 Management arrangements

The assessment functions for IDs will be centralised, and a case officer from the DA Projects team will be assigned to each request.

DSDMIP is committed to improving the operational efficiency and effectiveness of the ID process. Ongoing operational matters (including day-to-day and policy requirements) will be discussed/managed via the DA Projects team. This will involve regular contact (e.g. via meetings) between the DA Projects team and DNRME.

3.4 ID operational issues

The following are the key operational responsibilities for DNRME and DSDMIP.

3.4.1 Annual priorities and resourcing

DNRME and DSDMIP are responsible for ensuring adequate resources are provided to meet the statutory and operational timeframes in Schedule 4 for IDs and agreed process improvements.

3.4.2 Records and right to information

DSDMIP is responsible for maintaining records in relation to ID proposals managed by the DA Projects team.

Without limiting the requirements and responsibilities of the RTI process, DNRME will provide DSDMIP with all relevant records relating to DNRME technical advice with respect to ID processes in the event of an RTI request.

3.4.3 Inter-departmental communication and operational timeframes

Operational timeframes

The Minister has delegated a range of functions for the Ministerial ID process to DSDMIP as the lead agency. DSDMIP is responsible for administering a range of functions including, but not limited to:

- acknowledgement of request for a Ministerial ID
- state interest review outcome for a Ministerial ID – *(incorporating draft requirements)*.

However, the Minister is responsible for making the overall decision to:

- approve or refuse a Ministerial ID

- approve or refuse the extension of a Ministerial ID
- approve or refuse an amendment to a Ministerial ID
- approve or refuse the repealing of a Ministerial ID
- state interest review outcome for a local government ID – *(incorporating draft requirements)*.

The Minister's decision will be informed by recommendations provided by DSDMIP.

The Act and the MGR provide statutory timeframes to be met by the Minister. DNRME and DSDMIP are required to meet the agreed operational timeframes specified in Schedule 4 in order to meet the statutory timeframes.

Requests to extend the state interest review operational timeframe may be sought in exceptional circumstances, but are subject to further agreement by the proponent. The request from DNRME to extend should include sufficient justification to support the extension being granted. Acceptable reasons for an extension include, but are not limited to:

- where DNRME receives an ID request outside of operational timeframes stipulated in Schedule 4
- a matter being resolved through the escalation and dispute resolution process, and this matter is required to be resolved to meet operational timeframes
- other reasons outside normal operating processes have not allowed progression of the application, for example natural disasters, failure of the DSDMIP nominated ICT system.

DSDMIP will reasonably consider DNRME requests to extend the state interest review operational timeframe. DNRME will be advised of the DSDMIP decision (including reasons) about whether a request to extend the timeframes will be sought as soon as practical. Should an extension be sought and granted by the proponent agreement, DSDMIP will advise DNRME of the latest agreed timeframes by no later than the operational timeframe indicated in Schedule 4.

IT system

Communication protocols related to the operation of the IT system will be followed by both DNRME and DSDMIP.

DSDMIP will:

- provide an IT system to support the functions of IDs. The IT system will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.
- ensure appropriate access to the IT system is available for DNRME and any requests to amend access will be actioned promptly.
- provide DNRME with administration and user support services for the IT system.
- consider case-by-case the most appropriate method of providing DNRME with material for the ID proposal, as quickly as possible, in the event of an unexpected IT system failure.
- bear the costs for DNRME to use the IT system e.g. licence or access.

DNRME will:

- use the IT system to access and download ID documentation.
- receive formal communications from DSDMIP electronically for ID matters (such as including acknowledgment notice, state interest review outcomes, and decision outcomes).
- provide user access requirements to DSDMIP.
- advise DSDMIP of all staff movements, relevant to ID operations, to ensure all licences are in current use and not shared between individuals.
- provide electronic records of DNRME's advice or material associated with an ID proposal.
- be financially responsible for any internal software required for the functions of IDs.

Communications

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DSDMIP nominated IT system and DNRME internal systems. DSDMIP will be responsible for recording and storing meeting minutes taken over the course of an ID proposal.

Templates for IDs

DNRME will provide pre-lodgement advice, advice regarding further information required, technical advice for state interest review outcomes and identify matters that will assist DSDMIP in the drafting of requirements in the templates provided by DSDMIP. The templates are provided to DNRME to assist in engagement with DSDMIP.

Any changes to DSDMIP technical assessment templates must be in consultation with DNRME to allow DNRME to meet systems change requirements.

Operational procedures

The DA Projects team will support DNRME in ongoing improvements to operational procedures. This may take the form of verbal or written advice or by preparing operational 'how to' guidelines that will provide additional detail about operational matters. The material may assist with providing further detail about matters such as pre-lodgement discussions and advice, state interest review outcomes and escalation and dispute resolution.

DNRME is not to make any submissions during the consultation stage of an ID process. DNRME involvement will be limited to that identified in Schedule 3.

3.4.4 Pre-lodgement discussions and advice

DSDMIP is committed to undertaking pre-lodgements that contribute to the efficiency of the ID process. ID proposals will only be provided to DNRME for pre-lodgement discussions and advice where the proposal involves a matter identified in Schedule 3. Pre-lodgements will be undertaken in a range of formats that suit the needs of the proponent. Formats include general phone enquiries, emailed or written requests and face-to-face meetings. Meetings may also be undertaken via teleconference facilities in order to overcome distance constraints.

There are circumstances when the information a proponent is seeking may not constitute a formal 'pre-lodgement' approach and could be more efficiently dealt with by the proponent making direct contact with the relevant technical agency. This is particularly the case when agencies provide broader (but sometimes related) services to the public than those for ID proposals.

Where a proponent has sought a face-to-face meeting, written advice may be provided in lieu of the meeting. If the proponent still requests a meeting, a meeting will be arranged by DSDMIP and attended by DNRME where possible, either in person or via teleconference facilities (where the office location is a constraint).

In managing requests for pre-lodgement discussions or advice, DNRME and DSDMIP will ensure that:

- timeframes outlined in schedule 4 are met or another timeframe that is agreed upon by both parties
- if no advice is provided by DNRME, DSDMIP will determine that the matters under schedule 3 will not be impacted by the proposal hence DNRME will not be involved for the remainder of the ID proposal
- pre-lodgement meetings are co-ordinated and chaired by a DSDMIP planning officer
- relevant (as empowered as practically possible) DNRME representatives participate (either in person or via phone or video conference), unless DNRME has advised DSDMIP of non-participation or provided advice to be represented by DSDMIP
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant matters under schedule 3 and where possible offer suggestions for the proposal to avoid adversely impacting on matters under schedule 3
- meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by DSDMIP. Minutes are to be a summary of the discussions at the meeting
- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All DSDMIP pre-lodgement advice and minutes will state 'valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice'.

3.5 Acknowledgement of the request

DSDMIP will consider any requests for further information made by DNRME, if it is essential information to consider the proposal, during the acknowledgement of the request. Should further information be sought, DSDMIP will provide a copy of the acknowledgement of request to DNRME. The further information required must be formulated having regard to the 'first principles' of the SPP, the purpose statements of the SDAP that relate to Schedule 3 and the relevant Regional Plan only. DSDMIP will endeavour to ensure that State Land tenure aspects and Native Title issues are properly identified in this stage, with assistance from DNRME Aboriginal and Torres Strait Islander Land Services team when required.

Refer to operational timeframes in Schedule 4.

3.6 State interest review

DNRME and DSDMIP must have regard to the overarching 'first principles' of the primary statutory documents the Minister must have regard to, in particular the SPP, the purpose statements of the SDAP that relate to Schedule 3 and any relevant Regional Plan when undertaking a Ministerial ID or a state interest review for a local government ID.

In undertaking a state interest review about a Ministerial ID or local government ID, DSDMIP will:

- consider recommendations in accordance with the 'first principles' assessment of the purpose statements of SDAP related to schedule 3, the SPP and the relevant Regional Plan made by DNRME via its technical agency assessment response
- formulate a state interest review outcome having regard to the issues identified in the DNRME technical agency advice
- where requirements are necessary, requirements will be drafted by DSDMIP's case officer based on advice provided by DNRME
- recommend a consolidated set of draft requirements as part of the Minister's state interest review outcome.

DSDMIP will provide a copy of the state interest review outcomes to DNRME at the same time as providing the notice to the infrastructure entity for a Ministerial ID or to the local government for a local government ID.

3.7 Escalation and dispute resolution

The escalation process relates to the preparation and content of further information required and identified issues during the state interest review which will assist the formulation of draft requirements.

In the event that a disagreement arises and agreement cannot be reached on a particular matter between DNRME case officer and the DSDMIP case officer, DNRME will:

- have 6 business days to resolve the disagreement with DSDMIP as detailed in Schedule 4
- have the opportunity to escalate this matter to their nominated DNRME officers and the DSDMIP's Director – Development Assessment Services for a resolution.

4 PART D – Execution of agreement

The Agreement and the Schedules herein are a record of the cooperative arrangements between the parties and the specific service delivery objectives of each party. The signing of this agreement signifies that all parties agree to the Service Level Agreement and will continue to work together cooperatively in good faith.

This Service Level Agreement is made:

BETWEEN: Department of State Development, Manufacturing, Infrastructure and Planning

Signed:

Access refused under section 47(3)(b) of the RTI Act.

Ms Rachel Hunter
Director-General

19/6/18

Access refused under section 47(3)(b) of the RTI Act.

Witnessed by
Name:

ELIZABETH DICKENS

19/6/18

AND: Department of Natural Resources, Mines and Energy

Signed:

Access refused under section 47(3)(b) of the RTI Act.

Mr James Purtill
Director-General

5/6/18

Access refused under section 47(3)(b) of the RTI Act. Disc

Witnessed by
Name:

GRACE BRUNTON

5/6/18

Schedule 1—Operational timeframes for SARA

The following tables detail the maximum operational timeframes for both DNRME (technical agency) and DSDMIP in the implementation of SARA. The timing is reflective of the statutory timeframes within the Act and DA Rules. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.

Pre-lodgement

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Pre-lodgement – written advice				
PL – 1	DSDMIP	a) Receive request for pre-lodgement written advice b) Forwards to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 2	Technical agency	Provide advice to DSDMIP	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 3	DSDMIP	a) Issue written pre-lodgement advice b) Provide a copy to technical agency	7 days starting from day of lodgement of pre-lodgement request	NA
Pre-lodgement – meeting				
PL – 4	DSDMIP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment c) Coordinate meeting with applicant and technical agency.	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 5	DSDMIP	Arrange a pre-lodgement meeting date with applicant and technical agency (if required)	5 days starting from day of lodgement of pre-lodgement request (taking into account time required for PL – 6)	NA
PL – 6	Technical agency	a) Provide advice to DSDMIP on key matters to be discussed at the meeting, or b) Attend SARA technical pre-meeting with DSDMIP	5 days in advance of the pre-lodgement meeting date	NA
PL – 7	DSDMIP	Issue meeting outcomes / actions / minutes to all attendees (including technical agency)	Day of pre-lodgement meeting	NA
PL – 8	DSDMIP	Issue follow up written advice to all attendees	7 days starting from day of the pre-lodgement meeting	NA

SARA as Assessment manager

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Receive and confirm				
AM – 1	DSDMIP	a) Receive development application (lodgement) b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
AM – 2a	DSDMIP	a) Issue action notice or confirmation notice to relevant entities, including technical agencies	3 days starting from day of lodgement	10 days
AM – 2b	DSDMIP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including technical agencies (if issues in action notice remedied) c) Otherwise further action notice issued to applicant and technical agencies	3 days starting from receipt of response to action notice	10 days
AM – 2c	DSDMIP	a) If, after 20 days issues in action notice are not remedied, application taken to be not properly made, and applicant and TA advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days
Information request and further advice				
AM – 3	Technical agency	Technical agency information request and/or initial further advice provided to DSDMIP	Information request, 7 days starting the day after the confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4a	DSDMIP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4b	DSDMIP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the confirmation notice is issued	NA
Assess and decide				
AM – 5	DSDMIP	a) Provide information request response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an IR response	NA

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
AM – 6	Technical agency	Technical agency assessment report provided to DSDMIP	If no information request issued, 25 days starting the day after the confirmation notice is issued If information request issued, 17 days starting the day after receiving the IR response	Assessment manager to decide applications within 35 days
AM – 7	DSDMIP	Remind the applicant about providing a response to further advice	30 days starting the day after the confirmation notice is issued	NA
AM – 8a	DSDMIP	a) Issue the decision notice b) Provide a copy to technical agency	35 days starting the day after the confirmation notice is issued	Assessment manager to decide applications within 35 days
AM – 8b	DSDMIP	Publish decision notice and notice about the decision on website	1 day after the provisions under s37.1 of the DA Rules are satisfied	If the application is approved, 5 days to publish notice after notice from the applicant of appeal or notice advising not making representations If refused, 5 days to publish notice after giving a copy to the applicant
Applicant makes a minor change to the application				
AM – 9a	DSDMIP	Forwards to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Assessment manager to decide applications within 35 days
AM – 9b	Technical agency	Technical agency to assessment of minor change provided to DSDMIP. <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DSDMIP)	Assessment manager to decide applications within 35 days
Applicant makes a change to the application in response to an information request, further advice or submission (other than a minor change)				
AM – 10a	DSDMIP	a) Receive a change to the application b) Determine type of change and effect on application process, identify any new referral requirements c) Forward to technical agency for assessment (where required)	1 day after receiving the change to the application	Assessment manager to decide applications within 35 days

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
AM – 10b	Technical agency	Provide assessment and recommended response to DSDMIP <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the change to the application (where a technical agency response has already been provided to DSDMIP)	Assessment manager to decide applications within 35 days
Post decision – making change representations about conditions of approval				
AM – 11a	DSDMIP	a) Receive change representations about conditions of approval b) Consider the impact of the change representations on the relevant matters of interests and confirm if technical agency involvement c) Forward to technical agency for assessment	1 day starting the day change representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11b	Technical agency	Technical agency assessment report provided to DSDMIP	12 days (where technical agency assessment is required) starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11c	DSDMIP	a) Make decision on change representations and issue negotiated decision notice (if required) b) Provide a copy to technical agency	20 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

SARA as Referral agency

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Receive and confirm				
RA – 1	DSDMIP	a) Receive development application (referral) b) Confirm validation c) Forward to technical agency for assessment	1 day starting from day of referral	NA
RA – 2a	DSDMIP	a) Issue action notice or confirmation notice to relevant entities including technical agencies and assessment manager	3 days starting from day of referral	5 days to determine if properly referred
RA – 2b	DSDMIP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including	3 days starting from receipt of response to action notice	5 days to determine if properly referred

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		technical agencies (if issues in action notice remedied) c) Otherwise further action notice issued to applicant and technical agencies		
RA – 2c	DSDMIP	a) If, after 20 days issues in action notice are not remedied, application taken to be not properly referred and applicant, technical agency and assessment manager advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days after the applicant was given the action notice
Information request and further advice				
RA – 3	Technical agency	Technical agency information request or initial further advice provided to DSDMIP	Information request, 7 days starting the day after the referral confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
RA – 4a	DSDMIP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the referral confirmation notice is issued	10 days to issue information request
RA – 4b	DSDMIP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the referral confirmation notice is issued	NA
Assess and decide				
RA – 5	DSDMIP	a) Provide information response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an information request response	NA
RA – 6	Technical agency	Technical agency assessment report provided to DSDMIP	If no information request issued, 18 days starting the day after the referral confirmation notice is issued If information request issued, 11 days starting the day after receiving the information request response	Referral agency to give referral agency response within 25 days
RA – 7	DSDMIP	Remind the applicant about providing a response to further advice	21 days starting the day after the referral confirmation notice is issued	NA

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
RA – 8a	DSDMIP	a) Issues the referral agency response b) Provide a copy to technical agency	25 days starting the day after the referral confirmation notice is issued	Referral agency to give referral agency response within 25 days
RA – 8b	DSDMIP	Publish referral agency response and notice about the decision on website	1 day starting the day after receiving a copy of the decision notice from the assessment manager	5 days starting the day after receiving a copy of the decision notice from the assessment manager
Applicant makes a minor change to the application				
RA – 9a	DSDMIP	Forward to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Referral agency to give referral agency response within 25 days
RA – 9b	Technical agency	Technical agency assessment of minor change provided to DSDMIP. <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DSDMIP)	Referral agency to give referral agency response within 25 days
Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response <u>not</u> issued) (other than a minor change)				
RA – 10a	DSDMIP	a) Receive advice from the assessment manager is received on the change and effect on development assessment process. b) Determine if any new referral requirements. c) Forwards to technical agency for assessment (where required)	1 day after the day of receiving the change to the application	Referral agency to give referral agency response within 25 days
RA – 10b	Technical agency	Where no new referral requirements, provides technical agency assessment on change to DSDMIP. <i>If new referral requirements, the referral period and operational timeframes applies again.</i> <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after the day of receiving the change to the application (where a technical agency response has already been provided to DSDMIP)	Referral agency to give referral agency response within 25 days

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response issued)				
RA – 11a	DSDMIP	a) Advice from the assessment manager is received on the change and effect on development assessment process. b) Determine if any new referral requirements. c) Forward to technical agency for assessment (where required)	1 day after the day of receiving the change to the application	NA
RA – 11b	Technical agency	Recommend if an amended technical agency response is required	2 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11c	DSDMIP	Determine and advise assessment manager if an amended referral agency response is required	5 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11d	Technical agency	Provide assessment and recommended response to DSDMIP	7 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
RA – 11e	DSDMIP	Issue an amended referral agency response	10 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
Applicant makes representations about referral agency response				
RA – 12a	DSDMIP	a) Receive representations. b) Consider the impact of the representations on the relevant matters of interests and confirm if technical agency involvement c) Forward to technical agency for assessment (where required)	1 day starting the day change representations about a decision are received	NA
RA – 12b	Technical agency	Provide assessment and recommended response to DSDMIP	10 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
RA – 12c	DSDMIP	Respond advising no changes or seek applicant's agreement to issue changed referral response. <i>If applicant agrees, changed referral agency response issued.</i> <i>If not and the applicant makes additional representations –</i>	15 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		<i>restart from day 1 of applicant makes representations about response.</i>		

Changes to approval (minor change) – SARA as Responsible entity

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
MC – 1	DSDMIP	a) Receive change application b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day after the day of receiving the change application	NA
MC – 2	Technical agency	Technical agency provides assessment and recommended response to DSDMIP	14 days from receiving change application	If no affected entity, 20 days after receiving the application If affected entity, 25 days
MC – 3	DSDMIP	Receive response from affected entities Issues response and provide a copy to relevant entities, including technical agencies	If no affected entity, 20 days after receiving the application If affected entity, 25 days	If no affected entity, 20 days after receiving the application If affected entity, 25 days

Changes to approval (other change)

As per either assessment manager with non-SARA referrals, assessment manager with no referrals or referral agency operational timeframes.

Extension applications and Pre-referral responses

Technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

Schedule 2—Criteria for technical agency involvement for certain SARA applications

The table below identifies scenarios where DNRME's advice is not required when reviewing applications for:

- pre-referral response
- representations about a referral agency response
- change representations about a development condition (negotiated decision notice)
- extension applications
- change applications (minor change) and
- changes to a development application prior to a decision (minor change and change that is not a minor change in response to information request, further advice or submission), including where a referral agency response has or has not been issued.

Column 1 State Interest	Column 2 Scenarios where technical agency advice is not required
All	<ul style="list-style-type: none"> a) Pre-referral response assessments b) Extension applications c) Requests to rectify administrative errors d) Change to a 'fast-track' application that still meets the 'fast-track' criteria.
Clearing vegetation	<p>Where a proposal does not:</p> <ul style="list-style-type: none"> a) alter the extent of vegetation clearing associated with the development. The proposal must not increase and/or change the development footprint where it intersects with a Category A area or Category B area shown on the Regulated Vegetation Management Map; and b) result in additional exempt operational work (for example, for firebreaks to protect built infrastructure); and c) affect a requirement for an environmental offset.

Schedule 3—Criteria for technical agency involvement for making or amending an ID

The table below identifies the matters of state interests that apply to DNRME when reviewing an ID during the acknowledgement and state interest review stages. These matters of state interest will be refined and reviewed within 12 months of operation. The ID technical review is to have regard to the first principles of the SPP, the purpose statement of SDAP outlined in this schedule and the relevant Regional plan for a Ministerial ID or a local government ID.

Column 1 Matter of State interest	Column 2 Criteria where DNRME involvement is required
Mining and extractive resources – Key Resource Areas	ID that involves development within: <ul style="list-style-type: none"> a transport route or transport route separation area of a Key Resource Area, a Key Resource Area resource/processing area or separation area of a Key Resource Area.
Emissions and Hazardous Activities – Abandoned Mines	ID that involves development on land identified by the proponent as being affected by past mining activity.
Emissions and Hazardous Activities – Explosives	ID that involves development that is either: <ul style="list-style-type: none"> for or involves an explosives facility, or is within or adjacent to an explosives reserve (government magazine)
Emissions and Hazardous Activities – High pressure gas pipelines	ID that involves development that is either: <ul style="list-style-type: none"> for or involves the licencing, construction, operation, or decommissioning of a high pressure gas pipeline, or on land within a pipeline licence, petroleum facility licence, petroleum lease or easement for the purposes of a pipeline licence, or on land within the measurement length of a high pressure gas pipeline. <p><i>Note: Pipeline operators are affected parties for consultation</i></p>
Agriculture – Stock Routes	ID that involves land on or adjacent to the stock route network.
Category 3 levees	ID that involves the construction or modification of a levee that fulfils the requirements for a category 3 levee.
Removal of Quarry Material	ID that involves the removal of quarry material from a watercourse or lake (under the <i>Water Act 2000</i>).
Regulated vegetation and MSES	ID that involves the total extent of the development footprint will result in <u>clearing</u> of native <u>vegetation</u> in any of the following: <ul style="list-style-type: none"> clearing in any Category A area; in a Category B area, clearing any of the following: <ul style="list-style-type: none"> in a priority reef catchment*, more than 2ha; more than 2ha of an <u>endangered regional ecosystem</u>; more than 5ha of an <u>of concern regional ecosystem</u>; more than 10ha; more than 0.5ha of <u>essential habitat</u>; more than 0.5ha within a <u>wetland</u> or within 100m of the <u>defining bank</u> of a <u>wetland</u>;

	<ul style="list-style-type: none"> more than 0.5ha within a <u>watercourse</u> or <u>drainage feature</u>, or within 10m of the <u>defining bank</u> of a stream order 2 (or greater) <u>watercourse</u> or <u>drainage feature</u>. <p>Note: Where an activity is exempt clearing works as per the Planning Regulation 2017, Schedule 21, Part 1 and 2, no referral to DNRME is required.</p> <p>* Priority reef catchments include the Burdekin, Mackay Whitsunday and Wet Tropics catchments.</p> <p>Words underlined have the same meaning given in the Glossary of Terms found in section 16.6 of the State Code 16 – Native vegetation clearing of the SDAP.</p>
Taking or interfering with water	<p>ID that involves the taking or interfering with:</p> <ul style="list-style-type: none"> water in a watercourse, lake or spring underground water through an artesian bore or subartesian bore. <p>ID that involves taking overland flow water.</p>
Development and Construction – state owned land Land Act 1994	<p>ID that involves state owned land that is:</p> <ul style="list-style-type: none"> non-freehold land, or deeds of grant in trust land under the <i>Land Act 1994</i>, or freehold land owned by the DNRME <p><i>Note: Includes land below tidal boundary.</i></p>
Mining and extractive resources – mineral, coal, petroleum and gas resources	<p>ID that involves land within either:</p> <ul style="list-style-type: none"> a mining tenement (exploration permit, mineral development licence, mining claim, mining lease) a greenhouse gas storage authority a geothermal authority. <p><i>Note: Tenement holders are affected parties for consultation.</i></p>
Dams	ID involving the construction of a referable dam.

Schedule 4—Operational timeframes

The following tables detail the maximum operational timeframes for both DNRME and DSDMIP in the assessment of a Ministerial ID or a local government ID. The timing is reflective of the statutory timeframes within the Act and MGR. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.
– Minister means Planning Minister.

Pre-lodgement requests

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Pre-lodgement – written advice				
PL – 1	DSDMIP	a) Receive request for pre-lodgement written advice b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 2	Technical agency	Provide advice to DSDMIP	7 days starting from day of lodgement of pre-lodgement request	NA
PL – 3	DSDMIP	a) Give written pre-lodgement advice to proponent b) Forward a copy to technical agency	10 days starting from day of lodgement of pre-lodgement request	NA
Pre-lodgement – meeting				
PL – 4	DSDMIP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 5	DSDMIP	a) Co-ordinate and organise meeting with applicant and technical agency b) Prepare and circulate agenda	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 6	DSDMIP	a) Undertake pre-lodgement meeting b) Chair meeting and record formal minutes (including outcomes/actions).	10 days starting from day of lodgement of pre-lodgement request	NA
PL – 7	DSDMIP	Give draft meeting minutes to technical agency.	2 days starting from day of when the pre-lodgement meeting was held	NA
PL – 8	Technical agency	a) Confirm meeting outcomes with DSDMIP b) Provide further advice to DSDMIP, about certain aspect (if required)	3 days starting from day of DSDMIP circulating draft meeting outcomes / actions / minutes	NA
PL – 9	DSDMIP	a) Provide meeting minutes (including outcomes/actions) to proponent b) Forward a copy to technical agency	7 days starting from day of when the pre-lodgement meeting was held	NA

Making or amending a Ministerial infrastructure designation

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Minister's acknowledgement				
ID – 1	DSDMIP	a) Receive ID request (lodgement) b) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
ID – 2	Technical agency	Technical agency provides recommendations to DSDMIP about further information requirements	10 days starting the day after DSDMIP forwards ID request	20 days to give acknowledgement of the request
ID – 3	DSDMIP	a) Give a notice to the proponent stating: <ul style="list-style-type: none"> the relevant matters listed in section 3.1(a) – (d) of the MGR; or any further information that the Minister needs to consider the proposal, and the date by which this information must be given; or that the Minister does not intend to further consider the infrastructure proposal. b) Forward acknowledgement of the request and notify technical agency of its state interest involvement (where required)	20 days starting the day after the ID request is received	20 days to give acknowledgement of the request
State interest review				
ID – 4	DSDMIP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving draft Environmental Assessment Report	NA
ID – 5	Technical agency	Technical agency assessment report provided to DSDMIP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
ID – 6	Technical agency and DSDMIP	DSDMIP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
ID – 7	DSDMIP	a) Give notice of state interest review outcome, incorporating draft requirements	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		b) Provide a copy to technical agency		

Making or amending a local government infrastructure designations

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
State interest review				
ID – 8	DSDMIP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving a draft Environmental Assessment Report	NA
ID – 9	Technical agency	Technical agency assessment report provided to DSDMIP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
ID – 10	Technical agency and DSDMIP	DSDMIP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
ID – 11	DSDMIP	a) Give notice of state interest review outcome b) Provide a copy to technical agency	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome

From: [Danica Clark](#)
To: Richard.Dickfos@rdmw.qld.gov.au
Subject: 2410-42724 SRA - Lloyd Pastoral - Ring Tank
Date: Thursday, 20 March 2025 4:35:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Richard

Thank you for your time earlier.

As discussed, the Department of Local Government, Volunteers and Water's recommendation of a refusal has not been supported.

