

## Information request

*Sustainable Planning Act 2009 s.276*

62/17

*[file reference]*

North Burnett Regional Council

*[contact name]*

1300 696 272

*[contact number]*

15 May 2017

*[date]*

R G & D L Salisbury

*[applicant's name]*

c/- FSA Consulting

PO Box 2175

*[applicant's address]*

Toowoomba QLD 4350

**RE: Development application for**      **Material Change of Use – Intensive animal industry (piggery expansion from 5394 to 12,500 SPU) & Prescribed Environmentally Relevant Activity 3(c)—keeping more than 8000 SPU**

*[details of proposed development]*

"Glenbrae" – Gladstone Monto Road, 58, 166 & 214 Macks Road,  
110 Macks Road, Burnett Highway & Powers Road, Monto

*[street number & address of proposed development]*

Lot 131 on RP857504; Lot 124 on RP224848; Lots 125, 126, 127  
and 128 on RW143; Lots 267, 270 and 277 on RW148; Lots 105,  
271 and 280 on RW149; Lot 269 on RW629; Lot 7 on RP816992;  
Lot 2 on RP809458

*[lot and plan details of proposed development]*

Dear Mr and Mrs Salisbury,

This information request is further to our Acknowledgment Notice dated 3 May 2017. Council representatives have carried out an initial assessment of your application. We appreciate the effort involved in producing such a well-developed proposal, including the comprehensive report by FSA. I advise, however, that the following information is required to assist us to further assess the above application—

## 1. Separation from sensitive land uses

### Background

The purpose of the *Rural zone code* includes minimising the potential for conflict between rural and other uses to be achieved by establishing intensive animal industries where they avoid adverse impacts on neighbouring activities. The purpose of the *Intensive animal uses code* includes ensuring that intensive animal industries do not significantly and adversely impact on residents and occupants of nearby premises and scenic amenity to be achieved by buffering and separation distances to minimise the potential impacts on the amenity of rural dwellers, sensitive land uses and settlements.

Table 11 of FSA Consulting's report identifies the southernmost dwelling on Lot 129 on RW143 (272 Macks Road, Monto) as locating closer to the proposed piggery expansion than the minimum required for potential odour impacts should all 12,500 SPU be accommodated in the northern complex.

### Information requested

The applicants are to either—

- (i) specifically notify the owners of Lot 129 on RW143 of the reported separation deficiency and obtain a letter of nil objection to the development; or
- (ii) perform another assessment to demonstrate that the reduction to 8000 SPU in the northern complex will sufficiently contract the potential odour-affected area such that the southernmost dwelling on Lot 129 on RW143 will be adequately separated.

The current owners of Lot 129 on RW143 are Bruce and Barbara Burnham of 242 Macks Road, Monto QLD 4630. The Burnhams' response can be sought either prior to or as part of public notification.

## 2. Amalgamation

### Background

It is noted the development application is over 15 lots with the existing and expanded piggery to be over four lots – ie. Lots 125 to 128 on RW143. Given “dwelling house” is a use exempt from town planning assessment in the Rural zone, Council is mindful that should any of these lots be used for “dwelling house”, or should any lots containing existing dwelling houses be sold, complaints from future residents/owners may arise, particularly from within the defined odour-affected area delineated by Figures 15 to 17 of FSA Consulting's report. An option to prevent any lots to be sold and/or used for “dwelling house” without a development application is to amalgamate all the lots covered by this application.

### Information requested

The applicants are to advise how they propose to deal with the above issue, including whether—

- (i) they are willing to amalgamate all lots subject to the application; or
- (ii) they are willing to amalgamate selected lots subject to the application and the reason/s behind their decision; or
- (iii) they are unwilling to amalgamate any of the lots subject to the application and the reason/s behind their decision and/or an alternative solution.

### 3. Landscape screening of the expanded piggery complexes

#### Background

As stated in “1. Separation from sensitive land uses” above, a way to minimise the potential impacts on the amenity – including scenic amenity – of rural dwellers, sensitive land uses and settlements is to provide buffering.

Figures 12 and 13 of FSA Consulting’s report show the proposed new sheds will locate to dwellings unassociated with the piggery at closer distances than the current sheds – ie. on Lot 11 on RP224848 (13048 Gladstone Monto Road, Monto) to the south and Lot 129 on RW143 (272 Macks Road, Monto) to the north. This may adversely affect particularly the rural scenic amenity of these residents.

#### Information requested

The applicant is to advise whether any landscape buffering is proposed to the north of the northern complex and to the south of the southern complex and, if so, the scale and composition of the proposed buffering.

I look forward to your response to continue the assessment of this application.

In accordance with section 278 of the *Sustainable Planning Act 2009* (SPA), you have three options available to you—

You must give the Council—

1. all of the information requested; or
2. part of the information requested together with a written notice asking the Assessment Manager to proceed with the assessment of the application; or
3. a written notice—
  - (a) stating you do not intend to supply any of the information requested; and
  - (b) asking Council to proceed with the assessment of the application.

Please note Section 279(1)(b) of the SPA states that if no response is received within six months, the application will lapse.

Please also note an application can be revived under section 280 of the SPA if, within five business days after the application would otherwise have lapsed, you give Council written notice that you seek to revive the application.

Please contact Emily Goodwin, Council’s IDAS Planning Administration Officer with any queries.

Yours faithfully

  
MJP Pitt  
Chief Executive Officer