

Approved by Delegated Authority:



Date:

19/7/2020

ATTACHMENT A – CONCURRENCE AGENCY RESPONSE

RA0-N



Queensland Tr

SARA reference: 2008-17139 SRA
 Council reference: RAL20/0004
 Applicant reference: 6041K

8 July 2020

Chief Executive Officer
 South Burnett Regional Council
 PO Box 336
 KINGAROY QLD 4610
 info@southburnett.qld.gov.au

Attention: Sam Dunstan

Dear Ms Dunstan

SARA response—Kingaroy Cooyar Road, Brooklands

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 5 June 2020.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the Planning Act 2016, SARA advises it has no requirements relating to the application.
Date of response:	8 July 2020
Advice:	Advice to the applicant is in Attachment 1.
Reasons:	The reasons for the referral agency response are in Attachment 2.

Development details

Description:	Development permit Reconfiguring a lot for Boundary Realignment (Two Lots into Two Lots)
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 of the Planning Regulation 2017 Development application for a reconfiguring a lot within 25 metres of a State controlled road involving a new or changed access between the premises and the State controlled road
SARA reference:	2008-17139-SRA

Wide Bay Burnett regional office
 Level 1, 7 Takalvan Street, Bundaberg
 PO Box 978, Bundaberg QLD 4671

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Date 14/7/2020

2006-17139 SRA

Assessment Manager: South Burnett Regional Council
 Street address: Kingaroy Cooyar Road, Brooklands
 Real property description: Lots 2 on SP315755 and 6 on RP32419
 Applicant name: L Brewer-Kissick
 c/- ONF Surveyors
 Applicant contact details: PO Box 893
 KINGAROY QLD 4610
 admin@onfsurveyors.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of Transport Infrastructure Act 1994. Below are the details of the decision.

- Approved
- Reference: TMR20-030179
- Date: 2 July 2020

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at WBS.DAS@tmr.qld.gov.au.

Representations

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

Copies of the relevant provisions are in Attachment 3.

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

For further information please contact Cayannah Defer, Planning Officer, on (07)-4331 5614 or via email WBSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Luke Larkowski
Manager, Planning - Wide Bay Burnett

cc: L Brewer-Kissick, admin@onfsurveyors.com.au

ena Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Approved by Delegated Authority:



Date: 14/2/2020

2006-17139-SRA

Attachment 1—Advice to the applicant

General advice

1. Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

State Assessment and Referral Agency

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RAL20/0004 Kingaroy Cooyar Road, Brooklands

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2006-17139 SRA

Attachment 2—Reasons for referral agency response


(Given under section 58(7) of the Planning Act 2016)

The reasons for the department's decision are:

- The development is for reconfiguring a lot for a boundary realignment (two lots into two lots).
- The two proposed lots have two road frontages; to an unformed road and to Kingaroy Cooyar Road (a State controlled road). As the alternative frontage to the State controlled road is an unformed road, the logical frontage for access to the proposed lots is the State controlled road.
- An approval for access between proposed lot 4 and the State controlled road under section 62 of the Transport Infrastructure Act 1994 is in effect.
- The proposed direct access between proposed lot 3 and the State controlled road is located so as not to create a safety hazard on the State controlled road or result in a worsening of operating conditions of a State controlled road.

Material used in the assessment of the application:

- Development application common material
- Planning Act 2016
- Planning Regulation 2017
- State Development Assessment Provisions (version 2.6)
- Development Assessment Rules
- Development Assessment Mapping System

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2005-17139 SVA

Attachment 3—Change representation provisions

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State Assessment and Referral Agency

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Date: 14/7/2020

Our ref: TMR20-630179
Your ref: 8041K
Enquiries: Ian Taylor



Department of Transport and Main Roads

2 July 2020

Decision Notice – Permitted Road Access Location
(s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road

Development application reference number RAL20/0004, lodged with South Burnett Regional Council involves constructing or changing a vehicular access between Lot 2SP315755, 6RP32419, the land the subject of the application, and Kingaroy-Cooyar Road (a state-controlled road).

In accordance with section 62A(2) of the Transport Infrastructure Act 1994 (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address
Leanne Brewer-Kissick
PO Box 896
KINGAROY QLD 4610

Application Details

Address of Property Kingaroy-Cooyar Road, BROOKLANDS QLD 4615
Real Property Description 2SP315755, 6RP32419
Aspects of Development Development Permit for Reconfiguration of a Lot-Boundary re-alignment

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	<p>The permitted road access location is approximately 483 metres from the southern boundary of proposed lot 3, in accordance with:</p> <p>a) Proposed Boundary Realignment prepared by ONF Surveyors dated 14/5/20 reference 8041P/2 Rev A.</p> <p><i>Note: A permitted road access location for Lot 4 was given on 31 May 2019 (Ref TMR19-027220), and subsequently constructed to the required standard. Because the subject land is still in the same ownership at the time of this approval and use of the land (providing) has not altered significantly a new decision about access for Lot 4 is not required.</i></p>	At all times.
	Road access works comprising a Standard Access Type A-1 size 5	Prior to submitting the Plan
	Please refer to the further approvals required under the heading 'Further approvals'	

Program Delivery and Operations Branch
Southern Queensland Region, 23 Quay Street Bundaberg Queensland 4672
Locked Bag 485 Bundaberg DC Queensland 4672

Telephone: (07) 5452 0367
Website: www.tmr.qld.gov.au
ABN: 29 427 620 201

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No.	Conditions of Approval	Condition Timing
	must be provided at the permitted access location, generally in accordance with the drawing titled Standard Rural Property Access drawing number D12-1H prepared by the Department of Transport and Main Roads dated 11 March 2013.	of Survey to the local government for approval
3	Direct access is prohibited between Kingaroy-Cooyar Road and proposed Lot 3 at any other location other than the permitted road access location described in Condition 1.	At all times.
4	The location of a property gate (if installed) must be positioned wholly within the boundaries of Proposed Lot 3 such that: <ul style="list-style-type: none"> a) the gate is located a minimum 15 metres from Kingaroy-Cooyar Road, in accordance with Figure 7.2 "Preferred Option with Indented access" of Austrroads Guide to Road Design Part 4 (attached); and b) the gate must open away from the Kingaroy-Cooyar Road. 	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) Access between a state-controlled road Kingaroy-Cooyar Road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- b) The applicant applied for a development permit for reconfiguration of a lot.
- c) The application will increase the number of accesses to the Kingaroy-Cooyar road but will only result in one access to Lot 3 at a location with adequate sight distance in all directions. Access at the location proposed should not create an unreasonable impact on safe operation of the Kingaroy-Cooyar Road if constructed according to the conditions above and used in accordance with the road rules.
- d) The existing access arrangements to Lot 4 in place are suitable (at the time of approval) for the use proposed with a decision about access for that access given on 31 May 2019 that remains in effect.

Please refer to Attachment A for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as Attachment B, as required for information.

Approved by Delegated Authority:



Date: 14/7/2020

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in Attachment C for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in Attachment C for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 93 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ian Leyton, Development Control Officer (Adjacent Land Management) should be contacted by email at WBB.IDAS@tmr.qld.gov.au or on (07) 5482 0367.

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

- Attachments:
- Attachment A – Decision evidence and findings.
 - Attachment B - Section 70 of TIA
 - Attachment C – Appeal Provisions
 - Attachment D – Permitted Road Access Location Plan
 - Attachment E – Austroads Part 4 Figure 7.2 Rural access gate location

Approved by Delegated Authority:



Date: 18/2/2020

Attachment F – Plan D12-1H

Approved by Delegated Authority



Date: 14/1/2020

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road Kingaroy Cooyar Road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to make a decision about road access.
- The applicant has provided plans with the proposed access showing that the access for Lot 3 is distant from the existing access road access to proposed Lot 4 and are to an existing gate. This approval will formalise an existing unapproved access location.
- The proposed access location provides a suitable alternative to access from the unformed road reserve that will separate proposed Lots 3 and 4.
- A rural standard access is applicable for the proposal.
- The application will increase the number of accesses to the Kingaroy Cooyar road but will only result in one access to Lot 3 at a location with adequate sight distance in all directions (refer section 3 of Enginra Consulting report dated 1 June 2020). Access at the location proposed should not create an unreasonable impact on safe operation of the Kingaroy Cooyar Road if constructed according to the conditions above and used in accordance with the road rules.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	Current as at 13 December 2019	—	Current as at 13 December 2019
Road Access Policy	Department of Transport and Main Roads	—	—	—
Road Planning and Design Manual 2 nd Edition	Department of Transport and Main Roads	Current as at 17 February 2020	—	Current as at 17 February 2020
Proposed Boundary Realignment	ONF Surveyors	15/5/20	Drawing 8041P/2	A
Development Assessment Report	ONF Surveyors	April 2020	8041K	—
Proposed Access from Kingaroy Cooyar Road, Brooklands	Enginra Consulting	1 June 2020	2011 Kingaroy Cooyar Access	Rev1

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Date: 14/1/2020

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

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

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

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

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Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the *appeal court*) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

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14/7/2020

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other, or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Approved by Delegated Authority



Date: 14/7/2020

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)
 the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

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Date: 18/1/2020

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

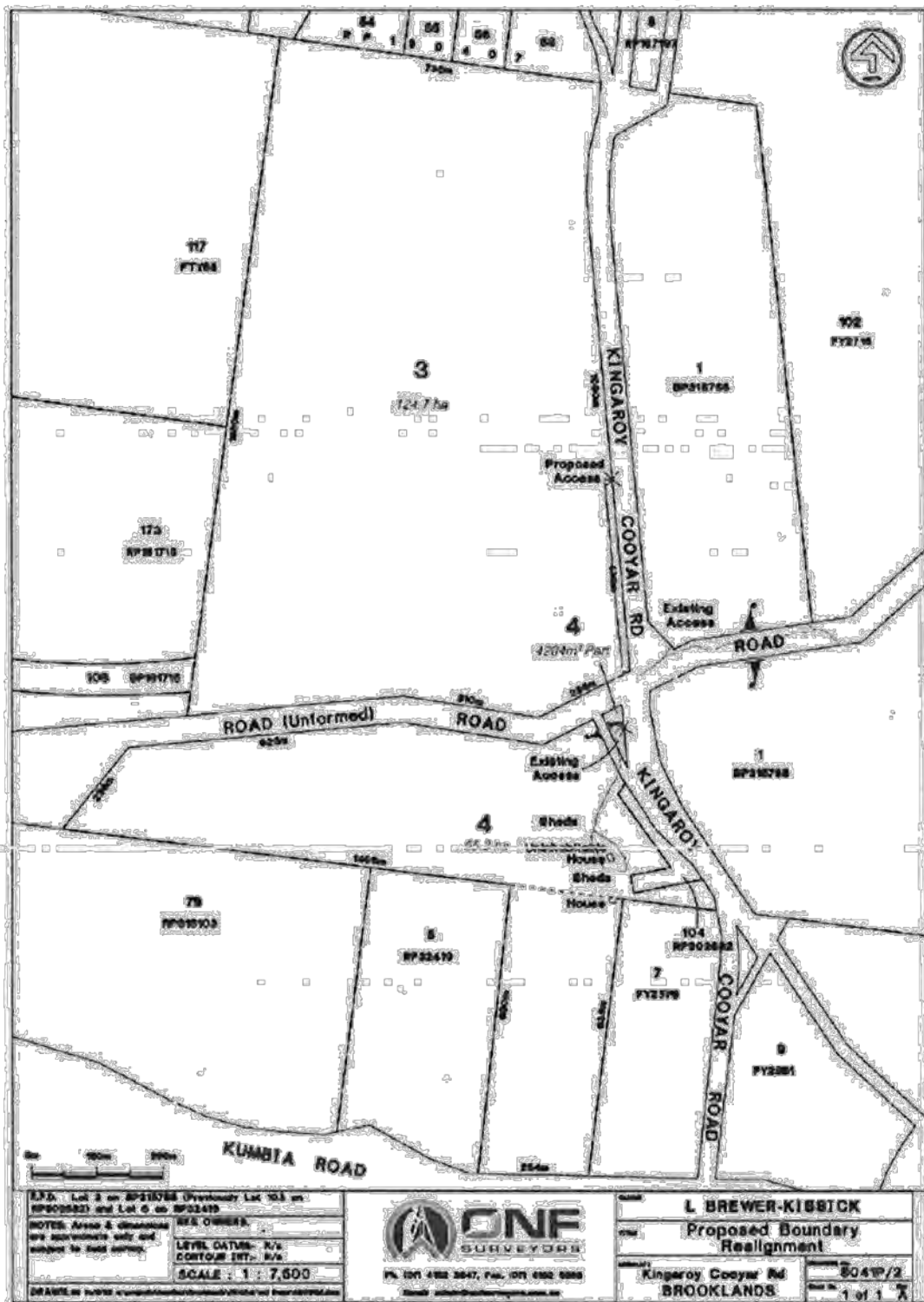
- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Approved by Delegated Authority: *[Signature]*

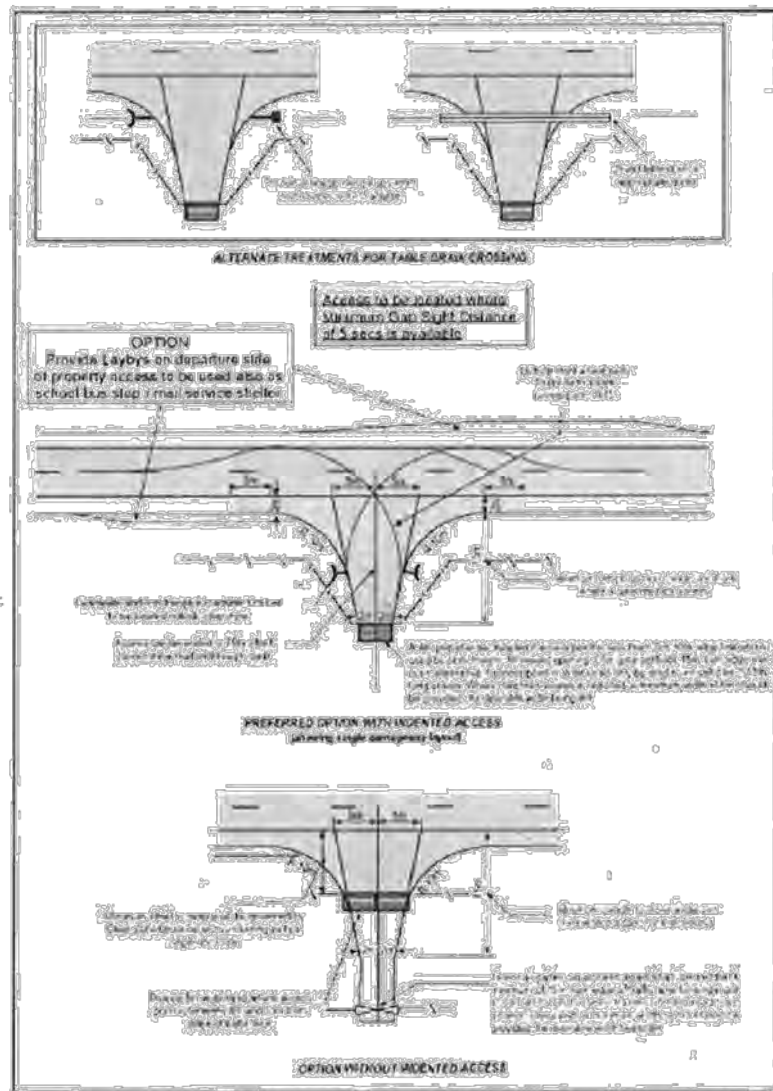
Date: 14/7/2020



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Date: 19/7/2020

GUIDE TO ROAD DESIGN PART 4: INTERSECTIONS AND CROSSINGS - GENERAL



Note: This rural property access treatment may be used where articulated vehicles:
 • do not use the driveway on single and dual carriageway roads.
 • infrequently use the driveway on two-lane two-way roads that have an AADT < 2000.
 Source: Austroads (2005).

Department of Transport and Main Roads note:
 5.6. Specific requirements for rural property access road
 width. Detailed drawings will be based upon application from
 Rural Councils only.

