

# Statement of reasons

Change application (other change) at 340 Derra Road, Derri Derra on land described as Lot 23 on NT55 and Lot 48 on NT61—Impact assessable development application under the *Planning Act 2016*

Application reference: 140-18

## 1 Proposal summary

- (1) The applicant seeks to make a change to existing development permit DP1199/04: Material change of use for Intensive animal industry at 340 Derra Road, Derri Derra (described as Lot 23 on NT55 and Lot 48 on NT61).
- (2) DP1199/04 was approved by Mundubbera Shire Council on 28 October 2004, which approved a cattle feedlot with a capacity of 2,632 Standard Cattle Units (SCU). This change application seeks to—
  - (a) provide an additional 96 feedlot pens, increasing the overall capacity to 10,000 SCU over 7 stages and approximately 10 years;
  - (b) convert the existing dwelling into Caretaker's accommodation; and
  - (c) construct a new ancillary effluent pond, office, shed and weighbridge.
- (3) The overall facility would consist of 123 feedlot pens, 2 manure stockpile areas, 3 effluent ponds, 2 sediment ponds, feed silos and sheds, drains and working yards. Stocking density would be 12m<sup>2</sup>/SCU for existing pens and 12.5m<sup>2</sup>/SCU for new pens. It would employ 5 staff, and the hours of operation would be 6:30am-6pm, 7 days per week.
- (4) The application is impact assessable.
- (5) The Council would be likely to approve the application under similar terms if the applicant were to lodge it today.
- (6) The Council must assess and decide the application under s82 of the *Planning Act 2016*.

## 2 Assessment summary

This statement explains the reasons for the assessment manager's decision in relation to a development application for a change application (other change) at 340 Derra Road, Derri Derra on land described as Lot 23 on NT55 and Lot 48 on NT61. The statement is required under **section 83 Notice of decision** of the *Planning Act 2016*.

### 2.1 Facts and circumstances

- (1) Lot 23 on NT55 is in the Rural zone—Intensive agricultural precinct and Lot 48 on NT61 is in the Rural zone—Hinterland precinct. The surrounding lots are in the Rural zone—Intensive agricultural precinct and Rural zone—Hinterland precinct.
- (2) The application was lodged on 29 June 2018, and a confirmation notice was issued on 11 July 2018.
- (3) The application included sufficient information and it was not necessary to issue an information request. Council issued a 'further advice' letter on 14 August 2018 recommending that the applicant enter into an infrastructure agreement with Council for Derra Road maintenance and upgrading purposes.
- (4) The application was referred to SARA under Schedule 10 of the *Planning Regulation 2017* as it involves an environmentally relevant activity, and development impacting on State transport infrastructure. The application was referred on 18 July 2018, and SARA issued an information request on 30 July 2018. The applicant provided all the information requested on 8 August 2018, and SARA provided a concurrence response on 3 September 2018.

- (5) The applicants have executed an Infrastructure Agreement in which they would be responsible for an equitable share of the cost of upgrading and maintaining Derra Road between the site access and Mundubbera Durong Road.
- (6) The application required public notification, and it was publicly notified for 16 business days from 31 August 2018 to 21 September 2018. Notice of public notification compliance was issued to Council on 25 September 2018.
- (7) The following matters have been key considerations for the assessment manager—
  - (a) material about the application, including the proposal plans and the applicant's report;
  - (b) the North Burnett Regional Planning Scheme, to the extent relevant;
  - (c) the SPP, to the extent that it is not appropriately integrated in the planning scheme;
  - (d) development approvals and lawful use of the land and adjacent land; and,
  - (e) the infrastructure agreement entered in respect of upgrading and maintaining Derra Road.

## 2.2 Category of assessment

- (1) The proposal is Impact assessable, requiring assessment against the entire planning scheme to the extent relevant. The proposal has been assessed against the following assessment benchmarks as these are most appropriate for Council's determination—
  - (a) Strategic framework;
  - (b) Rural zone code;
  - (c) Intensive animal uses code;
  - (d) Infrastructure and operational work code;
  - (e) Bushfire hazard overlay code
  - (f) Flood hazard overlay code;
  - (g) Natural features or resources overlays code.

## 2.3 Assessment benchmarks

- (1) A full and detailed assessment against the assessment benchmarks is provided in the report and associated documentation submitted with the application. Such report represents a balanced assessment.

### 2.3.2 State planning instruments

- (1) *Regional plan*—the Wide Bay Burnett Regional Plan is appropriately integrated in the planning scheme and does not require further or separate consideration for Council to decide the application.
- (2) *State planning policy*—there are no State interest statement, policies or benchmarks relevant to this application<sup>1</sup>. Due to the nature of the proposal and insignificant departure of the SPP from the planning scheme, compliance with the planning scheme is considered appropriate.

