

08/05/2018

Our Reference: 39/18

Mitchell Blokland
c/-Premise Agriculture
PO Box 2175
TOOWOOMBA QLD 4350
via email: matt.norton@premise.com.au

Dear Mr Blokland,

RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE—INTENSIVE ANIMAL INDUSTRY (2500SCU FEEDLOT) & ENVIRONMENTALLY RELEVANT ACTIVITY—ERA 2 INTENSIVE ANIMAL FEEDLOTING 1(B) CATTLE FEEDLOTING: >1000-10,000 SCU AT 121 ZIPFS ROAD & 106 REINKES ROAD, DERRI DERRA ON LAND DESCRIBED AS LOTS 1 & 2 ON SP166671

Thank you for the above-mentioned development application for a development permit, lodged with Council on 6 March 2018. Please find attached the decision notice.

Please quote Council's application number: 39/18 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services Department on 1300 696 272.

Yours sincerely,



MJP Pitt
Chief Executive Officer

Decision notice — approval (with conditions)

(Given under section 63 of the Planning Act 2016)

Thank you for your development application detailed below which was properly made on 6 February 2018. The North Burnett Regional Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Mitchell Blokland
 c/- Premise Agriculture
 Postal Address: PO Box 2175
 TOOWOOMBA QLD 4350
 Phone: 0439 536 646
 Email: matt.norton@premise.com.au

2. Location details

Street address: 121 Zipfs Road & 106 Reinkes Road
 DERRI DERRA QLD 4626
 Real property description: Lots 1 & 2 on SP166671
 Local government area: North Burnett Regional Council

3. Decision

Application number: 39/18
 Date of decision: 30 April 2018
 Decision details: Approved in full subject to conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

4. Details of proposed development

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Making a material change of use for an environmentally relevant activity	Part 5, Division 2, Item 8	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Approved plans & documents

Copies of the following plans are enclosed in Attachment 2.

Document title	Prepared by	Date	Reference no.
Development Application & Supporting Information Report for a Feedlot	FSA Consulting	14/03/2017	Job No: 17TOO-1026
Traffic Impact Assessment	Premise	26/02/18	Report No: 17TOO-1026-R01 Rev: A
Cadastral Plan	FSA Consulting	14/12/2016	1026 Masterplan: Fig. 2 DCDB
Proposed Feedlot Layout	FSA Consulting	14/12/2016	1026 Masterplan: Fig. 12 Site Layout (amended, as provided to NBRC under cover of letter dated 22/02/18)
Effluent Reuse Areas	FSA Consulting	14/12/2016	1026 Masterplan: Fig. 17 Effluent Reuse (amended, as provided to NBRC under cover of letter dated 22/02/18)

6. Conditions

This approval is subject to the conditions in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

7. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

8. Properly made submissions

Not applicable — No part of the application required public notification.

9. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice or concurrence agency
Environmentally relevant activity Schedule 10, Part 5, Division 4, Table 2, Item 1 <i>Development application for a material change of use that is assessable development under section 8 if—</i> (a) <i>The environmentally relevant activity the subject of the application has not been devolved to a local government under the Environmental Protection Regulation; and</i> (b) <i>The chief executive is not the prescribed assessment manager for the application</i>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence

For an application involving	Name of referral agency	Advice or concurrence agency
State transport infrastructure generally Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 <i>Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—</i> (a) <i>The development is for a purpose stated in schedule 20, column 1 for the aspect; and</i> (b) <i>The development meets or exceeds the threshold—</i> (ii) <i>for development in local government area 2—stated in schedule 20, column 3 for the purpose.</i>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence

The referral agency response is subject to conditions in [Attachment 3](#).

10. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

- (1) A part of a development approval lapses at the end of the following period (the **currency period**)—
 - (a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—
 - (i) the period stated for that part of the approval; or
 - (ii) if no period is stated—6 years after the approval starts to have effect;
 - (b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—
 - (i) the period stated for that part of the approval; or
 - (ii) if no period is stated—4 years after the approval starts to have effect;
 - (c) for any other part of the development approval—if the development does not substantially start within—
 - (i) the period stated for that part of the approval; or
 - (ii) if no period is stated—2 years after the approval starts to take effect.

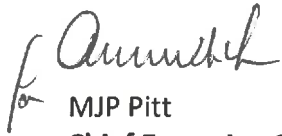
11. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions is included in [Attachment 4](#).

