



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Agenda

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 21 July 2015

Commencing at the conclusion of the
Corporate & Community Services Committee Meeting

All correspondence to
Be addressed to the
Chief Executive Officer

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SCENIC RIM REGIONAL COUNCIL
PLANNING & DEVELOPMENT COMMITTEE
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PLANNING & DEVELOPMENT COMMITTEE

AGENDA

ATTENDANCE

Cr J J Sanders, Chairperson
Cr J C Brent, Mayor
Cr N J Waistell
Cr N O'Carroll
Cr V A West, Deputy Mayor
Cr R J Stanfield
Cr D A McInnes

APOLOGIES

DECLARATIONS OF INTEREST BY MEMBERS

Reception of Deputations by Appointment / Visitors

Please note: Agenda Items where Subject Headings are followed by [CLOSED] are to be discussed in closed session in accordance with Section 275(1) of the Local Government Regulation 2012.

Section 275(1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters, affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving it; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which public discussion would be likely to prejudice the interests of local government or someone else, or enable a person to gain financial advantage.

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 MCBn14/013 Development Permit for Material Change of Use (Intensive Animal Industry - Poultry Farm) by Fat Hen Pty Ltd at Mt Walker West Road, Mount Walker West Lot 73 CH31675**

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: MCBn14/013

Applicable Planning Scheme	<i>Boonah Shire Planning Scheme 2006</i>
Applicant	Fat Hen Pty Ltd
Owner(s)	Mr J A Merlehan, Ms M C Parcell
Site Address	Unnumbered land on Mt Walker West Road MOUNT WALKER WEST QLD 4340
Real Property Description	Lot 73 on CH31675
Site Area	129.49ha
Relevant Zone and Precinct	Rural Zone - Horticultural/Dairying Land Precinct
Proposal	Material Change of Use (Intensive Animal Industry - Poultry Farm)
Assessment Level	Impact Assessment (Consistent)
Approval Type	Development Permit
Public Notification:	Public Notification was carried out from 26 February 2015 until 23 March 2015.
Submissions Received	Two submissions were received
Date Application Received:	9 October 2014

Purpose of Report

The purpose of this report is to provide the facts and circumstance to the Council for a proposed development seeking for a Development Permit for Material Change of Use (Intensive Animal Industry) to establish a Poultry Farm on unnumbered land on Mt Walker West Road, Mount Walker West accurately described as Lot 73 CH31675.

RISK

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Possible	Medium	Environmental impacts considered and documented during assessment process	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Moderate	Likely	High	Ensure reasonable and relevant test applicable to assessment processes. Model Litigant processes followed in court cases. Minimise opportunities for appeals.	Medium

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment risks of	Residual Risk Rating
Reputation Negative perception from community or development proponents	Moderate	Likely	High	Transparent reporting of assessment. Communications.	Medium

Brief Summary

Council is receipt of an application seeking approval for a Development Permit for Material Change of Use (Intensive Animal Industry) to establish a Poultry Farm on unnumbered land on Mt Walker West Road, Mount Walker West accurately described as Lot 73 on CH31675. The proposed poultry farm will consist of six sheds and a total of 300,000 birds, which triggers Impact Assessment in accordance with the *Boonah Shire Planning Scheme 2006* (Planning Scheme).

The applicant is seeking Council's acceptance of alternative solutions to Specific Outcomes' SO4, SO8, SO12 of the Rural Zone; and SO1, SO2, SO7, SO8 of the Intensive Animal Industry Code. The applicant also contends that the existing road network is suitable to cater for the proposed development, and that there is no cumulative odour impact at the nearest receptors to the site.

Subsequent to a thorough assessment of the proposal against the provisions of the Planning Scheme, the proposal is not considered to comply with the relevant Planning Scheme provisions; in that the adjoining properties to the south are significantly impacted by the cumulative odour emissions from the proposed development and the existing poultry farm further to the south (Duke's Farm). The result is that the adjoining lands in between the poultry farms will in essence be inhibited from any future residential land use. Additionally, the current road infrastructure (roads and bridges) is not considered suitable to cater for the proposed development without significant upgrades.

It is noted that the applicant has utilised the criterion and methodologies under the *Queensland Guidelines for Meat Chicken Farms (2012)* (QGMCF) prepared by Department of Agriculture and Fisheries (DAF). However, it should be noted that the QGMCF are guidelines only and do not fully address poultry farm concerns at a local government level.

The applicant referred a copy of the application to the State Assessment and Referral Agency (SARA) in accordance with Section 273 of the *Sustainable Planning Act 2009* (SPA). Subsequently, SARA provided Council with correspondence dated 9 December 2014 having no objection or requirements in respect to the proposed development.

The application was publicly notified for a period no less than 15 business days in accordance with the requirements under the *Sustainable Planning Act 2009*; whereby Council received two properly made submissions. The submitters' concerns were in relation to odour emissions, noise and dust adversely impacting on neighbouring properties, the development being in conflict with the intent of the Rural Zone, the current road infrastructure not being able to cope with an increase in heavy vehicle movements, and stormwater runoff into the local environment.

Accordingly, it is recommended that Council resolves to refuse the subject application for Development Permit for Material Change of Use (Intensive Animal Industry) to establish a Poultry Farm.

Background

There is no development history relevant to this site.

