

Approved by Delegated Authority



Date: 4/08/2020

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

**Assessment Benchmarks Pertaining to the Planning Regulation 2017**

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	Nil.
<b>WBB Regional Plan:</b>	The development is not required to be assessed against the regional plan if this document is appropriately reflected in the local planning scheme. It is considered that the regional plan is appropriately reflected in the current local planning scheme.

**State Planning Policy 2017**

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016).

The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

The Minister states that the current South Burnett Regional Council Planning Scheme appropriately reflects the State Planning Policy.

**Assessment Benchmarks Pertaining to the Planning Scheme**

The applicable planning scheme for the application is South Burnett Regional Council Version 1.3. The following sections relate to the provisions of the Planning Scheme.

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.3
<b>Strategic Framework Land Use Category:</b>	Rural
<b>Zone:</b>	Rural
<b>Precinct:</b>	Nil
<b>Consistent/Inconsistent Use:</b>	Intensive Animal Industry is a consistent use in the Rural zone. The non-rural development ie. High Impact Industry is appropriate for the rural zone as it is directly associated with the rural use of Intensive Animal Industry and relatively small scale. The proposed processing facility (High Impact Industry) is a transportable building which will not compromise the rural use of the land.

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**Assessment Benchmarks:**

Refer below

**IMPACT ASSESSMENT:**

**Strategic Framework**

The Strategic Framework considers the following matters:

- Settlement Pattern
- Rural Futures
- Strong Economy
- Natural Systems & Sustainability
- Strong Communities
- Infrastructure & Servicing

The Strategic Framework forms part of the Assessment Benchmarks. The *Planning Act 2016* requires that impact assessable applications be assessed against the Assessment Benchmarks.

The development footprint is of scale and intensity commensurate with that of an activity suitable on rural zoned land. Minimal traffic movements will occur consisting of pickup/delivery of live poultry/finished product, waste transporters and seed delivery trucks.

The development will source potable water. Waste generated from the facility will be dealt via two (2) composting piles located outside of watercourses with solid waste to be frozen and removed off site registered waste transporters.

The facility is designed as a small-scale activity servicing local farms producing restaurant quality birds.

**Zones**

**Rural zone.**

The purpose of the rural zone code is to:

- a) provide for rural uses and activities;
- b) provide for other uses and activities that are compatible with-
  - (i) existing and future rural uses and activities; and
  - (ii) the character and environmental features of the zone; and
- c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.

**Comment**

The proposal is considered to be consistent with the overall purpose of the rural zone code as it provides for activities that supports and enhances the rural activities on site while maintaining the existing character of the area. The proposed High Impact Industry is relatively small scale and is not considered to result in significant adverse impacts that cannot appropriately be mitigated via reasonable conditions.

Relevant overall outcomes sought for the zone code include the following:

- Development comprises a wide range of existing and new rural pursuits, including cropping, intensive horticulture and animal industries, animal husbandry and keeping and other compatible primary production uses.
- The viability of existing and future rural uses and activities are protected from the intrusion of incompatible uses.
- Non-rural development is appropriate only where directly associated with the rural use of the zone and does not compromise the rural use of the land.

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**Comment**

The proposal is considered to achieve these outcomes for the Rural zone a sit will value add to the existing primary production activities on site (bird keeping) while not compromising the continued use of the site for rural productive purposes due to the relatively small scale of the activities.

**Overlays**

**OM2 - Bushfire Hazard Overlay**

While the southern part of the subject site is within the Medium Potential Bushfire Intensity Hazard Area of the overlay, the area where the proposal will be situated is well clear of the existing vegetation on site that could potentially pose a bushfire threat.

**OM3 - Flood Hazard Overlay**

The proposal is well clear of the part of the subject site that is subject to the Flood Hazard Overlay.

**Other codes**

Services and works code,

The development was assessed against all of the assessment benchmarks listed above and found to be compliant with, or can be conditioned to comply. The pertinent issues arising out of assessment against the codes are discussed below:

PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
<b>RURAL ZONE</b>	
PO1 Development maintains rural amenity and character	<p><b>Officer response</b> – While the proposed development only partially include a rural use, the abattoir is generally associated in an industrial location.</p> <p>The scale and intensity of the facility is relatively small and the rural use of the land is not anticipated to be compromised.</p> <p>No noise reports were prepared neither sufficient detail of noise dampening equipment including type of insulation provided by the applicant as part of the development application.</p> <p>It is considered reasonable to condition the approval to comply with the relevant Code of Practice, Local Law/s, and Environmental legislation.</p>
PO2 Development does not jeopardise the rural production capacity of the Zone.	<p><b>Officer response</b> - The property is not affected by the agricultural overlay however is zoned for rural uses and the activity is not anticipated to compromise the rural use of the land.</p>

It is considered that Intensive Animal Industry is a consistent use and appropriate for the rural locality and that the High Impact Industry is adequately separated from nearby smaller zoned rural lots. Conditions of approval regarding land use operation including noise and odour will be conditioned so that nearby residential lifestyles are not compromised.