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Yours faithfully,



MJP Pitt
Chief Executive Officer

Enc: Attachment 1 – Conditions imposed by assessment manager
Attachment 2 – Approved plans
Attachment 3 – Referral response with conditions
Attachment 4 – Appeal rights
Attachment 5 – Adopted Infrastructure Charges Notice

Attachment 1 – Conditions Imposed by Assessment Manager

General

- 1) Carry out the approved development generally in accordance with the approved plans and documents identified in section 5 “Approved plans & documents” of the decision notice approval, except as modified by the conditions of this approval as relevant.
- 2) Where there is any conflict between conditions of this approval and details shown on the approved plans and documents, the conditions prevail.
- 3) Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4) Unless otherwise explicitly identified, all conditions of this development permit must be completed to Council’s satisfaction prior to the first change of use happening.

Amalgamation

- 5) Prior to the first change of use happening, amalgamate Lots 1 and 2 on SP166671. Any existing easements encumbering Lots 1 and 2 on SP166671 that are rendered redundant by the amalgamation may be extinguished.

Traffic

- 6) Any B-Double feedlot traffic along Zipfs Road is—
 - a) restricted to maximum 60km/hr unless a lower speed is instructed by official traffic signs;
 - b) prohibited from 7:30am to 9:00am and 2:30pm to 5:00pm on school days if Zipfs Road is included in a school bus route;
 - c) prohibited during and after significant rainfall (20mm or greater) being received in the area until the road pavements and gullies dry sufficiently to prevent damage to the road surface.
- 7) Any B-Double combination must operate in accordance with the *National Class 2 Heavy Vehicle B-Double Authorisation (Notice) 2014 (No. 2)*.

Roadworks

- 8) Upgrade the Beeron-Zipfs Road intersection to a sealed turning lane widening to provide 90m of visibility on Beeron Road in accordance with a plan submitted to and approved by the Council.
- 9) Widen the turning lane into currently described Lot 2 on SP166671 to provide 90m of visibility along Zipfs Road in accordance with a plan submitted to and approved by the Council.
- 10) Upgrade the internal access/es as required to enable for entering and exiting B-Double turning circles in accordance with a plan submitted to and approved by the Council.

Advice to the applicant

- This development permit is subject to an adopted infrastructure charges notice detailed in Attachment 5.
- 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.

Attachment 2 – Approved Plans & Documents

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Please refer to the following pages for approved plans

Attachment 3 – Referral response with conditions

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Please refer to the following pages for referral response with conditions.



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning
Statement of reasons for application 1803-4501 SRA
(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Mitchell Blokland
Applicant contact details: C/- Premise Agriculture
PO Box 2175
Toowoomba QLD 4350
matt.norton@premise.com.au

Location details

Street address: 121 Zipfs Road and 106 Reinkes Road, Derri Derra
Real property description: Lot 1 on SP166671; Lot 2 on SP166671
Local government area: North Burnett Regional Council

Development details

Development permit: Material change of use for Intensive animal industry (2500 SCU feedlot) and Environmentally relevant activity (ERA 2 – Intensive animal feedlotting 1(b) Cattle feedlotting: 1,000-10,000 SCU)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions (Version 2.2) State Code 6: Protection of state transport networks; and State Code 22: Environmentally relevant activities

Reasons for the department's decision

The reasons for the decision are that the proposed development:

- complies with the relevant provisions set out under State codes 6 and 22 of the State Development Assessment Provisions, Version 2.2.
- does not create a safety hazard for users of the state-controlled road or result in a worsening of operating conditions.
- will have a negligible impact on the Mundubbera-Durong Road and Beeron Road intersection.
- is suitably located and designed to lessen environmental harm to the acoustic and air environments.
- holds the majority of contaminants within the controlled drainage area, which will be serviced by adequate sedimentation and effluent holding ponds to minimize spilling to 1 in 10 year flood event.

Decision

- The development application proposes to establish a cattle farm, with an annual capacity of 2,500 cattle.
- The department's response includes one condition that must be attached to any approval given by the decision maker (North Burnett Regional Council).
- The inclusion of the condition will ensure that the development is carried out as per the site plan provided.
- The department issued its response on 30 April 2018.

Relevant material

- development application material
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: 1803-4501 SRA
Your reference: 39/18

30 April 2018

The Chief Executive Officer
North Burnett Regional Council
PO Box 390
GAYNDAH QLD 4625
admin@northburnett.qld.gov.au

Attention: Ms Sue-Ann Jensen

Dear Sue-Ann

Referral agency response—with conditions

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

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 27 March 2018.