SARA will be progressing with a recommendation of requiring conditions to attach to any approval given, and is currently drafting conditions to ensure the proposed development complies with State code 10 of the SDAP.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

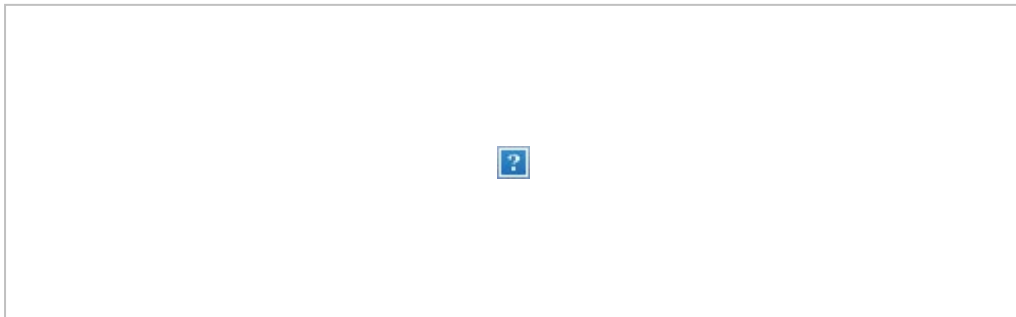
Microsoft Teams – meet now

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From: [Danica Clark](#)
To: [MCLACHLAN Lucie](#)
Cc: carly.nielsen@rdmw.qld.gov.au; [Richard Dickfos](#)
Subject: 2410-42724 SRA - Llyod Pastoral - Ring Tank
Date: Thursday, 20 March 2025 9:40:00 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Lucie and team

As an update on this application, the recommendation of a refusal response was presented to the SARA Delegate yesterday for consideration. The outcome of this discussion was a direction to provide conditions and mark the plan in red to achieve compliance with State code 10.

I'd like to have a chat with Water about this approach before I proceed. If someone can give me a call this morning, if possible, that would be greatly appreciated.

SARA's referral agency response is due tomorrow, 21 March, so it would be preferred to have an agreed position today.

Thank you.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

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From: [Steve CONNER](#)
To: [Kieran Hanna](#)
Cc: [Dominique Gallagher](#); [Danica Clark](#); [Melinda Ruis](#)
Subject: RE: Recommendation for SARA refusal - 2410-42724 SRA
Date: Friday, 21 March 2025 2:22:24 PM
Attachments: [image001.png](#)
[image002.png](#)

Thanks Kieran

I have reviewed the assessment report and approve the referral agency response requesting refusal of the application and authorise the use of my electronic signature.

Good work on this one Danica.

Kind regards

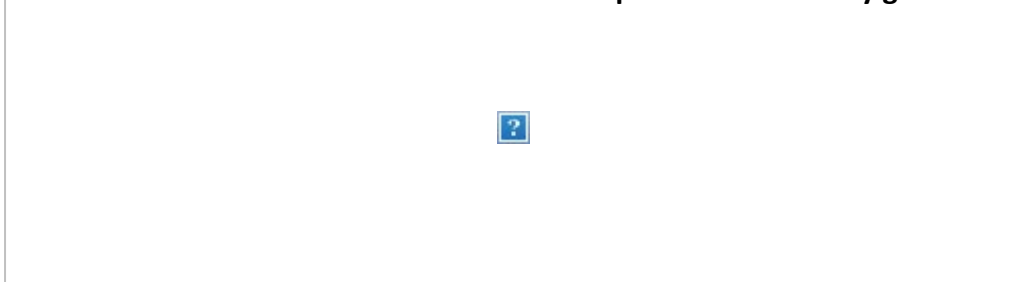


Steve Conner
Executive Director
Planning Services
Department of State Development, Infrastructure and Planning

[Microsoft Teams – meet now](#)

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A screenshot of a social media account Description automatically generated



From: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>
Sent: Friday, 21 March 2025 1:48 PM
To: Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>; Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: Recommendation for SARA refusal - 2410-42724 SRA

Hi Steve,

As discussed with you at the ED briefing on 19 March 2025 and further today, you are the delegate for this SARA decision under the Operational Policy as the SARA officer recommendation is a

refusal.

The referral agency response is attached and is due today **21 March 2024**.

Details below:

Application number	2410-42724 SRA
Applicant	Lloyd Pastoral Company Pty Ltd, C/- EnviroAg Australia Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Operational Works
Description of proposal	Development application for an Other Change to an existing Development Approval for Operational Work (Ring Tank).
SARA role	Referral agency
Triggers	<ul style="list-style-type: none">● Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water● Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
Response due date	21 March 2025
Level of assessment	Code
SARA recommendation	Direct the assessment manager to refuse the application
Delegate	ED – refusal

Please confirm you approve SARA's recommendation and authorise the use of your electronic signature to issue the SARA decision through MyDAS2 via return email (including attachments).

Regards



Kieran Hanna

Manager

SEQ West, Planning Services

Department of State Development, Infrastructure and Planning

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Level 4, 117 Brisbane Street, Ipswich QLD 4305

PO Box 2390, North Ipswich QLD 4305

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From: [Dominique Gallagher](#)
To: [Kieran Hanna](#); [Danica Clark](#)
Subject: FW: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank
Date: Friday, 21 March 2025 8:10:20 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[DNRME SARA Service Level Agreement 2018.pdf](#)

Morning Kieran,
In the absence of Mel can we please have a chat about this first thing this morning.

I note Sallie is on leave so who would be best in DART to help out?

Thanks
Dom

From: Richard Dickfos <Richard.Dickfos@rdmw.qld.gov.au>
Sent: Thursday, 20 March 2025 5:53 PM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>; Ainslee Hempseed <Ainslee.Hempseed@rdmw.qld.gov.au>; Shannon Dempster <Shannon.Dempster@rdmw.qld.gov.au>; Susan Harch <Susan.Harch@rdmw.qld.gov.au>; Hamish Butler <Hamish.Butler@rdmw.qld.gov.au>
Subject: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

OFFICIAL

Hi Danica

Our department is concerned about SARA's inconsistency regarding DA approvals for feedlot operational works.

We believe approving this application subject to conditions is not a satisfactory outcome and are invoking clause 2.4.12 of the DNRME SARA Service Level Agreement 2018 (attached) and want to escalate this. Due to time constraints, we require the delegate to have a meeting with our A/ED Susan Harch ASAP to discuss this proposed DA decision.

The Statutory timeframe to decide this DA is tomorrow, 21st March 2025. It will be an unacceptable outcome if this DA is approved without conditions because these timeframes are not met.

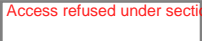
Regards

Richard Dickfos
Principal Water Officer
Water Resource Management | South Region | Toowoomba



Department of Local Government, Water and Volunteers

P: (07) 3478 8174

M:  Access refused under section 50(4) of the RTI Act

E: Richard.Dickfos@rdmw.qld.gov.au

A: 203 Tor Street Toowoomba QLD 4350

W: www.rdmw.qld.gov.au

 [Chat with me on Teams!](#)

From: Danica Clark <danica.clark@dsdilgp.qld.gov.au>

Sent: Thursday, 20 March 2025 4:36 PM

To: Richard Dickfos

Subject: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Hi Richard

Thank you for your time earlier.

As discussed, the Department of Local Government, Volunteers and Water's recommendation of a refusal has not been supported.

SARA will be progressing with a recommendation of requiring conditions to attach to any approval given, and is currently drafting conditions to ensure the proposed development complies with State code 10 of the SDAP.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

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

And

**Department of Natural Resources, Mines and
Energy**

Service Level Agreement

*An inter-agency agreement for the provision of technical advice and support for
the State Assessment and Referral Agency (SARA) and Infrastructure
Designations*

April 2018

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1 PART A – Operation of agreement

1.1 Effect of Agreement

This service level agreement (this agreement) has effect from the date of signing until a new agreement supersedes it.

1.2 Purpose

The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and Department of Natural Resources, Mines and Energy (DNRME) are committed to working together in the operation of the State Assessment and Referral Agency (SARA) and Infrastructure Designation (ID) assessments to contribute towards delivering the best development assessment system in Australia.

This agreement is written to continue the success of the SARA operations and to ensure the ongoing provision of high standards of inter-agency cooperation.

1.3 Dissolution of agreement

The parties acknowledge that there may be a requirement to dissolve the agreement. The parties may agree to dissolve the agreement through written consent of the authorised signatories of the agreement.

1.4 Confidentiality

Without limiting DNRME responsibilities under the *Right to Information Act 2009* the parties agree to maintain confidence and confidentiality related to the agreement and to maintain the privacy of our respective clients in regard to the delivery of programs. For clarity, this means:

- technical reports and all other written correspondence clearly identified as confidential in nature by DNRME is only to be provided to the DSDMIP and not third parties; and
- DNRME are not to speak with third parties (e.g. local governments, applicants or any member of the public) on matters of a confidential nature.

It is noted that all public servants are bound by the 'Code of Conduct'.

1.5 Dispute resolution

In the event that a dispute develops regarding the agreement, the parties will try to resolve the dispute through direct negotiation and agree to use all reasonable endeavours acting in good faith to resolve the dispute through discussions.

1.6 Variances

Variances to future agreements can be discussed and negotiated by the Executive Director, Operations Support, DNRME, and the Executive Director, Development Assessment Division, DSDMIP, and subject to the approval of the Directors-General of DNRME and DSDMIP.

2 PART B – SARA

2.1 Embodying SARA culture

DNRME and DSDMIP are committed to working collaboratively to support a SARA culture which:

- a) is driven by a focus on outcomes and solutions, not just process
- b) assists applicants to prepare quality, 'decision ready' development applications
- c) strikes the right balance between protecting matters of state interest and facilitating projects
- d) sponsors a culture of 'no surprises' for applicants by:
 - i) providing early signals of assessment concerns
 - ii) facilitating communication during assessments to enhance and improve proposals, and
 - iii) ensuring final decisions do not present major surprises
- e) is reasonable with our imposts on projects, and
- f) looks for ways to collaborate and continually improve.

2.2 Roles and responsibilities

DNRME and DSDMIP will work collaboratively to continue the success of SARA through the following defined roles and responsibilities:

DSDMIP will:

- a) undertake the decision maker role of SARA, in accordance with the chief executive's role under the Planning Regulation 2017
- b) have considered regard to technical assessments and recommendations provided by DNRME
- c) undertake decision making against the assessment benchmarks in the State Development Assessment Provisions (SDAP) and coordinate, assess and decide applications received as assessment manager, referral agency or responsible entity
- d) meet operational timeframes outlined in Schedule 1
- e) facilitate and contribute constructively to inter-agency discussions and negotiations to address complex development applications
- f) consider the impact of certain applications on the relevant matters of state interest, and confirm technical agency involvement
- g) lead continuous business improvement of SARA, including trigger refinement, the SDAP and systems management
- h) complete regular monitoring and reporting in relation to key performance indicators and operational timeframes, and
- i) when proposing changes to SARA operations DSDMIP will consult with DNRME.

DNRME will:

- a) collaborate with DSDMIP to resolve day-to-day issues associated with development assessment and on-going policy development
- b) undertake the technical agency role of SARA, to support the chief executive's role in accordance with the Planning Regulation 2017 and assess development applications against the assessment benchmarks in the SDAP
- c) participate in, and contribute constructively to, inter-agency discussions and negotiations to address complex development applications and significant disagreements
- d) meet operational timeframes outlined in Schedule 1
- e) administer and enforce conditions related to the matters within its area of jurisdiction where delegated by the chief executive administering the *Planning Act 2016* (the Act)
- f) investigate offences and enforce development approval conditions related to its area of jurisdiction where delegated by the chief executive administering the Act, and
- g) actively engage with DSDMIP in the continuous improvement of SARA operations, referral triggers and SDAP.

2.3 Governance

2.3.1 Leadership

DSDMIP leadership arrangements

SARA's development assessment functions will be undertaken regionally, and a case officer will be assigned to each application.

Executive Director, Development Assessment Division, DSDMIP, is responsible for program leadership.

DNRME leadership arrangements

DNRME will provide details of contact officers for its areas of interest and provide updates, as required.

Key senior departmental contacts (by role) are:

- Executive Director Operations Support (DNRME) will be responsible for program leadership.

2.3.2 Management arrangements

As part of DSDMIP's ongoing commitment to improving the operational efficiency and effectiveness of SARA, ongoing operational matters (including day-to-day and policy requirements) will be discussed/managed via DSDMIP's SARA Central working teams. This will involve regular contact (e.g. via meetings) between DSDMIP's SARA Central working teams and DNRME.

2.3.3 SARA Reporting

DSDMIP will provide technical agencies (including DNRME) with quarterly SARA reporting on operational information.

Quarterly reporting against the SARA key performance indicators and operational timeframes will be undertaken by DSDMIP on a regional and state-wide basis.

2.3.4 Development application fees refunds

Two types of refunds are undertaken by DSDMIP:

- 1) Standard Refunds – Administrative refunds to facilitate a refund associated with withdrawn applications or incorrect triggers, and
- 2) Non-standard Refunds – Refunds requested by the applicant and assessed against DSDMIP non-standard refund scenarios.

DSDMIP will consult with DNRME regarding the inclusion of any new non-standard refund scenarios.

2.3.5 Key Performance indicators (KPIs)

A key element of SARA's culture of improvement has been a yearly cycle of publishing, then subsequent reporting against a suite of KPIs across the various facets of SARA's functions. This cycle enables DSDMIP to regularly monitor SARA's performance relative to the adopted targets.

At the end of the financial year reporting cycle, actual performance against the set KPI targets will be measured and documented by DSDMIP. Highlighting areas where targets are not achieved provides SARA with an opportunity to focus on areas of practice that require improvement.

DNRME and DSDMIP will use their best endeavours to meet the KPI targets published on DSDMIP's website at <https://planning.dsdmip.qld.gov.au/>.

2.4 SARA operational issues and decision making

The following are the key operational responsibilities for DNRME and DSDMIP.

2.4.1 Annual priorities and resourcing

DSDMIP is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and statutory timeframes in the Act and Development Assessment Rules (DA Rules). Additionally, DSDMIP will strive to meet the adopted KPIs and agreed process improvements.

DNRME is responsible for ensuring adequate resources are provided to meet its operational timeframes in Schedule 1 and agreed process improvements. Additionally, DNRME will strive to meet the adopted KPIs.

2.4.2 Records and right to information

DSDMIP is responsible for maintaining records in relation to development applications managed by SARA.

Without limiting the requirements and responsibilities of the Right to Information (RTI) process, DNRME will provide DSDMIP with all relevant records relating to DNRME technical advice with respect to SARA processes in the event of an RTI request.

2.4.3 Inter-departmental communication and operational timeframes

Operational timeframes

DSDMIP is responsible for administering the development assessment functions as a referral agency and assessment manager under the Act, Planning Regulation 2017 and DA Rules. The development assessment provisions in the Act and DA Rules require statutory timeframes to be met by SARA. In order to achieve this, DNRME and DSDMIP agree to meet the operational timeframes in Schedule 1.

The key principles that DNRME and DSDMIP will embody to achieve the operational timeframes are:

- a) most assessments will need to be completed faster and more efficiently (than under the *Sustainable Planning Act 2009* (SPA))
- b) time is a precious commodity that applicants control
- c) preliminary phase of assessment is critical (i.e. the first 12 business days)
- d) to spend limited time on straightforward applications and implement practices to get these actioned well before operational timeframes
- e) to send early and clear signals to applicants, to enable the applicant to 'help us to help them' resolve issues and foster a culture of 'no surprises'
- f) that many decisions will need to be made with less than perfect information
- g) to strongly promote pre-lodgement meetings.

Communications

DNRME will receive formal communications (including information requests, further advice requests, referral agency responses, decision notices, responsible entity responses, pre-referral responses, extension application responses and change application decisions made under the Act and DA Rules, and pre-lodgement minutes/advice) from DSDMIP electronically.

Application material will be downloaded by DNRME from the DSDMIP nominated IT system. In unexpected circumstances resulting in failure of the DSDMIP nominated IT system, DSDMIP will consider case-by-case the most appropriate method of providing DNRME with application material as quickly as possible.

Requests, recommendations and copies of records from DNRME will be provided to DSDMIP electronically. In unexpected circumstances resulting in failure of the DSDMIP nominated IT system, DNRME will consider case-by-case the most appropriate method of providing DSDMIP with responses as quickly as possible.

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DSDMIP nominated IT system and DNRME internal systems. DSDMIP is responsible for recording and storing meeting minutes taken over the course of the application.

Templates

DNRME will provide technical agency assessment and recommendations in the templates provided by DSDMIP. The templates are provided to DNRME to assist in engagement with DSDMIP.

2.4.4 Communication with an applicant

DSDMIP will foster the culture of 'no surprises' for applicants by maintaining open and ongoing communication during assessment to provide early signals of assessment concerns and to enhance and improve proposals.

DSDMIP will issue reminder notices to applicants advising of upcoming statutory timeframes, including a reminder to provide a response to further advice in a timely manner to allow SARA time to assess the information prior to making a decision.

DSDMIP will encourage applicants to use the stopping a current period provisions to allow more time for applicants to respond to further advice and SARA to assess new information.

Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.

2.4.5 Sustainable Planning Act 2009 applications and functions

DNRME and DSDMIP will continue to process SPA development applications and undertake associated functions in accordance with the Service Level Agreements signed 16 June 2016 (for former Department of Natural Resources and Mines) and 6 April 2016 (for former Department of Energy and Water Supply), inclusive of operational timeframes.

2.4.6 Pre-lodgement discussions and advice

SARA is committed to the use of pre-lodgement processes to assist proponents prepare 'decision ready' applications that can be efficiently assessed after lodgement. Pre-lodgement discussions/advice will be flexible and proponent driven. Requests for pre-lodgement advice can take any form including, teleconferences, written or email based requests or face-to-face meetings.

In response to any pre-lodgement requests, SARA will accommodate and respond to the level of detail provided by the proponent. There is no such thing as 'insufficient information' provided by potential applicants for SARA pre-lodgement requests. SARA will respond in a 'fit-for-purpose' manner to the level of information provided. SARA may provide advice on other consents, permits or approvals required, where this matter is identified in the information provided by the proponent.

SARA acknowledges that when applicants are provided with written pre-lodgement advice they have a reasonable expectation that the subsequent assessment (on the assumption that the lodged proposal is the same as what advice was sought on) will be consistent with the advice.

In managing requests for pre-lodgement discussions or advice, DNRME and DSDMIP will ensure that:

- pre-lodgement meetings are co-ordinated and chaired by a DSDMIP planning officer
- relevant (as empowered as practically possible) DNRME representatives participate (either in person or via phone or video conference), unless DNRME has advised DSDMIP of non-participation or provided advice to be represented by DSDMIP

- key matters/issues are communicated between DNRME and DSDMIP prior to pre-lodgement meetings, either by written advice or by a pre-meeting
- DSDMIP will ensure adequate time is allowed prior to a pre-lodgement meeting to ensure technical agency input is able to be provided, especially for complex assessment matters
- if no input is provided by DNRME in pre-lodgement advice, the proponent will understandably form an expectation that none of those state interests will impact on their proposal
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant state interest matters and where possible offer suggestions for the proposal to avoid adversely impacting on state interests and being formulated into a 'decision ready' application
- meeting minutes are to be taken in real time and agreed to by the attending parties prior to concluding the meeting. Meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by SARA. Minutes are not to be a verbatim record of the discussion
- where agreed between the parties that the pre-lodgement advice would benefit from SARA giving further consideration to certain aspects after the meeting – this will be finalised and issued as an addendum to the minutes within 7 business days, and
- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All SARA written pre-lodgement advice and minutes will state 'valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice'.

Assessment of applications are to have due regard to issued pre-lodgement advice. In fulfilling the culture of 'no surprises', during assessment SARA must be mindful of contradicting pre-lodgement advice.

2.4.7 Response before application (pre-referral response)

Pre-referral responses will be provided for low risk applications only, where:

1. assessment by technical agency is not required
2. an information request is not required, and
3. either no requirements or model conditions can be applied.

Pre-referral requests will not be sent to DNRME for technical agency assessment and are decided by DSDMIP.

Where a pre-referral request is not consistent with points 1 – 3 above, standard SARA assessment will apply to the proposal and the applicant will be advised accordingly by DSDMIP.

It is noted that referable dams are not considered low risk applications.

2.4.8 Information requests and further advice

Information requests

Information requests are only to be issued by DSDMIP in accordance with the DA Rules where information essential for the assessment is missing from an application.

DSDMIP will give due consideration to requests for information made by DNRME. When DSDMIP issues an information request, a copy will be provided to DNRME.

Operational timeframes for information requests are detailed in Schedule 1.

Further advice

To support a culture of 'no surprises' for applicants, further advice will be issued where SARA seeks to provide advice about how the applicant may change the application in order to obtain a favourable assessment. Further advice may be issued at any time before an application is decided or a referral agency response is issued. However, the initial further advice operational timeframe is detailed in Schedule 1. DNRME may request that DSDMIP issue further advice more than once for an application where necessary.

DSDMIP will give due consideration to request for further advice by DNRME. When DSDMIP issues further advice, a copy will be provided to DNRME.

If a response to a further advice notice has not been provided 2 business days before the statutory due date for the SARA referral agency response/decision, DSDMIP will advise the applicant that it will form a view on the application with the current information.

2.4.9 Missed referrals

Where a missed referral is identified for an application that was not previously referred, SARA will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

Where a missed referral is identified for an application that has been previously referred to SARA, SARA will refund the missed referral assessment fee in full (after it has been paid) and will assess it in accordance with the Act, DA Rules and the operational timeframes detailed in Schedule 1.

2.4.10 DNRME involvement in certain applications

For certain applications or functions, DNRME technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

2.4.11 SARA decision making

DNRME and DSDMIP acknowledge that the SDAP is the primary instrument for assessment of all development applications where SARA is either a referral agency or assessment manager.

In making a decision about an application, as assessment manager or referral agency, DSDMIP will:

- given consideration to recommendations made in DNRME's technical agency assessment response
- formulate a decision having due regard to the technical agency assessment response and where conditions are required, model conditions will be applied and non-model conditions drafted by DSDMIP.

Where a disagreement with DNRME's technical agency recommendations cannot be resolved at officer level, the escalation and dispute resolution procedures will be followed.

Conditions

For clarity it is noted that conditions are defined as either 'Model' or 'Non-model'. 'Non-model' conditions are conditions that have not been endorsed as SARA model conditions. 'Model' conditions are part of a suite of general conditions that have been endorsed by DNRME and DSDMIP.

DSDMIP in consultation with DNRME will update the SARA Model Conditions on an as needs basis to:

- update, if necessary, the drafting of existing conditions
- include new conditions
- modify or delete conditions to reflect changes to SDAP or legislation.

DSDMIP will provide DNRME with updated versions of the SARA Model Conditions for distribution to regional staff. It will be DNRME's responsibility to ensure the SARA Model Conditions are distributed to necessary officers.

Where conditions are required for a decision notice or referral agency response via the technical agency response, DNRME will recommend to DSDMIP:

- which model conditions should be applied using the current version of the SARA Model Conditions,

- where non-model conditions are considered necessary, provide details on the issues that are to be addressed by the non-model condition(s)¹.

In determining non-model conditions, DSDMIP will draft non-model conditions based on the issues identified and the technical agency assessment provided in the DNRME technical agency response.

In instances where DNRME recommends refusal and DSDMIP considers a conditional approval is warranted, the application is to be escalated in accordance with section 2.4.12.

2.4.12 Escalation and dispute resolution

In the instances where there is a significant disagreement between DNRME and DSDMIP about a technical agency recommendation, the application will be escalated for resolution.

The process for escalation of an application is as follows:

- Where a disagreement arises, the DSDMIP case officer will refer the application to the Regional Director for review and coordination of negotiations. If agreement is reached, the application can be decided.
- When agreement cannot be reached between the parties following initial negotiations, DSDMIP will prepare the draft referral agency response or decision notice and issue to the technical agency for review and further comment. If SARA Central and DNRME agree with the recommendation, the application can then be decided.
- If following review of the draft referral agency response or decision notice DNRME does not agree, DNRME has the opportunity to escalate the matter to their senior management or other nominated position (as per the internal escalation procedures of the technical agency) to finalise the negotiations with DSDMIP. The application will then be decided.

Only in exceptional circumstances will DSDMIP escalate an application to the Executive Director, Development Assessment Division or the Deputy Director-General.

DNRME will have the opportunity to escalate development applications directly to DSDMIP Regional Directors at any stage of the assessment process. The escalation and dispute resolution process can be used for all development applications; however, it should typically be used for complex issues where negotiations have broken down. Best endeavours should be made by both parties to resolve issues without escalation.

For all escalated development applications, the DSDMIP case officer will provide a copy of the final decision notice and reasons for the decision to DNRME within 1 business day of the decision being issued to the applicant.

2.4.13 Nomination of DNRME to ensure compliance with, and enforcement of, conditions

The chief executive administering the Act (being the Director-General of DSDMIP), has provided delegation to DNRME to administer and enforce conditions imposed on development approvals in accordance with Schedule 2 of the Act, within its areas of jurisdiction.

Administration of conditions includes, but is not limited to the:

- acceptance and management of monetary contributions
- confirmation that conditions imposed on development approvals have been complied with, as requested and to DNRME's discretion, and
- responding only to relevant complaints about non-compliance.

Where DSDMIP requests DNRME confirmation of whether conditions have been complied with, where possible, DNRME will endeavour to give advice within 20 business days.

¹ DNRME can provide a recommended condition, however there is no obligation for DSDMIP to accept the wording for the non-model condition.

Costs associated with the administration of conditions, excluding the initial case management of requests, will be the responsibility of DNRME.

2.4.14 Investigating development offences and enforcing development conditions

As a nominated 'enforcement authority' under Schedule 2 of the Act, DNRME will be responsible for investigating and responding, in a timely manner, to complaints alleging development offences under Chapter 5, Part 2 of the Act within its areas of jurisdiction. DSDMIP will, where relevant, provide information regarding any development approval associated with any alleged development offence to DNRME in a timely manner.

In the event that development offences are identified, legal proceedings associated with enforcement will be initiated and managed by DNRME. Costs associated with the legal proceedings will be the responsibility of DNRME. To be clear, enforcement matters are at DNRME's discretion.

DNRME will be responsible for notifying DSDMIP of any enforcement actions undertaken that are associated with offences involving a development approval or a referral agency response. DNRME will provide SARA Central with notice of the enforcement action as soon as is practicable.

2.4.15 Appeals and legal proceedings

DSDMIP will be responsible for managing appeals and legal proceedings relating to decisions made under SARA (apart from those nominated in section 2.4.13 relating to development offences). DNRME will provide technical support, technical information and any records relating to the specifics of the relevant development application to DSDMIP for the purpose of disclosure in a timely manner when requested by DSDMIP.

DSDMIP will seek DNRME's opinions in relation to joining an appeal to inform DSDMIP's decision. Also where considered relevant, DSDMIP will liaise with DNRME regarding appeals and consider any recommendations in relation to the management of specific appeals and will inform DNRME of the outcome of appeals and any learning that may benefit DNRME.

If requested by DNRME prior to engagement of expert witnesses, DSDMIP will consult with DNRME to ascertain any recommendation of an expert witness related to the area of expertise of DNRME. However, the final decision related to procurement of legal service providers, expert witnesses or barristers rests solely with DSDMIP.

DSDMIP will attend strategy meetings, without prejudice meetings and mediations. However, if requested by DSDMIP, DNRME's staff may attend and be actively involved in without prejudice meetings and mediations.

Where DNRME has unresolved appeals at the time SARA commenced, it will retain responsibility for the on-going management of those appeals and legal proceedings.

2.4.16 DSDMIP nominated IT system — MyDAS (including MyDAS2)

DSDMIP will provide the information technology systems to support SARA, currently known as MyDAS and MyDAS2. MyDAS will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.

DSDMIP will provide systems administration and user support services for user administration and access.

MyDAS is to be used by DNRME to access and download application material. Communication protocols related to the operation of IT system will be followed by both DNRME and DSDMIP.

DNRME will provide user access requirements to DSDMIP. DNRME will advise DSDMIP of all staff movements relevant to SARA functions to ensure all licences are in current use and not shared between individuals. DSDMIP will ensure appropriate access is available and requirements for access are provided promptly.

Licensing and accessing costs for DNRME to use MyDAS2 will be borne by DSDMIP. All additional DNRME licensing requirements and non-MyDAS applications (e.g. network and infrastructure) will be the financial responsibility of DNRME.

2.4.17 SARA operational amendments

Within confidentiality requirements, DNRME is to inform DSDMIP's SARA Central, of any proposed amendments to:

- legislation and subordinate legislation that will impact on SARA
- guidelines referred to in SDAP
- changes to website links and
- any other material which operationally requires alignment with SARA.