**Local Categorising Instrument - Variation Approval**

Not applicable.

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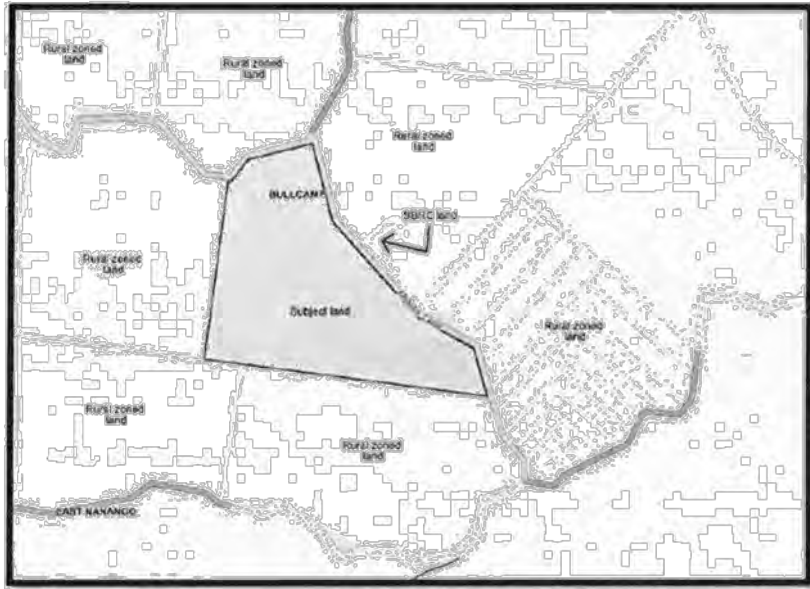
**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Nil.

**Locality Plan**



3 - Source: IntraMaps

**Aerial Plan**



4 Source: Google Globe

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**CONSULTATION:**

**Referral Agencies**

N/A.

**Other Referrals**

<b>INTERNAL SPECIALIST</b>	<b>REFERRAL</b>	<b>REFERRAL / RESPONSE</b>
Contract Engineer	Development	Provided conditions relevant to the development application.
	Infrastructure Charges Unit	Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.  The types of development that may trigger the issuing of an infrastructure charges notice are: a) Reconfiguring a lot; b) Making a material change of use; and c) Carrying out building work.  The property is within the transport network and is therefore subject to the relevant adopted charge (refer to Attachment A).
	Environmental Health	Provided comments and conditions relating to environmental matters consisting of incineration, composting, nuisance and waste.

**Public Notification**

The Notice of Compliance was received by Council on 2 July 2020. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the South Burnett Times on Tuesday 9 June 2020;
- Place a notice on the land from Tuesday 9 June 2020; and
- Notifying owners of all land adjoining the site on Monday 8 June 2020.

No submissions were received objecting to or supporting the proposed development.

**CONCLUSION:**

Overall, the proposal is considered appropriate given the location and rural zoning of the subject site and can be conditioned to mitigate the potential for adverse impacts on adjoining properties.

**RECOMMENDATION:**

It is recommended that the development application for a Material Change of Use – Development Permit for Intensive Animal Industry (keeping <1,000 birds) and High Impact Industry (Bird processing plant - poultry abattoir processing less than 1,000t of meat or meat products per annum) at 72 Myletts Lane, Bulcamp (and described as Lot 277 on FY567) be approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

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**ATTACHMENT A – INFRASTRUCTURE CHARGES**

**INFRASTRUCTURE CHARGES NOTICE**

*(Section 119 of the Planning Act 2016)*

**APPLICANT:** R Svenson C/- ONF Surveyors  
PO Box 896  
KINGAROY QLD 4610

**APPLICATION:** High Impact Industry (Abattoir processing less than 1,000t of meat or meat products per annum) and Intensive Animal Industry (1,000 or less birds)

**DATE:** 4 August 2020

**FILE REFERENCE:** MCU20/0006

**AMOUNT OF THE LEVIED CHARGE:** **\$1,834.30** **Total**  
*(Details of how these charges were calculated are shown overleaf)*

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$1,834.30	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$0.00	Stormwater Network

**AUTOMATIC INCREASE OF LEVIED CHARGE:** The amount of the levied charge is subject to an automatic increase. Refer to the information attached to this notice for more information on how the increase is worked out.