Applicant details

Applicant name:	Mitchell Blokland
Applicant contact details:	C/- Premise Agriculture PO Box 2175 Toowoomba QLD 4350 matt.norton@premise.com.au

Location details

Street address:	121 Zipts Road and 106 Reinkes Road, Derri Derra
Real property description:	Lot 1 on SP166671; Lot 2 on SP166671
Local government area:	North Burnett Regional Council

Application details

Development permit	Material change of use for Intensive animal industry (2500 SCU feedlot) and Environmentally relevant activity (ERA 2 – Intensive animal feedlotting 1(b) Cattle feedlotting: 1000-10,000 SCU)
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.5.4.2.1 Environmentally relevant activities (only if ERA has not been devolved to a local government)
- 10.9.4.1.1.1 Infrastructure - state transport infrastructure

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Development Application for 2500 SCU Feedlot Proposed Feedlot Layout	FSA Consulting	18.09.2017	Dwg. No. 1026 Masterplan	B

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

For further information please contact Danica Clark, Senior Planner, on 4331 5619 or via email WBBSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning

cc Mitchell Blokland, matt.norton@premise.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

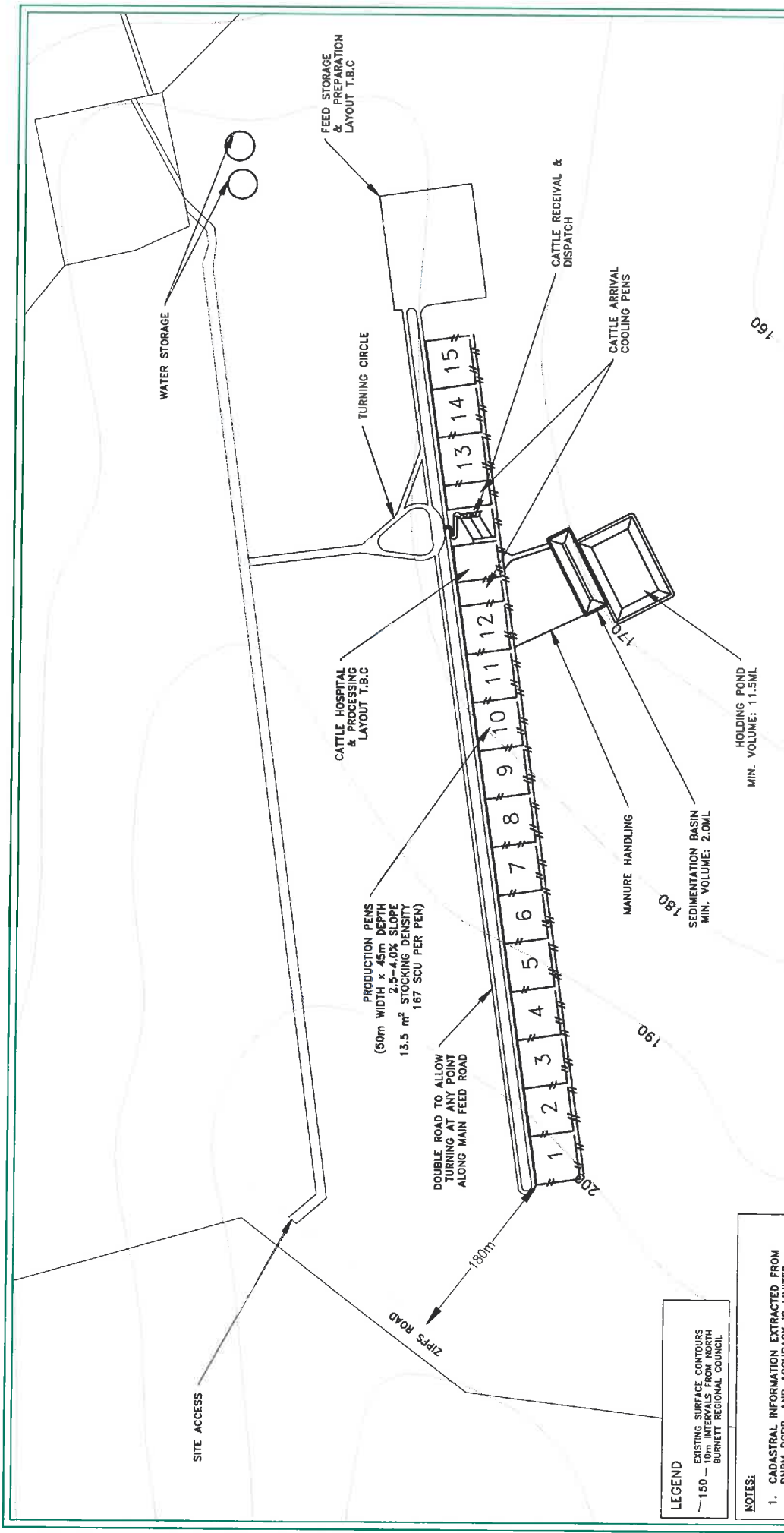
Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use for Intensive animal industry (2500 SCU feedlot) and Environmentally relevant activity (ERA 2 – Intensive animal feedlotting 1(b) Cattle feedlotting: 1000–10,000 SCU)		
Environmentally relevant activities—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Development Application for 2500 SCU Feedlot Proposed Feedlot Layout, prepared by FSA Consulting, 18.09.2017, Dwg No. 1026 Masterplan, Revision B. 	At all times