DSDMIP is to inform DNRME in a timely manner of any impending amendments to:

- legislation and subordinate legislation that will impact on the requirements for DNRME to provide technical advice to SARA and investigate and enforce development offences
- SDAP guidance material and
- any other material that will affect the delivery of technical advice to DSDMIP.

2.4.18 State Development Assessment Provisions (SDAP)

SDAP contains the assessment benchmarks for the assessment of development applications by DNRME and DSDMIP and provides applicants with:

- increased transparency and clarity on how development can comply with the matters of interest to the state
- clarity regarding when the state is to be involved in the assessment of a development application
- qualifying criteria to enable self-identification of eligibility for FastTrack5 assessment pathway.

SDAP is the primary instrument for the assessment of matters of state interest relevant to development applications. Where there is a conflict between the SDAP and any reference documents listed in SDAP, the SDAP prevails.

DNRME will contribute to the continuous improvement of SDAP by:

- assisting DSDMIP with any review or amendments to SDAP
- recommending improvements to the state codes of SDAP that are relevant to DNRME's area of interest.

DNRME will prepare and publish guidance material for SDAP state codes in consultation with DSDMIP.

2.4.19 Native title

DSDMIP will ensure that native title is assessed prior to making a decision about an application that SARA is the assessment manager or responsible entity.

DNRME Aboriginal and Torres Strait Islander Land Services team may assist DSDMIP with interpretation and access to information in certain circumstances on native title assessments.

2.4.20 Environmental offset agreements

As part of the development assessment process DNRME will provide technical advice to DSDMIP on whether a development proposal will, or is likely to, result in a Significant Residual Impact (SRI), thereby triggering the need for an environmental offset for a prescribed activity under the *Environmental Offset Act 2014*.

DSDMIP will condition an offset requirement relating to DNRME's area of jurisdiction in a manner consistent with DNRME's technical agency response and relevant model conditions.

3 PART C – Infrastructure designations

3.1 General

DNRME and DSDMIP acknowledge that the ID process will be conducted in accordance with Chapter 2, Part 5 of the Act, Chapter 7 and Chapter 8 of the Minister's Guidelines and Rules (MGR). The parties also acknowledge that the Minister is the responsible decision maker for Ministerial ID decisions and for undertaking state interest review of a local government ID under these provisions.

Both parties acknowledge that on behalf of the Minister the ID process will be conducted along the following lines:

- a) being cognisant that Ministerial ID is set up to provide an approval pathway for infrastructure that is essential to support the development of a prosperous and sustainable Queensland
- b) ensuring that consultation undertaken during the ID process is 'fit-for-purpose' and provides relevant stakeholders with adequate information
- c) that state agency input into the ID process should be 'fit-for-purpose'
- d) ensuring that both parties act in a timely manner throughout the ID process in order to provide timely recommendations to the Minister.

Note – Minister means Planning Minister.

3.2 Roles and responsibilities

DNRME and DSDMIP will work collaboratively to successfully manage the ID process through the following defined roles and responsibilities:

DSDMIP will:

- a) coordinate, assess and provide recommendations to inform the decision of an ID proposal made by the Minister
- b) meet operational timeframes outlined in Schedule 4
- c) endeavour to ensure that the Minister meets the relevant statutory timeframes for an ID proposal
- d) having regard to the criteria in Schedule 3, use discretion to determine whether or not a particular ID proposal affects DNRME's state interests to the extent that DNRME needs to be involved in the ID process
- e) endeavour to ensure that native title and state tenure aspects are properly considered during ID assessments
- f) lead, organise, participate in (including documenting meeting outcomes) and provide accurate advice through pre-lodgement discussions and meetings
- g) have regard to matters/issues raised by DNRME in assessing ID proposals to inform DSDMIP in drafting recommendations
- h) respond to RTI requests made to DSDMIP, and assist with RTI requests made to DNRME, relating to ID matters.

DNRME will:

- a) undertake the technical agency role and provide a first principles assessment having regard to State Planning Policy (SPP), the relevant Regional Plan and the purpose statements of the SDAP that relate to Schedule 3
- b) collaborate with DSDMIP to resolve day-to-day issues associated with ID requests and ongoing policy development
- c) meet operational timeframes outlined in Schedule 4
- d) participate constructively in, and provide accurate advice through, pre-lodgement discussions
- e) assist with RTI requests made to DSDMIP, if required, and respond to RTI requests made to DNRME relating to ID matters
- f) actively engage with DSDMIP in the continuous business improvement of ID processes, including the development of the low impact proposal criteria.

3.3 Governance

3.3.1 Leadership

Department of State Development, Manufacturing, Infrastructure and Planning's leadership arrangements

The Minister is the sole decision maker of Ministerial ID and state interest review outcomes of a local government ID.

DSDMIP's key departmental contact:

Executive Director, Development Assessment Division, DSDMIP, is responsible for program leadership.

DNRME key departmental contacts:

DNRME will provide details of contact officers for its areas of interest and provide updates, as required. Executive Director Operations Support is responsible for program leadership

3.3.2 Management arrangements

The assessment functions for IDs will be centralised, and a case officer from the DA Projects team will be assigned to each request.

DSDMIP is committed to improving the operational efficiency and effectiveness of the ID process. Ongoing operational matters (including day-to-day and policy requirements) will be discussed/managed via the DA Projects team. This will involve regular contact (e.g. via meetings) between the DA Projects team and DNRME.

3.4 ID operational issues

The following are the key operational responsibilities for DNRME and DSDMIP.

3.4.1 Annual priorities and resourcing

DNRME and DSDMIP are responsible for ensuring adequate resources are provided to meet the statutory and operational timeframes in Schedule 4 for IDs and agreed process improvements.

3.4.2 Records and right to information

DSDMIP is responsible for maintaining records in relation to ID proposals managed by the DA Projects team.

Without limiting the requirements and responsibilities of the RTI process, DNRME will provide DSDMIP with all relevant records relating to DNRME technical advice with respect to ID processes in the event of an RTI request.

3.4.3 Inter-departmental communication and operational timeframes

Operational timeframes

The Minister has delegated a range of functions for the Ministerial ID process to DSDMIP as the lead agency. DSDMIP is responsible for administering a range of functions including, but not limited to:

- acknowledgement of request for a Ministerial ID
- state interest review outcome for a Ministerial ID – *(incorporating draft requirements)*.

However, the Minister is responsible for making the overall decision to:

- approve or refuse a Ministerial ID

- approve or refuse the extension of a Ministerial ID
- approve or refuse an amendment to a Ministerial ID
- approve or refuse the repealing of a Ministerial ID
- state interest review outcome for a local government ID – *(incorporating draft requirements)*.

The Minister's decision will be informed by recommendations provided by DSDMIP.

The Act and the MGR provide statutory timeframes to be met by the Minister. DNRME and DSDMIP are required to meet the agreed operational timeframes specified in Schedule 4 in order to meet the statutory timeframes.

Requests to extend the state interest review operational timeframe may be sought in exceptional circumstances, but are subject to further agreement by the proponent. The request from DNRME to extend should include sufficient justification to support the extension being granted. Acceptable reasons for an extension include, but are not limited to:

- where DNRME receives an ID request outside of operational timeframes stipulated in Schedule 4
- a matter being resolved through the escalation and dispute resolution process, and this matter is required to be resolved to meet operational timeframes
- other reasons outside normal operating processes have not allowed progression of the application, for example natural disasters, failure of the DSDMIP nominated ICT system.

DSDMIP will reasonably consider DNRME requests to extend the state interest review operational timeframe. DNRME will be advised of the DSDMIP decision (including reasons) about whether a request to extend the timeframes will be sought as soon as practical. Should an extension be sought and granted by the proponent agreement, DSDMIP will advise DNRME of the latest agreed timeframes by no later than the operational timeframe indicated in Schedule 4.

IT system

Communication protocols related to the operation of the IT system will be followed by both DNRME and DSDMIP.

DSDMIP will:

- provide an IT system to support the functions of IDs. The IT system will be available 24 hours a day unless a pre-arranged maintenance or repair outage is required.
- ensure appropriate access to the IT system is available for DNRME and any requests to amend access will be actioned promptly.
- provide DNRME with administration and user support services for the IT system.
- consider case-by-case the most appropriate method of providing DNRME with material for the ID proposal, as quickly as possible, in the event of an unexpected IT system failure.
- bear the costs for DNRME to use the IT system e.g. licence or access.

DNRME will:

- use the IT system to access and download ID documentation.
- receive formal communications from DSDMIP electronically for ID matters (such as including acknowledgment notice, state interest review outcomes, and decision outcomes).
- provide user access requirements to DSDMIP.
- advise DSDMIP of all staff movements, relevant to ID operations, to ensure all licences are in current use and not shared between individuals.
- provide electronic records of DNRME's advice or material associated with an ID proposal.
- be financially responsible for any internal software required for the functions of IDs.

Communications

Phone conversations and meetings should be used by both parties to ensure clear communication channels are maintained, with adequate record keeping of agreements noted in the DSDMIP nominated IT system and DNRME internal systems. DSDMIP will be responsible for recording and storing meeting minutes taken over the course of an ID proposal.

Templates for IDs

DNRME will provide pre-lodgement advice, advice regarding further information required, technical advice for state interest review outcomes and identify matters that will assist DSDMIP in the drafting of requirements in the templates provided by DSDMIP. The templates are provided to DNRME to assist in engagement with DSDMIP.

Any changes to DSDMIP technical assessment templates must be in consultation with DNRME to allow DNRME to meet systems change requirements.

Operational procedures

The DA Projects team will support DNRME in ongoing improvements to operational procedures. This may take the form of verbal or written advice or by preparing operational 'how to' guidelines that will provide additional detail about operational matters. The material may assist with providing further detail about matters such as pre-lodgement discussions and advice, state interest review outcomes and escalation and dispute resolution.

DNRME is not to make any submissions during the consultation stage of an ID process. DNRME involvement will be limited to that identified in Schedule 3.

3.4.4 Pre-lodgement discussions and advice

DSDMIP is committed to undertaking pre-lodgements that contribute to the efficiency of the ID process. ID proposals will only be provided to DNRME for pre-lodgement discussions and advice where the proposal involves a matter identified in Schedule 3. Pre-lodgements will be undertaken in a range of formats that suit the needs of the proponent. Formats include general phone enquiries, emailed or written requests and face-to-face meetings. Meetings may also be undertaken via teleconference facilities in order to overcome distance constraints.

There are circumstances when the information a proponent is seeking may not constitute a formal 'pre-lodgement' approach and could be more efficiently dealt with by the proponent making direct contact with the relevant technical agency. This is particularly the case when agencies provide broader (but sometimes related) services to the public than those for ID proposals.

Where a proponent has sought a face-to-face meeting, written advice may be provided in lieu of the meeting. If the proponent still requests a meeting, a meeting will be arranged by DSDMIP and attended by DNRME where possible, either in person or via teleconference facilities (where the office location is a constraint).

In managing requests for pre-lodgement discussions or advice, DNRME and DSDMIP will ensure that:

- timeframes outlined in schedule 4 are met or another timeframe that is agreed upon by both parties
- if no advice is provided by DNRME, DSDMIP will determine that the matters under schedule 3 will not be impacted by the proposal hence DNRME will not be involved for the remainder of the ID proposal
- pre-lodgement meetings are co-ordinated and chaired by a DSDMIP planning officer
- relevant (as empowered as practically possible) DNRME representatives participate (either in person or via phone or video conference), unless DNRME has advised DSDMIP of non-participation or provided advice to be represented by DSDMIP
- all representatives are cordial, professional and respectful of all attendees
- advice on proposals to be 'fit-for-purpose' relative to level of detail provided but should endeavour to be constructive, clarifying likely, relevant matters under schedule 3 and where possible offer suggestions for the proposal to avoid adversely impacting on matters under schedule 3
- meeting minutes are focussed on acknowledging the nature of the proposal put forward and the capturing of key advice/suggestions offered by DSDMIP. Minutes are to be a summary of the discussions at the meeting
- additional pre-lodgement meetings are encouraged where deemed beneficial prior to lodgement.

All DSDMIP pre-lodgement advice and minutes will state 'valid for period of 9 months from time of issue, unless a change in legislation or policy has occurred that would affect the pre-lodgement advice'.

3.5 Acknowledgement of the request

DSDMIP will consider any requests for further information made by DNRME, if it is essential information to consider the proposal, during the acknowledgement of the request. Should further information be sought, DSDMIP will provide a copy of the acknowledgement of request to DNRME. The further information required must be formulated having regard to the 'first principles' of the SPP, the purpose statements of the SDAP that relate to Schedule 3 and the relevant Regional Plan only. DSDMIP will endeavour to ensure that State Land tenure aspects and Native Title issues are properly identified in this stage, with assistance from DNRME Aboriginal and Torres Strait Islander Land Services team when required.

Refer to operational timeframes in Schedule 4.

3.6 State interest review

DNRME and DSDMIP must have regard to the overarching 'first principles' of the primary statutory documents the Minister must have regard to, in particular the SPP, the purpose statements of the SDAP that relate to Schedule 3 and any relevant Regional Plan when undertaking a Ministerial ID or a state interest review for a local government ID.

In undertaking a state interest review about a Ministerial ID or local government ID, DSDMIP will:

- consider recommendations in accordance with the 'first principles' assessment of the purpose statements of SDAP related to schedule 3, the SPP and the relevant Regional Plan made by DNRME via its technical agency assessment response
- formulate a state interest review outcome having regard to the issues identified in the DNRME technical agency advice
- where requirements are necessary, requirements will be drafted by DSDMIP's case officer based on advice provided by DNRME
- recommend a consolidated set of draft requirements as part of the Minister's state interest review outcome.

DSDMIP will provide a copy of the state interest review outcomes to DNRME at the same time as providing the notice to the infrastructure entity for a Ministerial ID or to the local government for a local government ID.

3.7 Escalation and dispute resolution

The escalation process relates to the preparation and content of further information required and identified issues during the state interest review which will assist the formulation of draft requirements.

In the event that a disagreement arises and agreement cannot be reached on a particular matter between DNRME case officer and the DSDMIP case officer, DNRME will:

- have 6 business days to resolve the disagreement with DSDMIP as detailed in Schedule 4
- have the opportunity to escalate this matter to their nominated DNRME officers and the DSDMIP's Director – Development Assessment Services for a resolution.

4 PART D – Execution of agreement

The Agreement and the Schedules herein are a record of the cooperative arrangements between the parties and the specific service delivery objectives of each party. The signing of this agreement signifies that all parties agree to the Service Level Agreement and will continue to work together cooperatively in good faith.

This Service Level Agreement is made:

BETWEEN: Department of State Development, Manufacturing, Infrastructure and Planning

Signed:

Access refused under section 47(3)(b)

Ms Rachel Hunter
Director-General

19/6/18

Access refused under section 47(3)

Witnessed by
Name:

ELIZABETH DICKENS

19/6/18

AND: Department of Natural Resources, Mines and Energy

Signed:

Access refused under section 47(3)(b) of the RTI

Mr James Purtill
Director-General

5/6/18

Access refused under section 47(3)(b) of the RTI Act. D

Witnessed by
Name:

GRACE BRUNTON

5/6/18

Schedule 1—Operational timeframes for SARA

The following tables detail the maximum operational timeframes for both DNRME (technical agency) and DSDMIP in the implementation of SARA. The timing is reflective of the statutory timeframes within the Act and DA Rules. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.

Pre-lodgement

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Pre-lodgement – written advice				
PL – 1	DSDMIP	a) Receive request for pre-lodgement written advice b) Forwards to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 2	Technical agency	Provide advice to DSDMIP	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 3	DSDMIP	a) Issue written pre-lodgement advice b) Provide a copy to technical agency	7 days starting from day of lodgement of pre-lodgement request	NA
Pre-lodgement – meeting				
PL – 4	DSDMIP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment c) Coordinate meeting with applicant and technical agency.	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 5	DSDMIP	Arrange a pre-lodgement meeting date with applicant and technical agency (if required)	5 days starting from day of lodgement of pre-lodgement request (taking into account time required for PL – 6)	NA
PL – 6	Technical agency	a) Provide advice to DSDMIP on key matters to be discussed at the meeting, or b) Attend SARA technical pre-meeting with DSDMIP	5 days in advance of the pre-lodgement meeting date	NA
PL – 7	DSDMIP	Issue meeting outcomes / actions / minutes to all attendees (including technical agency)	Day of pre-lodgement meeting	NA
PL – 8	DSDMIP	Issue follow up written advice to all attendees	7 days starting from day of the pre-lodgement meeting	NA

SARA as Assessment manager

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Receive and confirm				
AM – 1	DSDMIP	a) Receive development application (lodgement) b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
AM – 2a	DSDMIP	a) Issue action notice or confirmation notice to relevant entities, including technical agencies	3 days starting from day of lodgement	10 days
AM – 2b	DSDMIP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including technical agencies (if issues in action notice remedied) c) Otherwise further action notice issued to applicant and technical agencies	3 days starting from receipt of response to action notice	10 days
AM – 2c	DSDMIP	a) If, after 20 days issues in action notice are not remedied, application taken to be not properly made, and applicant and TA advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days
Information request and further advice				
AM – 3	Technical agency	Technical agency information request and/or initial further advice provided to DSDMIP	Information request, 7 days starting the day after the confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4a	DSDMIP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the confirmation notice is issued	10 days to issue information request
AM – 4b	DSDMIP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the confirmation notice is issued	NA
Assess and decide				
AM – 5	DSDMIP	a) Provide information request response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an IR response	NA

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
AM – 6	Technical agency	Technical agency assessment report provided to DSDMIP	If no information request issued, 25 days starting the day after the confirmation notice is issued If information request issued, 17 days starting the day after receiving the IR response	Assessment manager to decide applications within 35 days
AM – 7	DSDMIP	Remind the applicant about providing a response to further advice	30 days starting the day after the confirmation notice is issued	NA
AM – 8a	DSDMIP	a) Issue the decision notice b) Provide a copy to technical agency	35 days starting the day after the confirmation notice is issued	Assessment manager to decide applications within 35 days
AM – 8b	DSDMIP	Publish decision notice and notice about the decision on website	1 day after the provisions under s37.1 of the DA Rules are satisfied	If the application is approved, 5 days to publish notice after notice from the applicant of appeal or notice advising not making representations If refused, 5 days to publish notice after giving a copy to the applicant
Applicant makes a minor change to the application				
AM – 9a	DSDMIP	Forwards to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Assessment manager to decide applications within 35 days
AM – 9b	Technical agency	Technical agency to assessment of minor change provided to DSDMIP. <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DSDMIP)	Assessment manager to decide applications within 35 days
Applicant makes a change to the application in response to an information request, further advice or submission (other than a minor change)				
AM – 10a	DSDMIP	a) Receive a change to the application b) Determine type of change and effect on application process, identify any new referral requirements c) Forward to technical agency for assessment (where required)	1 day after receiving the change to the application	Assessment manager to decide applications within 35 days

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
AM – 10b	Technical agency	Provide assessment and recommended response to DSDMIP <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the change to the application (where a technical agency response has already been provided to DSDMIP)	Assessment manager to decide applications within 35 days
Post decision – making change representations about conditions of approval				
AM – 11a	DSDMIP	a) Receive change representations about conditions of approval b) Consider the impact of the change representations on the relevant matters of interests and confirm if technical agency involvement c) Forward to technical agency for assessment	1 day starting the day change representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11b	Technical agency	Technical agency assessment report provided to DSDMIP	12 days (where technical agency assessment is required) starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
AM – 11c	DSDMIP	a) Make decision on change representations and issue negotiated decision notice (if required) b) Provide a copy to technical agency	20 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

SARA as Referral agency

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Receive and confirm				
RA – 1	DSDMIP	a) Receive development application (referral) b) Confirm validation c) Forward to technical agency for assessment	1 day starting from day of referral	NA
RA – 2a	DSDMIP	a) Issue action notice or confirmation notice to relevant entities including technical agencies and assessment manager	3 days starting from day of referral	5 days to determine if properly referred
RA – 2b	DSDMIP	a) Receive response to action notice b) Issue confirmation notice to relevant entities including	3 days starting from receipt of response to action notice	5 days to determine if properly referred

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		technical agencies (if issues in action notice remedied) c) Otherwise further action notice issued to applicant and technical agencies		
RA – 2c	DSDMIP	a) If, after 20 days issues in action notice are not remedied, application taken to be not properly referred and applicant, technical agency and assessment manager advised by notice	1 day starting from expiry of relevant period (if not extended)	20 days after the applicant was given the action notice
Information request and further advice				
RA – 3	Technical agency	Technical agency information request or initial further advice provided to DSDMIP	Information request, 7 days starting the day after the referral confirmation notice is issued Initial further advice, 12 days starting the day after the confirmation notice is issued	10 days to issue information request
RA – 4a	DSDMIP	a) Issue information request if required b) Provide copy to technical agency	10 days starting the day after the referral confirmation notice is issued	10 days to issue information request
RA – 4b	DSDMIP	a) Issue (initial) further advice if required. b) Provide a copy to technical agency	15 days starting the day after the referral confirmation notice is issued	NA
Assess and decide				
RA – 5	DSDMIP	a) Provide information response to technical agency, or b) If no response received, advise technical agency.	1 day from receiving an information request response	NA
RA – 6	Technical agency	Technical agency assessment report provided to DSDMIP	If no information request issued, 18 days starting the day after the referral confirmation notice is issued If information request issued, 11 days starting the day after receiving the information request response	Referral agency to give referral agency response within 25 days
RA – 7	DSDMIP	Remind the applicant about providing a response to further advice	21 days starting the day after the referral confirmation notice is issued	NA

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
RA – 8a	DSDMIP	a) Issues the referral agency response b) Provide a copy to technical agency	25 days starting the day after the referral confirmation notice is issued	Referral agency to give referral agency response within 25 days
RA – 8b	DSDMIP	Publish referral agency response and notice about the decision on website	1 day starting the day after receiving a copy of the decision notice from the assessment manager	5 days starting the day after receiving a copy of the decision notice from the assessment manager
Applicant makes a minor change to the application				
RA – 9a	DSDMIP	Forward to technical agency for assessment (where required)	1 day starting the day after receiving the minor change	Referral agency to give referral agency response within 25 days
RA – 9b	Technical agency	Technical agency assessment of minor change provided to DSDMIP. <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after receiving the minor change to the application (where a technical agency response has already been provided to DSDMIP)	Referral agency to give referral agency response within 25 days
Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response <u>not</u> issued) (other than a minor change)				
RA – 10a	DSDMIP	a) Receive advice from the assessment manager is received on the change and effect on development assessment process. b) Determine if any new referral requirements. c) Forwards to technical agency for assessment (where required)	1 day after the day of receiving the change to the application	Referral agency to give referral agency response within 25 days
RA – 10b	Technical agency	Where no new referral requirements, provides technical agency assessment on change to DSDMIP. <i>If new referral requirements, the referral period and operational timeframes applies again.</i> <i>Editor's note: Where a changed development application cannot be supported and/or there is insufficient time to undertake an assessment, DSDMIP will send appropriate signals to the applicant.</i>	2 days after the day of receiving the change to the application (where a technical agency response has already been provided to DSDMIP)	Referral agency to give referral agency response within 25 days

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Applicant makes a change to the application in response to an information request, further advice or submission (referral agency response issued)				
RA – 11a	DSDMIP	a) Advice from the assessment manager is received on the change and effect on development assessment process. b) Determine if any new referral requirements. c) Forward to technical agency for assessment (where required)	1 day after the day of receiving the change to the application	NA
RA – 11b	Technical agency	Recommend if an amended technical agency response is required	2 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11c	DSDMIP	Determine and advise assessment manager if an amended referral agency response is required	5 days after the day of receiving the change to the application	5 days to give notice of intention to change referral agency response
RA – 11d	Technical agency	Provide assessment and recommended response to DSDMIP	7 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
RA – 11e	DSDMIP	Issue an amended referral agency response	10 days after issuing the notice of SARA providing a changed referral agency response	10 days after giving notice to issue amended referral agency response
Applicant makes representations about referral agency response				
RA – 12a	DSDMIP	a) Receive representations. b) Consider the impact of the representations on the relevant matters of interests and confirm if technical agency involvement c) Forward to technical agency for assessment (where required)	1 day starting the day change representations about a decision are received	NA
RA – 12b	Technical agency	Provide assessment and recommended response to DSDMIP	10 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received
RA – 12c	DSDMIP	Respond advising no changes or seek applicant's agreement to issue changed referral response. <i>If applicant agrees, changed referral agency response issued. If not and the applicant makes additional representations –</i>	15 days starting the day representations about a decision are received	20 days starting the day change representations about a decision are received

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		<i>restart from day 1 of applicant makes representations about response.</i>		

Changes to approval (minor change) – SARA as Responsible entity

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
MC – 1	DSDMIP	a) Receive change application b) Confirm validation c) Forward to technical agency for assessment (where required)	1 day after the day of receiving the change application	NA
MC – 2	Technical agency	Technical agency provides assessment and recommended response to DSDMIP	14 days from receiving change application	If no affected entity, 20 days after receiving the application If affected entity, 25 days
MC – 3	DSDMIP	Receive response from affected entities Issues response and provide a copy to relevant entities, including technical agencies	If no affected entity, 20 days after receiving the application If affected entity, 25 days	If no affected entity, 20 days after receiving the application If affected entity, 25 days

Changes to approval (other change)

As per either assessment manager with non-SARA referrals, assessment manager with no referrals or referral agency operational timeframes.

Extension applications and Pre-referral responses

Technical agency assessment is not required where the application or functions are consistent with the criteria in Schedule 2.

Schedule 2—Criteria for technical agency involvement for certain SARA applications

The table below identifies scenarios where DNRME's advice is not required when reviewing applications for:

- pre-referral response
- representations about a referral agency response
- change representations about a development condition (negotiated decision notice)
- extension applications
- change applications (minor change) and
- changes to a development application prior to a decision (minor change and change that is not a minor change in response to information request, further advice or submission), including where a referral agency response has or has not been issued.

Column 1 State Interest	Column 2 Scenarios where technical agency advice is not required
All	<ul style="list-style-type: none"> a) Pre-referral response assessments b) Extension applications c) Requests to rectify administrative errors d) Change to a 'fast-track' application that still meets the 'fast-track' criteria.
Clearing vegetation	<p>Where a proposal does not:</p> <ul style="list-style-type: none"> a) alter the extent of vegetation clearing associated with the development. The proposal must not increase and/or change the development footprint where it intersects with a Category A area or Category B area shown on the Regulated Vegetation Management Map; and b) result in additional exempt operational work (for example, for firebreaks to protect built infrastructure); and c) affect a requirement for an environmental offset.

Schedule 3—Criteria for technical agency involvement for making or amending an ID

The table below identifies the matters of state interests that apply to DNRME when reviewing an ID during the acknowledgement and state interest review stages. These matters of state interest will be refined and reviewed within 12 months of operation. The ID technical review is to have regard to the first principles of the SPP, the purpose statement of SDAP outlined in this schedule and the relevant Regional plan for a Ministerial ID or a local government ID.