Figure 7.2: Example of a rural property access – single or dual carriageway (conditional)

Austrroads 2009

— 56 —

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Date: 14/7/2020

**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

The development application for:

Type of Approval	Reconfiguring a Lot (Boundary Realignment)
Level of Assessment	Code Assessment
Application No	RAL20/0004
Name of Applicant	L Brewer-Kissick C/- ONF Surveyors
Street Address	Kingaroy-Cooyar Road, Brooklands
Real Property Address	Lot 2 on SP315755 & Lot 6 on RP32419

On 14 July 2020 the above development was:

Approved in full, with conditions:

1. Reasons for the Decision

The reasons for this decision are:

- The proposal maintains existing lot sizes by amalgamating a rural lot as part of lot separation by road;
- Primary production can continue to operate as an anticipated land use for the site;
- The proposal does not introduce any impact upon adjoining sensitive land uses;
- The land will continue to be utilised for productive rural activities essential to the economic viability of productive agricultural land;
- The utility of the lots are maintained.

2. Assessment Benchmarks

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017
- Rural Zone Code
- Reconfiguring a Lot Code
- Services and Works Code

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

Approved by Delegated Authority: 

Date: 22/07/2020

Title **P&LM - 2670792 - Material change of use application for Animal Keeping Use (Dog Breeding) at 23 Zolner Road (Birt Road) Memerambi - Lot 333 FY357 - Applicant: The Planning Place - MCU20/0002**

Document Information

ECM ID 2670792

Author Planning Officer

Endorsed By **MANAGER PLANNING & LAND MANAGEMENT
GENERAL MANAGER COMMUNITY**

Date 22 July 2020

	SIGNATURE	DATE
MANAGER		22/7/2020
GM		23/7/2020
CEO		23-07-2020

Précis

Material change of use application for Animal Keeping (Dog Breeding) at 23 Zolner Road (Birt Road) Memerambi - Lot 333 FY357 - Applicant: The Planning Place - MCU20/0002

Summary

- Application for Material Change of Use - Development Permit – Animal Keeping (Dog Breeding);
- Subject site included within the Rural Zone under the South Burnett Regional Council Planning Scheme;
- The proposal is within 2km of rural residential zoned land and on a site larger than 10ha therefore is subject to impact assessment, public notification and triggered assessment against the entire Planning Scheme which included:
 - o Strategic Framework;
 - o Rural Zone Code; and
 - o Services and Works Code.
- No public submissions were received during the notification period;
- The commercial dog breeding facility has operated approximately eight (8) years without a development permit and local law permit in place for the activity;
- Referral to SARA as per Planning Regulation - Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (refer to Attachment B – Concurrence Agency Response);
- The application has been assessed against the overall outcomes and performance outcomes of the relevant codes and conditioned to comply (refer to Attachment C – Statement of Reasons);
- Application recommended for approval subject to reasonable and relevant conditions.

Officer's Recommendation

That Council **approve** the Development Application for a Material Change of Use (Dog Breeding) located at 23 Zolner Road, Memerambi and described as Lot 333 on FY357, subject to the following conditions.

Approved by Delegated Authority:



Date: 22/07/2020

GENERAL

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared by	Ref	Revision	Date
23 Zolner Road (Birt Road), Memerambi Detail Site Plan – Proposed Animal Keeping (Dog Breeding)	Applicant	Nil	Part of Response to Information Request dated 18 May 2020	Nil
23 Zolner Road (Birt Road), Memerambi Site Plan – Proposed Boundary Setbacks	Applicant	Nil	Part of Response to Information Request dated 18 May 2020	Nil
Layout	Wide Span Sheds Pty Ltd	WSS200265-3	Part of Response to Information Request dated 18 May 2020	28/2/2020
Floor Plan – Building 1	Applicant	Nil	Part of Response to Information Request dated 18 May 2020	Nil

Documents:

- Animal Management Plan for Animal Keeping (Dog Breeding) submitted as part of Response to Information Request dated 18 May 2020, unless otherwise amended by the conditions of approval.

Note: Where there is any inconsistency between the approved plans and documents and the conditions of the approval, the conditions of the approval will prevail.

APPROVED USE

GEN2. This Development Approval is a Material Change of Use for Animal Keeping (Dog Breeding – up to 30 dogs) and does not imply or comprise an approval for any uses other than that listed in GEN3. It does not include the boarding of animals other than animals that are kept for breeding purposes.

GEN3. The Animal Keeping is limited as outlined below:-

Maximum Gross Floor Area for:

- Building 1 of 96sqm; and
- Building 2 of 54sqm.

Maximum of 30 dogs in total exceeding 3 months of age and as shown on the Approved Plans.

Nb. The total number of 30 dogs shall not be exceeded at any one time and includes dogs kept as domestic pets.

GEN4. The development herein approved may not start until the following development permits have been issued and complied with as required:

- Development Permit for Building Works; and
- Development Permit for Plumbing and Drainage Work.

GEN5. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other adjoining lots.

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Date: 22/07/2020

GEN6. Maintain the site in a clean and orderly state at all times.

MAINTAIN DEVELOPMENT

GEN7. The development must comply with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they are not varied by this Development Approval.

GEN8. Unless otherwise stated, all conditions must be complied with prior to the commencement of use and thereafter.

ACOUSTIC AMENITY - GENERAL

ENV1. Unless otherwise approved in writing by Council, visitors to the facility are restricted to the following hours:

- 10:00AM to 3:00PM Monday to Friday and Saturday only and excluding Sunday and any Public Holiday.

ENV2. Service vehicle movements (including loading and unloading) associated with the approved use must not occur on any Public Holiday and outside the hours of:

- 7:00AM to 6:00PM Monday to Friday exclusively.

ENV3. Dogs must be contained within the compound at all times, with the exception of trips to the vet or in instances of transfer to new customers.

ACOUSTIC AMENITY – NOISE LIMITS

ENV4. Noise from activity associated with the use of the subject land for Animal Keeping must not exceed the Acoustic Quality Objectives listed in the Environment Protection (Noise) Policy 2019 when measured at any sensitive receptor.

ENV5. A complaints register is to be maintained on the site that includes the following details:

- A clearly defined procedure for recording, responding to and investigating complaints; and
- A notification protocol to all complainants of the outcome of complaint investigations.

ENV6. A record of all noise complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.

ENV7. In the event that Council receive a significant number of noise complaints, Council may request in writing, a noise investigation to be undertaken to investigate a complaint of noise nuisance. In such instances, a suitably qualified person must monitor, interpret and record all parameters that are required to be monitored in order to determine whether or not the Acoustic Quality Objectives listed in the Environment Protection (Noise) Policy 2019 when measured at any sensitive receptor have been exceeded.

ENV8. The results of a noise investigation must be provided to Council within 28 days of the request or a longer period if specified in any such request. Measurement of noise emissions (adjusted for tonality and impulse) must be generally in accordance with the most recent version of Australian Standard AS1055.1 Acoustics - Description and measurement of environmental noise - General procedures.

BOUNDARY FENCING

ENV9. All boarding establishments must have an external perimeter fence surrounding the establishment that is adequate for the number and types of animals kept on site as proposed in the Animal Management Plan.

MANAGEMENT PLAN

MCU20/0002 – 23 Zolner Road, Memerambi

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Approved by Delegated Authority:



Date: 22/07/2020

ENV10. The approved Management Plan must be implemented, maintained and modified where necessary to maintain compliance with the requirements of the Development Approval, State Legislation, Local laws and Codes of Practice at all times.

WASTE MANAGEMENT (REMOVAL)

ENV11. Unless otherwise endorsed by Council in a waste management plan, arrangements for waste removal are provided in accordance with the following requirements:

- Bins must be located in a manner that allows the refuse vehicle to pick them up automatically without the driver or any other person having to relocate them;
- General waste must be collected and removed at periods not exceeding seven days;
- Bins must be stored at their place of permanent storage other than times ahead of or during waste removal; and
- The waste collection method must ensure that waste is adequately managed to prevent escape of contamination

Refuse Storage Collection

ENV12. Provision must be made for the storage and removal of refuse in accordance with the *Waste Reduction and Recycling Regulation 2011*.

RECORD KEEPING

ENV13. The holder of a development approval must keep and maintain a written register at all times. Each record must be kept for a minimum of three years which must detail the activities of the holder under the development approval.

The register must detail:

- a) the particulars and description of each animal kept on the land including, breed, name, date of birth, identifying tag and any other form of identification
- b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out for each animal
- c) if any animal is sold or otherwise disposed of – the name and address of the new keeper of the animal and the date of sale or disposal of the animal
- d) if the animal is, or has been, implanted with a permanent identification device (PID) (microchip) – particulars of the PID of the animal
- e) for each animal of a litter of an animal kept on the land:
 - the dam of the litter
 - the sire of the litter
 - the breed of each animal of the litter
 - the date of birth of each animal of the litter
 - the date of mating of the parents of the litter
 - the sex of each animal of the litter
 - the distinguishing marks or other form of identification of each animal of the litter
 - if any animal of the litter is implanted with a PID –particulars of the PID of the animal
 - if an animal of the litter is sold or otherwise disposed of – the name and address of the new keeper of the animal and the date of sale or disposal of the animal
 - in the event of the death of an animal of the litter – the date and the cause of death of the animal
 - a medical history for each animal of the litter listing vaccinations, inoculations and treatments of the that have been carried out for the animal

ENV14. If an animal kept on the land – was not born on the land for the acquisition of the animal by the holder of the Development Approval must keep a record of:

- the date of the acquisition

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the person from whom the animal was acquired by the holder of the Development Approval.

- ENV15. The holder of the Development Approval must:
- a) keep and maintain records about the activities of the Development Approval holder
 - b) produce the records for inspection promptly after receipt of a request from an authorised person
 - c) provide an authorised person, when requested, access to records and allow them to take copies of, or extracts from, the records
 - d) keep the records:
 - at specified premises
 - for a specified period.

- ENV16. The records that the holder of the Development Approval must keep and maintain include, without limitation, details of procedures and protocols adopted and implemented by the holder of Development Approval in relation to:
- a) cleaning and disinfecting enclosures, food preparation and storage areas and animal husbandry equipment
 - b) pest management
 - c) emergencies.

SECURITY

- ENV17. Each kennel must be fitted with a secure closing device that cannot be opened by the animals.
- ENV18. Any security method used must allow for ready access to dogs and ready exit for keepers and animals in an emergency.
- ENV19. A substance or liquid that may harm the health or safety of an animal kept on the land must not be stored or used in a manner that permits the animal to access or consume the substance or liquid.
- ENV20. Facilities must have appropriate firefighting equipment readily available.

WATER, WASTEWATER AND WASTE MANAGEMENT

WATER SUPPLY

- ENV21. Breeding facilities must have a continuous water supply, adequate to meet the daily requirements of the dogs held. Water may be supplied through Council's reticulated mains water supply, or through the private collection of water on the premises (for example rainwater tanks).

WASTE AND WASTEWATER MANAGEMENT

- ENV22. Any enclosure in which an animal, including an animal of a litter is kept, must be properly drained and run-off must be kept off premises adjoining the land.
- ENV23. The holder of the Development Approval must collect and dispose of wastes promptly and in a hygienic manner. This may include:
 - disposal of all animal droppings, soiled litter and bedding
 - disposal of animal food waste
 - removal of any deceased animal.
- ENV24. Wastewater generated through the operation of the business (for example, the hosing down of pens and kennels) must be appropriately collected and must not run off from the property.
- ENV25. The Development Approval holder must control stormwater entering and leaving kennels, animal accommodation or other areas where it may become contaminated with animal faecal matter, food or cleaning products (detergents, disinfectants and

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pesticides) so that it does not contaminate the surrounding soil, stormwater or waterways.

ENV26. Wastewaters (for example dog wash) must not discharge to stormwater. Wastewater must either be collected for appropriate disposal or discharge directly to the sewer, under the conditions of a Trade Waste Permit or to the onsite septic system, as may be approved by Council's Plumbing section.

ENV27. Wastewater must not be applied to land unless treated by a wastewater treatment system approved under the *Plumbing and Drainage Act, 2018*.

ENGINEERING WORKS

ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.

ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.

ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

ENG6. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

PARKING AND ACCESS - GENERAL

ENG8. Provide a minimum of five (5) car parking spaces.

ENG9. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

**ADVICE
REGISTRATION**

ADV1. Under the *Animal Management Act 2008*, a breeder who is the owner of a dog must register the dog, with the appropriate local government, if it is 12 weeks or older.

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WHEN APPROVAL TAKES EFFECT

ADV2. This development approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

ADV3. This development approval will lapse in accordance with the provisions contained within Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this development approval.

ADV4. Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

HERITAGE

ADV5. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

ADV6. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

ENVIRONMENTAL HARM

ADV7. The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

ADV8. Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

ADV9. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

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Financial and Resource Implications

No implication can be identified.

Link to Corporate/Operational Plan

GO2 Balanced development that preserves and enhances our region.
GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability.

Communication/Consultation (Internal/External)

No implication can be identified.

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

No implication can be identified.

Asset Management Implications

No implication can be identified.

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WA

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PROPOSAL PLAN

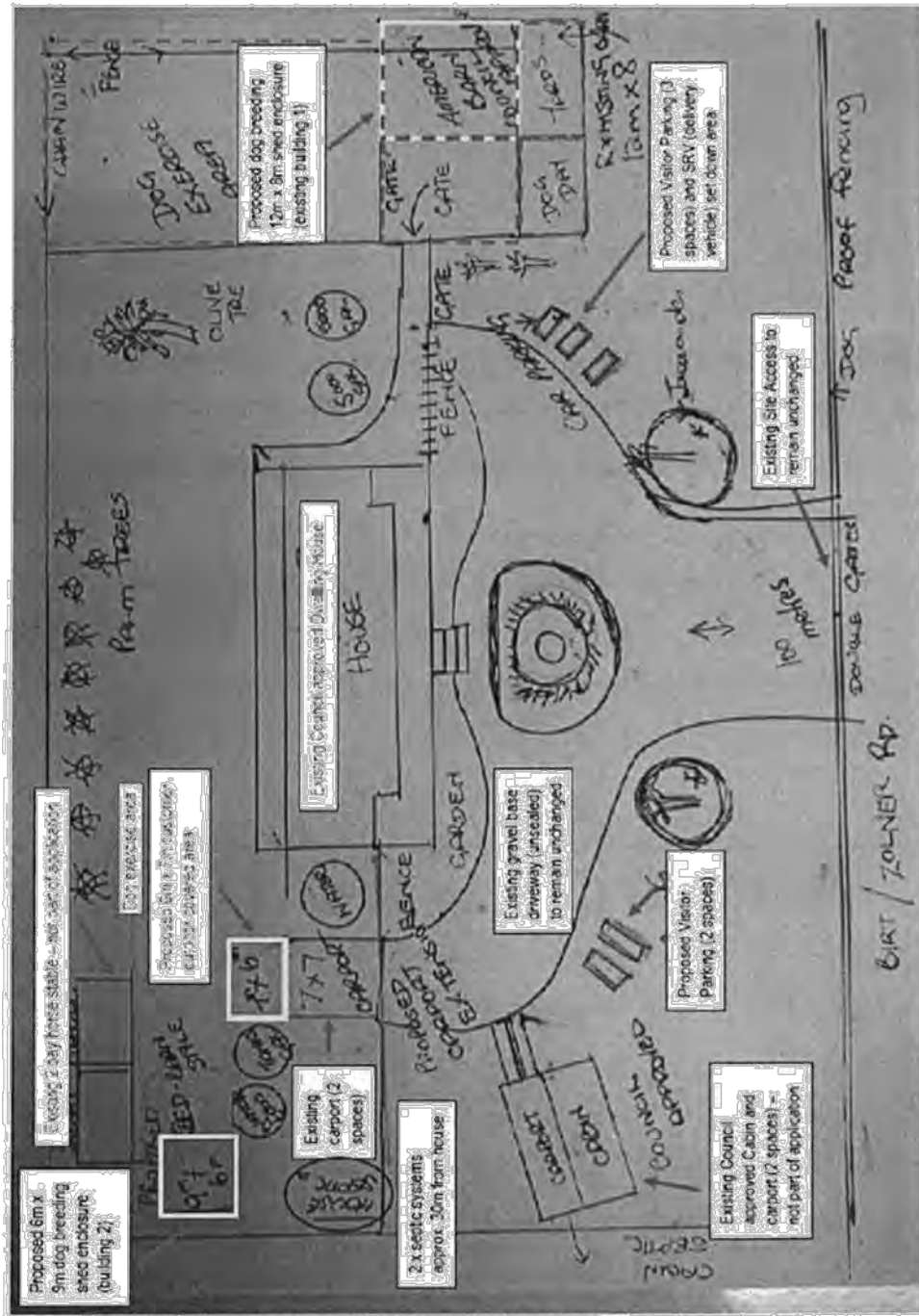


Figure 1- Proposed Amended Plans (source: Applicant)