### 2.3.3 North Burnett Regional Planning Scheme

#### 2.3.3.1 Strategic framework

- (1) The proposal complies with the Strategic framework as—
  - (a) Natural environment and sustainability—the proposal would conserve and not disturb the region's natural environment and biodiversity

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<sup>1</sup> When the planning scheme commenced on 3 November 2014 it appropriately integrated all aspects of the State Planning Policy then in force. The SPP that commenced on 3 July 2017 is quite similar, however the *Planning Act 2016* requires the assessment manager to assess the application against the SPP Part E (State Assessment Benchmarks) because the planning scheme does not identify it as having been 'appropriately integrated' into the scheme.

- (b) Strong rural economy and futures—the proposal would contribute to the region’s economic resilience, expand the region’s diverse rural sector, and increase the health of rural industry;
  - (c) Settlement pattern—the proposal would efficiently use land to minimise adverse impacts on the environment, and maintain a variety of employment possibilities;
  - (d) Infrastructure, services and facilities—the proposal would be provided with appropriate infrastructure.
- (2) Full details of the assessment against the code are provided in the material submitted with the application.

**2.3.3.2 Zone code**

- (1) The proposal complies with the Rural zone code as—
- (a) it complies with the purpose and overall outcomes of the zone code;
  - (b) it complies with the performance outcomes of the zone code;
  - (c) it would not prevent the use of land for agricultural production or have a detrimental impact on the use of adjoining premises for cropping
  - (d) it would be located where there is adequate separation and buffering to sensitive land uses;
- (2) Full details of the assessment against the code are provided in the material submitted with the application.

**2.3.3.3 Intensive animal uses code**

- (1) The proposal complies with the Intensive animal uses code as—
- (a) it complies with the purpose and overall outcomes of the code;
  - (b) it complies with the performance outcomes of the code;
  - (c) it would not create significant adverse impacts for residents and occupants of nearby premises, or upon water, air, soil and vegetation;
  - (d) the ongoing use of the site and adjoining premises for agricultural production would be maintained as the balance of the site would be available for agricultural activities.
- (2) Furthermore, the applicant has been operating a cattle feedlot without creating significant adverse impacts.
- (3) Full details of the assessment against the code are provided in the material submitted with the application.

**2.3.3.4 Infrastructure and operational work code**

- (1) The proposal complies with the Infrastructure and operational work code as—
- (a) it complies with the purpose and overall outcomes of the code;
  - (b) it complies with the performance outcomes of the code;
  - (c) it would be provided with infrastructure that meets the needs of development;
  - (d) the applicant has entered into an infrastructure agreement with Council for Derra Road maintenance and upgrading purposes.
- (2) Full details of the assessment against the code are provided in the material submitted with the application.

**2.3.3.5 Overlay codes**

- (1) The proposal complies with the Natural features and resource overlays code as—
- (a) It complies with the purpose and overall outcomes of the code;
  - (b) It complies with the performance outcomes of the code;
  - (c) It would maintain the productivity and environmental functioning of identified natural features and resources.

- (2) The proposal complies with the Bushfire hazard overlay code and Flood hazard overlay code as all development would be located outside identified hazard areas. Only a small portion of the site is within an identified hazard area.
- (3) Full details of the assessment against the codes are provided in the material submitted with the application.

## 2.4 Consultation

### 2.4.1 Internal stakeholder comments

- (1) Council's Technical Services Department and Environmental Health Department were invited to comment on the application. Officers support approval of the application but requested conditions be included in any development permit.

### 2.4.2 Referral agency response

- (1) The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning under Schedule 10 of the *Planning Regulation 2017*. The Department raised no objections to the proposal, subject to relevant conditions being included in any development permit.

### 2.4.3 Properly made submissions

- (1) The application required public notification, and Council received one properly made submission. The submission raises issues in relation to the standard of Derra Road required to accommodate the increase in vehicle movements. The applicant has entered into an infrastructure agreement with Council for road maintenance and upgrading purposes. The terms of that agreement would be an appropriate response to the submitter's concerns.

## 2.5 Key issues for this application

- (1) The assessment manager considers that the following matters have been instrumental in its decision—
  - (a) *overall amenity*—steps must be taken to minimise the impact on the surrounding environment and community from noise, odour and waste management. These impacts will be managed through the environmentally relevant activity approval. The National Guidelines for Beef Cattle Feedlots in Australia also contains information on the establishment and operation of feedlots and provides information on how to prevent and minimise adverse impacts on environmental values. The proposal has been designed in accordance with this publication.
  - (b) *external traffic network*—the existing standard of Derra Road is unable to accommodate the increase in vehicle movements. The applicant has entered into an infrastructure agreement with Council for road maintenance and upgrading purposes.

*These matters have been derived from the assessment benchmarks.*

## 2.6 Decision rules under the *Planning Act 2016*

- (1) The assessment manager—
  - (a) may approve all or part of the application;
  - (b) may refuse the application;
  - (c) may impose conditions.

*Section 60(3) of the Planning Act 2016 sets out the decision rules for impact assessment.*
- (2) Development conditions must—
  - (a) be relevant to but not an unreasonable imposition; and
  - (b) be reasonably required as a consequence of the development.

*Section 65 of the Planning Act 2016 limits the nature of approval conditions.*