Column 1 Matter of State interest	Column 2 Criteria where DNRME involvement is required
Mining and extractive resources – Key Resource Areas	ID that involves development within: <ul style="list-style-type: none"> • a transport route or transport route separation area of a Key Resource Area, • a Key Resource Area resource/processing area or separation area of a Key Resource Area.
Emissions and Hazardous Activities – Abandoned Mines	ID that involves development on land identified by the proponent as being affected by past mining activity.
Emissions and Hazardous Activities – Explosives	ID that involves development that is either: <ul style="list-style-type: none"> • for or involves an explosives facility, or is • within or adjacent to an explosives reserve (government magazine)
Emissions and Hazardous Activities – High pressure gas pipelines	ID that involves development that is either: <ul style="list-style-type: none"> • for or involves the licencing, construction, operation, or decommissioning of a high pressure gas pipeline, or • on land within a pipeline licence, petroleum facility licence, petroleum lease or easement for the purposes of a pipeline licence, or • on land within the measurement length of a high pressure gas pipeline. <p><i>Note: Pipeline operators are affected parties for consultation</i></p>
Agriculture – Stock Routes	ID that involves land on or adjacent to the stock route network.
Category 3 levees	ID that involves the construction or modification of a levee that fulfils the requirements for a category 3 levee.
Removal of Quarry Material	ID that involves the removal of quarry material from a watercourse or lake (under the <i>Water Act 2000</i>).
Regulated vegetation and MSES	ID that involves the total extent of the development footprint will result in <u>clearing</u> of native <u>vegetation</u> in any of the following: <ul style="list-style-type: none"> • clearing in any Category A area; • in a Category B area, clearing any of the following: <ul style="list-style-type: none"> ○ in a priority reef catchment*, more than 2ha; ○ more than 2ha of an <u>endangered regional ecosystem</u>; ○ more than 5ha of an <u>of concern regional ecosystem</u>; ○ more than 10ha; ○ more than 0.5ha of <u>essential habitat</u>; ○ more than 0.5ha within a <u>wetland</u> or within 100m of the <u>defining bank</u> of a <u>wetland</u>;

	<ul style="list-style-type: none"> more than 0.5ha within a <u>watercourse</u> or <u>drainage feature</u>, or within 10m of the <u>defining bank</u> of a stream order 2 (or greater) <u>watercourse</u> or <u>drainage feature</u>. <p>Note: Where an activity is exempt clearing works as per the Planning Regulation 2017, Schedule 21, Part 1 and 2, no referral to DNRME is required.</p> <p>* Priority reef catchments include the Burdekin, Mackay Whitsunday and Wet Tropics catchments.</p> <p>Words underlined have the same meaning given in the Glossary of Terms found in section 16.6 of the State Code 16 – Native vegetation clearing of the SDAP.</p>
Taking or interfering with water	<p>ID that involves the taking or interfering with:</p> <ul style="list-style-type: none"> water in a watercourse, lake or spring underground water through an artesian bore or subartesian bore. <p>ID that involves taking overland flow water.</p>
Development and Construction – state owned land Land Act 1994	<p>ID that involves state owned land that is:</p> <ul style="list-style-type: none"> non-freehold land, or deeds of grant in trust land under the <i>Land Act 1994</i>, or freehold land owned by the DNRME <p><i>Note: Includes land below tidal boundary.</i></p>
Mining and extractive resources – mineral, coal, petroleum and gas resources	<p>ID that involves land within either:</p> <ul style="list-style-type: none"> a mining tenement (exploration permit, mineral development licence, mining claim, mining lease) a greenhouse gas storage authority a geothermal authority. <p><i>Note: Tenement holders are affected parties for consultation.</i></p>
Dams	ID involving the construction of a referable dam.

Schedule 4—Operational timeframes

The following tables detail the maximum operational timeframes for both DNRME and DSDMIP in the assessment of a Ministerial ID or a local government ID. The timing is reflective of the statutory timeframes within the Act and MGR. Communication between officers in both agencies is critical to ensuring that the operational timeframes are met.

Note – day means business day.
– Minister means Planning Minister.

Pre-lodgement requests

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Pre-lodgement – written advice				
PL – 1	DSDMIP	a) Receive request for pre-lodgement written advice b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 2	Technical agency	Provide advice to DSDMIP	7 days starting from day of lodgement of pre-lodgement request	NA
PL – 3	DSDMIP	a) Give written pre-lodgement advice to proponent b) Forward a copy to technical agency	10 days starting from day of lodgement of pre-lodgement request	NA
Pre-lodgement – meeting				
PL – 4	DSDMIP	a) Receive request for pre-lodgement meeting b) Forward to technical agency for assessment	1 day starting from day of lodgement of pre-lodgement request	NA
PL – 5	DSDMIP	a) Co-ordinate and organise meeting with applicant and technical agency b) Prepare and circulate agenda	5 days starting from day of lodgement of pre-lodgement request	NA
PL – 6	DSDMIP	a) Undertake pre-lodgement meeting b) Chair meeting and record formal minutes (including outcomes/actions).	10 days starting from day of lodgement of pre-lodgement request	NA
PL – 7	DSDMIP	Give draft meeting minutes to technical agency.	2 days starting from day of when the pre-lodgement meeting was held	NA
PL – 8	Technical agency	a) Confirm meeting outcomes with DSDMIP b) Provide further advice to DSDMIP, about certain aspect (if required)	3 days starting from day of DSDMIP circulating draft meeting outcomes / actions / minutes	NA
PL – 9	DSDMIP	a) Provide meeting minutes (including outcomes/actions) to proponent b) Forward a copy to technical agency	7 days starting from day of when the pre-lodgement meeting was held	NA

Making or amending a Ministerial infrastructure designation

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
Minister's acknowledgement				
ID – 1	DSDMIP	a) Receive ID request (lodgement) b) Forward to technical agency for assessment (where required)	1 day starting from day of lodgement	NA
ID – 2	Technical agency	Technical agency provides recommendations to DSDMIP about further information requirements	10 days starting the day after DSDMIP forwards ID request	20 days to give acknowledgement of the request
ID – 3	DSDMIP	a) Give a notice to the proponent stating: <ul style="list-style-type: none"> the relevant matters listed in section 3.1(a) – (d) of the MGR; or any further information that the Minister needs to consider the proposal, and the date by which this information must be given; or that the Minister does not intend to further consider the infrastructure proposal. b) Forward acknowledgement of the request and notify technical agency of its state interest involvement (where required)	20 days starting the day after the ID request is received	20 days to give acknowledgement of the request
State interest review				
ID – 4	DSDMIP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving draft Environmental Assessment Report	NA
ID – 5	Technical agency	Technical agency assessment report provided to DSDMIP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
ID – 6	Technical agency and DSDMIP	DSDMIP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
ID – 7	DSDMIP	a) Give notice of state interest review outcome, incorporating draft requirements	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
		b) Provide a copy to technical agency		

Making or amending a local government infrastructure designations

Ref.	Entity	Action/task	Operational timeframe	Relevant statutory timeframes
State interest review				
ID – 8	DSDMIP	a) Receive draft Environmental Assessment Report (including the further information requested). b) Forward to technical agency for assessment (where required)	1 day from receiving a draft Environmental Assessment Report	NA
ID – 9	Technical agency	Technical agency assessment report provided to DSDMIP	15 days starting the day after receiving draft Environmental Assessment Report	30 days to give state interest review outcome
ID – 10	Technical agency and DSDMIP	DSDMIP negotiate with technical agency, if required by the technical agency	6 days starting the day after receiving technical agency assessment report	30 days to give state interest review outcome
ID – 11	DSDMIP	a) Give notice of state interest review outcome b) Provide a copy to technical agency	30 days starting the day after receiving the draft Environmental Assessment Report	30 days to give state interest review outcome

From: [Dominique Gallagher](#)
To: [Kieran Hanna](#); [Danica Clark](#)
Subject: RE: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank
Date: Friday, 21 March 2025 8:20:55 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

I'll chat to Steve this morning and see if Justin can set up a meeting
Dom

From: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>
Sent: Friday, 21 March 2025 8:19 AM
To: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Subject: RE: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Hi Dom,

Danica raised this with me yesterday.

Mica in DART has also had some previous involvement. She was also in the SARA roundtable this week when Danica presented the application and I believe also in the briefing with Steve on Wednesday.

Regards



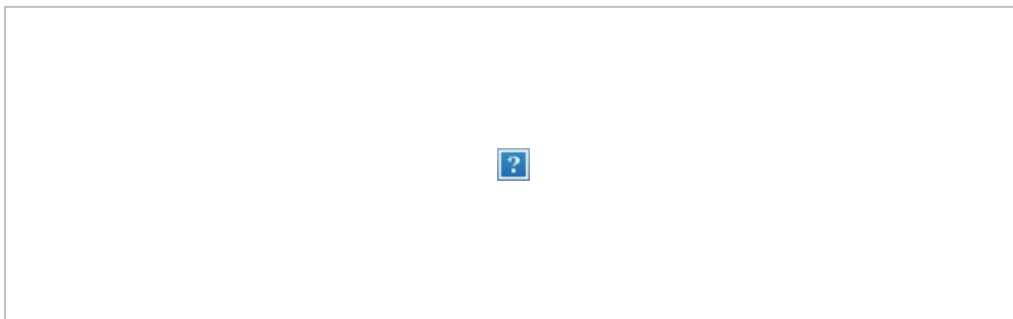
Kieran Hanna

Manager

SEQ West, Planning Services

Department of State Development, Infrastructure and Planning

P 3432 2404 | 0477 355 541
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305
planning.qld.gov.au



From: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>

Sent: Friday, 21 March 2025 8:10 AM

To: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>; Danica Clark
<Danica.Clark@dsdilgp.qld.gov.au>

Subject: FW: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Morning Kieran,

In the absence of Mel can we please have a chat about this first thing this morning.

I note Sallie is on leave so who would be best in DART to help out?

Thanks
Dom

From: Richard Dickfos <Richard.Dickfos@rdmw.qld.gov.au>

Sent: Thursday, 20 March 2025 5:53 PM

To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>

Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Steve CONNER
<Steve.Conner@dsdilgp.qld.gov.au>; Ainslee Hempseed
<Ainslee.Hempseed@rdmw.qld.gov.au>; Shannon Dempster
<Shannon.Dempster@rdmw.qld.gov.au>; Susan Harch <Susan.Harch@rdmw.qld.gov.au>;
Hamish Butler <Hamish.Butler@rdmw.qld.gov.au>

Subject: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

OFFICIAL

Hi Danica

Our department is concerned about SARA's inconsistency regarding DA approvals for feedlot operational works.

We believe approving this application subject to conditions is not a satisfactory outcome and are invoking clause 2.4.12 of the DNRME SARA Service Level Agreement 2018 (attached) and want to escalate this. Due to time constraints, we require the delegate to have a meeting with our A/ED Susan Harch ASAP to discuss this proposed DA decision.

The Statutory timeframe to decide this DA is tomorrow, 21st March 2025. It will be an unacceptable outcome if this DA is approved without conditions because these timeframes are not met.

Regards




Richard Dickfos

Principal Water Officer

Water Resource Management | South Region | Toowoomba

Department of Local Government, Water and Volunteers

P: (07) 3478 8174

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E: Richard.Dickfos@rdmw.qld.gov.au

A: 203 Tor Street Toowoomba QLD 4350

W: www.rdmw.qld.gov.au

 [Chat with me on Teams!](#)

From: Danica Clark <danica.clark@dsdilgp.qld.gov.au>

Sent: Thursday, 20 March 2025 4:36 PM

To: Richard Dickfos

Subject: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Hi Richard

Thank you for your time earlier.

As discussed, the Department of Local Government, Volunteers and Water's recommendation of a refusal has not been supported.

SARA will be progressing with a recommendation of requiring conditions to attach to any approval given, and is currently drafting conditions to ensure the proposed development complies with State code 10 of the SDAP.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

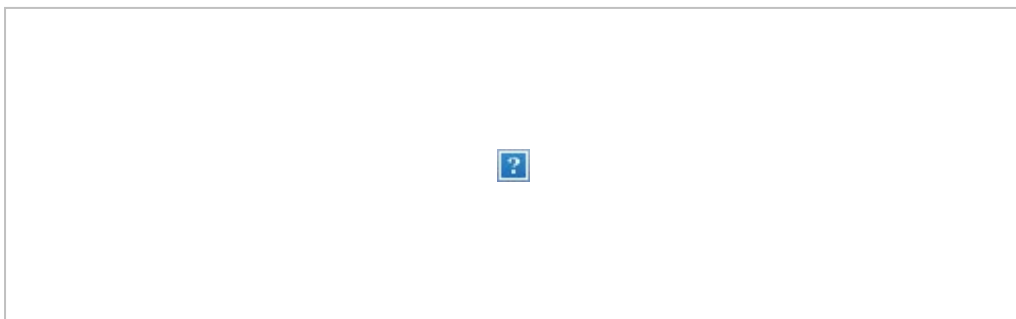
Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

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From: [Dominique Gallagher](#)
To: [Steve CONNER](#)
Cc: [Kieran Hanna](#); [Danica Clark](#)
Subject: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank
Date: Friday, 21 March 2025 11:10:28 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
Importance: High

Hi Steve,

Following discussion with Water I am recommending refusal of this application.

By conditioning out the connection of the Ring Tank to the CAR Dams on site and only allowing the water from their allocation to be put into the tank, we essentially are removing the assessable aspect of the development.

The Ring Tank is not assessable development if we condition it as discussed. The Process Flow diagram indicated the elements of overland flow water from the CARS Dams being connected to the Ring Tank which make this application assessable against SDAP State Code 10.

As such the team will progress this application as a refusal for you as delegate to complete by COB today, Friday 21 March 2025. I understand that Sallie had previously reviewed the proposed refusal that Danica is currently finalising.

If you have any questions please let Kieran know. I am available to midday.

Thanks
Dom



Dominique Gallagher

Director

Planning Services
Planning Group

Department of State Development, Infrastructure and Planning

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PO Box 15009, City East QLD 4002
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Mon	Tue	Wed	Thur	Fri



From: [Kieran Hanna](#)
To: [Danica Clark](#)
Cc: [Dominique Gallagher](#); [Melinda Ruis](#)
Subject: FW: Recommendation for SARA refusal - 2410-42724 SRA
Date: Friday, 21 March 2025 2:42:54 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Danica,

Good to go.

Great work this week with getting it all together and the last minute sprint to the finish.

Regards



Kieran Hanna

Manager

SEQ West, Planning Services

Department of State Development, Infrastructure and Planning

P 3432 2404 | 0477 355 541
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305
planning.qld.gov.au



From: Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>
Sent: Friday, 21 March 2025 2:22 PM
To: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>; Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: RE: Recommendation for SARA refusal - 2410-42724 SRA

Thanks Kieran

I have reviewed the assessment report and approve the referral agency response requesting refusal of the application and authorise the use of my electronic signature.

Good work on this one Danica.

Kind regards

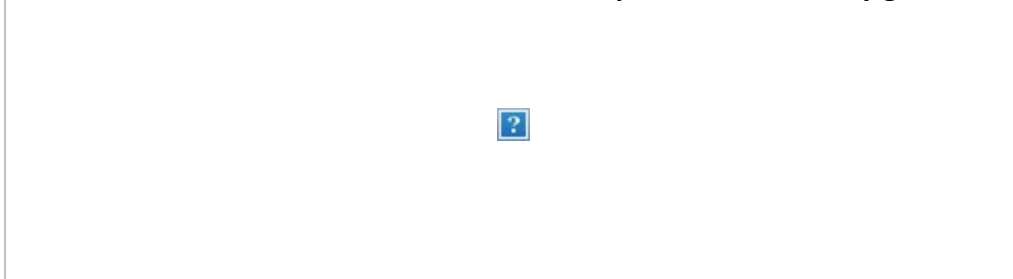


Steve Conner
Executive Director
Planning Services
Department of State Development, Infrastructure and Planning

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A screenshot of a social media account Description automatically generated



From: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>

Sent: Friday, 21 March 2025 1:48 PM

To: Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>

Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>; Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>

Subject: Recommendation for SARA refusal - 2410-42724 SRA

Hi Steve,

As discussed with you at the ED briefing on 19 March 2025 and further today, you are the delegate for this SARA decision under the Operational Policy as the SARA officer recommendation is a **refusal**.

The referral agency response is attached and is due today **21 March 2024**.

Details below:

Application number	2410-42724 SRA
Applicant	Lloyd Pastoral Company Pty Ltd, C/- EnviroAg Australia Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Operational Works
Description of proposal	Development application for an Other Change to an existing

	Development Approval for Operational Work (Ring Tank).
SARA role	Referral agency
Triggers	<ul style="list-style-type: none"> ● Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water ● Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
Response due date	21 March 2025
Level of assessment	Code
SARA recommendation	Direct the assessment manager to refuse the application
Delegate	ED – refusal

Please confirm you approve SARA's recommendation and authorise the use of your electronic signature to issue the SARA decision through MyDAS2 via return email (including attachments).

Regards



Kieran Hanna

Manager

SEQ West, Planning Services

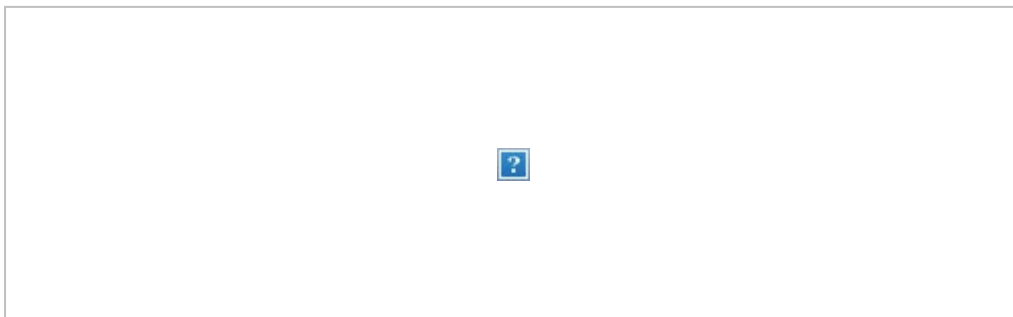
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PO Box 2390, North Ipswich QLD 4305

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From: [Kieran Hanna](#)
To: [Dominique Gallagher](#); [Danica Clark](#)
Subject: RE: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank
Date: Friday, 21 March 2025 8:18:58 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Dom,

Danica raised this with me yesterday.

Mica in DART has also had some previous involvement. She was also in the SARA roundtable this week when Danica presented the application and I believe also in the briefing with Steve on Wednesday.

Regards



Kieran Hanna

Manager

SEQ West, Planning Services

Department of State Development, Infrastructure and Planning

P 3432 2404 | 0477 355 541
Level 4, 117 Brisbane Street, Ipswich QLD 4305
PO Box 2390, North Ipswich QLD 4305
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From: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>
Sent: Friday, 21 March 2025 8:10 AM
To: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Subject: FW: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Morning Kieran,
In the absence of Mel can we please have a chat about this first thing this morning.

I note Sallie is on leave so who would be best in DART to help out?

Thanks
Dom

From: Richard Dickfos <Richard.Dickfos@rdmw.qld.gov.au>
Sent: Thursday, 20 March 2025 5:53 PM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>; Ainslee Hempseed <Ainslee.Hempseed@rdmw.qld.gov.au>; Shannon Dempster <Shannon.Dempster@rdmw.qld.gov.au>; Susan Harch <Susan.Harch@rdmw.qld.gov.au>; Hamish Butler <Hamish.Butler@rdmw.qld.gov.au>
Subject: URGENT ESCALATION - RE: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

OFFICIAL

Hi Danica

Our department is concerned about SARA's inconsistency regarding DA approvals for feedlot operational works.

We believe approving this application subject to conditions is not a satisfactory outcome and are invoking clause 2.4.12 of the DNRME SARA Service Level Agreement 2018 (attached) and want to escalate this. Due to time constraints, we require the delegate to have a meeting with our A/ED Susan Harch ASAP to discuss this proposed DA decision.

The Statutory timeframe to decide this DA is tomorrow, 21st March 2025. It will be an unacceptable outcome if this DA is approved without conditions because these timeframes are not met.

Regards



Richard Dickfos

Principal Water Officer

Water Resource Management | South Region | Toowoomba

Department of Local Government, Water and Volunteers

P: (07) 3478 8174

M:

Access refused under sect

E: Richard.Dickfos@rdmw.qld.gov.au

A: 203 Tor Street Toowoomba QLD 4350

W: www.rdmw.qld.gov.au

☐ [Chat with me on Teams!](#)

From: Danica Clark <danica.clark@dsdilgp.qld.gov.au>

Sent: Thursday, 20 March 2025 4:36 PM

To: Richard Dickfos

Subject: 2410-42724 SRA - Lloyd Pastoral - Ring Tank

Hi Richard

Thank you for your time earlier.

As discussed, the Department of Local Government, Volunteers and Water's recommendation of a refusal has not been supported.

SARA will be progressing with a recommendation of requiring conditions to attach to any approval given, and is currently drafting conditions to ensure the proposed development complies with State code 10 of the SDAP.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

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From: [Kieran Hanna](#)
To: [Steve CONNER](#)
Cc: [Dominique Gallagher](#); [Danica Clark](#); [Melinda Ruis](#)
Subject: Recommendation for SARA refusal - 2410-42724 SRA
Date: Friday, 21 March 2025 1:49:28 PM
Attachments: [SARA - Response - refusal - 2410-42724 SRA.docx](#)
[image001.png](#)
[image002.png](#)
[SARA - Assessment report - 2410-42724 SRA.docx](#)

Hi Steve,

As discussed with you at the ED briefing on 19 March 2025 and further today, you are the delegate for this SARA decision under the Operational Policy as the SARA officer recommendation is a **refusal**.

The referral agency response is attached and is due today **21 March 2024**.

Details below:

Application number	2410-42724 SRA
Applicant	Lloyd Pastoral Company Pty Ltd, C/- EnviroAg Australia Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Operational Works
Description of proposal	Development application for an Other Change to an existing Development Approval for Operational Work (Ring Tank).
SARA role	Referral agency
Triggers	<ul style="list-style-type: none">● Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water● Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
Response due date	21 March 2025
Level of assessment	Code
SARA recommendation	Direct the assessment manager to refuse the application
Delegate	ED – refusal

Please confirm you approve SARA's recommendation and authorise the use of your electronic signature to issue the SARA decision through MyDAS2 via return email (including attachments).

Regards

Kieran Hanna
Manager



SEQ West, Planning Services

Department of State Development, Infrastructure and Planning

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PO Box 2390, North Ipswich QLD 4305

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RA13-N

SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001
Applicant reference: 24665

###Secondary1###

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

Attention: Justin Crick

Dear Mr Crick

SARA referral agency response — Kogan Condamine Road, Crossroads

(Referral agency response given under section 56(1)(c) of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 4 October 2024.

Response

Outcome:	Referral agency response - direct the assessment manager to refuse the development application
Date of response:	###Secondary1###

Reasons for refusal

Under section 56(1)(c) of the *Planning Act 2016*, SARA directs the assessment manager to refuse the development application. As per section 62 of the *Planning Act 2016*, the assessment manager must refuse this application.

Description of relevant site characteristics and surrounding land uses

The site comprises on large lot with a total area of 826.3ha located 24.6km south-west of Chinchilla. The site is within the Rural zone of the Western Downs Regional Planning Scheme.

The site forms part of a larger land holding that is operated as a 10,000 SCU feedlot and associated infrastructure, with the site itself containing a tailwater dam, several contaminated agricultural runoff dams and waste utilisation disposal areas.

SARA's view on the proposal's impact on taking or interfering with water

The proposed development to construct a Ring Tank and connections to associated infrastructure does not ensure sustainable management of water.

The proposal will have an adverse impact on the water security within water catchments and impact other users and their access to the water source. The proposal does not minimise the volume of overland flow water taken, consistent with the development on the site.

The proposal captures a greater volume of overland flow water than necessary for the operation of the Environmental Authority (EA) under the *Environmental Protection Act 1994* for the feedlot.

Reasons for refusal

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through the proposed dams, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed design capacity of the dams are greater than the size required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area
 - not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate
 - more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water

- PO14 of State code 10, the contaminated agriculture ran-off water is not proposed to be captured and stored using existing works, additionally the proposed dams are greater than required to capture contaminated agriculture ran-off when including the 'Balancing Storages'
- PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
- PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to retain and reuse the water for irrigation
- PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

The material used in the assessment of the application were:

- development application
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and the Department of Transport and Main Roads
- State Development Assessment Provisions (version 3.0)
- *Planning Act 2016*
- Planning Regulation 2017
- Section 58 of the *Human Rights Act 2019*

Development details

Description:	Development permit	Other Change to an existing development approval for operational work for earthworks to take water (ring tank)
SARA role:	Referral Agency	
SARA trigger:	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 – Operational work that is taking or interfering with water • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor (Planning Regulation 2017) 	
SARA reference:	2410-42724 SRA	
Assessment manager:	Western Downs Regional Council	
Street address:	Kogan Condamine Road, Crossroads	
Real property description:	Lot 16 on RG26	
Applicant name:	Lloyd Pastoral Company Pty Ltd	
Applicant contact details:	C/- EnviroAg Australia Pty Ltd PO BOX 411 Toowoomba QLD 4350 Personal information @enviroag.net.au	

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

For further information please contact Danica Clark, Senior Planner, on 4616 7307 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

*Signature
placeholder*

###Secondary2###

###Secondary3###

cc Lloyd Pastoral Company Pty Ltd C/- EnviroAg Australia, Personal information@enviroag.net.au

State Assessment Referral Agency (SARA) Assessment Report — referral agency

1.0 Application summary

SARA reference number	2410-42724 SRA
Applicant name	Lloyd Pastoral Company Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Other Change to an existing Development Approval for Operational Work (Ring Tank)
Description of proposal	<p>The application seeks approval for a Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources.</p> <p>It is noted that the Ring Tank is existing. The Ring Tank stores water from the Condamine River under Water Allocation 21AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate.</p>
Referral matters under the Planning Regulation 2017 (Planning Regulation)	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item.1 – Operational work that involves taking or interfering with water. • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor
State Development Assessment Provisions (SDAP)	<ul style="list-style-type: none"> • Version 3.0 • Code: <ul style="list-style-type: none"> ○ State code 10: Taking or interfering with water ○ State code 1: Development in a state-controlled road environment
Related applications under a separate act	Not applicable. This application does not involve an application under a separate Act.
SARA referral confirmation notice date	11 October 2024
Response due date	21 March 2025

2.0 Assessment summary

Pre-lodgement advice	2404-40188 SPL – (requested 5 June 2024) 2301-32825 SPL – (requested 17 February 2023)
Technical Agency advice	<p>The development application was referred to the Department of Local Government, Water and Volunteers (DLGWV) which provided its Technical Agency Response (TAR) on 14 March 2025 (link) recommending refusal.</p> <p>The development application was also referred to the Department of Transport and Main Roads (DTMR) which provided its Technical Agency Response (TAR) on 22 October 2024 advising they had no requirements (Link).</p>

Information request	<p>Issued: 25 October 2024 (link)</p> <p>Information requested included:</p> <ul style="list-style-type: none"> • Further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water. • Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, further information is required to demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). • Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this. <p>Response: 27 February 2025 (link)</p> <p>The response included:</p> <ul style="list-style-type: none"> • The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation. The storage may also be used as a “balancing storage” to mix (shandy) disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas. The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same. • The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water. No CAR water is captured or used on this site. <p>It is noted that the response included an updated process flow diagram that maintained the Ring Tank’s connection to other storages that collect overland flow water (clean and CAR) and to re-use this water for irrigation.</p>
Advice notice	No advice notice was issued.
Department of State Development, Infrastructure and Planning (DSDIP) officer recommendation	Direct the assessment manager to refuse the application.
Reason for recommendation	The proposal does not comply with State code 10: Taking or interfering with water of SDAP and cannot be conditioned to comply.

Recommendation different to Technical Agency advice	The recommendation is consistent with the Department of Local Government, Water and Volunteers Technical Agency advice.
Delegate for decision	In accordance with the Operation Policy: Guide to exercising delegated authority – SARA dated December 2020 and Instrument of Delegation dated 20 March 2020, the Executive Director, Planning Group has delegation to consider this application as the recommendation is for refusal.