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PROPOSAL PLAN



Figure 2- Proposal Plans (source: Applicant)

MCU20/0002 – 23 Zolner Road, Memerambi

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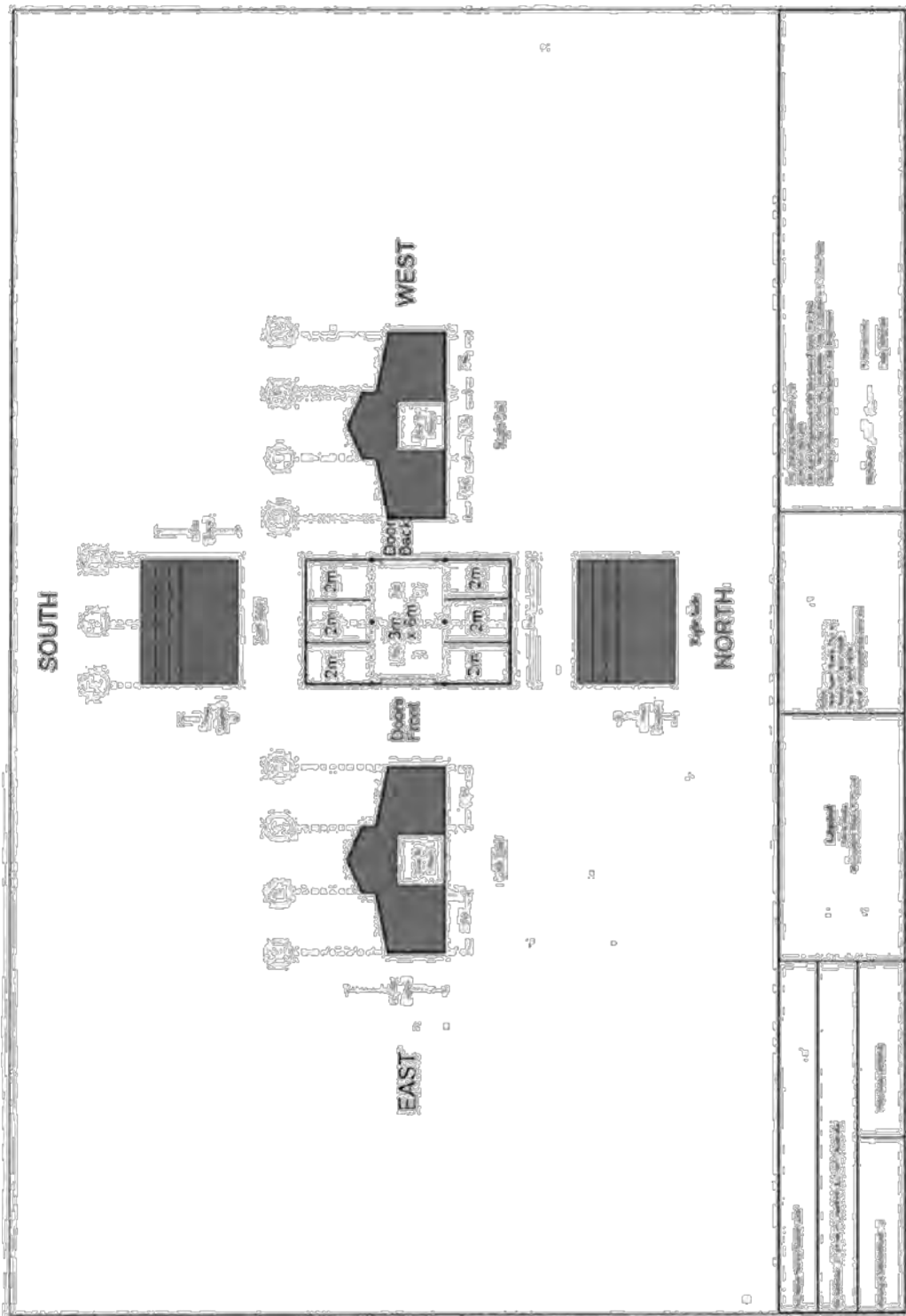


Figure 3: Elevations of Building 2 (Source: Applicant)

Approved by Delegated Authority



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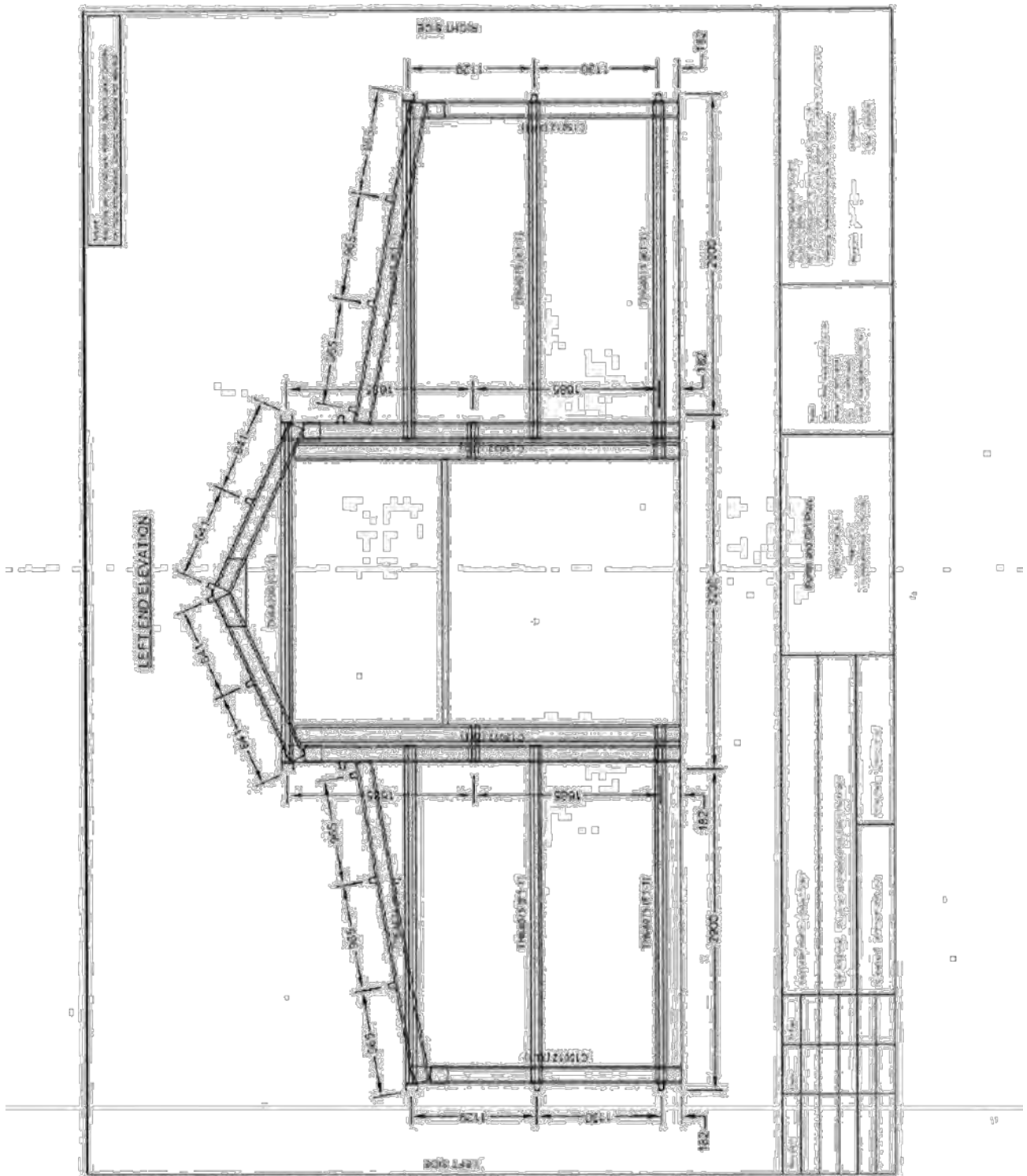


Figure 4: Left end Elevation of Building 2 (Source - Applicant)

Approved by Delegated Authority:



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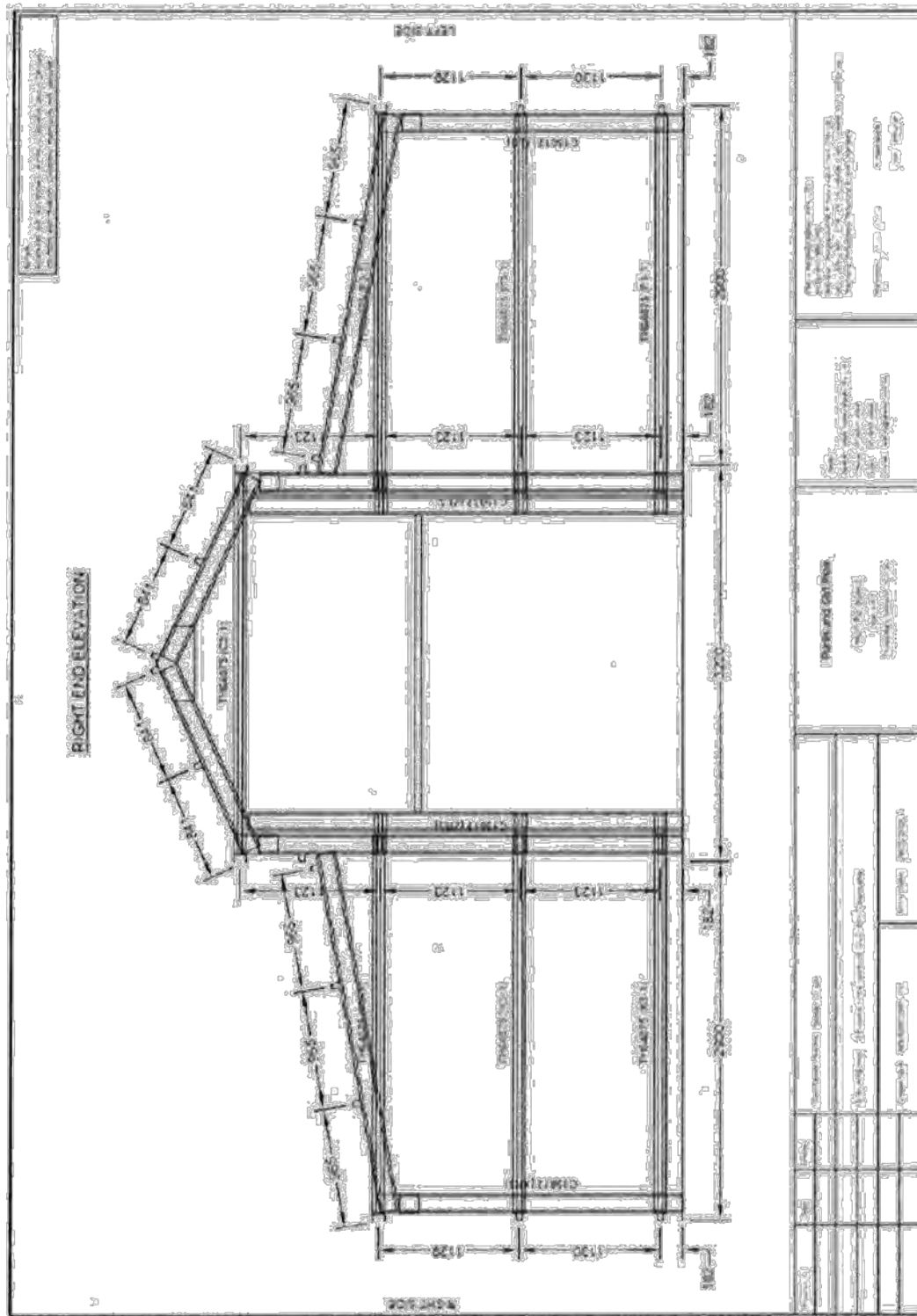


Figure 5: Right end Elevation of Building 2 (Source: Applicant)

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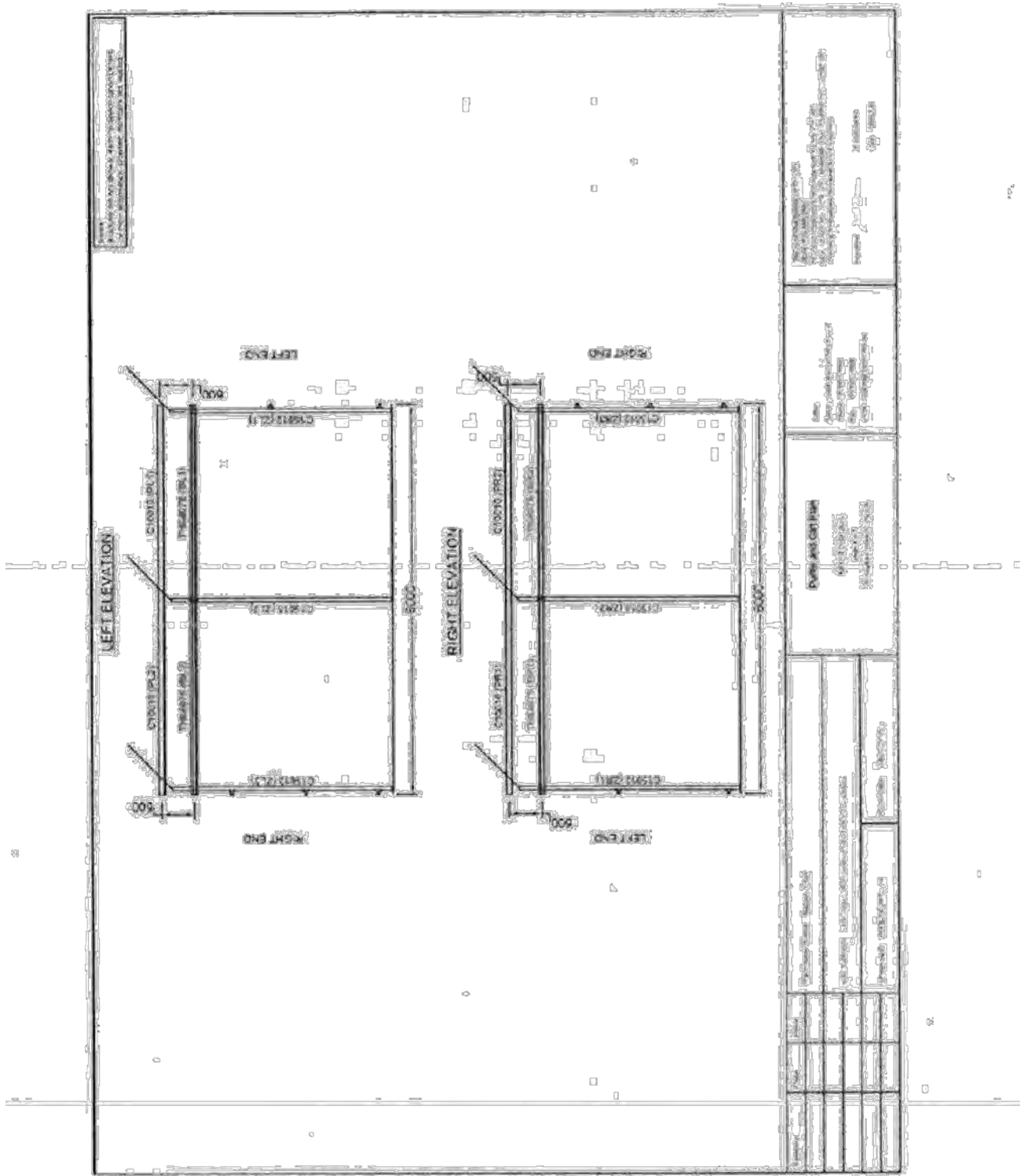


Figure 6: Left & Right Elevation of Building 2 (Source - Applicant)