Attachment 2—Reasons for decision to impose conditions

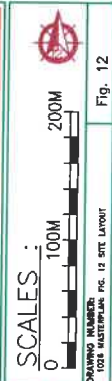
The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 1803-4501 SRA
Date: 30 April 2018



SCALE: (AS)	1:4,000
DRAWN: TCG	
CHECKED:	
DATE: 14.12.2016	

PROJECT: MR MITCHEL BLOKLAND
106 REINKES ROAD, DERRI DERRA 4626 QUEENSLAND

DRAWING TITLE: DEVELOPMENT APPLICATION FOR 2500 SCU FEEDLOT PROPOSED FEEDLOT LAYOUT

DATE	REVISION	DRAWN
18.09.2017	(1) ISSUE: SEDIMENTATION BASIN CAPACITY RESPONSE TO MP1.	MC
14.03.2017	(2) FINAL RELEASE FOR DA	JFS
13.12.2016	(A) DRAFT ISSUE TO CLIENT	JFS

FSA Consulting

TONKOOOMBA OFFICE
TONKOOOMBA, QLD 456
TEL: 08 9371 4444 FAX: 08 9371 4445
WWW.FSACONSULTING.COM.AU

- NOTES:**
1. CADASTRAL INFORMATION EXTRACTED FROM DNRM DCDB, AND ACCURACY IS LIMITED.
 2. OTHER FEATURES MAY HAVE BEEN DIGITISED FROM PLANS OR AERIAL PHOTOGRAPHS AND ACCURACY IS LIMITED.
 3. ELEVATION CONTOURS FROM STATE OF QUEENSLAND (DEPARTMENT OF NATURAL RESOURCES AND MINES) 2016
 4. TOPOGRAPHIC CONTOUR INTERVAL - 10m. ELEVATIONS ARE IN A AHD/1 DATUM.
 5. CONTOUR DATA CAPTURED TO 1:50,000 MAPPING SPECIFICATIONS.

Attachment 4 – Appeal Rights Planning Act 2016

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

An appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

2. Change applications

For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—

- (a) the responsible entity's decision on the change application; or
- (b) a deemed refusal of the change application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application

3. Extension applications

For an extension application other than an extension application called in by the Minister, an appeal may be made against—

- (a) the assessment manager's decision on the extension application; or
- (b) a deemed refusal of the extension application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
 - (i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development

- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or

- (b) there was no decision about an offset or refund; or

- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or

- (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—

Table 2
Appeals to the P&E Court only

1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
2. Eligible submitter appeals For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application	1. For a development application—the assessment manager 2. For a change application—the responsible entity	1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3. Eligible submitter and eligible advice agency appeals For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2. For a change application—an eligible submitter for the change application 3. An eligible advice agency for the development application or change application	1. For a development application—the assessment manager 2. For a change application—the responsible entity	1. The applicant 2. If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval. 2 A private certifier for the development application related to the approval
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision.	—	—
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against— <ul style="list-style-type: none"> (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision.	The person who made the decision	—	—
4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—

Attachment 5 – Adopted Infrastructure Charges Notice

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Please refer to the following pages for adopted infrastructure charges notice



Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Resolution (No. 2) 2015

TO Applicant: Mitchell Blokland
c/- Premise Agriculture
File Number: 39/18
Address: PO Box 2175
TOOWOOMBA QLD 4350
Date of Issue: 08 May 2018