3.0 Site Context

Real property description	16RG26
Local Government Area	Western Downs Regional Council
Site area	826.368ha
Relevant site matter(s)	<p>The subject site:</p> <ul style="list-style-type: none"> • is located at Crossroads, approximately 25km south-west of Chinchilla • is within the Rural Zone under the Western Downs Regional Planning Scheme • is mapped with the following state interests: <ul style="list-style-type: none"> ○ water resources planning area boundaries ○ area within 25 of a state-controlled road ○ category X and B areas on the regulated vegetation management map ○ low, moderate and major risk mapped Queensland waterway for waterway barrier works
Mapped state matter(s) not relevant to the site	<ul style="list-style-type: none"> • regulated vegetation • waterways
Existing use	Intensive animal industry - Feedlot (more than 10,000 SCU)
Site history	<ul style="list-style-type: none"> • Operational Work - Ring Tank Water Storage, application reference 040.2019.00000039.001, approved 8/4/2019 (link) • Request to Change Existing Approval: Operational Work – Earthworks (Extension), application reference 050.2021.00000072.001, approved 5 March 2021 (link) • Material Change of Use: Intensive Animal Industry (expansion of waste utilisation area), application reference 030.2021.00000844.001, approved 3 March 2022 (link), including SARA referral 2111-26215 SRA (link). <p>The current development application relates to and seeks to rely on the environmental authority issued by Department of Primary Industries, concurrent to the Material Change of Use application.</p> <ul style="list-style-type: none"> • Operational Work – Taking overland flow (capture contaminated agricultural runoff water), SARA reference 1811-8340 SDA, approved 21 January 2019 (link).

4.0 Location imagery

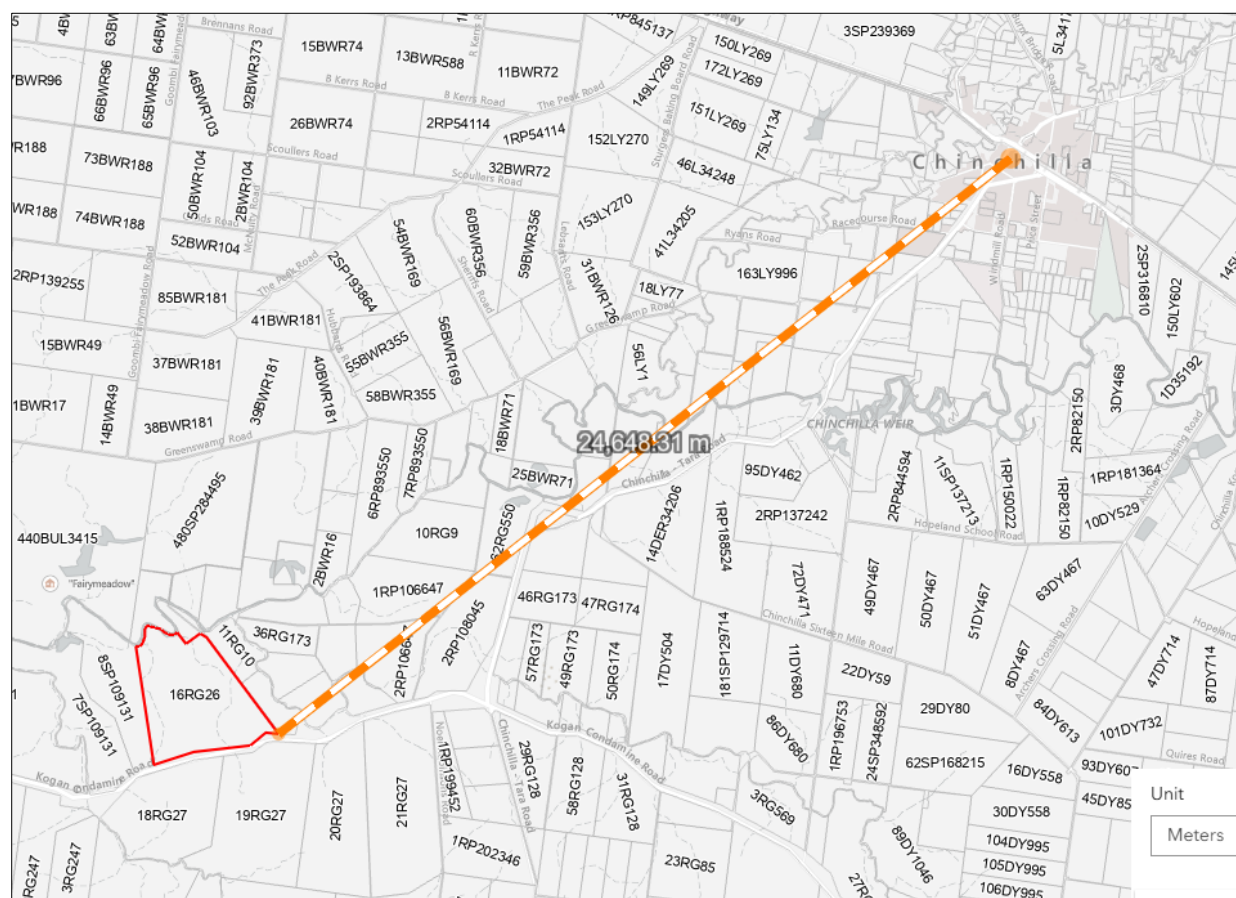


Figure 1: Site location (source: DAMS mapping)

RTI2425-050-DSDIP - Documents released under the RTI Act - Page 482 of 548



Figure 4: Water resource planning area boundaries (source: DAMS mapping)

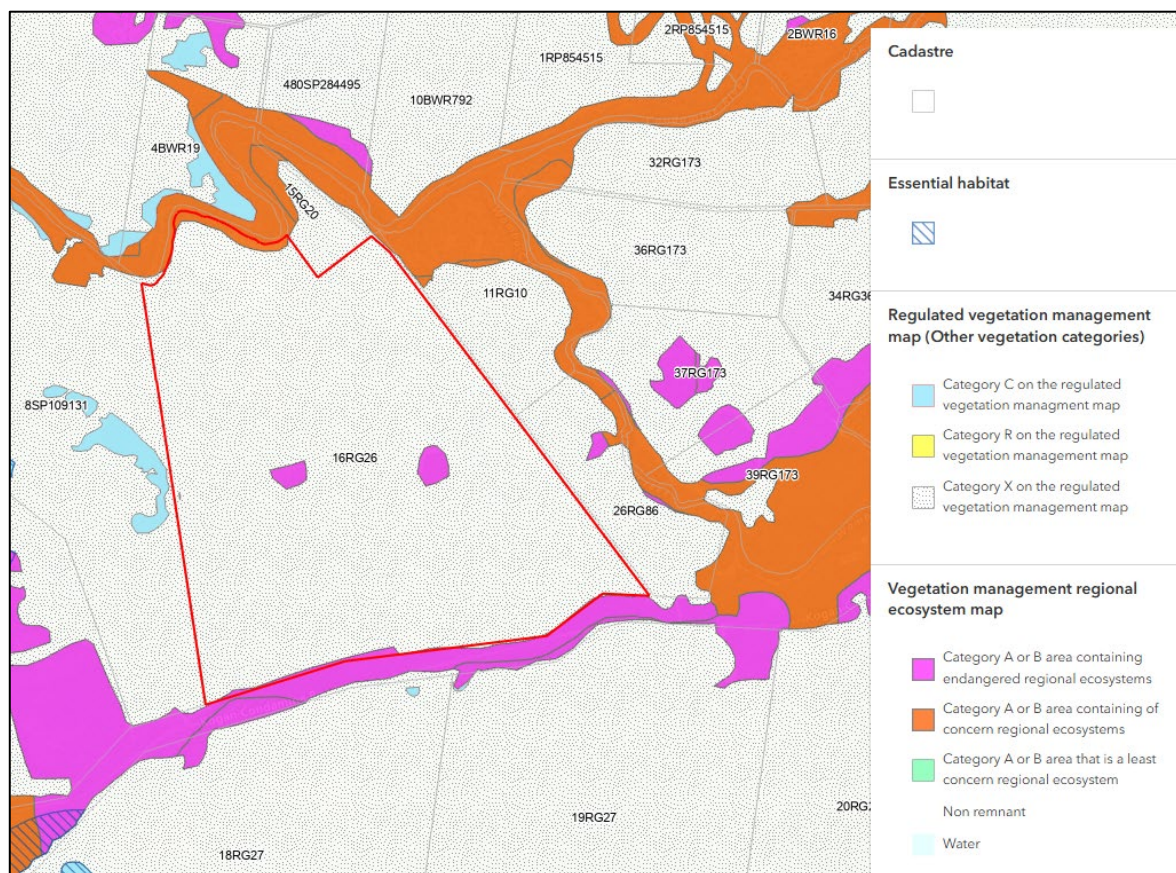


Figure 5: Native vegetation (source: DAMS mapping)

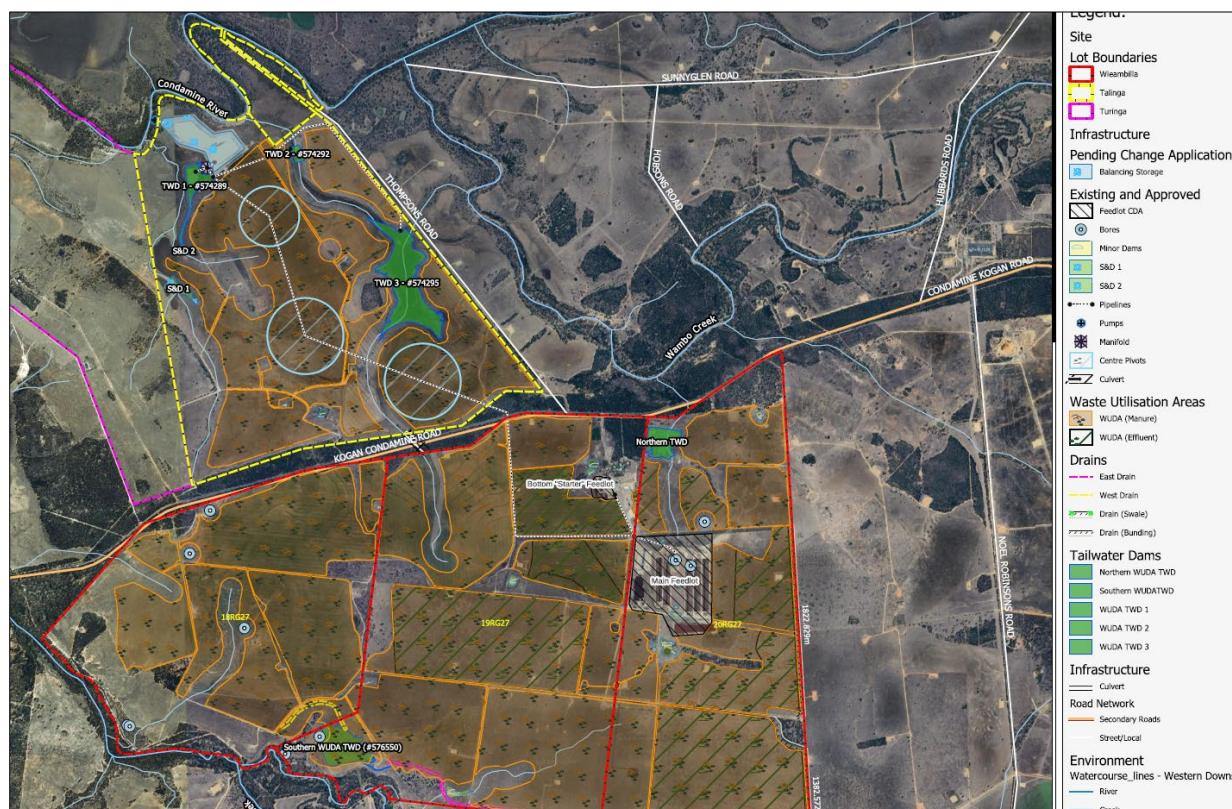


Figure 6: Proposal plan (source: Application material)

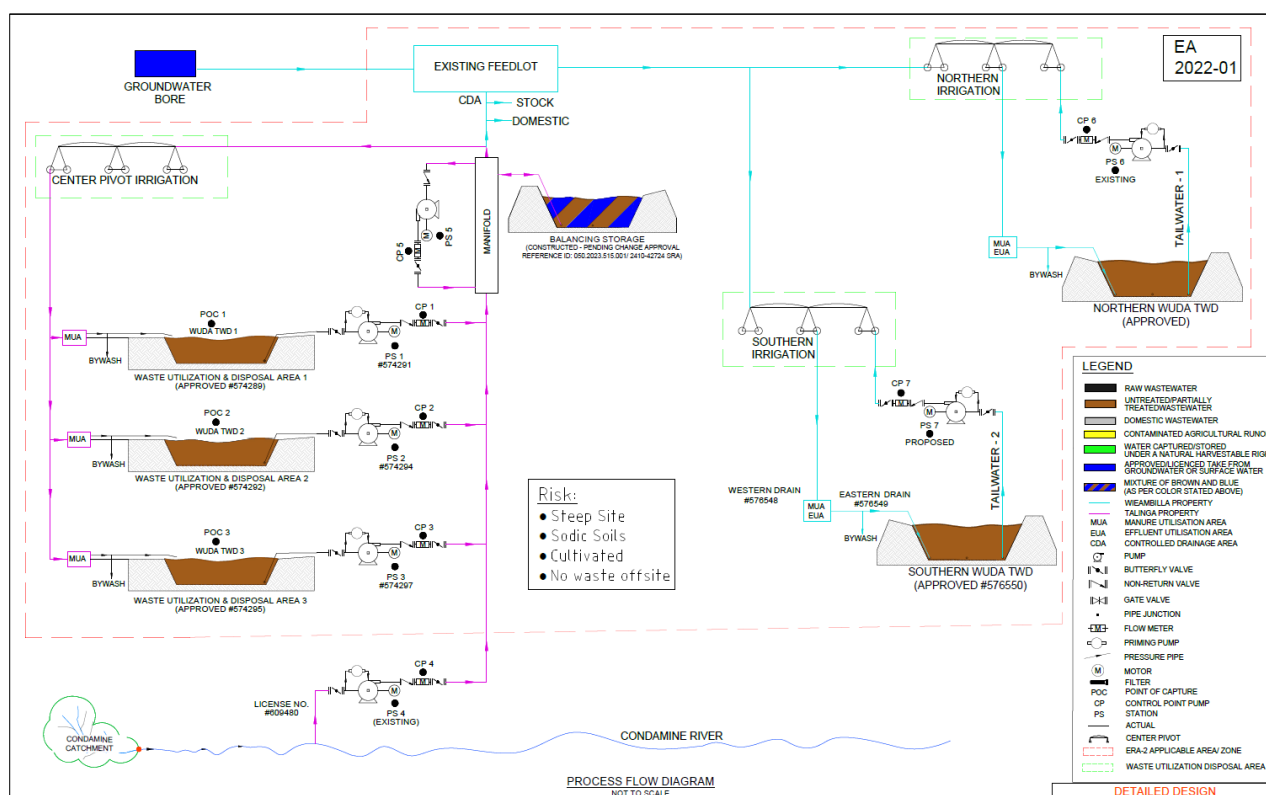


Figure 7: Process flow diagram (source: Application material)

5.0 Background to application

- This application (2410-42724 SRA) relates to Western Downs Regional Council's application reference 050.2024.00000510.001 (Request to Change Existing Approval).
- The original Development Approval, application reference 040.2019.00000039.001, was never referred to SARA for assessment.
- The applicant has previously been advised that the Ring Tank could not have linkage to the contaminated agricultural run-off water dams.
- The approved infrastructure under 1811-8340 SDA and the post constructed certification report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that there is a link with the Ring Tank and the contaminated agricultural run-off water dams. The Ring Tank (at time of application under 1811-8340 SDA) stated the Ring Tank was for the provision of fresh water supply to the feedlot when required.
- Supporting information supplied with this application, claims there is no contaminated agricultural run-off water captured on site, with the previously approved contaminated agricultural run-off water dams (Works 574289, 574292, 574295 under 1811-8340 SDA) now used as Waste Utilisation and Disposal Area Dams under the Environmental Authority 2022-01.
- Works 574289 (CAR Dam 1) and 574295 (CAR Dam 3) are installed. Works 574292 (CAR Dam 2) is not installed and taken to be lapsed under Development Approval 1811-3840 SDA.
- The Department of Local Government, Water and Volunteers have conducted a field inspection on 11 February 2025 and advised that Works 574289 and 574295 have been built larger than what was approved under Development Approval 1811-3840 SDA. The works are also currently connected to the Ring Tank via an irrigation line.

6.0 Assessment

6.1 State matters not triggered for referral

The following matters were considered and determined to be not relevant to the assessment:

State Matter	Reason for non-referral
Category B on the regulated vegetation management map	The proposal does not involve clearing of regulated vegetation. It is noted that the ring tank dam is located approximately 40m from mapped regulated vegetation that is located within the property boundary.
Mapped Queensland waterways for waterway barrier works	No operational work for waterway barrier works is proposed. The ring tank dam is not located on or within a mapped waterway.

6.2 Assessment against SDAP

SARA has assessed the development application against the requirements identified in Schedule 10, Part 9 of the Planning Regulation 2017, being SDAP version 3.0. SARA is satisfied the proposal complies with State code 1.

State code 1 – Development in a state-controlled road environment

The proposed work will have no material impact upon the state-controlled road. No changes to the existing access points are proposed. The footprint of the works are also sufficiently separated from Kogan Condamine Road. A detailed assessment of State code 1 is not considered necessary for the following reasons:

- No changes external to the site are proposed.
- The changes are focused on operational works to the water management system.
- No change to the existing use is proposed.
- There is no material change as a result of the proposed changes that affect Kogan Condamine Road.
- No changes to the existing infrastructure, stormwater or boundary interfaces are proposed that would affect Kogan Condamine Road.
- No change to existing access points to Kogan Condamine Road are proposed.

State code 10 – Taking or interfering with water

SARA is not satisfied that the proposal complies, or can be conditioned to comply, with the relevant assessment benchmarks of State code 10 and recommends the application be refused due to the nature and extent of non-compliance with State code 10 as follows:

Purpose statement

The purpose of State code 10 is to ensure sustainable management of water by ensuring that development:

1. maintains:

- a. natural ecosystem processes;
- b. riverine environments;
- c. underground water systems;
- d. physical integrity of watercourses;

2. does not result in an adverse impact on:

- a. connectivity between underground water and water in a watercourse, lake or spring;
- b. property of others;
- c. the water security of other users and their access to the water resource;

3. minimises the volume of overland flow water taken, consistent with the development;

4. minimises the take of contaminated agricultural run-off water;

5. in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved.

Purpose statement 2: *does not result in an adverse impact on:*

(b) Property of others

(c) the water security of other users and their access to the water resource

The proposed development does not adequately demonstrate that the proposal will not adversely impact on property of others, or the water security of other users and their access to the water resource.

For example, as there is an increase in take of overland flow water, there is an impact on purpose statement 2 by reducing access to the water resource for other users.

Purpose statement 3 – *minimises the volume of overland flow water taken, consistent with the development*

The application does not meet the provisions regarding the capture overland flow water that is necessary for the operation of the environmental authority under the *Environmental Protection Act 1994* as the proposed works to capture overland flow water are deemed in excess of the amount of water necessary

for the operation of the environmental authority. The works are set up with the intent to irrigate a proposed 150 hectares. Feedlot Services (Department of Primary Industries) have provided advice, that based on their calculations, a terminal pond allowable size would be 12.4ML with a total irrigation area of 103 hectares. This is under the proposed 150 hectares the applicant intends to irrigate.

While the environmental authority includes a standard condition, WT4, which identify terminal ponds as being an appropriate method to meet the water quality requirements, the condition states that the terminal ponds “may” be used, indicating that an environmental authority holder could achieved this via other means.

The environmental authority does not specify water requirements for the taking of water or overland flow and does not specify the volume of water required to comply with the environmental authority.

Purpose statement 4: - *minimises the take of contaminated agricultural run-off water*

The supporting information with the application indicates that Works 574289 and 574295 are now ‘terminal ponds’. However, these works do not meet the allowable volume for capturing contaminated agricultural runoff waters under the Environment Authority.

Purpose statement 5 - *in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved*

Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water and are linked/capable of transferring water from these works into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. This indicates that overland flow water that is not contaminated is being taken with the installed works which are also linked to the ring tank.

Performance outcomes

PO2 - *Works do not cause an unacceptable impact on other users’ ability to access the resource*

The application has not demonstrated that the impact on other users’ ability to access the resource has been considered and will not cause an unacceptable impact. The installed works (works reference 574289 and 574295) are used to take overland flow water and are tied to the Ring Tank. Works 574289 and 574294 are oversized and allow additional overland flow water that is not contaminated to be captured. Therefore, approval of this Ring Tank (even as a secondary water storage) is an increase in overland flow take and could cause an unacceptable impact on other users’ ability to access the resource.

PO4 - *Works are consistent with any of the following, to the extent they are relevant to the proposed development:*

- ***a water plan***
- ***a water management protocol***
- ***a moratorium notice issued under the Water Act 2000***

The site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however the proposal takes a greater volume of water and therefore is not considered to be consistent with the plan and protocol.

PO7 - Works to take overland flow water are for one of the following:

- **for an activity prescribed by regulation under the Water Act 2000; or**
- **for reconfiguring existing works; or**
- **in a limited catchment area identified in a water plan; or**
- **for contaminated agricultural run-off water; or**
- **part of an environmentally relevant activity or under an environmental authority; or**
- **incidental to capturing coal seam gas water; or**
- **consistent with a water entitlement; or**
- **for the purpose of water sensitive urban design; for developments in urban areas**
Protection Act 1994

The proposed Ring Tank will not directly take overland flow water, however it is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

The proposed works to take overland flow water:

- is not for an activity prescribed by regulation under the *Water Act 2000*
- is not for reconfiguring existing works
- is not located in a limited catchment area identified in a water plan area
- is not for contaminated agricultural run-off water, for treat and release only, as the proposed works are linked to existing works and the water proposed to be reused for irrigation. There is not sufficient evidence to demonstrate that the works will not capture clean overland flow water
- the proposed works are more than deemed necessary to meet the minimum requirements of the Environmental Authority
- is not incidental to capturing coal seam gas water
- is not consistent with a water entitlement.
- is not for the purpose of water sensitive urban design.

PO14 - Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required

The Ring Tank will not directly take overland flow water, however it is proposed to be connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO15 - Works to take contaminated agricultural run-off water:

- **are not larger than required to contain contaminated agricultural run-off water; and**
- **allow for water that is not contaminated agricultural run-off water to be passed through the works**

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated

agricultural run-off water to be passed through the works.

The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO16 - Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment:

- **do not increase the volume of overland flow water taken in a water year; and**
- **allow for the release of water when an acceptable quality of water is achieved**

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works. The proposed link between the existing works and the proposed Ring Tank will allow the capability for an increase in overland flow water take. The proposal seeks to use the captured overland flow water to irrigate, rather than allow for the release of water once an acceptable quality is achieved.

PO17 - Works only capture the volume of overland flow water necessary for the operation of the environmentally relevant activity or environmental authority under the Environmental Protection Act 1994

The proposed works to capture overland flow water are deemed in excess to the amount of water. The operation of the environmental authority under the EA.

While the EA allows for terminal ponds (as per condition WT4 of environmental authority (reference 2022-01), as per condition WT4 which states:

“The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This **may** include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event”.

Bold added for emphasis

Department of Local Government, Water and Volunteers received advice from the Department of Primary Industries which states *“whilst terminal ponds used to capture potentially contaminated runoff from effluent irrigation areas likely minimise the amount of levels of contamination leaving the effluent utilisation areas, DPI considers that there would not be conflict with the current EA conditions if these structures are not constructed.”*

The applicant can meet condition WT4 of the EA via other means. The proposed works do not satisfy the requirements of the EA, as the total water storage capacity of the works outside of the feedlot area is deemed to be of a volume above what is necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.3 Planning Regulation considerations

SARA has given regard to the following matters as identified in section 22(3) of the Planning Regulation 2017 being:

- local government planning scheme strategic outcomes, purpose statements and overlays
- regional plan strategic intent and desired regional outcomes
- *State Planning Policy July 2017 (SPP)*, parts C and D
- any temporary State Planning Policy
- any infrastructure designation

- any previous and current development approvals applying to the site
- common material received by SARA.

SARA has determined that any potential inconsistencies are not relevant to the assessment of the application cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.4 Human rights assessment

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.

A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. The following relevant human rights for this decision have been considered as follows:

Human right	Assessment
Equity before the law (s15)	<ul style="list-style-type: none"> • The decision is based on planning considerations only and does not discriminate based on human characteristics. • The decision does not limit this human right.
Freedom of expression (s21)	<ul style="list-style-type: none"> • The referral agency response has no impact on whether or not submission rights arise and therefore there will be no impact by the decision on a person's right to freedom of expression. • The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions as public consultation was not required to be carried out by the applicant. • The decision does not limit this human right.
Taking part in public life (s23)	<ul style="list-style-type: none"> • The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions or undertake public consultation. • The decision does not limit this human right.
Property rights (s24)	<ul style="list-style-type: none"> • This human right is not relevant because the referral agency assessment has been undertaken in accordance with the requirements of the <i>Planning Act 2016. Planning Regulation 2017</i> and DA Rules. • On balance, the proposal was considered not to comply with the requirements of SDAP and could not be conditioned to comply. • The decision does not limit this human right as the statutory process was followed and the applicant will have a right to a fair hearing in accordance with s31(as detailed below). • The decision does not limit this human right.
Right to a fair hearing (s31)	<ul style="list-style-type: none"> • This human right is relevant because the applicant will have a right to appeal SARA's refusal. • SARA's refusal does not limit the applicant to make representations on the referral response. • The decision does not limit this human right.

6.5 Material relied upon in the assessment

- The development application material and submitted plans
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and

the Department of Transport and Main Roads

- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.0)
- The Development Assessment Rules
- Section 58 of the *Human Rights Act 2019*

7.0 Recommendation to the delegate

Recommendation

It is recommended that SARA as referral agency:

1. the delegate approve the referral agency response, and
 2. that SARA as referral agency:
- directs the assessment manager to refuse the application on the grounds identified in the referral agency response

Reason(s) for the recommendation:

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed process flow and linkages between existing works and the ring tank result in a size that is greater than what is required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact.
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol.
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area
 - not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate

- more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
 - PO14 of State code 10, the proposal allows for an increased take of overland flow water by connecting the ring tank with existing works. This will result in a take of water that is greater than required.
 - PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
 - PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and takes additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to reuse the water to irrigate
 - PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

8.0 Recommending officer

Case officer	Danica Clark	Senior Planner
Reviewer	Kieran Hanna	Manager

RA3-AR

Delegate consideration

After considering the proposal, the assessment report and the decision material, I, Steve Conner, as the delegate:

1. confirm that the SARA recommendation is approved
2. the decision material is to be issued
3. authorise the use of my electronic signature to issue the SARA referral response through MyDAS2 (including attachments).

From: [Danica Clark](#)
To: [Kieran Hanna](#)
Subject: 2410-42724 SRA - For review
Date: Friday, 21 March 2025 12:14:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[SARA - Response - refusal - 2410-42724 SRA.docx](#)
[SARA - Assessment report - 2410-42724 SRA.docx](#)

Hi Kieran

Attached for your review is the referral response recommending the assessment manager refuse the application. Once reviewed, please send to Steve for his approval of the recommendation (e-mail drafted below).

As discussed at the ED briefing on 19 March 2025 and further today, you are the delegate for this SARA decision under the Operational Policy as the SARA officer recommendation is a **refusal**.

The referral agency response is attached and is due today **21 March 2024**.

Details below:

Application number	2410-42724 SRA
Applicant	Lloyd Pastoral Company Pty Ltd, C/- EnviroAg Australia Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Operational Works
Description of proposal	Development application for an Other Change to an existing Development Approval for Operational Work (Ring Tank).
SARA role	Referral agency
Triggers	<ul style="list-style-type: none">● Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water● Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
Response due date	21 March 2025
Level of assessment	Code
SARA recommendation	Direct the assessment manager to refuse the application
Delegate	ED – refusal

Please confirm you approve SARA's recommendation and authorise the use of your electronic signature to issue the SARA decision through MyDAS2 via return email (including attachments).

Kind regards

Danica Clark



Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



RA13-N

SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001
Applicant reference: 24665

###Secondary1###

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

Attention: Justin Crick

Dear Mr Crick

SARA referral agency response — Kogan Condamine Road, Crossroads

(Referral agency response given under section 56(1)(c) of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 4 October 2024.