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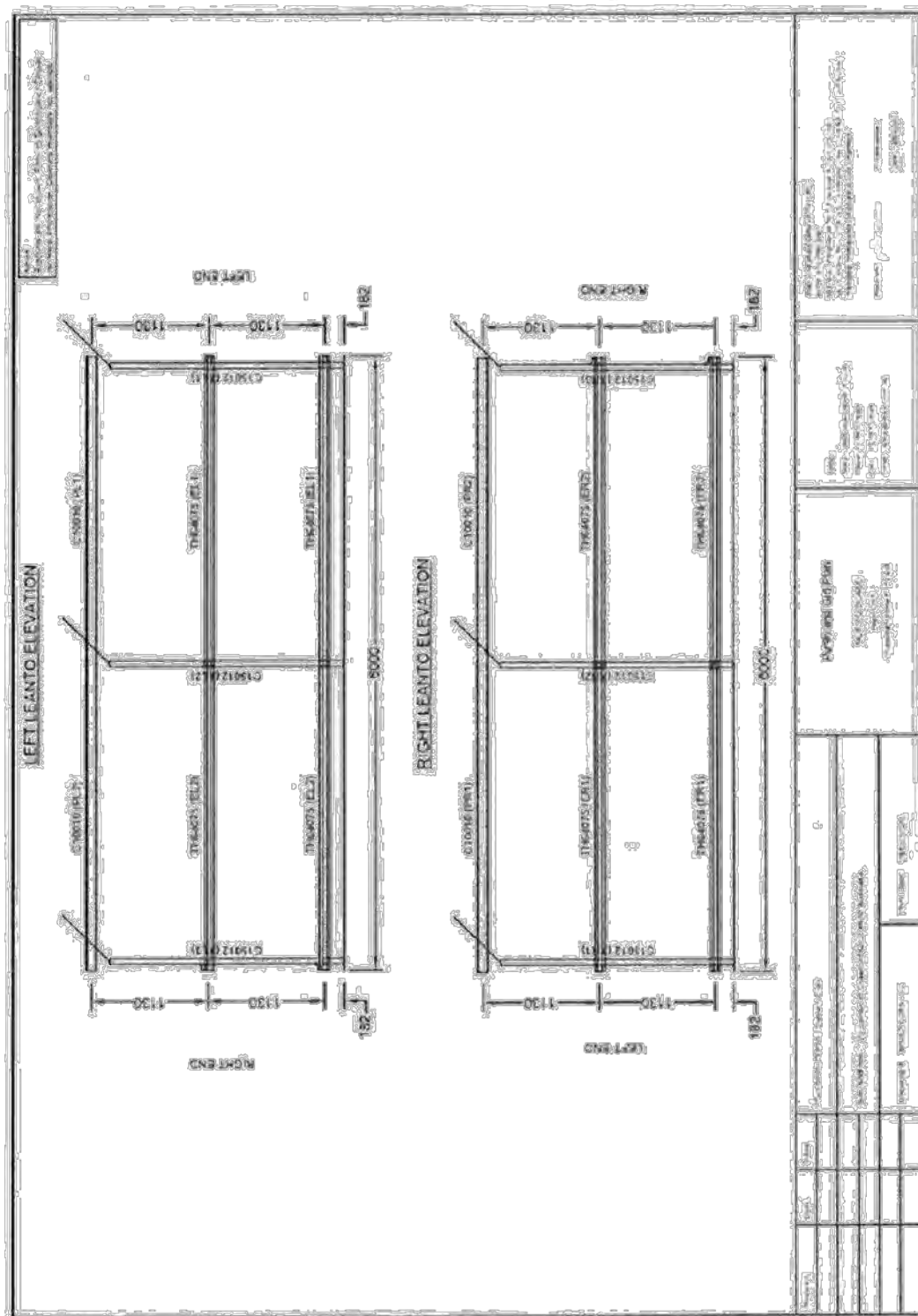


Figure 7: Left and Right Lean to Elevation (Source - Applicant)

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A

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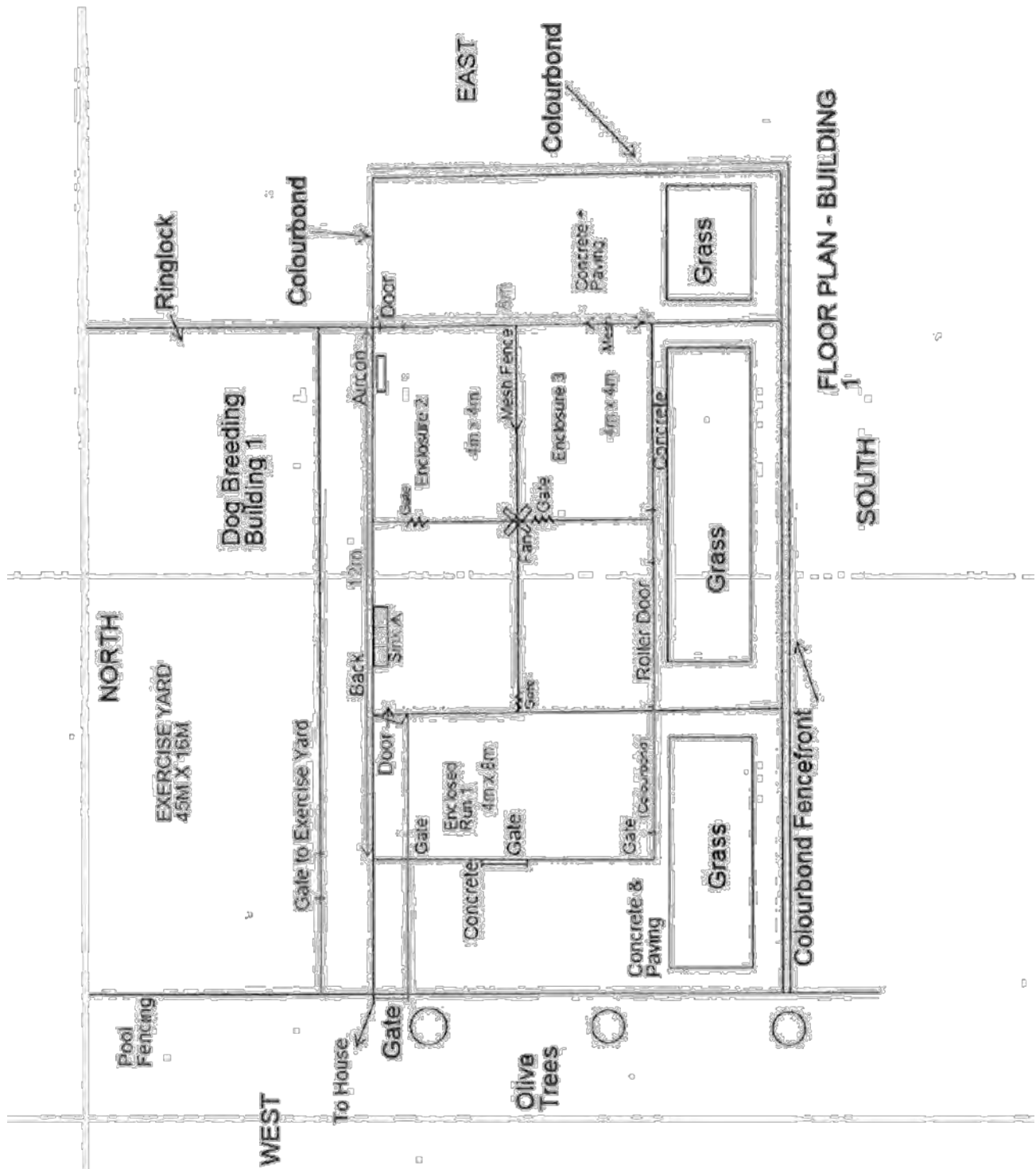


Figure 8: Floor Plan of Building 1 (Source – Applicant)

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Report

The applicant seeks approval for Animal Keeping (Dog Breeding)

APPLICATION SUMMARY	
Applicant:	Susan Clair cf- The Planning Place
Proposal:	Material Change of Use – Animal Keeping (Dog Breeding)
Properly Made Date:	6 March 2020
Street Address:	23 Zolner Road (Birt Road), MEMERAMBI
RP Description:	Lot 333 on FY357
Assessment Type:	Impact assessment
Number of Submissions:	Nil
State Referral Agencies:	SARA – Concurrence Agency Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor or that is a future State transport corridor
Referred Internal Specialists:	Consultant Development Engineer Senior Environmental Health Officer

The following table describes the key development parameters for the proposal:

PROPOSED DEVELOPMENT	
Proposed Development:	<p>Material Change of Use – Animal Keeping (Dog Breeding):</p> <p>The maximum number of animals kept on site at any one time shall be 30 breeding dogs.</p> <p>4 males and 25 females consisting of:</p> <ul style="list-style-type: none"> - 2 older desexed dogs; - 8 puppy replacement under 12 months (15 breeding girls currently); - Females have a maximum of 4 litters with a break in between before desexing, cycle at 6-7 month intervals. Each dog is individual and can produce 0-4 litters in that 4 year period. <p>Use of an existing shed with a gross floor area of 96sqm (Building 1 – 4.26m to roof peak) and to be fully air-conditioned plus large fan to contain:</p> <ul style="list-style-type: none"> - Three enclosures; - Sink and preparation area; - 720sqm of exercise yard; - Secured fenced external concrete / pave run; - Setbacks – <ul style="list-style-type: none"> - 70m to south boundary; - 256m to west boundary; - 256m to north boundary; - 644m to the east boundary. <p>Building 2 yet to be constructed with a gross floor area of 54sqm (4.26m to roof peak) to contain:</p> <ul style="list-style-type: none"> - Mother dog(s) during delivery and for puppies growing from 3-9 weeks to grow;


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	<ul style="list-style-type: none"> - External run for exercise; Setbacks – <ul style="list-style-type: none"> - 101m to south boundary; - 196m to west boundary; - 231m to north boundary. <p>Outdoor covered area for customers approximately 42sqm.</p> <p>The sheds to be equipped with fully insulated walls and ceiling cladding for sound insulation to reduce noise emissions and to meet relevant health and safety regulations.</p> <p>Land owner is the operator residing on site.</p> <p>Use of existing driveway access located along the southern boundary of the subject site.</p> <p>The applicant states the business to be open to visitors by arrangement, generally every second weekend.</p>
<p>Variations Sought:</p>	<p>Nil</p>
<p>Level of Assessment:</p>	<p>Impact assessable</p>
<p>Area to be used:</p>	<p>Refer to latest site plan (Proposal plan/s)</p>
<p>Impervious Area:</p>	<p>Nil indicated</p>
<p>Site Cover:</p>	<p>Nil indicated however the dog breeding sheds, exercise yards etc are located within close proximity to the residential use of the site.</p>
<p>Car Parking Spaces:</p>	<p>Five (5) car parking spaces proposed by the owner.</p>
<p>Service Vehicle Provision:</p>	<p>There is no minimum parking provisions outlined in the Planning Scheme Table 8.4.5. Council officer's support the number of parking spaces as proposed having regard to the nature, scale and intensity of the use.</p>
<p>Submissions Received:</p>	<p>Nil</p>
<p>Decision Making Period Ends:</p>	<p>23 July 2020</p>

Approved by Delegated Authority:



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SITE DETAILS:

SITE AND LOCALITY DESCRIPTION		
Land Area:	30.70ha	
Existing Use of Land:	Dwelling house associated outbuildings and unapproved dog breeding facility	
Road Frontage:	Secondary road frontage – Bunya Highway Primary road frontage – Unformed road (Zolner Road)	
Road/s	Road Hierarchy	
Bunya Highway	DTMR – Main Road	
Zolner Road	Unknown	
Easements	Nil	
Significant Features:	Site	Nil
Topography:	Relatively flat	
Surrounding Land Uses:	Land Use	Zone/Precinct
North	Large rural properties with associated outbuildings and dwelling	Rural / N/A
South	Large rural properties with associated outbuildings and dwelling and Rural industry	Rural / N/A
East	Large rural property	Rural / N/A
West	Large rural properties with associated outbuildings and dwelling	Rural / N/A
 <p>9 - Rural residential: zoned land to the north and south of the subject property within 2km of the property (Source: Qld Globe)</p>		

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APPLICATION HISTORY

The application was lodged on 5 March 2020.

Confirmation notice

A Confirmation notice acknowledging the application was issued on 10 March 2020 as the application was impact assessable triggered referral to SARA and subject to public notification. Referral was required under the *Planning Act 2016* – Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1.

Council Information request

An extension to the period was issued on 23 March 2020 and an information request was subsequently issued by Council on 31 March 2020.

This raised issues relating to:

- location of exercise yards;
- building orientation of breeding shed;
- number breakdown of breeding / sexes of dogs;
- on-site management and animal keeping operations;
- employees / staff;
- animal management plans;
- noise generation;
- waste management arrangements.

On 18 May 2020 the Planning Place provided a response to the information request and the matters raised in the letter. There is some uncertainty around the generation of noise from the activity and it is not clear of the sound proofing that will be used in the breeding sheds. The applicant asserts the property boundary is only 122m within the prescribed 2km separation and otherwise the application would not have triggered a development application.

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Acknowledging the applicant response regarding the setbacks to rural residential zoned land (north and south of the subject land) there remains a non-compliance and that Council needs to take reasonable steps to ensure that the land activity operates in such a way to not cause nuisance to rural residential properties.

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

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

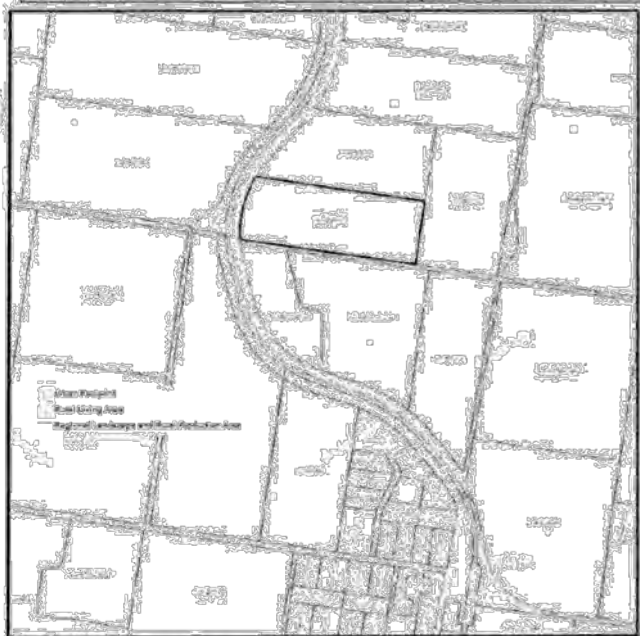
- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

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:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	Nil.
WBB Regional Plan Designation:	The Wide Bay Burnett Regional Plan (WBBRP) designates the site in the Regional Landscape and Rural Production Area (RLRPA), which identifies land with one or more of the values identified, including significant ecosystems, natural economic resources including extractive resources and land that forms strategic and regionally significant inter-urban breaks. The proposal does not conflict with the Regional Plan.



11 - Regional land use categories (Source: Queensland Government DA Mapping System)

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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.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3
Strategic Framework Land Use Category:	Rural – Important Agricultural Areas
Zone:	Rural
Precinct:	Nil
Consistent/Inconsistent Use:	Animal keeping is a consistent use in the Rural zone.
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 proposed land activity is a consistent land use within the rural zone of the planning scheme. The minor non-compliance of the 2km setback to rural residential zoned land triggered an impact assessable development application.

It is considered that Animal keeping is in an appropriate locality separated from nearby rural residential lots. Conditions of approval regarding land use operation including noise and odour will be conditioned so that nearby rural residential lifestyles are not compromised.

Zones

Rural locality zone.

Overlays

- OM1 - Airport Environs Overlay – Distance from Airport – 13km;
- OM4 - Regional Infrastructure Overlay – Rail Trail is located across the highway west of the site;
- OM8 - Agricultural Overlay Map.

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 with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Approved by Delegated Authority:



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PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
RURAL ZONE	
PO1 Development maintains rural amenity and character	Officer response – 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. It is considered reasonable to condition the approval to comply with the relevant Code of Practice, Local Law/s, Environmental legislation.
PO15 The productive capacity and utility of agricultural land for rural activities is maintained	Officer response – The breeding sheds and exercise yards are located adjacent to the dwelling house located outside of any land suitable for agricultural purposes.

Local Categorising Instrument - Variation Approval

Not applicable.

Local Categorising Instrument - Temporary Local Planning Instrument

Not applicable.

Other Relevant Matters

Having regard to other relevant matters in accordance with s45 of the *Planning Act 2016*, the following is noted:

Council is in the process of adopting a Code of Practice for the keeping and breeding of cats and dogs.

