



Our reference: 2111-25804 SRA  
Your reference: DA210040  
Applicant reference: D1-114

3 December 2021

The Chief Executive Officer  
North Burnett Regional Council  
PO Box 390  
GAYNDAH QLD 4625  
[admin@northburnett.qld.gov.au](mailto:admin@northburnett.qld.gov.au)

**Attention: Ms Lyn McLeod**

Dear Ms McLeod

## **SARA response—362 Downies Road, THREE MOON (Lot 52 on RW103 and Lot 53 on RW103)**

(Given under Section 56(1)(a) of the *Planning Act 2016*)

The development application described below was confirmed as being properly referred to the State Assessment and Referral Agency (SARA) on 10 November 2021.

### **Response**

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Outcome:	Referral Agency Response under Section 56(1)(a) of the <i>Planning Act 2016</i> (no requirements)
Date of response:	3 December 2021
Conditions:	Not applicable
Advice:	Advice to the applicant is in <b>Attachment 1</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b> .

### **Development Details**

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Description:	Development Permit	Material Change of Use - Intensive Animal Husbandry (Cattle feedlot up to 1450 standard cattle units (SCU))
	Environmental Authority	Environmentally Relevant Authority (ERA) No. 2 – Intensive Animal Feedlotting (1)(b)

– more than 1,000 SCUs but not more than 10,000 SCUs)

SARA role: Referral Agency

SARA triggers: Schedule 10, Part 5, Division 4, Table 2, Item 1–  
Non-devolved Environmentally Relevant Activities (Planning Regulation 2017)

SARA reference: 2111-25804 SRA

Assessment Manager: North Burnett Regional Council

Street address: 326 Downies Road, THREE MOON

Real property description: Lot 52 on RW103 and Lot 53 on RW103

Applicant name: DJ & SA Olive

Applicant contact details: C/- RDC Engineers Pty Ltd  
326 Downies Road  
THREE MOON QLD 4630  
[olivebeef19@gmail.com](mailto:olivebeef19@gmail.com) / [rod.davis@rdcengineers.com.au](mailto:rod.davis@rdcengineers.com.au)

Environmental Authority: This referral included an application for an Environmental Authority under Section 115 of the *Environmental Protection Act 1994*. Below are the details of this decision:

- Approved: 2 December 2021
- Reference: 2021-26
- Effective date: The date which the related development application (Development Permit for Material Change of Use) is approved by the Assessment Manager (North Burnett Regional Council)
- Prescribed Environmentally Relevant Activity (ERA): ERA No. 2 – Intensive Animal Feedlotting (1)(b) – more than 1,000 SCUs but not more than 10,000 SCUs

## 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 Peter Mulcahy, Principal Planning Officer, on (07) 4331 5605 or via email [WBBSARA@dsdilgp.qld.gov.au](mailto:WBBSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
**Manager, Planning – Wide Bay Burnett**

cc DJ & SA Olive  
C/- RDC Engineers Pty Ltd  
[olivebeef19@gmail.com](mailto:olivebeef19@gmail.com) / [rod.davis@rdcengineers.com.au](mailto:rod.davis@rdcengineers.com.au)

Department of Agriculture and Fisheries  
[livestockregulator@daf.qld.gov.au](mailto:livestockregulator@daf.qld.gov.au)

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

## Attachment 1—Advice to the applicant

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

## **Attachment 2—Reasons for referral agency response**

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

### **The reasons for the SARA decision are:**

The proposed development complies with State Code 22: Development in a state-controlled road environment as the nature, scale and location of the proposed development is considered to avoid or mitigate environmental harm and avoid impacts on Matters of State Environmental Significance (MSES).

### **Material used in the assessment of the application:**

- The development application material
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (Version 2.6), as published by SARA
- The Development Assessment Rules (DA Rules)
- SARA DA Mapping system
- *Human Rights Act 2019*

## **Attachment 3—Representations about a referral agency response**

# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

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

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

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

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

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

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