Response

Outcome:	Referral agency response - direct the assessment manager to refuse the development application
Date of response:	###Secondary1###

Reasons for refusal

Under section 56(1)(c) of the *Planning Act 2016*, SARA directs the assessment manager to refuse the development application. As per section 62 of the *Planning Act 2016*, the assessment manager must refuse this application.

SARA's view on the proposal's impact on taking or interfering with water

The proposed development to construct a Ring Tank and connections to associated infrastructure does not ensure sustainable management of water.

The proposal will have an adverse impact on the water security within water catchments and impact other users and their access to the water source. The proposal does not minimise the volume of overland flow water taken, consistent with the development on the site.

The proposal captures a greater volume of overland flow water than necessary for the operation of the Environmental Authority (EA) under the *Environmental Protection Act 1994* for the feedlot.

Reasons for refusal

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through the proposed dams, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed design capacity of the dams are greater than the size required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area
 - not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate
 - more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
- PO14 of State code 10, the contaminated agriculture ran-off water is not proposed to be captured and stored using existing works, additionally the proposed dams are greater than required to capture contaminated agriculture ran-off when including the 'Balancing Storages'
- PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
- PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to reuse the water to irrigate

- PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

The material used in the assessment of the application were:

- development application
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and the Department of Transport and Main Roads
- State Development Assessment Provisions (version 3.0)
- *Planning Act 2016*
- Planning Regulation 2017
- Section 58 of the *Human Rights Act 2019*

Development details

Description:	Development permit	Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role:	Referral Agency	
SARA trigger:	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 – Operational work that is taking or interfering with water • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor (Planning Regulation 2017) 	
SARA reference:	2410-42724 SRA	
Assessment manager:	Western Downs Regional Council	
Street address:	Kogan Condamine Road, Crossroads	
Real property description:	Lot 16 on RG26	
Applicant name:	Lloyd Pastoral Company Pty Ltd	
Applicant contact details:	C/- EnviroAg Australia Pty Ltd PO BOX 411 Toowoomba QLD 4350 <div style="border: 1px solid black; padding: 2px; display: inline-block;">Personal information</div> enviroag.net.au	

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

For further information please contact Danica Clark, Senior Planner, on 4616 7307 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Signature
placeholder

###Secondary2###

###Secondary3###

cc Lloyd Pastoral Company Pty Ltd, Personal information enviroag.net.au

State Assessment Referral Agency (SARA) Assessment Report — referral agency

1.0 Application summary

SARA reference number	2410-42724 SRA
Applicant name	Lloyd Pastoral Company Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Other Change to an existing Development Approval for Operational Work (Ring Tank)
Description of proposal	<p>The application seeks approval for a Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources.</p> <p>It is noted that the Ring Tank is existing. The Ring Tank stores water from the Condamine River under Water Allocation 21AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate.</p>
Referral matters under the Planning Regulation 2017 (Planning Regulation)	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item.1 – Operational work that involves taking or interfering with water. • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor
State Development Assessment Provisions (SDAP)	<ul style="list-style-type: none"> • Version 3.0 • Code: <ul style="list-style-type: none"> ○ State code 10: Taking or interfering with water ○ State code 1: Development in a state-controlled road environment
Related applications under a separate act	Not applicable. This application does not involve an application under a separate Act.
SARA referral confirmation notice date	11 October 2024
Response due date	21 March 2025

2.0 Assessment summary

Pre-lodgement advice	2404-40188 SPL – (requested 5 June 2024) 2301-32825 SPL – (requested 17 February 2023)
Technical Agency advice	The development application was referred to the Department of Local Government, Water and Volunteers (DLGWV) which provided its Technical Agency Response (TAR) on 14 March 2025 (link) recommending refusal.
Information request	<p>Issued: 25 October 2024 (link)</p> <p>Information requested included:</p> <ul style="list-style-type: none"> • Further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water.

	<ul style="list-style-type: none"> Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, further information is required to demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this. <p>Response: 27 February 2025 (link)</p> <p>The response included:</p> <ul style="list-style-type: none"> The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation. The storage may also be used as a “balancing storage” to mix (shandy) disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas. The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same. The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water. No CAR water is captured or used on this site. <p>It is noted that the response included an updated process flow diagram that maintained the Ring Tank’s connection to other storages that collect overland flow water (clean and CAR) and to re-use this water for irrigation.</p>
Advice notice	No advice notice was issued.
Department of State Development, Infrastructure and Planning (DSDIP) officer recommendation	Direct the assessment manager to refuse the application.
Reason for recommendation	The proposal does not comply with State code 10: Taking or interfering with water of SDAP and cannot be conditioned to comply.
Recommendation different to Technical Agency advice	The recommendation is consistent with the Department of Local Government, Water and Volunteers Technical Agency advice.
Delegate for decision	In accordance with the Operation Policy: Guide to exercising delegated authority – SARA dated December 2020 and Instrument of Delegation dated 20 March 2020, the Executive Director, Planning Group has delegation to consider this application as the recommendation is for refusal.

3.0 Site Context

Real property description	16RG26
Local Government Area	Western Downs Regional Council
Site area	826.368ha
Relevant site matter(s)	<p>The subject site:</p> <ul style="list-style-type: none"> • is located at Crossroads, approximately 25km south-west of Chinchilla • is within the Rural Zone under the Western Downs Regional Planning Scheme • is mapped with the following state interests: <ul style="list-style-type: none"> ○ water resources planning area boundaries ○ area within 25 of a state-controlled road ○ category X and B areas on the regulated vegetation management map ○ low, moderate and major risk mapped Queensland waterway for waterway barrier works
Mapped state matter(s) not relevant to the site	<ul style="list-style-type: none"> • regulated vegetation • waterways
Existing use	Intensive animal industry - Feedlot (more than 10,000 SCU)
Site history	<ul style="list-style-type: none"> • Operational Work - Ring Tank Water Storage, application reference 040.2019.00000039.001, approved 8/4/2019 (link) • Request to Change Existing Approval: Operational Work – Earthworks (Extension), application reference 050.2021.00000072.001, approved 5 March 2021 (link) • Material Change of Use: Intensive Animal Industry (expansion of waste utilisation area), application reference 030.2021.00000844.001, approved 3 March 2022 (link), including SARA referral 2111-26215 SRA (link). <p>The current development application relates to and seeks to rely on the environmental authority issued by Department of Primary Industries, concurrent to the Material Change of Use application.</p> <ul style="list-style-type: none"> • Operational Work – Taking overland flow (capture contaminated agricultural runoff water), SARA reference 1811-8340 SDA, approved 21 January 2019 (link).

4.0 Location imagery

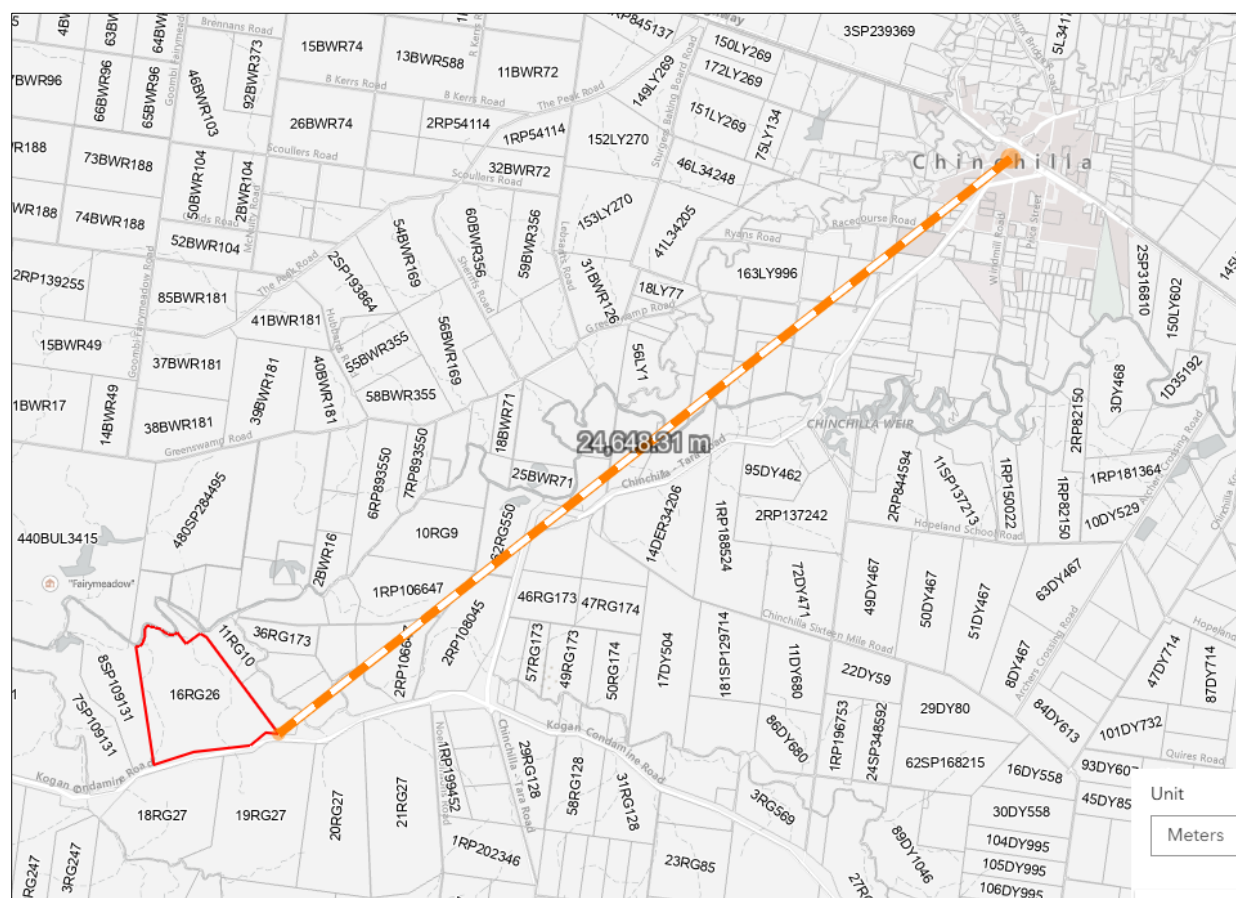


Figure 1: Site location (source: DAMS mapping)

[illegible]

RTI2425-050-DSDIP - Documents released under the RTI Act - Page 505 of 548



Figure 4: Water resource planning area boundaries (source: DAMS mapping)

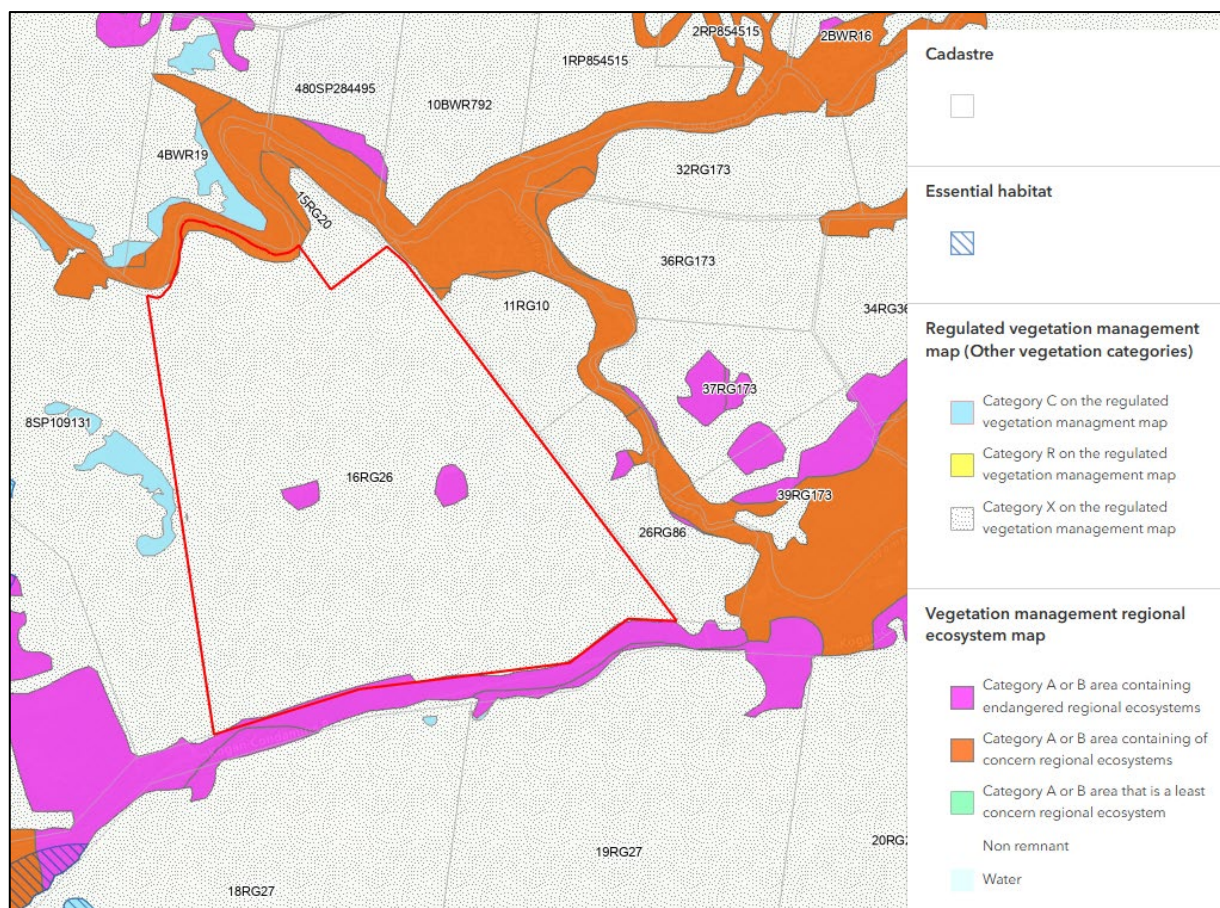


Figure 5: Native vegetation (source: DAMS mapping)

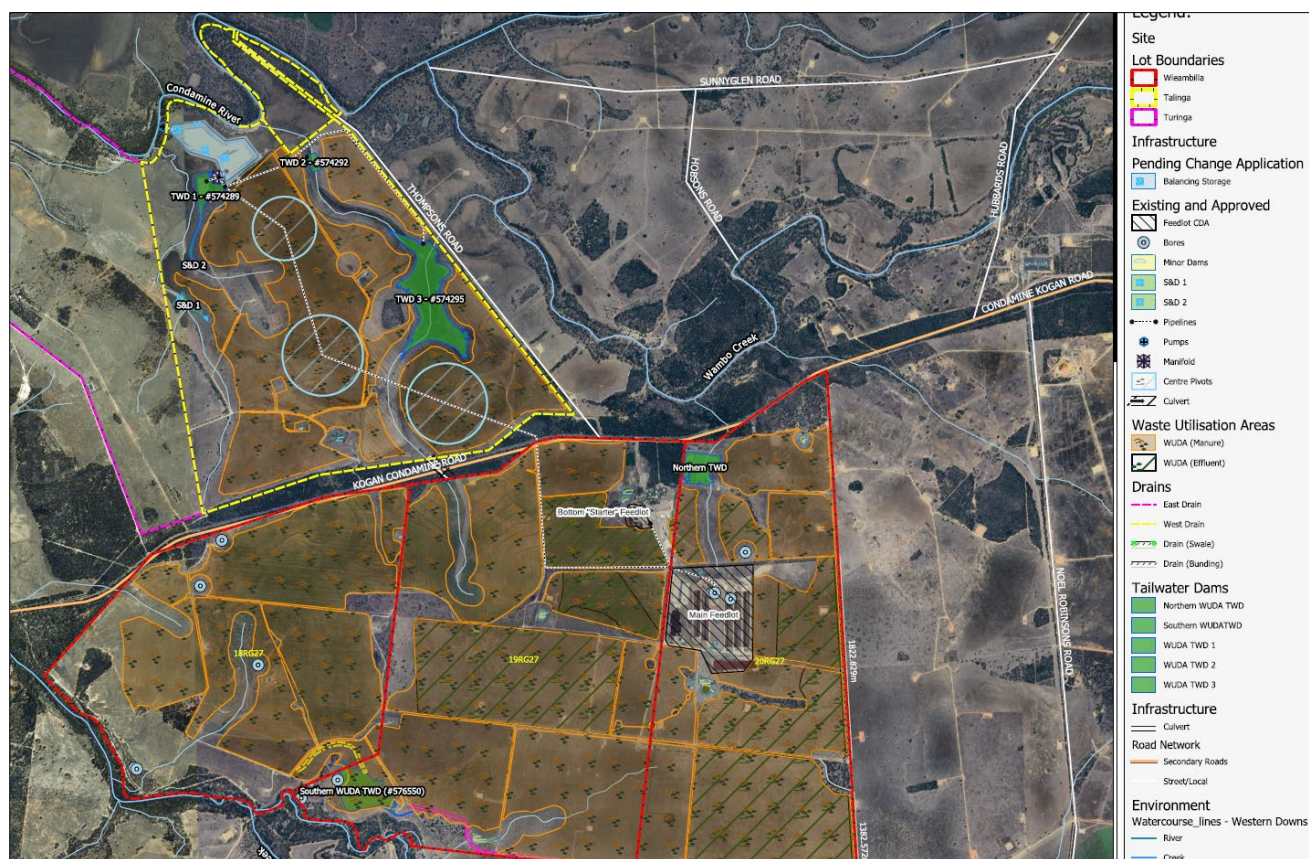


Figure 6: Proposal plan (source: Application material)

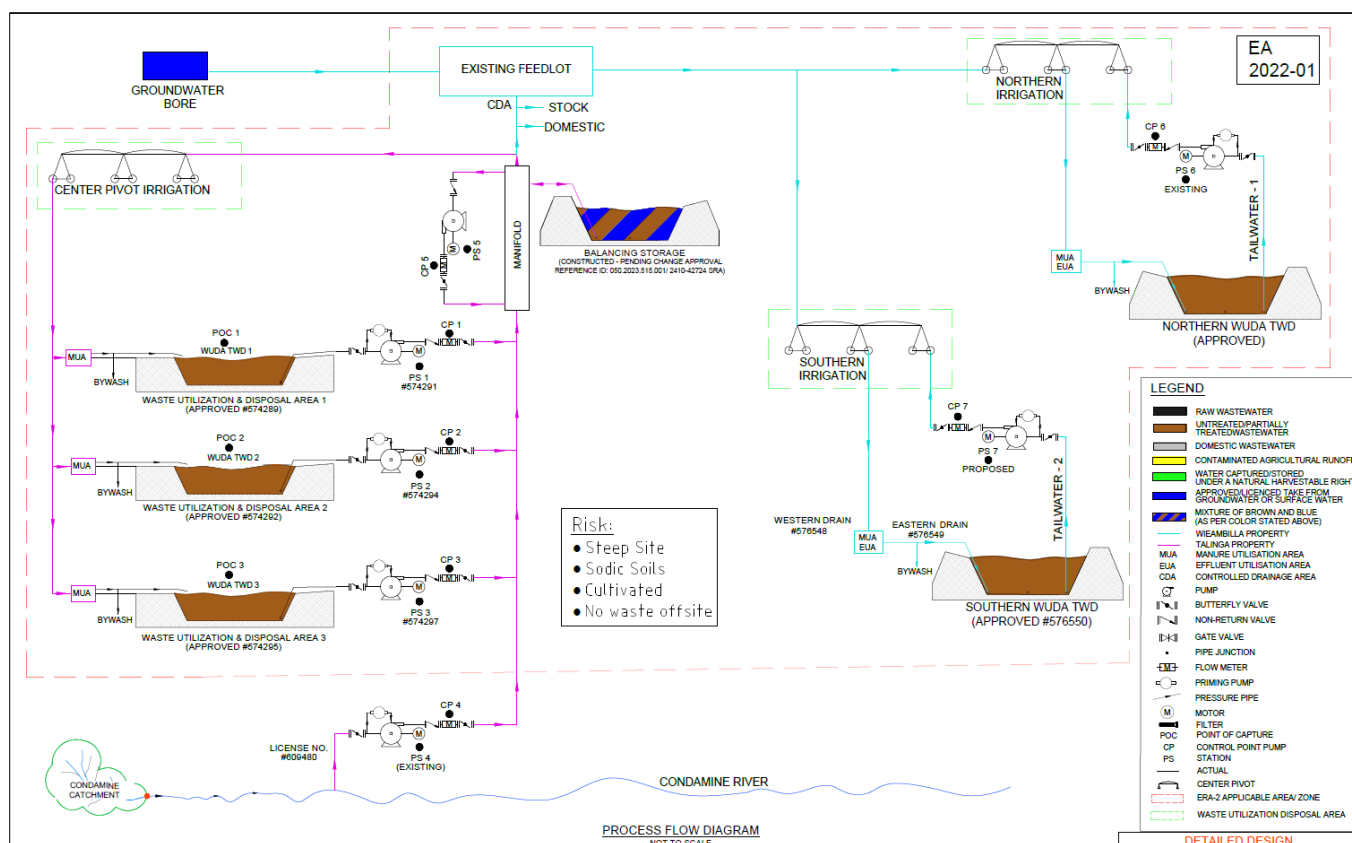


Figure 7: Process flow diagram (source: Application material)

5.0 Background to application

- This application (2410-42724 SRA) relates to Western Downs Regional Council's application reference 050.2024.00000510.001 (Request to Change Existing Approval).
- The original Development Approval, application reference 040.2019.00000039.001, was never referred to SARA for assessment.
- The applicant has previously been advised that the Ring Tank could not have linkage to the contaminated agricultural run-off water dams.
- The approved infrastructure under 1811-8340 SDA and the post constructed certification report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that there is a link with the Ring Tank and the contaminated agricultural run-off water dams. The Ring Tank (at time of application under 1811-8340 SDA) stated the Ring Tank was for the provision of fresh water supply to the feedlot when required.
- Supporting information supplied with this application, claims there is no contaminated agricultural run-off water captured on site, with the previously approved contaminated agricultural run-off water dams (Works 574289, 574292, 574295 under 1811-8340 SDA) now used as Waste Utilisation and Disposal Area Dams under the Environmental Authority 2022-01.
- Works 574289 (CAR Dam 1) and 574295 (CAR Dam 3) are installed. Works 574292 (CAR Dam 2) is not installed and taken to be lapsed under Development Approval 1811-3840 SDA.
- The Department of Local Government, Water and Volunteers have conducted a field inspection on 11 February 2025 and advised that Works 574289 and 574295 have been built larger than what was approved under Development Approval 1811-3840 SDA. The works are also currently connected to the Ring Tank via an irrigation line.

6.0 Assessment

6.1 State matters not triggered for referral

The following matters were considered and determined to be not relevant to the assessment:

State Matter	Reason for non-referral
Category B on the regulated vegetation management map	The proposal does not involve clearing of regulated vegetation. It is noted that the ring tank dam is located approximately 40m from mapped regulated vegetation that is located within the property boundary.
Mapped Queensland waterways for waterway barrier works	No operational work for waterway barrier works is proposed. The ring tank dam is not located on or within a mapped waterway.

6.2 Assessment against SDAP

SARA has assessed the development application against the requirements identified in Schedule 10, Part 9 of the Planning Regulation 2017, being SDAP version 3.0. SARA is satisfied the proposal complies with State code 1.

SARA is not satisfied that the proposal complies, or can be conditioned to comply, with the relevant assessment benchmarks of State code 10 and recommends the application be refused due to the nature and extent of non-compliance with State code 10 as follows:

5.2.1 State code 10 – Taking or interfering with water

Purpose statement

The purpose of State code 10 is to ensure sustainable management of water by ensuring that development:

1. maintains:
 - a. natural ecosystem processes;
 - b. riverine environments;
 - c. underground water systems;
 - d. physical integrity of watercourses;
2. does not result in an adverse impact on:
 - a. connectivity between underground water and water in a watercourse, lake or spring;
 - b. property of others;
 - c. the water security of other users and their access to the water resource;
3. minimises the volume of overland flow water taken, consistent with the development;
4. minimises the take of contaminated agricultural run-off water;
5. in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved.

Purpose statement 2: does not result in an adverse impact on:

(b) Property of others

(c) the water security of other users and their access to the water resource

The proposed development does not adequately demonstrate that the proposal will not adversely impact on property of others, or the water security of other users and their access to the water resource. For example, as there is an increase in take of overland flow water, there is an impact on purpose statement 2 by reducing access to the water resource for other users.

Purpose statement 3 – minimises the volume of overland flow water taken, consistent with the development

The application does not meet the provisions regarding the capture overland flow water that is necessary for the operation of the environmental authority under the *Environmental Protection Act 1994* as the proposed works to capture overland flow water are deemed in excess of the amount of water necessary for the operation of the environmental authority. The works are set up with the intent to irrigate a proposed 150 hectares. Feedlot Services (Department of Primary Industries) have provided advice, that based on their calculations, a terminal pond allowable size would be 12.4ML with a total irrigation area of 103 hectares. This is under the proposed 150 hectares the applicant intends to irrigate.

While the environmental authority includes a standard condition, WT4, which identify terminal ponds as being an appropriate method to meet the water quality requirements, the condition states that the terminal

ponds “may” be used, indicating that an environmental authority holder could achieved this via other means.

The environmental authority does not specify water requirements for the taking of water or overland flow and does not specify the volume of water required to comply with the environmental authority.

Purpose statement 4: - *minimises the take of contaminated agricultural run-off water*

The supporting information with the application indicates that Works 574289 and 574295 are now ‘terminal ponds’. However, these works do not meet the allowable volume for capturing contaminated agricultural runoff waters under the Environment Authority.

Purpose statement 5 - *in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved*

Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water and are linked/capable of transferring water from these works into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. This indicates that overland flow water that is not contaminated is being taken with the installed works which are also linked to the ring tank.

Performance outcomes

PO2 - *Works do not cause an unacceptable impact on other users’ ability to access the resource*

The application has not demonstrated that the impact on other users’ ability to access the resource has been considered and will not cause an unacceptable impact. The installed works (works reference 574289 and 574295) are used to take overland flow water and are tied to the Ring Tank. Works 574289 and 574294 are oversized and allow additional overland flow water that is not contaminated to be captured. Therefore, approval of this Ring Tank (even as a secondary water storage) is an increase in overland flow take and could cause an unacceptable impact on other users’ ability to access the resource.

PO4 - *Works are consistent with any of the following, to the extent they are relevant to the proposed development:*

- ***a water plan***
- ***a water management protocol***
- ***a moratorium notice issued under the Water Act 2000***

The site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA,

however the proposal takes a greater volume of water and therefore is not considered to be consistent with the plan and protocol.

PO7 - Works to take overland flow water are for one of the following:

- ***for an activity prescribed by regulation under the Water Act 2000; or***
- ***for reconfiguring existing works; or***
- ***in a limited catchment area identified in a water plan; or***
- ***for contaminated agricultural run-off water; or***
- ***part of an environmentally relevant activity or under an environmental authority; or***
- ***incidental to capturing coal seam gas water; or***
- ***consistent with a water entitlement; or***
- ***for the purpose of water sensitive urban design; for developments in urban areas***
Protection Act 1994

The proposed Ring Tank will not directly take overland flow water, however it is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

The proposed works to take overland flow water:

- is not for an activity prescribed by regulation under the *Water Act 2000*
- is not for reconfiguring existing works
- is not located in a limited catchment area identified in a water plan area
- is not for contaminated agricultural run-off water, for treat and release only, as the proposed works are linked to existing works and the water proposed to be reused for irrigation. There is not sufficient evidence to demonstrate that the works will not capture clean overland flow water
- the proposed works are more than deemed necessary to meet the minimum requirements of the Environmental Authority
- is not incidental to capturing coal seam gas water
- is not consistent with a water entitlement.
- is not for the purpose of water sensitive urban design.

PO14 - Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required

The Ring Tank will not directly take overland flow water, however it is proposed to be connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO15 - Works to take contaminated agricultural run-off water:

- ***are not larger than required to contain contaminated agricultural run-off water; and***
- ***allow for water that is not contaminated agricultural run-off water to be passed through the works***

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works.