The Code of Practice outlines Council's role in *"regulating the keeping and breeding of dogs and cats to ensure that these activities are carried out in a safe and sanitary manner, while preventing nuisances to neighbouring properties and the surrounding environment."*

The document to date has not been released to the public for consultation however, Council as the assessment manager has given weight to the draft COP due to the nature of the development application.

It is considered that the activity would not significantly impact the rural residential amenity of the area and where required can be conditioned to comply with the planning scheme requirements subject to reasonable and relevant conditions.

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Locality Plan

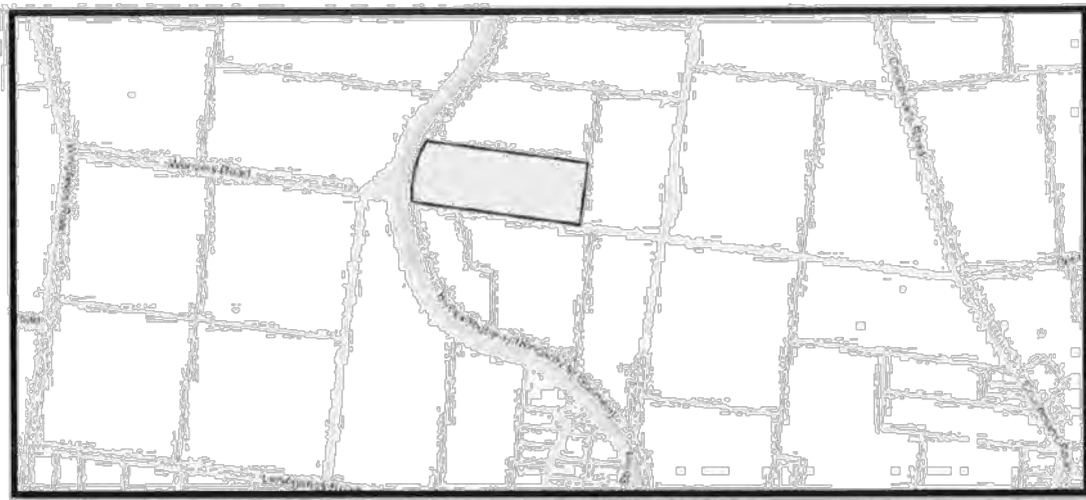


Figure 12 - Locality Plan (Source: IntraMaps)

Aerial Plan



Figure 13 Aerial Imagery (Source: Queensland Globe)

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CONSULTATION:

Referral Agencies

SARA – No conditions (refer to Attachment B).

Other Referrals

INTERNAL SPECIALIST	REFERRAL	REFERRAL / RESPONSE
Contract Engineer	Development	Provided conditions relevant to the development application.
Infrastructure Charges Unit		<p>Animal keeping is listed as a Specialised use under the South Burnett Regional Council Charges Resolution (No. 3) 2019.</p> <p>Nb. The adopted charge is the charge for another similar use listed in this table that council decides to apply to the use.</p> <p>Council considers that the adopted charge for a Low Impact Rural applies.</p> <p>As per South Burnett Regional Council Charges Resolution (No. 3) 2019 Table 2.2 the charge for a Low impact rural is Nil (Refer to Attachment A – Adopted Infrastructure Charge).</p>
Environmental Health		<p>Provided conditions based on draft code of practice for the keeping and breeding of cats and dogs.</p> <p>The draft Code of Practice (COP) has yet to be released for public community consultation.</p> <p>The introduction of the COP has been reproduced below for the purposes of this report - "South Burnett Regional Council has a role in regulating the keeping and breeding of dogs and cats to ensure that these activities are carried out in a safe and sanitary manner, while preventing nuisances to neighbouring properties and the surrounding environment."</p> <p>Council staff developed the document outlining the minimum requirements for persons responsible for the breeding or boarding of dogs and cats in the South Burnett region.</p> <p>It is envisaged that this COP will be read in conjunction with the approved conditions of approval. Where an inconsistency exists between the approved conditions of approval and the final COP the less onerous conditions will apply.</p>

Public Notification

The Notice of Compliance was received by Council on 18 June 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 26 May 2020;
- Place a notice on the land from 26 May 2020; and
- Notifying owners of all land adjoining the site on 25 May 2020.

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

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CONCLUSION:

The proposed Material Change of Use for Animal Keeping (Dog Breeding – 30 dogs) is considered appropriate given the location and setbacks to adjoining properties. Where compliance cannot be demonstrated or addressed by reasonable and relevant conditions there is sufficient grounds to approve the development despite the conflict.

RECOMMENDATION:

It is recommended that the development application for a Material Change of Use for Animal Keeping (Dog Breeding – 30 dogs) at 23 Zolner Road, Memerambi (and described as Lot 33 on FY357) be approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

Approved by Delegated Authority:



Date: 22/07/2020

**Attachment A
Infrastructure Charges Notice**

**INFRASTRUCTURE CHARGES NOTICE
(Section 119 of the Planning Act 2016)**

APPLICANT: The Planning Place – Graham Williams

APPLICATION: MCU20/0002

DATE: 22 July 2020

AMOUNT OF THE LEVIED CHARGE: **\$0.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$0.00	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 333 FY357

SITE ADDRESS: 23 Zolner Rd, Memerambi

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
Specialised Use - Low Impact Rural	150	GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable					\$0.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Specialised Use - Low Impact Rural	150	GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable					\$0.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Specialised Use - Low Impact Rural	150	GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable					\$0.00

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Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Specialised Use – Low Impact Rural	150	GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable					\$0.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Specialised Use – Low Impact Rural	150	GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable					\$0.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Specialised Use – Low Impact Rural	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

* In accordance with section 120 of the Planning Act 2016

Yours faithfully

SOUTH BURNETT REGIONAL COUNCIL

CHIEF EXECUTIVE OFFICER

Approved by Delegated Authority: 

Date: 22/07/2020

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 average¹. 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 presented at the time of payment.

¹ 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.

Approved by Delegated Authority:



Date: 22/07/2020

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.

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



Approved by Delegated Authority:



Date: 22/07/2020

**Attachment B
Concurrence Agency Response**

BA2-N



Department of
State Development,
Manufacturing,
Infrastructure and Planning

SARA reference: 2003-15856-SRA
Council reference: MCU20/002

8 April 2020

Chief Executive Officer
South Burnett Regional Council
PO Box 336
KINGAROO QLD 4610
info@southburnett.qld.gov.au

Attention: Chris Du Plessis

Dear Mr Du Plessis

SARA response—23 Birt Road, Memerambi

(Referral agency response given under section 50 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 10 March 2020.

Response

Outcome: Referral agency response - No requirements
Under section 50(1)(a) of the Planning Act 2016, the department advises it has no requirements relating to the application.

Date of response: 8 April 2020

Advice: Advice to the applicant is in Attachment 1.

Reasons: The reasons for the referral agency response are in Attachment 2.

Development details

Description: Development permit Material Change of Use for Animal Keeping (Dog Breeding)

SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 9, division 4, subdivision 2, item 4 (Planning Regulation 2017)
Development within 25 metres of a state-controlled road

SARA reference: 2003-15856-SRA

Assessment Manager: South Burnett Regional Council

Wide Bay Burnett regional office
Level 1, 7 Takalvin Street, Bundaberg
PO Box 978, Bundaberg QLD 4670

Page 1 of 3

Approved by Delegated Authority:

Date: 22/07/2020

2003-15856_SPA

Street address: 23 Biril Road, Memerambi
 Real property description: 333FY357
 Applicant name: The Planning Place
 Applicant contact details: 7273 Abbotsford Road
 Bowen Hills QLD 4006
 mail@theplanningplace.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (i.e. 30 Development Assessment Rules)

Copies of the relevant provisions are in Attachment 3.

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

For further information please contact Holly Scrohan, Principal Planner, on (07) 4331 5614 or via email WBBSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Luke Lenkowski
Manager, Planning – Wide Bay Burnett

cc The Planning Place, mail@theplanningplace.com.au

enc Attachment 1 – Advice to the applicant
Attachment 2 – Reasons for referral agency response
Attachment 3 – Representations provisions

Approved by Delegated Authority:



Date: 22/07/2020

2002-1656 SPA

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> in regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Approved by Delegated Authority:



Date: 22/07/2020

2003-15856 SFA

Attachment 2—Reasons for referral agency response

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

The reasons for the department's decision are:

- The proposed new buildings and structures will be set back more than 100 metres from the state-controlled road.
- Access to the proposed development will be by a local road.
- The development is not of a nature or scale that will impact the state transport infrastructure network.
- The development complies with the requirements of State Code 1 of the State Development Assessment Provisions.

Material used in the assessment of the applications:

- The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system



Approved by Delegated Authority:



Date: 22/07/2020

2020.15858.000

Attachment 3—Change representation provisions

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Department of State Development, Manufacturing, Infrastructure and Planning

Page 0 of 5

Approved by Delegated Authority:



Date: 22/07/2020

**Attachment C
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

SITE DETAILS	
Applicant:	Susan Clair c/- The Planning Place
Proposal:	Material Change of Use – Animal Keeping (Dog Breeding (maximum of 30 dogs)
Properly Made Date:	6 March 2020
Street Address:	23 Zolner Road (Birt Road), MEMERAMBI,
RP Description:	Lot 333 on FY357
Assessment Type:	Impact assessment.
Number of Submissions:	Nil
Decision:	Approved – with conditions
Decision Date:	22 July 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:

- It is considered that Animal keeping is an acceptable use in the rural locality that is adequately separated from nearby rural residential lots;
- Nuisance impacts eg. noise and odour will be conditioned so that nearby rural residential lifestyles are not unduly compromised;
- Operation of the facility will be in accordance with the Animal Management Plan plus additional operation of the facility will be administered by Council's Code of Practice once adopted;
- The existing and proposed outbuildings are complimentary to the existing rural locality;
- The activity would not significantly alter the existing rural nature of the nearby area given the strict number of dogs permitted on site at any one time;
- Visitors to the site will be restricted to certain times and days of week including Saturdays;
- The owner operator resides in the dwelling house and therefore not have to rely on additional external staff.

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.

Approved by Delegated Authority: 


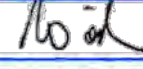
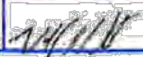
Date: 27/07/2020

Title P&LM - 2703678 - Planning Report - Extension to Currency Period - Reconfiguring a Lot - Boundary Realignment – 23-25 Millis Way, Nanango - Lot 4 RP187484 – RAL20/0007

Document Information

ECM ID 2703678

Author Chris du Plessis
MANAGER PLANNING & LAND MANAGEMENT

	SIGNATURE	DATE
MANAGER		27/7/20
GM		28/7/2020
CEO		28-07-2020

Endorsed By GENERAL MANAGER COMMUNITY

Date 27 July 2020

Précis

Extension to Currency Period - Reconfiguring a Lot (1 lot into 6 lots) 23-25 Millis Way, Nanango - Lot 4 on RP187484 - RAL20/0007

Summary

- Applicant requested a four (4) year extension to the existing approval.
- The proposal is considered to be consistent with the overall outcome of the Low Density Residential Zone Code in relation to the creation of new lots that are suitable for residential purposes.
- Drawing for an operational works approval was certified by a RPEQ demonstrating that the approval can meet relevant engineering standards.
- The subject site is suitable for reconfiguration into low density residential lots given low density scale of the surrounding residential area.
- Recommended that Council approve a 6 (six) years extension to the currency period under section 87 of the *Planning Act 2016*.

Officer's Recommendation

That Council **approve** the extension to the currency period of 4 (four) years under section 87 of the Planning Act 2016 from the date of the existing approval until 24 July 2020 for a Development Permit for Reconfiguration of a Lot (1 lot into 6 lots) at 23-25 Millis Way, Nanango described as Lot 4 RP1897484.

Financial and Resource Implications

No implication can be identified.

Link to Corporate/Operational Plan

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.
GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

Communication/Consultation (Internal/External)

No implication can be identified.

Approved by Delegated Authority:

Date: 27/07/2020

Aerial Plan



Source: Queensland Globe

SITE AND LOCALITY DESCRIPTION				
Land Area:	1.1850 ha			
Existing Use of Land:	Vacant block			
Road/s	Road Hierarchy	Width of Road Reserve	Width of Pavement	Road Material
Millis Way	Street		6 metres	Bitumen
Easements	N/A			
Significant Features:	Site is vacant			
Topography:	Level			
Surrounding Land Uses:	Land Use	Zone/Precinct		
	Dwelling Houses within the Low Density Residential Zone to the north.			

Approved by Delegated Authority: 

Date: 27/07/2020

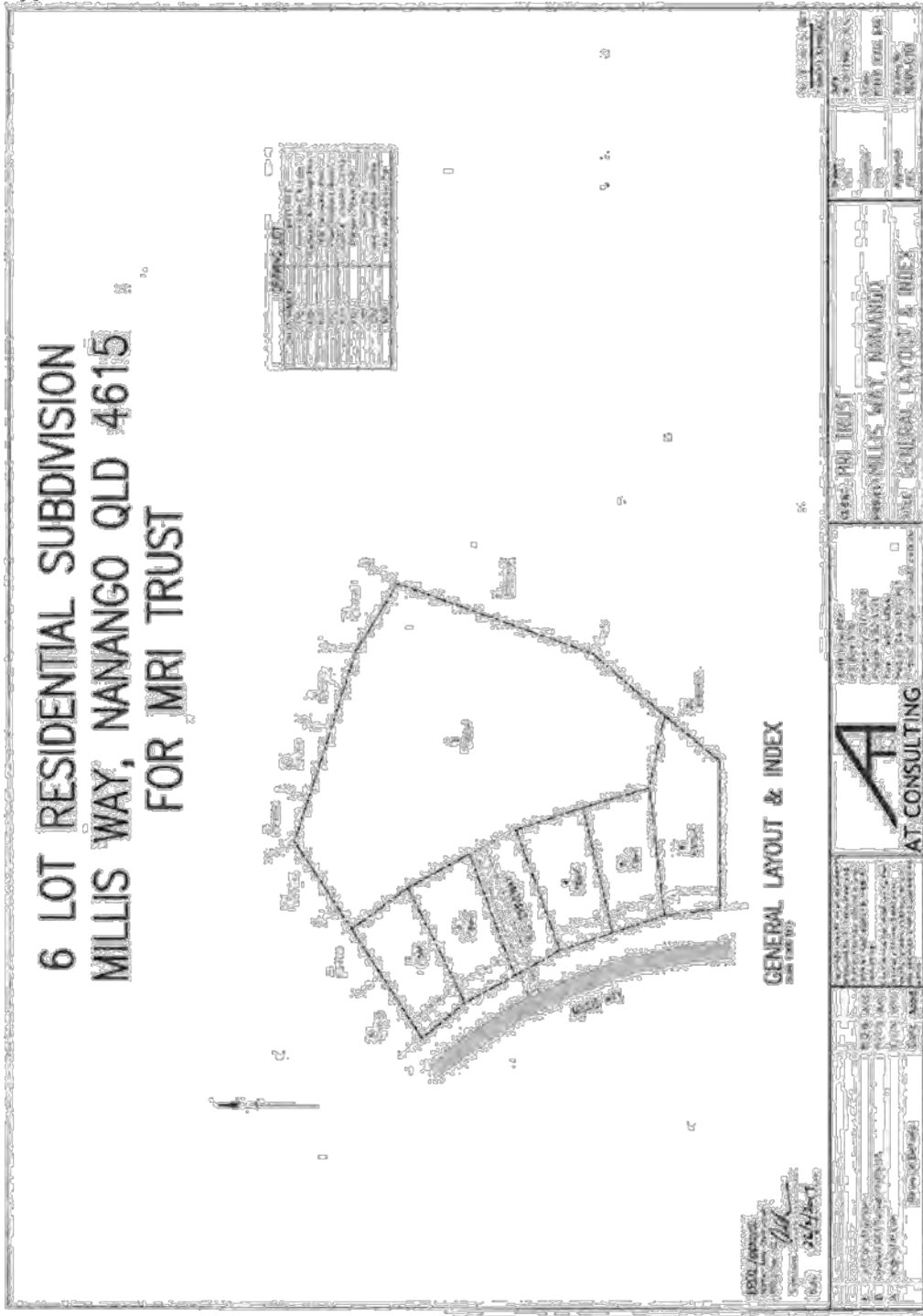
Relevant Matter	Relevant Comments
<p>Consistency with local categorising instrument.</p>	<p>Since the development approval was given under the Nanango Shire IPA Planning Scheme and has been replaced with the South Burnett Regional Council Planning Scheme 2017 v1.3.</p> <p>The part of the subject site where the residential lots are proposed were included in the Low Density Residential Zone. The Emerging Community zoning was retained over the balance lot, proposed lot 3.</p> <p>Operational work drawings, certified by a RPEQ on 26 February 2017 were provided to Council, reference IR2348847. There is no record of an application for a development permit for operational work or Council issuing a development permit for operational work. It is considered that these drawings were submitted to Council demonstrating compliance with the amended conditions of the reconfiguration approval.</p> <p>The property was zoned Community Expansion Zone under the Nanango Shire IPA Planning Scheme. The South Burnett Regional Council Planning Scheme amended the zoning of the site to accommodate the existing approval in the Low Density Residential zone. The level of assessment has changed between the two planning schemes and Reconfiguration of the site is now subject to Code Assessment.</p> <p>In consideration of the consistency of the development approval with the applicable Infrastructure Charges under Council's current LGIP, it is reasonable that the contributions be charged at the current rate.</p> <p>Council has calculated new charges which are provided in an Infrastructure Charges Notice (ICN).</p>
<p>Compliance with current assessment benchmarks</p>	<p>The zoning change that occurred on the land when the current planning scheme was introduced did not change the purpose and overall outcomes sought for the zone to such an extent that a reconfiguration as contemplated by the existing approval could not reasonably be approved on the subject site.</p>

Based on the above it is considered reasonable to consider extending the currency period for 4 (four) years until 24 July 2024. This will align the currency period of the existing approval with the provisions of the *Planning Act 2016*.