**PREMISES TO WHICH CHARGE APPLIES:** Lot 277 FY567

**SITE ADDRESS:** 72 Myletts Lane  
Bullcamp, Qld

**PAYABLE TO:** South Burnett Regional Council

**WHEN PAYABLE:** Material Change of Use – When the change happens.  
*(In accordance with the timing stated in Section 122 of the Planning Act 2016)*

**OFFSET OR REFUND:** Not Applicable.

This charge is made in accordance with South Burnett Regional Council's *Charges Resolution (No. 3) 2019*

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**DETAILS OF CALCULATION**

**Water Supply  
Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

**Sewerage**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

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**Transport**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
High Impact Industry (Abattoir)	29.3	GFA	\$11.00	CR Table 2.2	\$322.30
High Impact Rural (Intensive Animal Industry)	504	GFA	\$3.00	CR Table 2.2	\$1,512.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

**Parks and Land for Community Facilities**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00



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**Stormwater**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
High Impact Industry (Abattoir)	Not Applicable				\$0.00
High Impact Rural (Intensive Animal Industry)	Not Applicable				\$0.00

**Levied Charges**

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
High Impact Industry (Abattoir)	\$0.00	\$0.00	\$322.30	\$0.00	\$0.00	\$322.30
High Impact Rural (Intensive Animal Industry)	\$0.00	\$0.00	\$1,512.00	\$0.00	\$0.00	\$1,512.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,834.30</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,834.30</b>

\* In accordance with section 120 of the Planning Act 2016.

Yours faithfully

**SOUTH BURNETT REGIONAL COUNCIL**

**CHIEF EXECUTIVE OFFICER**

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**IMPORTANT INFORMATION**

**Appeals**

A person who has been given, and is dissatisfied with an Infrastructure Charges Notice or Negotiated Infrastructure Charges Notice has, under s229(1) and Schedule 1 of the *Planning Act 2016*, the right to lodge an appeal to the Planning and Environment Court or a Development Tribunal.

The timeframes for starting an appeal in the Planning and Environment Court or Tribunal are set out in s.229(3) of the *Planning Act 2016*.

Section 229(6) and Schedule 1 of the *Planning Act 2016* states the grounds for appealing an Infrastructure Charges Notice or Negotiated Infrastructure Charges Notice.

**Automatic Increase Provision of charge rate (\$)**

An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average<sup>1</sup>. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.

However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.

**GST**

The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the *Planning Act 2016* are GST exempt.

**Making a Payment**

This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.

To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be

<sup>1</sup> 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction Index for Queensland published by the Australian Bureau of Statistics.

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presented at the time of payment. °

An Itemised Breakdown may be requested by emailing  
info@southburnett.qld.gov.au

Payment can be made at any of the following South  
Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised

Breakdown.

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### Enquiries

Enquiries regarding this Infrastructure Charges Notice  
should be directed to the SOUTH BURNETT REGIONAL  
COUNCIL, Department of Planning and Land  
Management, during office hours, Monday to Friday by  
phoning (07) 4189 9100 or email at  
info@southburnett.qld.gov.au

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**ATTACHMENT B - STATEMENT OF REASONS**

**NOTICE ABOUT DECISION – STATEMENT OF REASONS**

*The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016*

<b>SITE DETAILS</b>	
<b>Applicant:</b>	R Svenson
<b>Proposal:</b>	High Impact Industry (Abattoir Birds)
<b>Properly Made Date:</b>	5 May 2020
<b>Street Address:</b>	72 Myletts Lane, Bullicamp
<b>RP Description:</b>	Lot 277 FY567
<b>Assessment Type:</b>	Impact Assessable
<b>Number of Submissions:</b>	Nil
<b>Decision:</b>	Approval
<b>Decision Date:</b>	4 August 2020

**1. Assessment Benchmarks**

- The following are the benchmarks apply to this development:
  - South Burnett Regional Council Planning Scheme 2017

**2. Reasons for the Decision**

The reasons for this decision are:

- ☞ Animal keeping is an acceptable use in the rural locality that is adequately separated from nearby rural zoned properties used as lifestyle lots;
- ☞ High Impact Industry (Bird processing plant – poultry abattoir) has suitable conditions to mitigate nuisance which includes noise and odour to adjoining land and environmental features;
- ☞ Operation of the facility will be in accordance with the conditions of approval and relevant state legislation including Food Safe Queensland;
- ☞ The facility permits the processing of birds bred on site and not more 1,000 birds on the premises at any one time.

**3. Compliance with Benchmarks**

The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

**Note:** Each application submitted to Council is assessed individually on its own merit.

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**17 CONFIDENTIAL SECTION**

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**OFFICER'S RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

**17.1 CONF - South Burnett Community Hospital Foundation Limited Board Meeting Minutes - December 2019 and June 2020**

This matter is considered to be confidential under Section 275 - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**17.2 CONF - Property Management Services for Nanango Housing & Unit Complexes - SBRC-19/20-10**

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

**17.3 CONF - Offer to Purchase part of 1 Pound Street Kingaroy - Lot 13 on RP814986**

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

**17.4 CONF - 2689521 – Rate Exemptions and Remissions – additions to approved list – Assessment No. 30124-15000-000**

This matter is considered to be confidential under Section 275 - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

**18 CLOSURE OF MEETING**