The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO16 - Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment:

- **do not increase the volume of overland flow water taken in a water year; and**
- **allow for the release of water when an acceptable quality of water is achieved**

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works. The proposed link between the existing works and the proposed Ring Tank will allow the capability for an increase in overland flow water take. The proposal seeks to use the captured overland flow water to irrigate, rather than allow for the release of water once an acceptable quality is achieved.

PO17 - Works only capture the volume of overland flow water necessary for the operation of the environmentally relevant activity or environmental authority under the Environmental Protection Act 1994

The proposed works to capture overland flow water are deemed in excess to the amount of water. The operation of the environmental authority under the EA.

While the EA allows for terminal ponds (as per condition WT4 of environmental authority (reference 2022-01), as per condition WT4 which states:

*“The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This **may** include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event”.*

Bold added for emphasis

Department of Local Government, Water and Volunteers received advice from the Department of Primary Industries which states *“whilst terminal ponds used to capture potentially contaminated runoff from effluent irrigation areas likely minimise the amount of levels of contamination leaving the effluent utilisation areas, DPI considers that there would not be conflict with the current EA conditions if these structures are not constructed.”*

The applicant can meet condition WT4 of the EA via other means. The proposed works do not satisfy the requirements of the EA, as the total water storage capacity of the works outside of the feedlot area is deemed to be of a volume above what is necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.3 Planning Regulation considerations

SARA has given regard to the following matters as identified in section 22(3) of the Planning Regulation 2017 being:

- local government planning scheme strategic outcomes, purpose statements and overlays
- regional plan strategic intent and desired regional outcomes
- *State Planning Policy July 2017 (SPP)*, parts C and D
- any temporary State Planning Policy
- any infrastructure designation
- any previous and current development approvals applying to the site
- common material received by SARA.

SARA has determined that any potential inconsistencies are not relevant to the assessment of the application cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.4 Human rights assessment

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.

A consideration of the 23 fundamental human rights protected under the the *Human Rights Act 2019* has been undertaken as part of this decision. The following relevant human rights for this decision have been considered as follows:

Human right	Assessment
Equity before the law (s15)	<ul style="list-style-type: none"> The decision is based on planning considerations only and does not discriminate based on human characteristics. The decision does not limit this human right.
Freedom of expression (s21)	<ul style="list-style-type: none"> The referral agency response has no impact on whether or not submission rights arise and therefore there will be no impact by the decision on a person's right to freedom of expression. The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions as public consultation was not required to be carried out by the applicant. The decision does not limit this human right.
Taking part in public life (s23)	<ul style="list-style-type: none"> The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions or undertake public consultation. The decision does not limit this human right.
Property rights (s24)	<ul style="list-style-type: none"> This human right is not relevant because the referral agency assessment has been undertaken in accordance with the requirements of the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and DA Rules. On balance, the proposal was considered not to comply with the requirements of SDAP and could not be conditioned to comply. The decision does not limit this human right as the statutory process was followed and the applicant will have a right to a fair hearing in accordance with s31(as detailed below). The decision does not limit this human right.
Right to a fair hearing (s31)	<ul style="list-style-type: none"> This human right is relevant because the applicant will have a right to appeal SARA's refusal. SARA's refusal does not limit the applicant to make representations on the referral response. The decision does not limit this human right.

6.5 Material relied upon in the assessment

- The development application material and submitted plans
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and the Department of Transport and Main Roads
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.0)
- The Development Assessment Rules
- Section 58 of the *Human Rights Act 2019*

7.0 Recommendation to the delegate

6.1. Recommendation

It is recommended that SARA as referral agency:

1. the delegate approve the referral agency response, and
 2. that SARA as referral agency:
- directs the assessment manager to refuse the application on the grounds identified in the referral agency response

6.2. Reason(s) for the recommendation:

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed process flow and linkages between existing works and the ring tank result in a size that is greater than what is required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact.
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol.
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area

- not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate
 - more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
 - PO14 of State code 10, the proposal allows for an increased take of overland flow water by connecting the ring tank with existing works. This will result in a take of water that is greater than required.
 - PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
 - PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and takes additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to reuse the water to irrigate
 - PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

8.0 Recommending officer

Case officer	Danica Clark	Senior Planner
Reviewer		

RA3-AR

Delegate consideration

After considering the proposal, the assessment report and the decision material, I, Steve Conner, as the delegate:

1. confirm that the SARA recommendation is approved
2. the decision material is to be issued
3. authorise the use of my electronic signature to issue the SARA referral response through MyDAS2 (including attachments).

From: [Danica Clark](#)
To: [Richard Dickfos](#)
Subject: Referral response (refusal) for review
Date: Friday, 21 March 2025 11:45:00 AM
Attachments: [SARA - Response - refusal - 2410-42724 SRA.docx](#)
[image001.png](#)
[image002.png](#)

Hi Richard

As discussed, please review the attached and mark up any recommended amendments for our consideration.

Kind regards



Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au



RA13-N

SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001
Applicant reference: 24665

###Secondary1###

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

Attention: Justin Crick

Dear Mr Crick

SARA referral agency response — Kogan Condamine Road, Crossroads

(Referral agency response given under section 56(1)(c) of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 4 October 2024.

Response

Outcome:	Referral agency response - direct the assessment manager to refuse the development application
Date of response:	###Secondary1###

Reasons for refusal

Under section 56(1)(c) of the *Planning Act 2016*, SARA directs the assessment manager to refuse the development application. As per section 62 of the *Planning Act 2016*, the assessment manager must refuse this application.

SARA's view on the proposal's impact on taking or interfering with water

The proposed development to construct a Ring Tank and connections to associated infrastructure does not ensure sustainable management of water.

The proposal will have an adverse impact on the water security within water catchments and impact other users and their access to the water source. The proposal does not minimise the volume of overland flow water taken, consistent with the development on the site.

The proposal captures a greater volume of overland flow water than necessary for the operation of the Environmental Authority (EA) under the *Environmental Protection Act 1994* for the feedlot.

Reasons for refusal

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through the proposed dams, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed design capacity of the dams are greater than the size required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area
 - not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate
 - more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
- PO14 of State code 10, the contaminated agriculture ran-off water is not proposed to be captured and stored using existing works, additionally the proposed dams are greater than required to capture contaminated agriculture ran-off when including the 'Balancing Storages'
- PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
- PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to reuse the water to irrigate

- PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

The material used in the assessment of the application were:

- development application
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and the Department of Transport and Main Roads
- State Development Assessment Provisions (version 3.0)
- *Planning Act 2016*
- Planning Regulation 2017
- Section 58 of the *Human Rights Act 2019*

Development details

Description:	Development permit	Other Change to an existing Development Approval for Operational Work (Ring Tank)
SARA role:	Referral Agency	
SARA trigger:	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 – Operational work that is taking or interfering with water • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor (Planning Regulation 2017) 	
SARA reference:	2410-42724 SRA	
Assessment manager:	Western Downs Regional Council	
Street address:	Kogan Condamine Road, Crossroads	
Real property description:	Lot 16 on RG26	
Applicant name:	Lloyd Pastoral Company Pty Ltd	
Applicant contact details:	C/- EnviroAg Australia Pty Ltd PO BOX 411 Toowoomba QLD 4350 <div style="border: 1px solid black; padding: 2px; display: inline-block;">Personal information</div> enviroag.net.au	

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

For further information please contact Danica Clark, Senior Planner, on 4616 7307 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Signature
placeholder

###Secondary2###

###Secondary3###

cc Lloyd Pastoral Company Pty Ltd, Personal information enviroag.net.au

Good morning

Microsoft Teams Need help? <<https://aka.ms/JoinTeamsMeeting?omkt=en-US>>

Meeting ID: 488 139 945 435

Passcode: wf2Y7ri6

+61 7 3185 1801,,700506764# <tel:+61731851801,,700506764> Australia, Brisbane

Phone conference ID: 700 506 764#

Join on a video conferencing device

Tenant key: teams@dsdti.onpexip.com

Video ID: 132 575 296 8

More info <<https://pexip.me/teams/dsdti.onpexip.com/1325752968>>

For organizers: Meeting options <https://teams.microsoft.com/meetingOptions/?organizerId=ca6d39e8-15d2-4e55-b043-46a0d6f8230a&tenantId=7db2bec6-535c-4748-bf78-c30733511bcd&threadId=19_meeting_NTQyMjg3ZjktMmQzOC00NmRmLWlzNzUtYjlmYWQ1YjBiNDFi@thread.v2&language=en-US> | Reset dial-in PIN <<https://dialin.teams.microsoft.com/usp/pstnconferencing>>

Danica Clark

Senior Planner

Planning Services

Department of State Development, Infrastructure and Planning

Microsoft Teams – meet now

P 3307 6175

128 Margaret Street, Toowoomba QLD 4350

PO Box 825, Toowoomba QLD 4350

statedevelopment.qld.gov.au <<https://www.statedevelopment.qld.gov.au/>>

<<https://www.statedevelopment.qld.gov.au/news/our-channels/social-media>>

From: [Dominique Gallagher](#)
To: [Kieran Hanna](#); [Danica Clark](#)
Cc: [Melinda Ruis](#)
Subject: RE: Recommendation for SARA refusal - 2410-42724 SRA
Date: Tuesday, 25 March 2025 8:47:02 AM
Attachments: [image001.png](#)
[image002.png](#)

Thanks for the briefing Danica! Good work to progress this one
Dom

From: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>
Sent: Friday, 21 March 2025 2:43 PM
To: Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: FW: Recommendation for SARA refusal - 2410-42724 SRA

Hi Danica,

Good to go.

Great work this week with getting it all together and the last minute sprint to the finish.

Regards



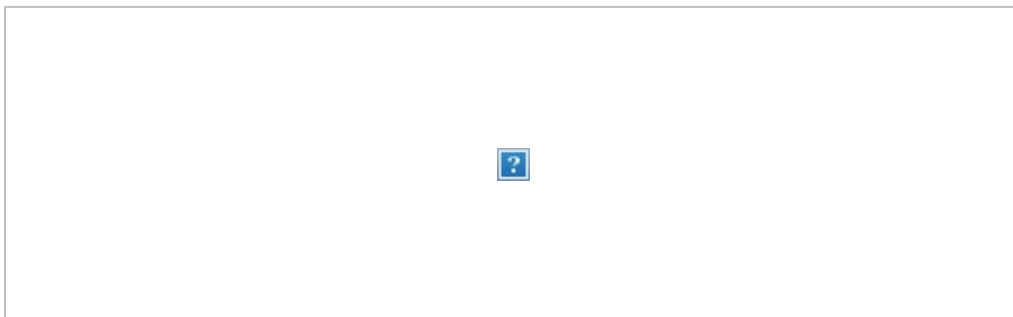
Kieran Hanna

Manager

SEQ West, Planning Services

Department of State Development, Infrastructure and Planning

P 3432 2404 | 0477 355 541
Level 4, 117 Brisbane Street, Ipswich QLD 4305
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From: Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>
Sent: Friday, 21 March 2025 2:22 PM

To: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>; Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: RE: Recommendation for SARA refusal - 2410-42724 SRA

Thanks Kieran

I have reviewed the assessment report and approve the referral agency response requesting refusal of the application and authorise the use of my electronic signature.

Good work on this one Danica.

Kind regards

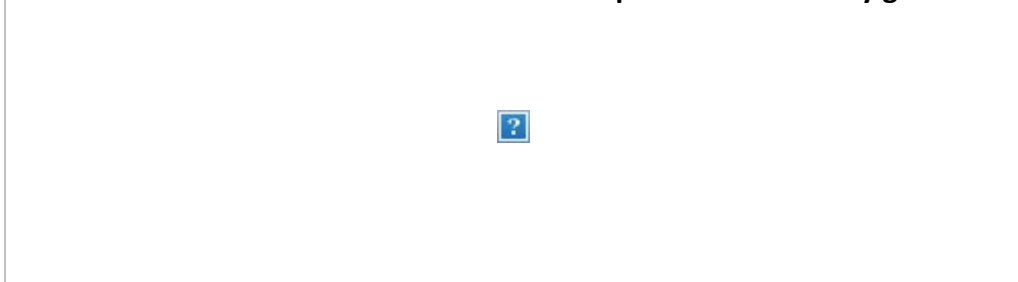


Steve Conner
Executive Director
Planning Services
Department of State Development, Infrastructure and Planning

[Microsoft Teams – meet now](#)

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Level 13, 1 William Street, Brisbane QLD
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A screenshot of a social media account Description automatically generated



From: Kieran Hanna <Kieran.Hanna@dsdilgp.qld.gov.au>
Sent: Friday, 21 March 2025 1:48 PM
To: Steve CONNER <Steve.Conner@dsdilgp.qld.gov.au>
Cc: Dominique Gallagher <Dominique.Gallagher@dsdilgp.qld.gov.au>; Danica Clark <Danica.Clark@dsdilgp.qld.gov.au>; Melinda Ruis <Melinda.Ruis@dsdilgp.qld.gov.au>
Subject: Recommendation for SARA refusal - 2410-42724 SRA

Hi Steve,

As discussed with you at the ED briefing on 19 March 2025 and further today, you are the delegate for this SARA decision under the Operational Policy as the SARA officer recommendation is a **refusal**.

The referral agency response is attached and is due today **21 March 2024**.

Details below:

Application number	2410-42724 SRA
Applicant	Lloyd Pastoral Company Pty Ltd, C/- EnviroAg Australia Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Operational Works
Description of proposal	Development application for an Other Change to an existing Development Approval for Operational Work (Ring Tank).
SARA role	Referral agency
Triggers	<ul style="list-style-type: none">● Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 - Operational work that is taking or interfering with water● Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 - Operational work on premises near a state transport corridor
Response due date	21 March 2025
Level of assessment	Code
SARA recommendation	Direct the assessment manager to refuse the application
Delegate	ED – refusal

Please confirm you approve SARA's recommendation and authorise the use of your electronic signature to issue the SARA decision through MyDAS2 via return email (including attachments).

Regards



Kieran Hanna

Manager

SEQ West, Planning Services

Department of State Development, Infrastructure and Planning

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State Assessment Referral Agency (SARA) Assessment Report — referral agency

1.0 Application summary

SARA reference number	2410-42724 SRA
Applicant name	Lloyd Pastoral Company Pty Ltd
Site address	Kogan Condamine Road, Crossroads
Type of application	Other Change to an existing Development Approval for Operational Work (Ring Tank)
Description of proposal	<p>The application seeks approval for a Ring Tank located on Lot 16 on RG26 capable of storing up to 1060ML of water from multiple sources.</p> <p>It is noted that the Ring Tank is existing. The Ring Tank stores water from the Condamine River under Water Allocation 21AP7585, contaminated agricultural run-off water from existing works reference 574289, 574292 and 574295 and wastewater from the feedlot holding pond. The Ring Tank is then used to supply water to the feedlot and to irrigate.</p>
Referral matters under the Planning Regulation 2017 (Planning Regulation)	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item.1 – Operational work that involves taking or interfering with water. • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor
State Development Assessment Provisions (SDAP)	<ul style="list-style-type: none"> • Version 3.0 • Code: <ul style="list-style-type: none"> ○ State code 10: Taking or interfering with water ○ State code 1: Development in a state-controlled road environment
Related applications under a separate act	Not applicable. This application does not involve an application under a separate Act.
SARA referral confirmation notice date	11 October 2024
Response due date	21 March 2025

2.0 Assessment summary

Pre-lodgement advice	2404-40188 SPL – (requested 5 June 2024) 2301-32825 SPL – (requested 17 February 2023)
Technical Agency advice	<p>The development application was referred to the Department of Local Government, Water and Volunteers (DLGWV) which provided its Technical Agency Response (TAR) on 14 March 2025 (link) recommending refusal.</p> <p>The development application was also referred to the Department of Transport and Main Roads (DTMR) which provided its Technical Agency Response (TAR) on 22 October 2024 advising they had no requirements (Link).</p>

Information request	<p>Issued: 25 October 2024 (link)</p> <p>Information requested included:</p> <ul style="list-style-type: none"> • Further information regarding the use and purpose of the ring tank and how this works with the manifold, including whether the ring tank is intended to store CAR water. • Should the ring tank be intended to store CAR water, the storage can only be for the treatment and release this water. The CAR dam water cannot be used for irrigation. If the storage is for treatment and release, further information is required to demonstrate how this will occur. Information, including a full set of plans, must also demonstrate how the ring tank will only capture the allowable CAR runoff volume based on the first flush (25mm). • Should the ring tank only be intended to store water taken from the Condamine River (as per drawing 24318.CD.005, within Certification Report Number 24318.97226), the applicant is to provide an amended Process Flow Diagram that demonstrates this. <p>Response: 27 February 2025 (link)</p> <p>The response included:</p> <ul style="list-style-type: none"> • The ring tank (balance storage) will be predominantly used for the storage of licenced take (Lic. #609480) from the Condamine River. River water (blue water) will be stored in the ring tank prior to its use for feedlot supply or irrigation. The storage may also be used as a “balancing storage” to mix (shandy) disposal area tailwater (brown water) with clean river water (blue water) prior to its reuse on the waste utilisation and disposal areas. The purpose of a “balancing storage” is for it to hold waters (any type) prior to their use. It is sensible and reasonable to allow a single storage (device/infrastructure) to have multiple uses. Backflows to the river must be prevented and manifolds and valving is used to ensure the same. • The ring tank does not capture any runoff waters. It is only used for the storing of previously captured water. No CAR water is captured or used on this site. <p>It is noted that the response included an updated process flow diagram that maintained the Ring Tank’s connection to other storages that collect overland flow water (clean and CAR) and to re-use this water for irrigation.</p>
Advice notice	No advice notice was issued.
Department of State Development, Infrastructure and Planning (DSDIP) officer recommendation	Direct the assessment manager to refuse the application.
Reason for recommendation	The proposal does not comply with State code 10: Taking or interfering with water of SDAP and cannot be conditioned to comply.

Recommendation different to Technical Agency advice	The recommendation is consistent with the Department of Local Government, Water and Volunteers Technical Agency advice.
Delegate for decision	In accordance with the Operation Policy: Guide to exercising delegated authority – SARA dated December 2020 and Instrument of Delegation dated 20 March 2020, the Executive Director, Planning Group has delegation to consider this application as the recommendation is for refusal.

3.0 Site Context

Real property description	16RG26
Local Government Area	Western Downs Regional Council
Site area	826.368ha
Relevant site matter(s)	<p>The subject site:</p> <ul style="list-style-type: none"> • is located at Crossroads, approximately 25km south-west of Chinchilla • is within the Rural Zone under the Western Downs Regional Planning Scheme • is mapped with the following state interests: <ul style="list-style-type: none"> ○ water resources planning area boundaries ○ area within 25 of a state-controlled road ○ category X and B areas on the regulated vegetation management map ○ low, moderate and major risk mapped Queensland waterway for waterway barrier works
Mapped state matter(s) not relevant to the site	<ul style="list-style-type: none"> • regulated vegetation • waterways
Existing use	Intensive animal industry - Feedlot (more than 10,000 SCU)
Site history	<ul style="list-style-type: none"> • Operational Work - Ring Tank Water Storage, application reference 040.2019.00000039.001, approved 8/4/2019 (link) • Request to Change Existing Approval: Operational Work – Earthworks (Extension), application reference 050.2021.00000072.001, approved 5 March 2021 (link) • Material Change of Use: Intensive Animal Industry (expansion of waste utilisation area), application reference 030.2021.00000844.001, approved 3 March 2022 (link), including SARA referral 2111-26215 SRA (link). <p>The current development application relates to and seeks to rely on the environmental authority issued by Department of Primary Industries, concurrent to the Material Change of Use application.</p> <ul style="list-style-type: none"> • Operational Work – Taking overland flow (capture contaminated agricultural runoff water), SARA reference 1811-8340 SDA, approved 21 January 2019 (link).

4.0 Location imagery

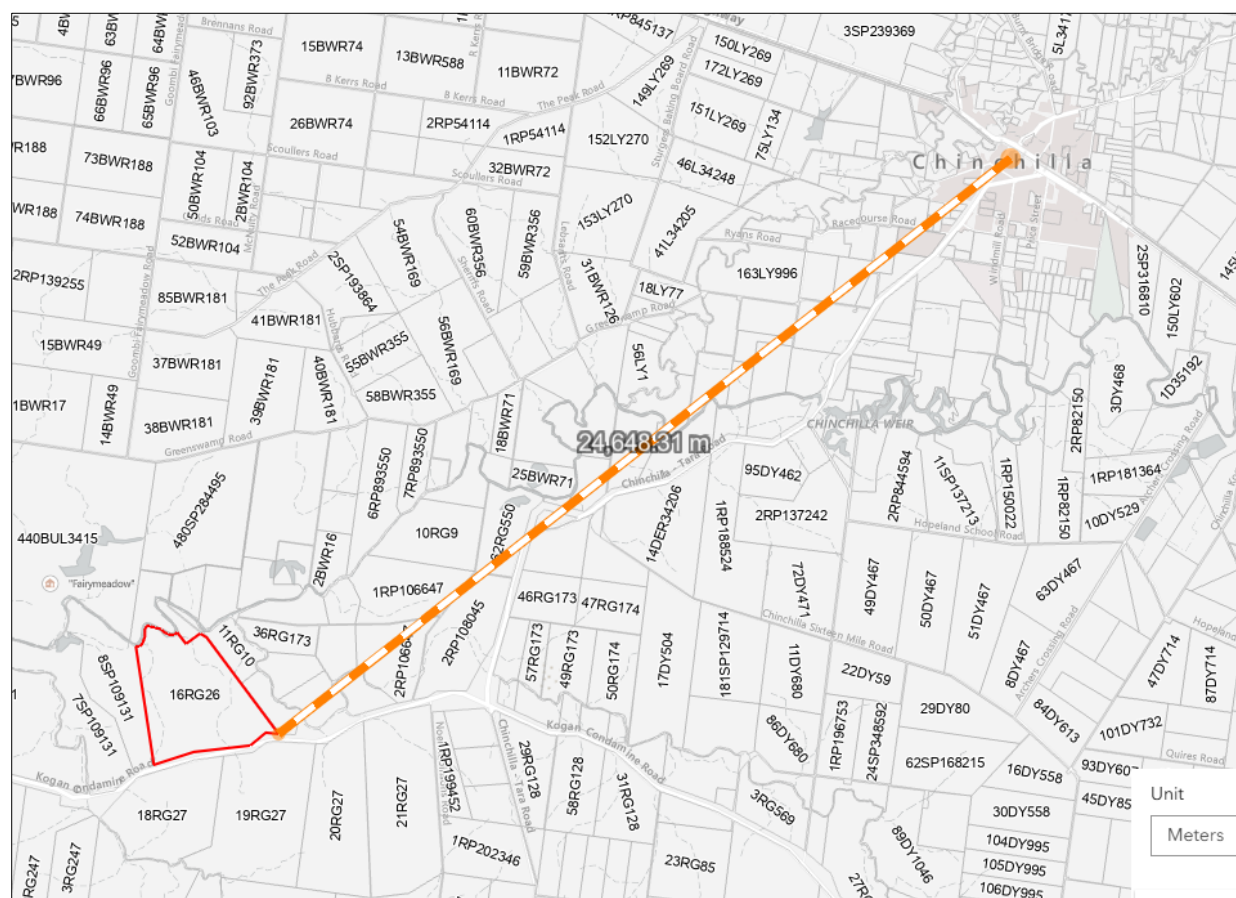


Figure 1: Site location (source: DAMS mapping)

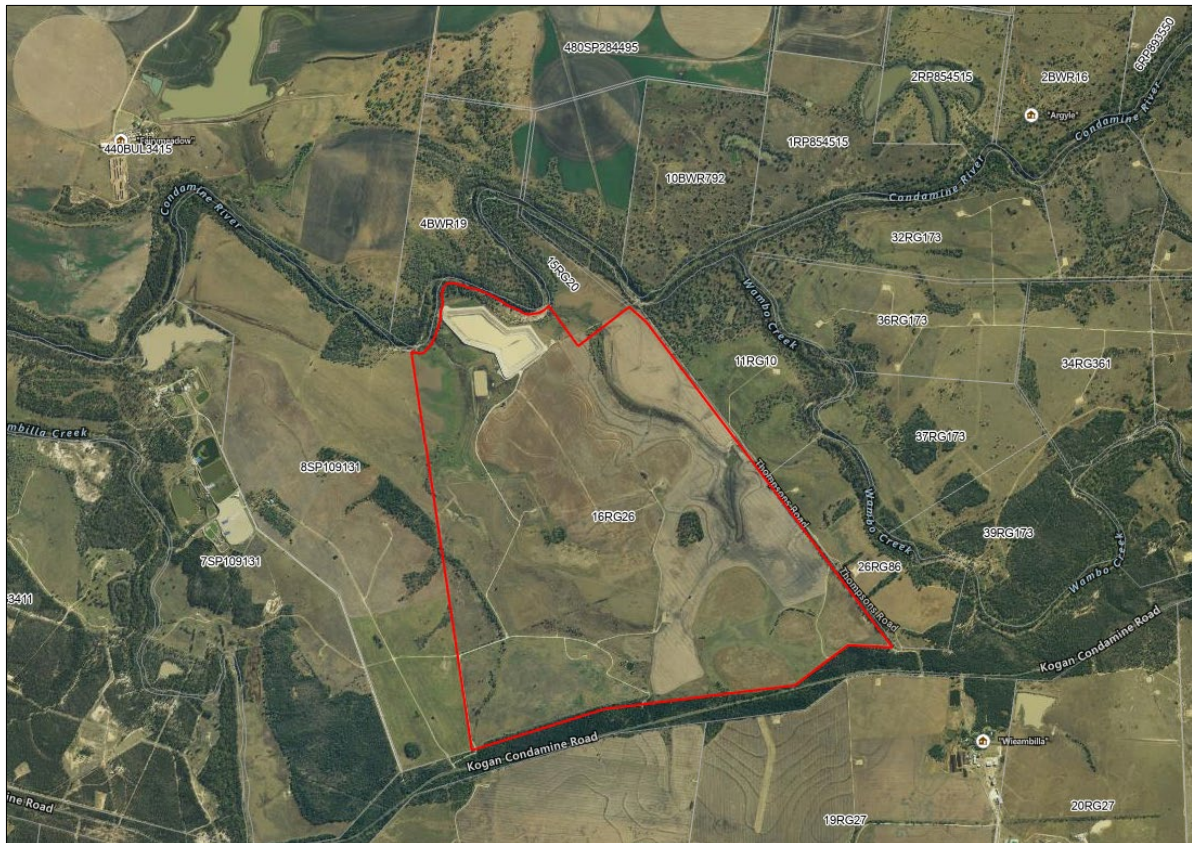


Figure 2: Aerial of site (source: DAMS mapping)