Approved by Delegated Authority:

Date: 27/07/2020

Approved Plan



RAL20/0007 – 23-25 Millis Way, Nanango

7 of 13

Approved by Delegated Authority:



Date: 27/07/2020

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	6	allotments	\$9,842.00	CR Table 2.3	\$59,052.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lot	1	allotments	\$9,842.00	CR Table 2.3	\$9,842.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	6	allotments	\$5,423.00	CR Table 2.3	\$32,538.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lot	1	allotments	\$5,423.00	CR Table 2.3	\$5,423.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	6	allotments	\$2,410.00	CR Table 2.3	\$14,460.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lot	1	allotments	\$2,410.00	CR Table 2.3	\$2,410.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	6	allotments	\$2,009.00	CR Table 2.3	\$12,054.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lot	1	allotments	\$2,009.00	CR Table 2.3	\$2,009.00

Approved by Delegated Authority:



Date: 27/07/2020

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 average¹. 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 presented at the time of payment.

¹ 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.

Approved by Delegated Authority:



Date: 27/07/2020

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

The development application for: Reconfiguration of a Lot (1 lot into 6 lots)

Type of Approval	Development Permit
Level of Assessment	N/A
Application No	RAL20/0007
Name of Applicant	MRI Unit Trust
Street Address	23-25 Millis Way, Nanango
Real Property Address	Lot 4 RP187484

On 27 July 2020 the above development was:

Approved in full, with conditions.

1. Reasons for the Decision

The reasons for this decision are:

- The existing approval is consistent with the outcomes anticipated under the Low Density Residential Zone Code of the SBRC Planning Scheme.
- The existing approval is consistent with the land use patter of the adjoining lots in the residential zone.
- Certified engineering drawings demonstrate that the approval can be implemented in accordance with the original approval.
- Extending the currency period for four (4) years is considered reasonable given the current zoning of the subject site and adjacent low-density residential land uses.

2. Assessment Benchmarks

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017 (v1.3)
 - o Low Density Residential Zone Code
 - o Reconfiguration of a Lot Code
 - o Services and Works Code

3. Compliance with Benchmarks

ASSESSMENT MATTERS		
Relevant matters		
Matters raised in submissions	Issue Nil	How matter was dealt with
Reasons for decision	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.

Approved by Delegated Authority: 

31/07/2020

0.0 P&LM - 2697685 - RECONFIGURATION OF A LOT - BOUNDARY REALIGNMENT AT 86 BOLDERY ROAD BROOKLANDS - LOT 16 FTZ37139 & LOT 131 SP268200 - RAL20/0005

File Number: RAL20/0005
Author: Manager Planning and Land Management
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
MANAGER		31/7/2020
GM		31/7/2020
CEO		31.07.2020

PRECIS

P&LM - 2697685 - Reconfiguration of a Lot - Boundary Realignment at 86 Boldery Road Brooklands - Lot 16 FTZ37139 & Lot 131 SP268200 - RAL20/0005

SUMMARY

- The application seeks approval for a Development Permit for Reconfiguration of a Lot – Boundary Realignment (2 lots into 2 lots).
- The subject sites are included in the Rural Zone of the South Burnett Regional Council Planning Scheme.
- All boundary realignment applications are subject to code assessment against the relevant Zone Code, Reconfiguring of a Lot Code and the Services and Works Code. No new lots are created and the proposal meets the requirements of the relevant Codes.
- The proposal will consolidate all the farming and infrastructure that is currently undertaken over parts of both lots into one lot that will have an area of 124.4ha. The balance lot will not be used for farming and will have an area of 37.17ha. The balance lot contains vegetation that will be retained.
- The proposal will not fragment agricultural land as the new dividing boundary is well clear of the mapped agricultural land on the subject lots.
- The application is recommended for approval subject to reasonable and relevant conditions.

OFFICER'S RECOMMENDATION

That Council approve the development application for a P&LM - 2697685 - Reconfiguration of a Lot - Boundary Realignment at 86 Boldery Road Brooklands - Lot 16 FTZ37139 & Lot 131 SP268200 - RAL20/0005.

GENERAL

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

	Drawing Title	Prepared by	Drawing no.	Date	Revision
1	Proposal Plan	Cornerstone Surveys	Ref. 114-01	23/06/2020	A

GEN2. All works, including the repair or relation of services (Telstra, lighting) is to be completed at no cost to Council.

COMPLIANCE

GEN3. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A fee will be charged, with payment required prior to Council's approval of the associated documentation requiring assessment.

Approved by Delegated Authority: 

31/07/2020

GEN4. Prior to sealing the Survey Plan the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.

GEN5. At the time of constructing a dwelling on proposed lot 131, provide a minimum water supply of 22,500 litres in an on-site water tank as a permanent supply of water for firefighting purposes, separate from any potable water supply.

SURVEY MARKS

RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

NATURAL RESOURCES VALUATION FEES

RAL2. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$94.00 (2 x \$47.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

PROPERTY BOUNDARIES

RAL3. All existing on-site structures, dams and sewerage treatment facilities including transpiration and irrigation areas are to be relocated so as not to cross the proposed property boundary.

ENGINEERING WORKS

ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.

ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.

ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

ENG6. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ENG8. Clean stormwater runoff shall be diverted around the site to avoid any potential contamination and discharged via natural drainage systems.

LAWFUL POINT OF DISCHARGE

ENG9. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

Approved by Delegated Authority:



31/07/2020

WATER SUPPLY

ENG10. Provide sufficient water supply to service the development independent of Councils reticulated network. Access to Councils reticulated network is not available at this location.

ON-SITE SEWERAGE

ENG11. For persons using the site, connect the development to an on-site effluent disposal system, in accordance with *AS1547 Onsite domestic wastewater management*, and the Queensland Plumbing and Waste Water Code.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG12. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ADVICE

ADV1. Section 85 (1)(b)(i) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of 12 months the approval will lapse.

ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003*, you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

Approved by Delegated Authority:



31/07/2020

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Refer to CONSULTATION in this report.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

No implication identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

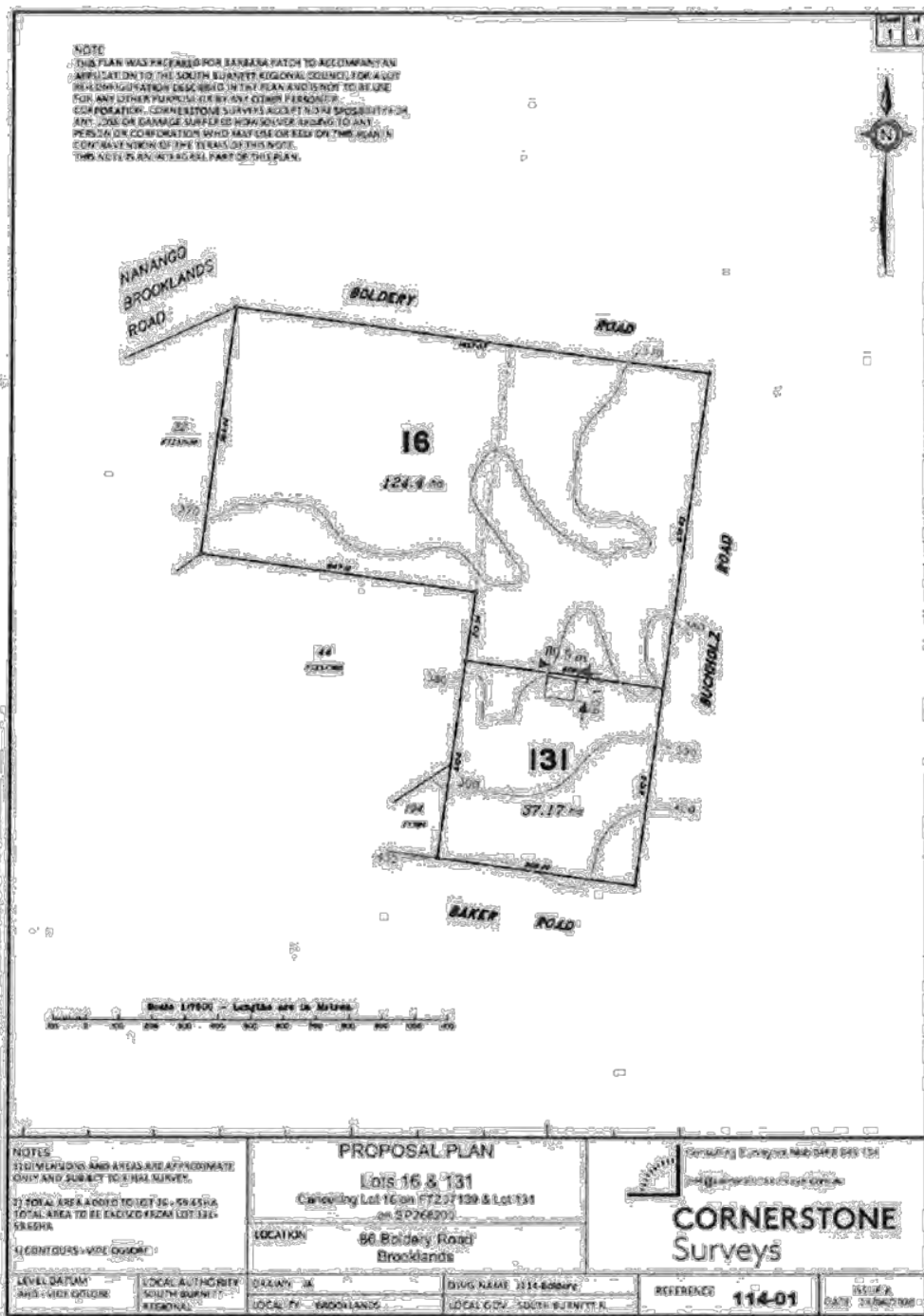
ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

Approved by Delegated Authority: 

31/07/2020

PROPOSAL PLAN



Approved by Delegated Authority: 

31/07/2020

REPORT

The applicant seeks approval for a Reconfiguration of a Lot (Boundary Realignment – 2 lots into 2 lots).

APPLICATION SUMMARY	
Applicant:	Barbara Patch
Proposal:	Boundary Realignment
Properly Made Date:	29/06/2020
Street Address:	86 Boldery Road, Brooklands
RP Description:	Lot 16 FTZ37139 & Lot 131 SP268200
Assessment Type:	Code
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

The following table describes the key development parameters for the proposal:

DEVELOPMENT PARAMETERS	
Number of Proposed Lots	No new lots are proposed due to the realignment of existing lot boundaries.
Size of Proposed Lots	Proposed lot 16 = 124.4ha Proposed lot 131 = 37.17ha
Easements	None required
Covenants	None required

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION			
Land Area:	Existing Lot 131 = 96.8200ha Existing Lot 16 = 64.7500ha		
Existing Use of Land:	Cropping over the northern part of both Lots along Boldery Road.		
Road Frontage:	Boldery Road and Buchholz Road		
Road/s	Road Hierarchy	Width	Sealed
Boldery Road Buchholz Road	Access Secondary	7.5m	Boldery Road = sealed Buchholz Road = unsealed
Topography:	A high point of 400 AHD on the south eastern corner and the low point of 370 AHD on the north western corner. Relatively flat over the northern parts of both lots. Vegetation over southern part of Lot 131.		
Surrounding Land Uses:	Land Use	Zone/Precinct	
North	Cropping and rural activities. Surrounding land is in the Rural Zone.		
South			
East			
West			
Services:	No reticulated services are available.		

Approved by Delegated Authority: 

31/07/2020

ASSESSMENT:
Framework for Assessment
Categorising Instruments for Statutory Assessment

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 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.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3
Zone:	Rural
Assessment Benchmarks:	Rural Zone Code Reconfiguring a Lot Code Service and Works Code

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
Rural Zone Code	
PO2 Development does not jeopardise the rural production capacity of the Zone	<p>Development resulting in lots less than the minimum size in Table 9.4.2 satisfying outcomes –</p> <p>AO2.1 The proposal is necessary for the efficient production and processing of a crop grown in the area.</p> <p>AO2.2 The proposal provides an alternate productive rural activity that supports regionally significant industry.</p> <p>Comment The proposal will consolidate the cropping activities and farming infrastructure that is currently over two lots into one lot. This should improve the utility of the current farming uses and increase the functionality of the lots that are necessary for efficient production.</p> <p>The existing lawful use of the site will be enhanced while the existing rural amenity and character will be retained.</p> <p>A dwelling can be constructed on proposed lot 131 that will maintain sufficient separation from the existing farming activities on the adjoining land parcels.</p>

Approved by Delegated Authority



31/07/2020

	<p>The existing vegetation on proposed lot 131 will provide screening from the potential impact of rural activities on the adjoining site.</p>
<p>For development affected by one or more overlays Bushfire Hazard Overlay</p>	
<p>PO21 Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire</p>	<p>AO21.1 Development does not occur in areas mapped as Very High or High Potential Bushfire intensity Areas on the SPP Interactive Mapping (Plan Making). Or AO21.2 A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard.</p> <p>Comment A suitable building envelope with a minimum area of 5000m² is available within an existing cleared area on site. A suitable fire perimeter can be established around the building envelope.</p>
<p>Reconfiguring a Lot Code All reconfiguring a lot subject to an overlay Agricultural land overlay</p>	
<p>PO16 The productive capacity and utility of agricultural land for rural activities is maintained.</p>	<p>PO16.1 AO1.1 In the Rural zone only, no additional allotments are created in the area identified as agricultural land on SPP Interactive Mapping (Plan Making);</p> <p>Comment The proposal will not create a new lot within the areas of the subject sites subject to the agricultural land overlay and not result in the fragmentation of agricultural land.</p>

Approved by Delegated Authority:

31/07/2020

Locality Plan

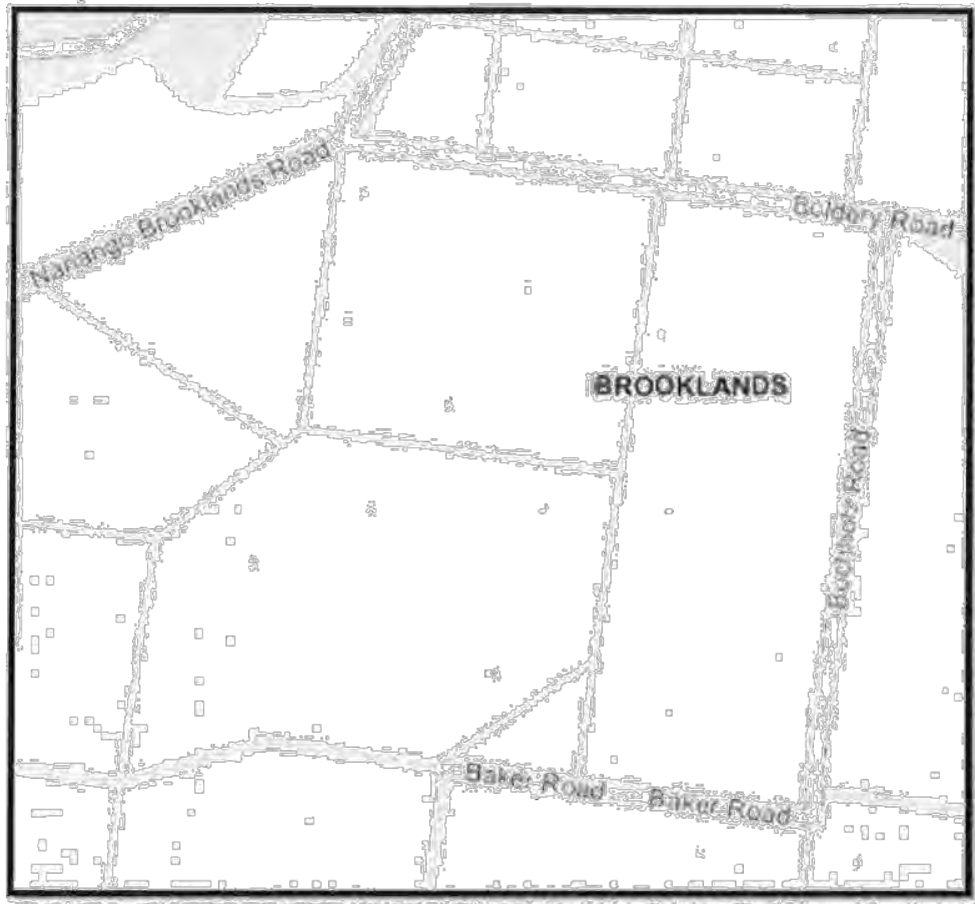


Figure 1 - Locality Plan (Source: IntraMaps)

Approved by Delegated Authority:



31/07/2020

Aerial Plan



Figure 2 - Aerial Image (Source: Qld Globe)

Approved by Delegated Authority:  31/07/2020

CONSULTATION:

Referral Agencies

None.