LAND TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

Site Address: 121 Zipfs Road & 106 Reinkes Road, Derri Derra QLD 4626

Property Description: Lots 1 & 2 on SP166671

DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

The adopted infrastructure charge applies to the following development type:

Material change of use—Intensive animal industry (2500 SCU feedlot)

Development Approval No. 39/18

CURRENT AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE

The adopted infrastructure charge has been calculated in accordance with the method outlined in the North Burnett Regional Council Adopted Infrastructure Charges Resolution (No 2) 2015 and Chapter 4 of the *Planning Act 2016*. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

Current Amount of Adopted Infrastructure Charge = \$Nil
(as at date of issue)

OFFSETS

There are no offsets applicable to this development.

REFUNDS

There are no refunds applicable to this development.

AUTOMATIC INCREASE

The charges are subject to an automatic increase in accordance with section 114(3)(b) of the *Planning Act 2016*. The increase will be the lesser of the following:

- The difference between the levied charge and the maximum adopted charge the local government could have levied for the development when the charge is paid;
- The increase for the PPI index for the period starting on the day the levied charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average.

PAYMENT OF THE ADOPTED INFRASTRUCTURE CHARGE

- The due date for payment of the adopted infrastructure charge is prior to the plan of subdivision being endorsed by Council.
- Interest at 11% per annum, calculated daily, will be applied to overdue payments.
- The charge is to be paid to the North Burnett Regional Council. Please contact North Burnett Regional Council, Development and Environment Team, prior to making payment.
- Please include a copy of this Notice with payment.



OTHER IMPORTANT INFORMATION

1. PAYMENT

This notice is due and payable by the due date shown. Charges are payable to North Burnett Regional Council.

Payment can be made:

- In person at any of Council's offices;
- By credit card;
- By debit card;
- By mail with your cheque or money order made payable to North Burnett Regional Council, PO Box 390, Gayndah QLD 4625. Cheques should be made payable to North Burnett Regional Council and crossed "Not Negotiable". Acceptance of a cheque is subject to collection of proceeds. Post-dated cheques will not be accepted.

2. INTEREST

Compound interest at a rate of 11% per annum calculated daily is payable on all infrastructure charges outstanding after the due date shown on this charges notice.

3. GOODS AND SERVICES TAX

The federal government has determined that rates and utility charges levied by a local government will be GST exempt. Accordingly, no GST is included in this infrastructure charges notice.

4. INFRASTRUCTURE CHARGES ENQUIRY

Enquiries regarding this infrastructure charges notice should be directed to Council's Development Services Department on 1300 696 272 during office hours or admin@northburnett.qld.gov.au

Notice is hereby given under the *Planning Act 2016* and the *Local Government Act 2009* that the adopted infrastructure charges notice is levied by the North Burnett Regional Council on the described land. The adopted infrastructure charge is DUE AND PAYABLE BY THE ABOVE DUE DATE. The adopted infrastructure charge plus any arrears and interest may be recovered by legal process without further notice if unpaid after the expiration of the DUE DATE as the charge is deemed to be overdue.

Authorised by:


MJP Pitt
Chief Executive Officer



ADOPTED INFRASTRUCTURE CHARGES NOTICE

SCHEDULE 1— Calculation of Current Charges, Offsets and Refunds

LAND TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

Site Address: 121 Zipfs Road & 106 Reinkes Road, Derri Derra QLD 4626

Property Description: Lots 1 & 2 on SP166671

DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

The adopted infrastructure charge applies to the following development type:

Material change of use—Intensive animal industry (2500 SCU feedlot)

Development Approval No. 39/18

CALCULATION OF CURRENT AMOUNT

DEVELOPMENT

Approved use	High impact rural—Intensive animal industries
Rate charged at	\$3.00 per m ² of GFA (max \$4500)
GFA (m ²)	Nil
<i>Subtotal</i>	<i>\$Nil</i>

CREDIT FOR EXISTING USE

Existing use	Low impact rural
Rate charged at	Nil charge
<i>Subtotal</i>	<i>\$Nil</i>

GROSS TOTAL CHARGE AMOUNT

\$Nil

TRUNK INFRASTRUCTURE APPLICABLE TO THE DEVELOPMENT

Nil	N/A
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TOTAL VALUE OF TRUNK INFRASTRUCTURE

\$0

Value of offset applied to the charge	N/A
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Value of refund payable to applicant	N/A
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NETT TOTAL (CURRENT AMOUNT)

\$Nil

REFUNDS

Not Applicable