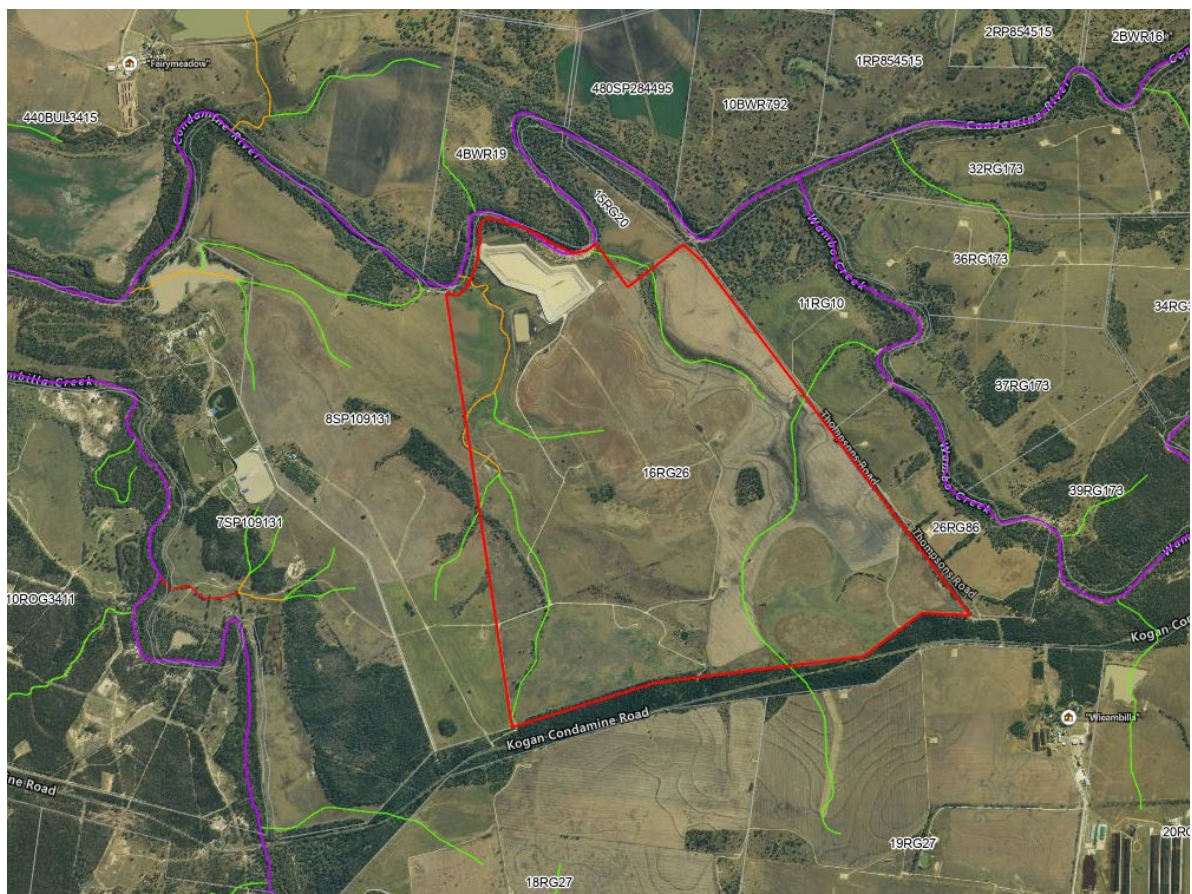


Figure 3: Waterway mapping (Source: DAMS mapping)



Figure 4: Water resource planning area boundaries (source: DAMS mapping)

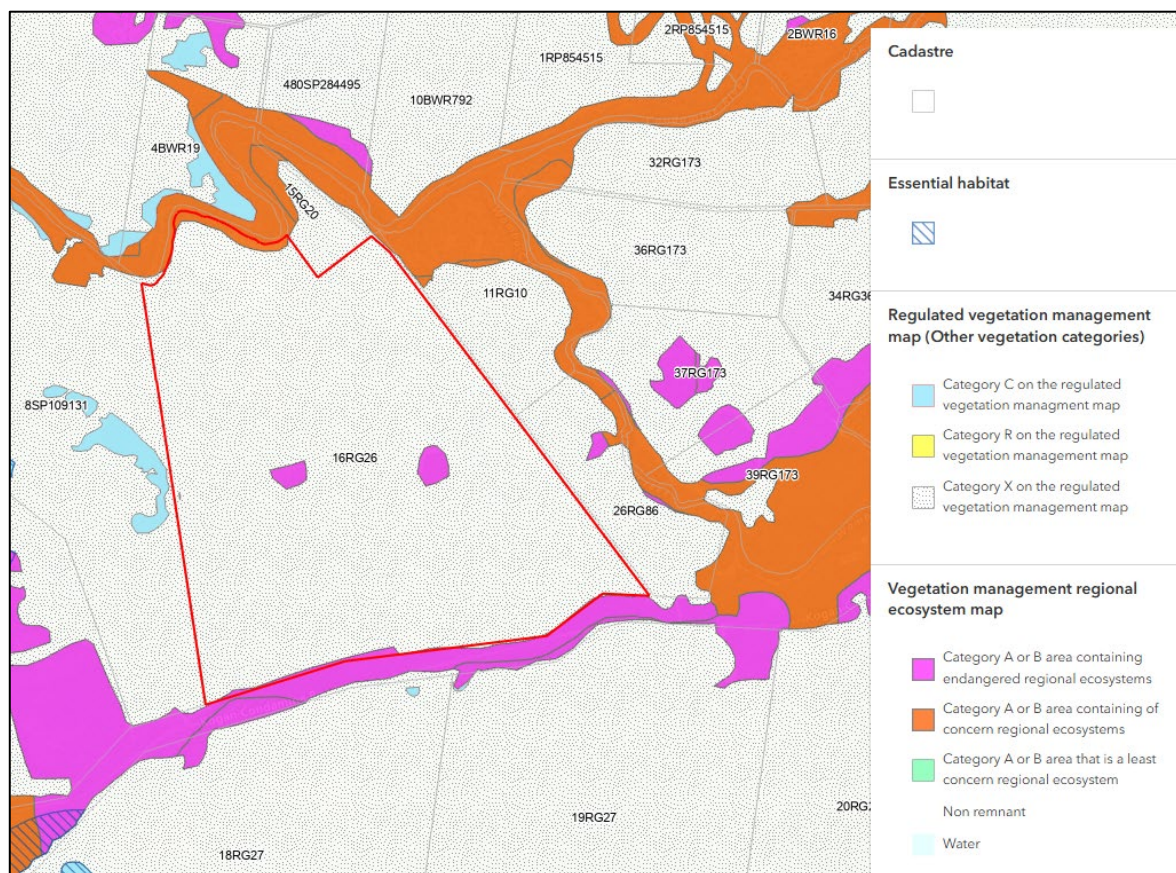


Figure 5: Native vegetation (source: DAMS mapping)



Figure 6: Proposal plan (source: Application material)

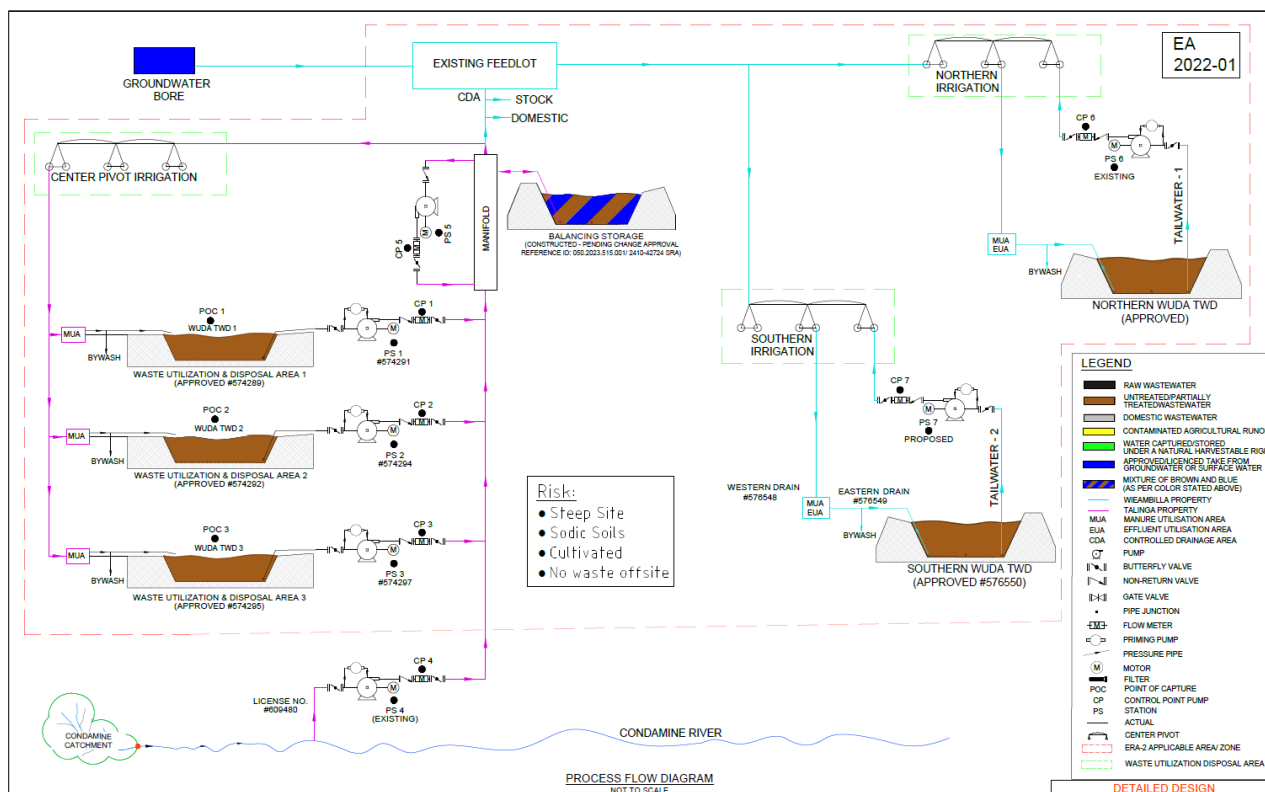


Figure 7: Process flow diagram (source: Application material)

5.0 Background to application

- This application (2410-42724 SRA) relates to Western Downs Regional Council's application reference 050.2024.00000510.001 (Request to Change Existing Approval).
- The original Development Approval, application reference 040.2019.00000039.001, was never referred to SARA for assessment.
- The applicant has previously been advised that the Ring Tank could not have linkage to the contaminated agricultural run-off water dams.
- The approved infrastructure under 1811-8340 SDA and the post constructed certification report (Titled: CAR Dam System: As Constructed Certification (Interim), report number 24502.105206, revision 0, dated 7 April 2021), shows that there is a link with the Ring Tank and the contaminated agricultural run-off water dams. The Ring Tank (at time of application under 1811-8340 SDA) stated the Ring Tank was for the provision of fresh water supply to the feedlot when required.
- Supporting information supplied with this application, claims there is no contaminated agricultural run-off water captured on site, with the previously approved contaminated agricultural run-off water dams (Works 574289, 574292, 574295 under 1811-8340 SDA) now used as Waste Utilisation and Disposal Area Dams under the Environmental Authority 2022-01.
- Works 574289 (CAR Dam 1) and 574295 (CAR Dam 3) are installed. Works 574292 (CAR Dam 2) is not installed and taken to be lapsed under Development Approval 1811-3840 SDA.
- The Department of Local Government, Water and Volunteers have conducted a field inspection on 11 February 2025 and advised that Works 574289 and 574295 have been built larger than what was approved under Development Approval 1811-3840 SDA. The works are also currently connected to the Ring Tank via an irrigation line.

6.0 Assessment

6.1 State matters not triggered for referral

The following matters were considered and determined to be not relevant to the assessment:

State Matter	Reason for non-referral
Category B on the regulated vegetation management map	The proposal does not involve clearing of regulated vegetation. It is noted that the ring tank dam is located approximately 40m from mapped regulated vegetation that is located within the property boundary.
Mapped Queensland waterways for waterway barrier works	No operational work for waterway barrier works is proposed. The ring tank dam is not located on or within a mapped waterway.

6.2 Assessment against SDAP

SARA has assessed the development application against the requirements identified in Schedule 10, Part 9 of the Planning Regulation 2017, being SDAP version 3.0. SARA is satisfied the proposal complies with State code 1.

State code 1 – Development in a state-controlled road environment

The proposed work will have no material impact upon the state-controlled road. No changes to the existing access points are proposed. The footprint of the works are also sufficiently separated from Kogan Condamine Road. A detailed assessment of State code 1 is not considered necessary for the following reasons:

- No changes external to the site are proposed.
- The changes are focused on operational works to the water management system.
- No change to the existing use is proposed.
- There is no material change as a result of the proposed changes that affect Kogan Condamine Road.
- No changes to the existing infrastructure, stormwater or boundary interfaces are proposed that would affect Kogan Condamine Road.
- No change to existing access points to Kogan Condamine Road are proposed.

State code 10 – Taking or interfering with water

SARA is not satisfied that the proposal complies, or can be conditioned to comply, with the relevant assessment benchmarks of State code 10 and recommends the application be refused due to the nature and extent of non-compliance with State code 10 as follows:

Purpose statement

The purpose of State code 10 is to ensure sustainable management of water by ensuring that development:

1. maintains:
 - a. natural ecosystem processes;
 - b. riverine environments;
 - c. underground water systems;
 - d. physical integrity of watercourses;
2. does not result in an adverse impact on:
 - a. connectivity between underground water and water in a watercourse, lake or spring;
 - b. property of others;
 - c. the water security of other users and their access to the water resource;
3. minimises the volume of overland flow water taken, consistent with the development;
4. minimises the take of contaminated agricultural run-off water;
5. in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved.

Purpose statement 2: *does not result in an adverse impact on:*

(b) Property of others

(c) the water security of other users and their access to the water resource

The proposed development does not adequately demonstrate that the proposal will not adversely impact on property of others, or the water security of other users and their access to the water resource.

For example, as there is an increase in take of overland flow water, there is an impact on purpose statement 2 by reducing access to the water resource for other users.

Purpose statement 3 – *minimises the volume of overland flow water taken, consistent with the development*

The application does not meet the provisions regarding the capture overland flow water that is necessary for the operation of the environmental authority under the *Environmental Protection Act 1994* as the proposed works to capture overland flow water are deemed in excess of the amount of water necessary

for the operation of the environmental authority. The works are set up with the intent to irrigate a proposed 150 hectares. Feedlot Services (Department of Primary Industries) have provided advice, that based on their calculations, a terminal pond allowable size would be 12.4ML with a total irrigation area of 103 hectares. This is under the proposed 150 hectares the applicant intends to irrigate.

While the environmental authority includes a standard condition, WT4, which identify terminal ponds as being an appropriate method to meet the water quality requirements, the condition states that the terminal ponds “may” be used, indicating that an environmental authority holder could achieved this via other means.

The environmental authority does not specify water requirements for the taking of water or overland flow and does not specify the volume of water required to comply with the environmental authority.

Purpose statement 4: - *minimises the take of contaminated agricultural run-off water*

The supporting information with the application indicates that Works 574289 and 574295 are now ‘terminal ponds’. However, these works do not meet the allowable volume for capturing contaminated agricultural runoff waters under the Environment Authority.

Purpose statement 5 - *in the Queensland Murray Darling Basin, allows for the capture of contaminated agricultural run-off water and release of water when an acceptable water quality is achieved*

Works 574289 and 574295 (authorised under 1811-3840 SDA) are authorised to capture contaminated agricultural runoff water and are linked/capable of transferring water from these works into the Ring Tank – this was never approved under the Development Approval 1811-3840 SDA and these works have been constructed larger than what was approved under this Development Approval. This indicates that overland flow water that is not contaminated is being taken with the installed works which are also linked to the ring tank.

Performance outcomes

PO2 - *Works do not cause an unacceptable impact on other users’ ability to access the resource*

The application has not demonstrated that the impact on other users’ ability to access the resource has been considered and will not cause an unacceptable impact. The installed works (works reference 574289 and 574295) are used to take overland flow water and are tied to the Ring Tank. Works 574289 and 574294 are oversized and allow additional overland flow water that is not contaminated to be captured. Therefore, approval of this Ring Tank (even as a secondary water storage) is an increase in overland flow take and could cause an unacceptable impact on other users’ ability to access the resource.

PO4 - *Works are consistent with any of the following, to the extent they are relevant to the proposed development:*

- ***a water plan***
- ***a water management protocol***
- ***a moratorium notice issued under the Water Act 2000***

The site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however the proposal takes a greater volume of water and therefore is not considered to be consistent with the plan and protocol.

PO7 - Works to take overland flow water are for one of the following:

- **for an activity prescribed by regulation under the Water Act 2000; or**
- **for reconfiguring existing works; or**
- **in a limited catchment area identified in a water plan; or**
- **for contaminated agricultural run-off water; or**
- **part of an environmentally relevant activity or under an environmental authority; or**
- **incidental to capturing coal seam gas water; or**
- **consistent with a water entitlement; or**
- **for the purpose of water sensitive urban design; for developments in urban areas**
Protection Act 1994

The proposed Ring Tank will not directly take overland flow water, however it is connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

The proposed works to take overland flow water:

- is not for an activity prescribed by regulation under the *Water Act 2000*
- is not for reconfiguring existing works
- is not located in a limited catchment area identified in a water plan area
- is not for contaminated agricultural run-off water, for treat and release only, as the proposed works are linked to existing works and the water proposed to be reused for irrigation. There is not sufficient evidence to demonstrate that the works will not capture clean overland flow water
- the proposed works are more than deemed necessary to meet the minimum requirements of the Environmental Authority
- is not incidental to capturing coal seam gas water
- is not consistent with a water entitlement.
- is not for the purpose of water sensitive urban design.

PO14 - Contaminated agricultural run-off water is captured and stored using existing works unless additional storage is required

The Ring Tank will not directly take overland flow water, however it is proposed to be connected to two existing dams (Works 574289 and 574295) authorised under Development Approval 1811-3840 SDA. The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO15 - Works to take contaminated agricultural run-off water:

- **are not larger than required to contain contaminated agricultural run-off water; and**
- **allow for water that is not contaminated agricultural run-off water to be passed through the works**

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated

agricultural run-off water to be passed through the works.

The proposed link between the existing works and the Ring Tank will allow the capability for an increase in overland flow water take.

PO16 - Works to contain contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment:

- **do not increase the volume of overland flow water taken in a water year; and**
- **allow for the release of water when an acceptable quality of water is achieved**

As the works to contain water that is contaminated agricultural run-off, are over the authorised size under Development Approval 1811-3840 SDA, the works will not allow for water that is not contaminated agricultural run-off water to be passed through the works. The proposed link between the existing works and the proposed Ring Tank will allow the capability for an increase in overland flow water take. The proposal seeks to use the captured overland flow water to irrigate, rather than allow for the release of water once an acceptable quality is achieved.

PO17 - Works only capture the volume of overland flow water necessary for the operation of the environmentally relevant activity or environmental authority under the Environmental Protection Act 1994

The proposed works to capture overland flow water are deemed in excess to the amount of water. The operation of the environmental authority under the EA.

While the EA allows for terminal ponds (as per condition WT4 of environmental authority (reference 2022-01), as per condition WT4 which states:

“The stormwater runoff from disturbed areas must be managed to minimise the release of contaminants offsite. This **may** include by use of waste utilisation area terminal ponds that are dewatered by irrigation back onto effluent utilisation areas as soon as practicable following a rainfall-runoff event”.

Bold added for emphasis

Department of Local Government, Water and Volunteers received advice from the Department of Primary Industries which states *“whilst terminal ponds used to capture potentially contaminated runoff from effluent irrigation areas likely minimise the amount of levels of contamination leaving the effluent utilisation areas, DPI considers that there would not be conflict with the current EA conditions if these structures are not constructed.”*

The applicant can meet condition WT4 of the EA via other means. The proposed works do not satisfy the requirements of the EA, as the total water storage capacity of the works outside of the feedlot area is deemed to be of a volume above what is necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.3 Planning Regulation considerations

SARA has given regard to the following matters as identified in section 22(3) of the Planning Regulation 2017 being:

- local government planning scheme strategic outcomes, purpose statements and overlays
- regional plan strategic intent and desired regional outcomes
- *State Planning Policy July 2017 (SPP)*, parts C and D
- any temporary State Planning Policy
- any infrastructure designation

- any previous and current development approvals applying to the site
- common material received by SARA.

SARA has determined that any potential inconsistencies are not relevant to the assessment of the application cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

6.4 Human rights assessment

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.

A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. The following relevant human rights for this decision have been considered as follows:

Human right	Assessment
Equity before the law (s15)	<ul style="list-style-type: none"> • The decision is based on planning considerations only and does not discriminate based on human characteristics. • The decision does not limit this human right.
Freedom of expression (s21)	<ul style="list-style-type: none"> • The referral agency response has no impact on whether or not submission rights arise and therefore there will be no impact by the decision on a person's right to freedom of expression. • The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions as public consultation was not required to be carried out by the applicant. • The decision does not limit this human right.
Taking part in public life (s23)	<ul style="list-style-type: none"> • The SARA assessment is limited to code assessment therefore SARA is not required to consider any public submissions or undertake public consultation. • The decision does not limit this human right.
Property rights (s24)	<ul style="list-style-type: none"> • This human right is not relevant because the referral agency assessment has been undertaken in accordance with the requirements of the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and DA Rules. • On balance, the proposal was considered not to comply with the requirements of SDAP and could not be conditioned to comply. • The decision does not limit this human right as the statutory process was followed and the applicant will have a right to a fair hearing in accordance with s31(as detailed below). • The decision does not limit this human right.
Right to a fair hearing (s31)	<ul style="list-style-type: none"> • This human right is relevant because the applicant will have a right to appeal SARA's refusal. • SARA's refusal does not limit the applicant to make representations on the referral response. • The decision does not limit this human right.

6.5 Material relied upon in the assessment

- The development application material and submitted plans
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and

the Department of Transport and Main Roads

- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.0)
- The Development Assessment Rules
- Section 58 of the *Human Rights Act 2019*

7.0 Recommendation to the delegate

Recommendation

It is recommended that SARA as referral agency:

1. the delegate approve the referral agency response, and
 2. that SARA as referral agency:
- directs the assessment manager to refuse the application on the grounds identified in the referral agency response

Reason(s) for the recommendation:

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed process flow and linkages between existing works and the ring tank result in a size that is greater than what is required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact.
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol.
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area
 - not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate

- more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
 - PO14 of State code 10, the proposal allows for an increased take of overland flow water by connecting the ring tank with existing works. This will result in a take of water that is greater than required.
 - PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
 - PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and takes additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to reuse the water to irrigate
 - PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

8.0 Recommending officer

Case officer	Danica Clark	Senior Planner
Reviewer	Kieran Hanna	Manager

RA3-AR

Delegate consideration

After considering the proposal, the assessment report and the decision material, I, Steve Conner, as the delegate:

1. confirm that the SARA recommendation is approved
2. the decision material is to be issued
3. authorise the use of my electronic signature to issue the SARA referral response through MyDAS2 (including attachments).



SARA reference: 2410-42724 SRA
Council reference: 050.2024.510.001
Applicant reference: 24665

21 March 2025

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
info@wdrc.qld.gov.au

Attention: Justin Crick

Dear Mr Crick

SARA referral agency response — Kogan Condamine Road, Crossroads

(Referral agency response given under section 56(1)(c) of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 4 October 2024.

Response

Outcome:	Referral agency response - direct the assessment manager to refuse the development application
Date of response:	21 March 2025

Reasons for refusal

Under section 56(1)(c) of the *Planning Act 2016*, SARA directs the assessment manager to refuse the development application. As per section 62 of the *Planning Act 2016*, the assessment manager must refuse this application.

Description of relevant site characteristics and surrounding land uses

The site comprises on large lot with a total area of 826.3ha located 24.6km south-west of Chinchilla. The site is within the Rural zone of the Western Downs Regional Planning Scheme.

The site forms part of a larger land holding that is operated as a 10,000 SCU feedlot and associated infrastructure, with the site itself containing a tailwater dam, several contaminated agricultural runoff dams and waste utilisation disposal areas.

SARA's view on the proposal's impact on taking or interfering with water

The proposed development to construct a Ring Tank and connections to associated infrastructure does not ensure sustainable management of water.

The proposal will have an adverse impact on the water security within water catchments and impact other users and their access to the water source. The proposal does not minimise the volume of overland flow water taken, consistent with the development on the site.

The proposal captures a greater volume of overland flow water than necessary for the operation of the Environmental Authority (EA) under the *Environmental Protection Act 1994* for the feedlot.

Reasons for refusal

SARA has concluded that the proposed development does not comply with:

- the purpose statement 2 of State code 10: *Taking or interfering with water* (State code 10), as the proposal captures overland flow water that is greater than what is necessary for the feedlot operation required under the EA, as well as capturing additional overland flow water that is not contaminated agricultural runoff, therefore resulting in an adverse impact on the water security of other uses and their access to the water resource
- the purpose statement 3 of State code 10, as the proposal does not make provision for clean overland flow water to pass through the proposed dams, therefore the proposal has not minimised the volume of overland flow water taken
- the purpose statement 4 of State code 10, as the proposed design capacity of the dams are greater than the size required to contain contaminated agricultural runoff from the feedlot operation required under the EA, therefore has not minimised the take of contaminated agriculture runoff
- the purpose statement 5 of State code 10, as the proposal is located within the Queensland Murray Darling Basin where the proposal captures water in addition to contaminated runoff, with the treated water not being released once acceptable water quality is achieved
- PO2 of State code 10, specifically, the application has not demonstrated that the impact on other users' ability to access the resource has been considered and will not cause an unacceptable impact
- PO4 of State code 10, specifically, the site is located with the *Water Plan (Condamine and Balonne) 2019* (the plan) and *Water Management Protocol Condamine and Balonne 2019* (protocol) which allow the taking of water that is contaminated agriculture runoff to achieve compliance with water quality requirements of the EA, however proposal takes a greater volume of water therefore is not considered to be consistent with the plan and protocol
- PO7 of State code 10, specifically, the proposal to take overland flow water is:
 - not for an activity prescribed by regulation under the *Water Act 2000*
 - not for reconfiguring existing works
 - not located in a limited catchment area identified in a water plan area
 - not for contaminated agricultural run-off water, as this allows for treat and release only, where the proposed works are linked and setup to irrigate
 - more than deemed necessary to meet the minimum requirements of the EA
 - not incidental to capturing coal seam gas water
 - not consistent with a water entitlement
 - not for the purpose of water sensitive urban design.
- PO8 of State code 10, as the proposal will adversely impact on neighbouring properties, as it will capture clean overland flow water
- PO14 of State code 10, the contaminated agriculture ran-off water is not proposed to be captured and

stored using existing works, additionally the proposed dams are greater than required to capture contaminated agriculture run-off when including the 'Balancing Storages'

- PO15 of State code 10, specifically, the proposal does not allow for water that is not contaminated agricultural run-off water to be passed through the works
- PO16 of State code 10, specifically, the proposal increases and does not release contaminated agricultural run-off water and additional overland flow water within a Queensland Murray Darling Basin catchment, as the proposal seeks to retain and reuse the water for irrigation
- PO17 of State code 10, specifically, the proposed works capture more than the volume of overland flow water necessary for the operation of the EA.

The proposed development cannot be conditioned in a way that would achieve compliance with State code 10 of SDAP.

The material used in the assessment of the application were:

- development application
- Technical agency advice provided by the Department of Local Government, Water and Volunteers and the Department of Transport and Main Roads
- State Development Assessment Provisions (version 3.0)
- *Planning Act 2016*
- Planning Regulation 2017
- Section 58 of the *Human Rights Act 2019*

Development details

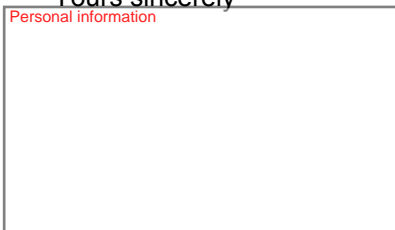
Description:	Development permit	Other Change to an existing development approval for operational work for earthworks to take water (ring tank)
SARA role:	Referral Agency	
SARA trigger:	<ul style="list-style-type: none"> • Schedule 10, Part 19, Division 1, Subdivision 3, Table 1, Item 1 – Operational work that is taking or interfering with water • Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 – Operational work on premises near a state transport corridor (Planning Regulation 2017) 	
SARA reference:	2410-42724 SRA	
Assessment manager:	Western Downs Regional Council	
Street address:	Kogan Condamine Road, Crossroads	
Real property description:	Lot 16 on RG26	
Applicant name:	Lloyd Pastoral Company Pty Ltd	
Applicant contact details:	C/- EnviroAg Australia Pty Ltd PO BOX 411 Toowoomba QLD 4350 <div style="border: 1px solid black; padding: 2px; display: inline-block;">Personal information</div> enviroag.net.au	

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

For further information please contact Danica Clark, Senior Planner, on 4616 7307 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Personal information



Steve Conner
Executive Director, Planning Services

cc Lloyd Pastoral Company Pty Ltd C/- EnviroAg Australia, Personal information enviroag.net.au