Other Referrals

INTERNAL SPECIALIST	REFERRAL	REFERRAL / RESPONSE
Development Engineer		Development Engineer Conditions
Infrastructure Charges		Infrastructure Charges Notice not required as no new lots are created.

RECOMMENDATION:

It is recommended that the development application for Reconfiguring a Lot (Boundary Realignment) at 86 Boldery Road, Brooklands described as Lot 131 on SP268200 and Lot 16 on FTZ37139 be approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

Approved by Delegated Authority:



31/07/2020

Attachment A
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

The development application for:

Type of Approval	Reconfiguration of a Lot (Boundary Realignment)
Level of Assessment	Code
Application No	RAL20/0005
Name of Applicant	G & B Patch
Street Address	86 Boldery Road, Brooklands
Real Property Address	Lot 131 SP268200 Lot 16 FTZ37139

On 31 July 2020 the above development was:

Approved in full, with conditions.

1. Reasons for the Decision

The reasons for this decision are:

- The proposal does not compromise the viability or productivity of agricultural land.
- The proposal will result in the consolidation of the current farming activities into one lot therefore improving the viability of the existing farming operation.
- The proposal will not impact on the rural amenity of the area and is separated from other productive activities.
- The proposal is consistent with the established subdivision pattern in the area which consists of a range of lots with different sizes and shapes.

2. Assessment Benchmarks

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017 (v1.3)
- Rural Zone Code
- Reconfiguring a Lot Code
- Services and Works Code

3. Compliance with Benchmarks

ASSESSMENT MATTERS

Relevant matters

Reasons for decision

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.

Approved by Delegated Authority:



Date: 4/08/2020

Title P&LM - 2684876 - Material change of use application for Bird Processing Plant (Intensive Animal Industry High Impact Industry) at 72 Mylett Lane Bullcamp - Lot 277 FY567 - Applicant: R Svenson - MCU20/0006




Document Information

ECM ID 2684876 or MCU20/0006

Author Planning Officer – Sam Dunstan

Endorsed By Manager Planning and Land Management
General Manager Community

Date 4 August 2020

	SIGNATURE	DATE
MANAGER		4/8/2020
GM		6/8/2020
CEO		16-08-2020

Précis

Material change of use application for Bird Processing Plant (Intensive Animal Industry High Impact Industry) at 72 Mylett Lane Bullcamp - Lot 277 FY567 - Applicant: R Svenson - MCU20/0006

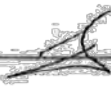
Summary

- 1. Application for 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);
- 2. Subject site is included within the Rural zone under the South Burnett Regional Council Planning Scheme;
- 3. Proposal trigger assessment against the entire Planning Scheme which included:
 - o Strategic Framework;
 - o Rural zone code;
 - o Services and works code
- 4. The Intensive Animal Industry use is subject to Code Assessment and the High Impact Industry use is subject to Impact Assessment. The complete application must be publicly notified but Council can only consider submissions on the impact assessable component of the application, if submissions are received;
- 5. No submissions were received during the public notification period;
- 6. The landowner obtained building permits for four farm sheds, two of which are used to breed squab pigeons;
- 7. No referral to SARA was required as the number of birds bred and raised for meat did not exceed the ERA threshold;
- 8. The application has been assessed against the overall outcomes and performance outcomes of the relevant codes and conditioned to comply (refer to Attachment B – Statement of Reasons);
- 9. Application recommended for approval subject to reasonable and relevant conditions.

Officer's Recommendation

That Council **approve** 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 Mylett Lane, Bullcamp described as Lot 277 on FY567 subject to the following conditions:-

Approved by Delegated Authority:



Date: 4/08/2020

GENERAL

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:



Drawing Title	Prepared by	Reference no.	Revision	Date
Site Plan	Blueprint SP Young	20-2765-SPY	Sheet 1	25 March 2020
Floor Plan & Elevations	Blueprint SP Young	20-2765-SPY	Sheet 2	25 March 2020
3D Views	Blueprint SP Young	20-2765-SPY	Sheet 3	25 March 2020

Amendment: Provide a revised plan indicating the location to be used for composting.

GEN2. Where there is any conflict between the conditions of approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

FURTHER PERMITS REQUIRED

GEN3. The development herein approved may not start until the following development permits have been issued and complied with as required:

- Development Permit for Building Works; and
- Permit for Plumbing and Drainage Work.

LAND USE APPROVAL

GEN4. The approved use of the premises is for an 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, excluding cooking), a maximum of 1,000 birds are permitted to be processed per calendar week. The type of birds approved for the poultry abattoir are limited to quails and pigeons.

GEN5. The number of birds on the premises for the purposes of slaughter must not exceed 1,000 birds at any one time which includes the birds kept in sheds on-site and any birds brought on site for processing listed in GEN4.

STAFF NUMBERS

GEN6. A maximum of three (3) employees, external to the subject site, may be employed by the operator to work on-site in the approved use.

AUSTRALIAN STANDARD

GEN7. The approved use must be designed, constructed and operated in accordance with AS4465 'Australian standard for construction of premises and hygienic production of poultry meat for human consumption'.

VEHICLE MOVEMENTS

GEN8. A maximum of four (4) light vehicle trips per calendar week are permitted for the High Impact Industry. This excludes vehicle trips generated by the landowner(s) or an external employee working on-site in the High Impact Industry.

Note: One (1) trip equals arriving to and departing the site or vice versa.

Approved by Delegated Authority:



Date: 4/08/2020

GEN9. A maximum of one (1) heavy vehicle trip per calendar week is permitted to occur for the High Impact Industry. This trip must not be undertaken by any heavy vehicle which exceeds a maximum vehicle length of 19 metres, or equivalent to a semitrailer. Records of heavy vehicle movements must be kept at all times and made available for Council to view when requested.

ENVIRONMENTAL HEALTH

ENV1. Noise emitted from the approved use must not cause an environmental nuisance including but not limited to refrigeration, air-conditioning equipment and maintained in proper working order at all times, in accordance with manufacturer's directions.

ENV2. Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.

ENV3. Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

ENV4. When requested by Council, nuisance monitoring must be undertaken and recorded over a period of three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

ENV5. Where any genuine complaint of nuisance is received by Council in relation to odour or the ingress or harbourage of feral pests or vermin in regard to compost of bedding and spent waste:

- The compost activity must be ceased immediately when requested by Council;
- The compost activity may recommence only once nuisance monitoring is undertaken, recorded, and an analysis of the monitoring data with a report including mitigation measures is provided to Council, and Council advises that it is satisfied with the mitigation measures. The aforementioned must be undertaken by a suitably qualified professional consultant with expertise in abattoir waste management methods.

ENV6. All organic solid waste must be immediately stored in air-tight containers and be removed from the premises as soon as practical by a licensed regulated waste transporter.

ENV7. Compost areas need to have an impermeable base to avoid leaching, possible groundwater contamination and causing environmental harm. The site should be well drained to avoid muddy conditions and excessively moist composting material. Appropriate siting of spent litter compost sites and additional bunding may be required to prevent extraneous runoff entering the pile and becoming contaminated.

Nb. The composting of diseased and/or deceased birds is not permitted onsite.

ENV8. Compost piles need to be carefully managed to avoid dust and odour emissions. If the compost is too dry the process will be slowed and excessive dust may be generated. If the compost becomes too wet, it may become anaerobic and result in excessive odour emissions.

ENV9. There shall be an effective and continuous program for the control of feral pests and vermin at all times to ensure the use is not an attractant and effectively prevents the ingress or harbourage of feral pests and vermin.

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Approved by Delegated Authority

Date: 4/08/2020

- ENV10. No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, and etcetera. All contaminated water, including from any wash-down areas used for the maintenance or cleaning of equipment (including vehicles), must be directed to the on-site sewerage treatment and disposal system.
- ENV11. Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance.
- Nb. Burning and incineration of waste including diseased and/or deceased birds is not permitted onsite.
- ENV12. Where regulated waste is removed from the premises, each record must be maintained for a period of five (5) years, and include the following:
- the date, quantity and type of waste removed;
 - copy of any licensed waste transport vehicle docket;
 - ~~the name of the licensed regulated waste removalist and/or disposal operator;~~
 - and
 - the intended treatment and/or disposal destination of the waste.

These records must be available for inspection by Council when requested.

HOURS OF OPERATION

- ENV13. The hours of operation for the High Impact Industry is limited to 7AM to 5PM on Monday to Friday, with no operations on Saturdays, Sundays or public holidays.
- ENV14. There are to be no sales of the processed poultry from the premises.
- ENV15. Access to the approved use and the loading and/or unloading of delivery vehicles (such as but not limited to water supply trucks and delivery/transport vehicles) is limited between the hours of 7AM and 5PM from Monday to Friday. No vehicles are to enter the development site outside of these times to wait for unloading/loading.
- ENV16. Live pigeon and quails delivered to the site for processing purposes, must not be kept on site for a period exceeding forty-eight (48) hours. Records of delivery times and processing times must be kept at all times and made available for Council to view when requested.
- ENV17. The development must obtain and at all times maintain its accreditation with Safe Food Queensland.
- ENV18. All waste storage areas must be kept in a clean and tidy condition and maintained in accordance with *Environmental Protection Regulation 2019*.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the

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LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development

STORMWATER MANAGEMENT

ENG6. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ENG7. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

ENG8. Provide a potable water supply for the development independent of the Council's water reticulation system.

PARKING AND ACCESS - GENERAL

ENG9. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ENG10. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

VEHICLE ACCESS - TURNOUT

ENG11. Access to the High Impact Industry is to be designed and constructed in accordance with Council's Standard Drawing No. 00049 Rev B.

ELECTRICITY AND TELECOMMUNICATION

ENG12. Connect the development to electricity services.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG14. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ENG15. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

PLUMBING AND DRAINAGE WORKS**ON-SITE SEWERAGE**

PLD1. Connect the development to a suitable on-site effluent disposal system, as approved by Council.

PLD2. All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition GEN1), Water Supply (Safety and Reliability) Act 2008, *Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Plumbing and Drainage Works.

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- PLD3. On-site sewerage treatment and disposal must be designed and constructed to achieve the performance objectives in AS/NZS 1547 'On-site domestic wastewater management'.
- PLD4. Arrestor traps must be installed on any non-domestic discharges to protect the on-site sewerage facilities.
- PLD5. All contaminated water must be directly piped to the on-site sewerage treatment and disposal system. Contaminants / wash-down is not permitted to discharge into drainage lines or onto adjoining properties.

ADVICE**CURRENCY PERIOD**

- ADV1. Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

TYPES OF BIRDS

- ADV2. Should the applicant wish to slaughter birds other than pigeon squab and/or quails additional information regarding the number of birds processed per week and also possible noise assessment report will be required to confirm if a change to the development permit may be required.

HERITAGE

- ADV3. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsio.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

- ADV4. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

ENVIRONMENTAL HARM

- ADV5. The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.
- ADV6. Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
- ADV7. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or

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cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Financial and Resource Implications

No implication can be identified.

Link to Corporate/Operational Plan

GO2 Balanced development that preserves and enhances our region.
 GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability.

Communication/Consultation (Internal/External)

No implication can be identified.

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

No implication can be identified.

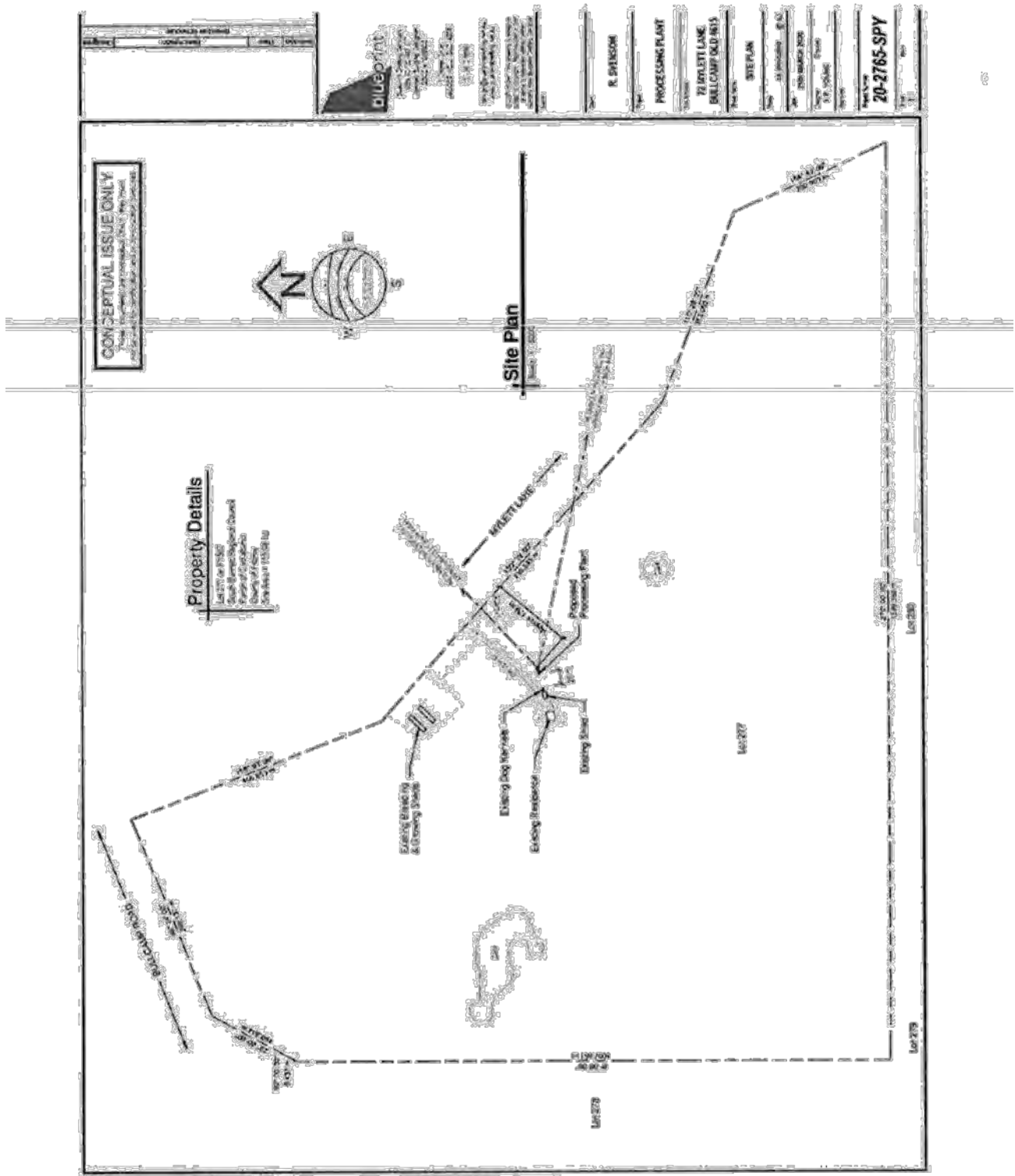
Asset Management Implications

No implication can be identified.

Approved by Delegated Authority

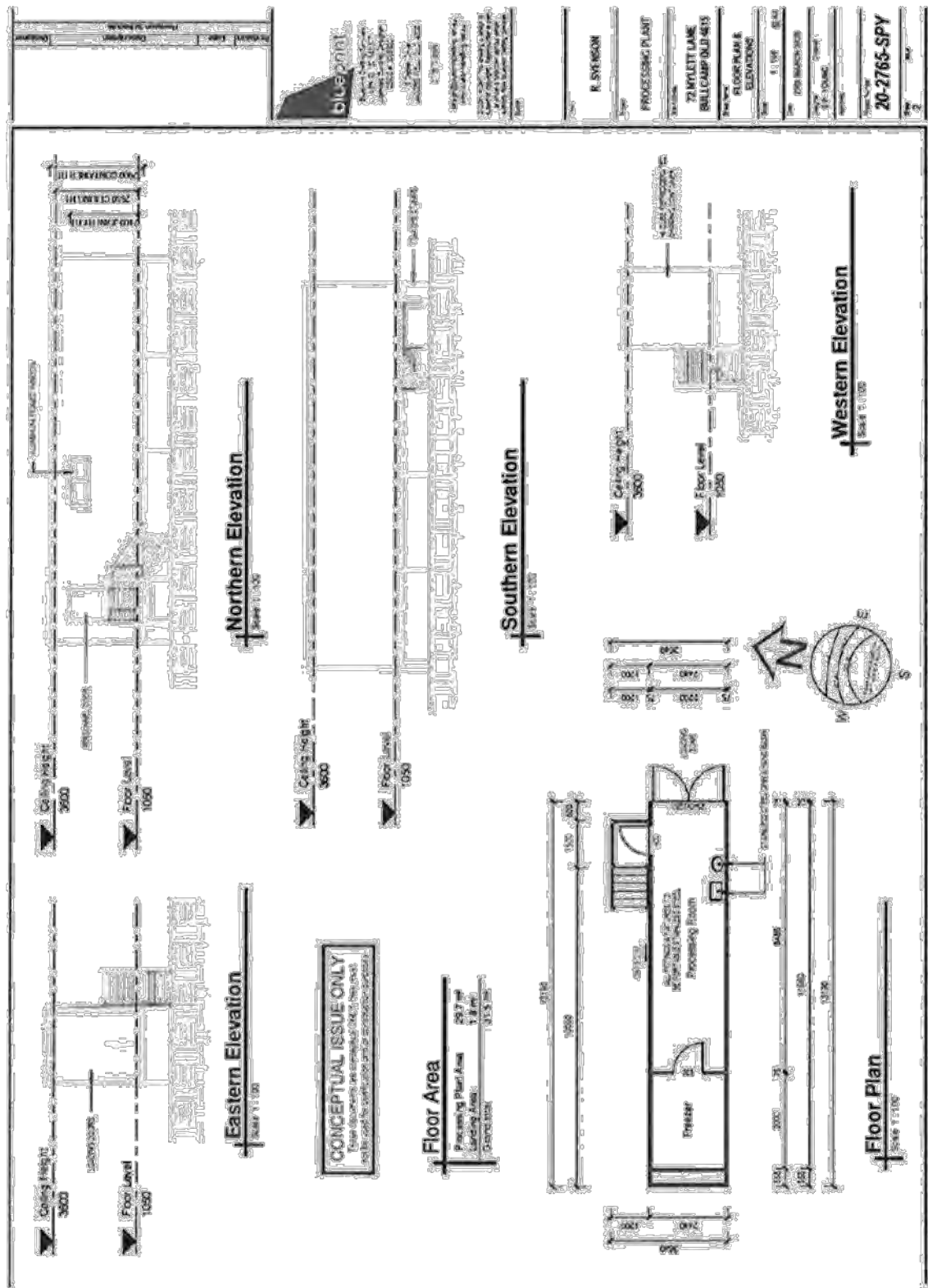
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PROPOSAL PLANS



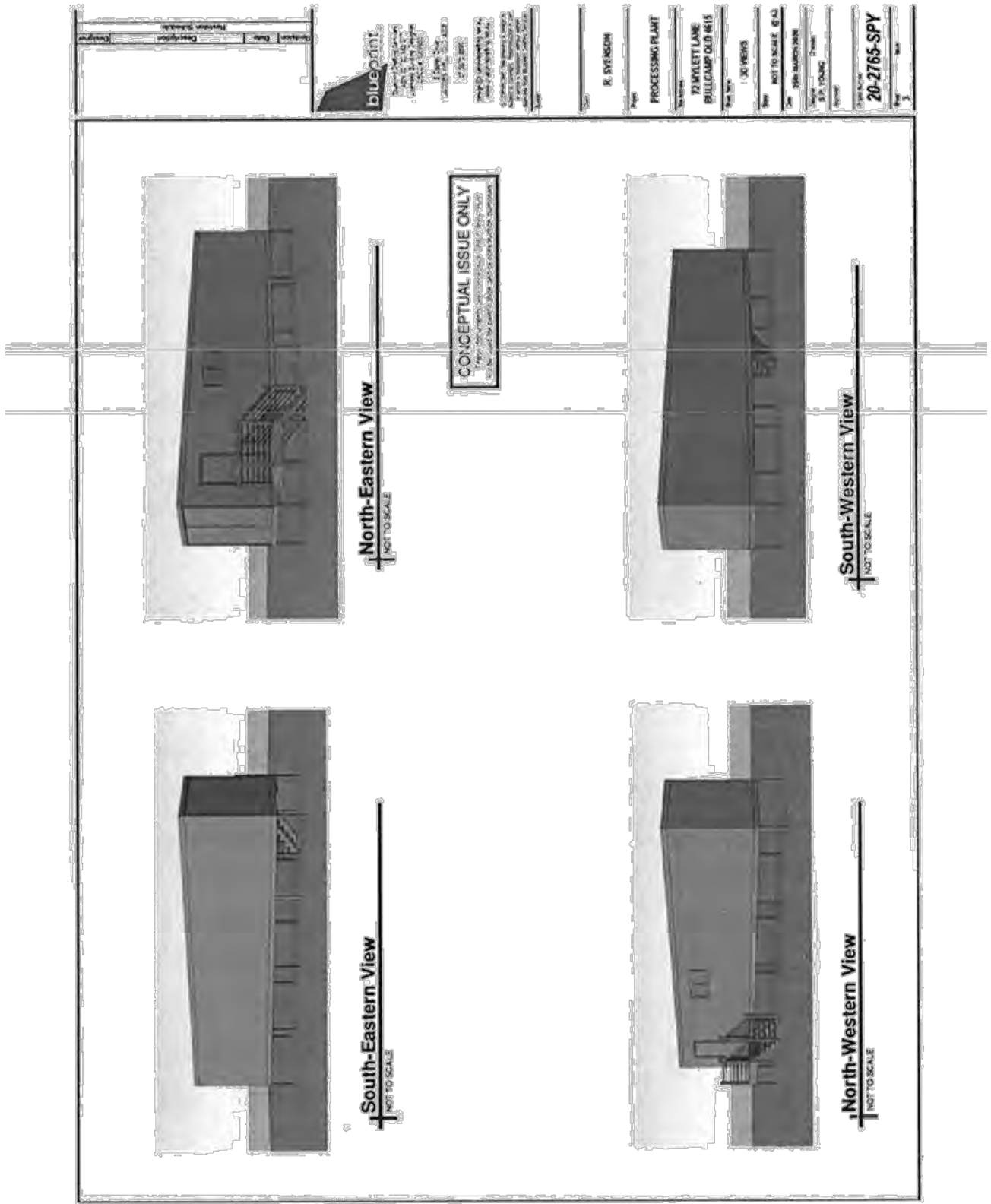
Approved by Delegated Authority:

Date: 4/08/2020



Approved by Delegated Authority

Date: 4/08/2020



Approved by Delegated Authority:



Date: 4/08/2020

Report

The applicant seeks approval for 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).



APPLICATION SUMMARY	
Applicant:	Russell Svenson (C/- ONF Surveyors)
Proposal:	Material Change of Use for Intensive Animal Industry (keeping <1,000) and High Impact Industry (Bird processing plant - poultry abattoir) – processing less than 1,000t of meat or meat products per annum).
Properly Made Date:	1 May 2020
Street Address:	72 Myletts Land, Bullcamp
RP Description:	Lot 277 on FY567
Assessment Type:	Impact assessment
Number of Submissions:	Nil
State Referral Agencies:	Nil
Referred Internal Specialists:	Consultant Development Engineer Senior Environmental Health Officer

The following table describes the key development parameters for the proposal:

PROPOSED DEVELOPMENT	
Proposed Development:	<p>The applicant currently breeds squab pigeons on-site and is required to transport the birds to processing plants outside of the region for slaughter, packing and sold to wholesalers.</p> <p>On-site processing is proposed to reduce the time spent transporting the birds off-site.</p> <p>The pigeons are housed in existing "Breeding and Growing Sheds" as shown on the proposal plans prepared by Blueprint Drafting Services.</p> <p>No referral for an ERA is required as the number of birds kept on site is not proposed to exceed 1,000 birds and processing of meat is not exceeding 1,000t per year.</p> <p>The squab pigeons are to be dispatched around 5-6 weeks of age, processed and packaged for sale to wholesalers as a premium restaurant quality product for human consumption. The applicant currently takes 100 squabs off-site per week for processing and packaging and proposed to be cable of processing up to 400 birds per week on-site, once the facility is operational. Each bird weighs approximately 450 grams. The facility will use approximately 1 litre of water per bird in the process.</p> <p>The processing plant is to consist of pre-fabricated food-safe refrigerated stainless steel container located adjacent to the existing driveway which services the existing dwelling house.</p>


Approved by Delegated Authority

Date: 4/08/2020

	<p>The processing plant will operate Monday – Friday between the hours of 7am and 5pm with up to three (3) part-time staff in addition to the land owner.</p> <p>Transportation consists of birds in crates on back of utility vehicle. Storage of bird feed in an 8 tonne silo with deliveries to site 1-2 times per year. Solid waste collection by commercial waste collectors expected every 3 months. No direct sales to the public is proposed.</p> <p>Waste disposal including excrement, straw bedding materials, diseased birds etc are disposed of as follows:-</p> <ul style="list-style-type: none"> - Bird breeding sheds have sand floors which are raked at fortnightly intervals - Sand rejuvenated at 2 monthly intervals
	<ul style="list-style-type: none"> - No water is hosed through the pens to discourage a wet bacteria breeding environment - Breeding and raising coops continuously supplied with fresh straw - Waste excrement, straw feathers and sand mixture taken from the pens and barrowed to a level site of two composting piles sited approximately 40m south-east of the sheds and >80m from watercourses (Waste is moistened and composted under plastic coverings) - Diseased carcasses are sealed in plastic, then frozen in a waste freezer and removed by solid waste renderers - Solid waste of feathers and guts to be disposed of in a lined bin contents frozen the collected by professional renderers during business hours for recycling off-site <p>Two - 36 x 8.5m sheds (306sqm in area each) have been built and are classed as Farm sheds (Class 8).</p> <p>Setbacks:-</p> <ul style="list-style-type: none"> - Existing sheds to Mylett's Lane frontage is approximately 40m; - Proposed processing plant to Mylett's Lane 139m; - Proposed processing plant to neighbouring dwellings: <ul style="list-style-type: none"> - 830m away; - 560m away. - Covered waste stockpiles to Mylett's Lane approximately 60-70m. <p>Landowner is the operator residing on site.</p> <p>Use of existing driveway access located along the northern boundary of the subject site.</p> <p>The development is located in a Rural zone which does not have access to Council's reticulated infrastructure networks and will require potable water for meat</p>

Approved by Delegated Authority: 

Date: 4/08/2020

	processing and maintenance activities. Wastewater to be directed into a registered waste-water treatment facility.
Variations Sought:	Nil
Level of Assessment:	Impact assessable
Area to be used:	Refer to latest site plan (Proposal plan/s)
Impervious Area:	Nil indicated
Site Cover:	Two existing farm sheds are currently housing birds with an additional two sheds to be built under BLD2019/0121 Building Permit. Sheds are approximately 36m x 8.5m each. Floor area of the processing plant including landing area is 31.5sqm.
Car Parking Spaces:	Parking to occur adjacent to farm sheds and processing plant. No formal area has been proposed.
Service Vehicle Provision:	There is no minimum parking provisions outlined in the Planning Scheme Table 8.4.5. There is sufficient area available on-site to meet the needs of occupants, employees, and other users. Council's Development Engineer provided conditions to ensure there is access to parking spaces on-site with adequate dust suppression measure in place.
Submissions Received:	Nil
Decision Making Period Ends:	6 August 2020

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION		
Land Area:	116ha	
Existing Use of Land:	Dwelling house associated outbuildings	
Road Frontage:	Myletts Lane, Bullcamp	
Road/s	Road Hierarchy	
Myletts Lane	Access Primary	Unsealed
	4m road width	40m road reserve
Easements	Nil	
Significant Features:	Site	Nil
Topography:	Slopes in an east to westerly direction	
Surrounding Land Uses:	Land Use	Zone/Precinct
North	Large rural holdings / Reserve for park purposes	Rural / N/A
South	Large rural properties with associated outbuildings and dwelling	Rural / N/A
East	Small rural lot holdings improved with dwellings and or outbuildings	Rural / N/A
West	Large rural properties with associated outbuildings and dwelling	Rural / N/A

Approved by Delegated Authority



Date: 4/08/2020



1 - Rural zoned land surrounding the subject property (Source: Qld Globe)



2 - Rural zone land surrounding subject property (Source: IntraMaps)

Services:

Electricity

Approved by Delegated Authority:



Date: 4/08/2020

APPLICATION HISTORY

The application was lodged on 1 May 2020.

Confirmation notice

A Confirmation notice acknowledging the application was issued on 14 May 2020 as the application was subject to impact assessment. No referral was required as both the rearing birds for meat purposes and meat product did not exceed the trigger levels outlined in the *Environmental Protection Regulation 2019*.

Council Information request

An information request was issued by Council on 28 May 2020.

This raised issues relating to:-

- Environmental Impacts – Noise, Air quality, Odour and Dust;
- Breeding and growing sheds;
- Noise generation from processing building;
- Stockpiles, bedding and waste;
- On-site wastewater management system;
- Solid waste materials;
- Water supply;
- Staff facilities;
- Carparking and manoeuvring;
- Dangerous goods;
- Food storage silos;
- Hours of operation;
- Disposal; and
- Additional birds;

On 5 June 2020 ONF Surveyors provided a response to the information request and the matters raised in the letter.

Under the current planning scheme a site proposed to be used for Intensive Animal Industry that is located more than 2km from urban or rural residential zoned land and on a site larger than 10ha in area and for 1,000 or less birds or poultry is subject to Code assessment in the Rural zone. The use of a site for a High Impact Industry in the Rural zone is subject to impact assessment.

The definition of Intensive animal industry -

a) Premises used for

(i) the intensive production of animals or animal products, in an enclosure, that requires the food and water to be provided mechanically or by hand; or

(ii) Storing and packing feed and produce, if the use is ancillary to the use in subparagraph (i); but

(b) Does not include the cultivation of aquatic animals.

There is some uncertainty around the use of the facility for breeders that may consider using the processing plant for their own birds however the applicant asserts that the processing plant will be restricted in the number and species of birds coming from other farms for processing. The birds nominated by the applicant could include squab, pheasant, duck, turkey, quail, geese and specialist chicken breeds. It is important to note no other additional information has been provided by the applicant although the noise generated from turkeys and geese is somewhat different to that of a baby pigeon and careful consideration is required to ensure that there is no nuisance which may affect the residential land uses in the surrounding locality.

ASSESSMENT:

Framework for Assessment

Categorysing Instruments for Statutory Assessment