Proposal

The poultry farm will consist of six tunnel ventilated sheds with a free range area either side. Each shed will have a total capacity of 50,000 birds, resulting in a total farm capacity of 300,000 birds. The sheds will have a length of 180m and a width of 18m resulting in a Gross Floor Area (GFA) of 3,240m² per shed or a total combined GFA of 19,440m² for all sheds.

The applicant has provided the following detail into the proposed development:

Overall proposal

This component of the proposal involves the establishment of a free range meat chicken farm. The poultry farm will consist of six (6) tunnel ventilated sheds with a free range area either side. Each shed will have a total capacity of 50,000 birds, resulting in a total farm capacity of 300,000 birds. The sheds will have a length of 180m and width of 18m, resulting in a gross floor area of 3,240m² each. Accordingly, the total combined gross floor area of the poultry sheds will be 19,440m². A fenced range will be provided beside each shed and the range will be at least 1.5 times larger than the sheds. The poultry farm will also include a site office, amenities, car parking area and workshop. The poultry farm will be contained entirely within Lot 73 on CH31675 with access to be taken from Mt Walker West Road.

Shed design and ventilation

Each shed will contain a compacted clay floor and reinforced concrete walls around the perimeter to act as a bund and prevent external stormwater flows entering the shed and becoming contaminated from internal waste in the shed. Access doors into the sheds will be recessed at either end to facilitate maintenance. The doors will be designed so not to allow intrusion of external stormwater flows and shall prevent the release of internal contaminants from the sheds. The shed will include tunnel ventilation with variable control of the ventilation rates to maintain moisture content of the litter and allow temperature and humidity control. Solid cool panel walls will also be installed. Access to the range areas for the birds shall be provided through 'pop' doors which will extend along the length of each shed. The sheds will have a total height of 4m from natural ground level. The layout and external appearance of the sheds will be designed generally in accordance with the Shed Wall and Floor Plans at Appendix C.

The range area shall be fully fenced off to contain the birds and to provide protection from predators. Trees, vegetation and moveable structures will also be provided throughout the range to provide shade and the range area will be maintained with thick grass. The range shall be freely available to the birds during daylight hours where weather permits.

Operational procedure

Day old chicks are trucked to the farm from a hatchery and released in to the brooding end of the sheds until old enough to maintain their own body temperature. When chickens reach marketable size they are transported from the farm to an off-site poultry processing facility. The farm will cycle approximately 5.5 batches a year which equates to approximately 1,650,000 birds per annum. The batch cycle generally occurs over a 60 day period.

Waste management

The majority of waste generated by the poultry farm will be manure from the chickens. The manure will be removed from the sheds by a front-end loader before being transported off site by covered trucks. Deceased birds will be collected daily and placed in the on-site cold room before being removed from site by an approved contractor and transferred to an approved waste disposal facility.

Two (2) full time staff members including a Manager and Assistant Manager will be employed to operate the facility.

Vehicle access

Vehicular access to the development site will be taken from Mount Walker West Road at the south-western end of the property. An all-weather internal access road will be constructed internally to the site to connect the site office and sheds with the site access. A total of four (4) car parking spaces will be provided for the use of permanent staff and visitors adjacent to the site office; refer to Site Layout Plan attached at Appendix B.

Electricity service

Electricity will be utilised to power the tunnel ventilated shed fans, cooling pads and lights in addition to other on-farm uses. Gas will be utilised to power heaters to heat the brooding ends of the sheds during the first grow out stage (days 1 to 14).

Water supply

The poultry farm will source water from the bore located on the subject land; refer to Groundwater Bore Plan attached at Appendix B. The water is required for drinking and cooling during the meat chicken production in addition to cleaning and sanitising the shed. Three (3) water storage tanks with a capacity of 250,000L will also be provided on site.

Odour, Noise and Dust management

A comprehensive site based management plan (SBMP) has been prepared by FSA Consulting. The SBMP addresses the environmental impacts and management practices that will be implemented in association with constructing and operating the proposed poultry farm. Refer to the Site Based Management Plan prepared by FSA Consulting Pty Ltd, dated September 2014 and attached at Volume 2 – Appendix A. The SBMP also includes a Stormwater Management Plan to manage the potential impacts of the poultry farm on surface and groundwater bodies.

A specialist noise assessment has been prepared to ensure that the proposed development is designed and operated to mitigate potential noise related impacts. Refer to the Noise Assessment prepared by Pacific Environment Limited, dated 7 August 2014 and attached at Volume 2 – Appendix B.

A specialist odour and dust assessment has been prepared to ensure that the proposed development is designed and operated to mitigate potential odour and dust related impacts. Refer to the Odour and Dust Assessment prepared by Pacific Environment Limited, dated 11 September 2014 and attached at Volume 2 – Appendix C.

Separation distances

The SBMP demonstrates the location and separation distances to properties in the context of the location of the proposed poultry sheds to public roads, watercourses, bores, neighbouring houses and other poultry farms.

A total of thirteen (13) sensitive receptors have been identified within a 2km radius of the proposed poultry farm. The nearest sensitive receptor is a rural residence located 1.3km to the west of the development site area; refer to Figure 5. An existing poultry farm is also located approximately 2km to the south of the development site area.

Figure 5 – Significant Receptors & Monitoring Points



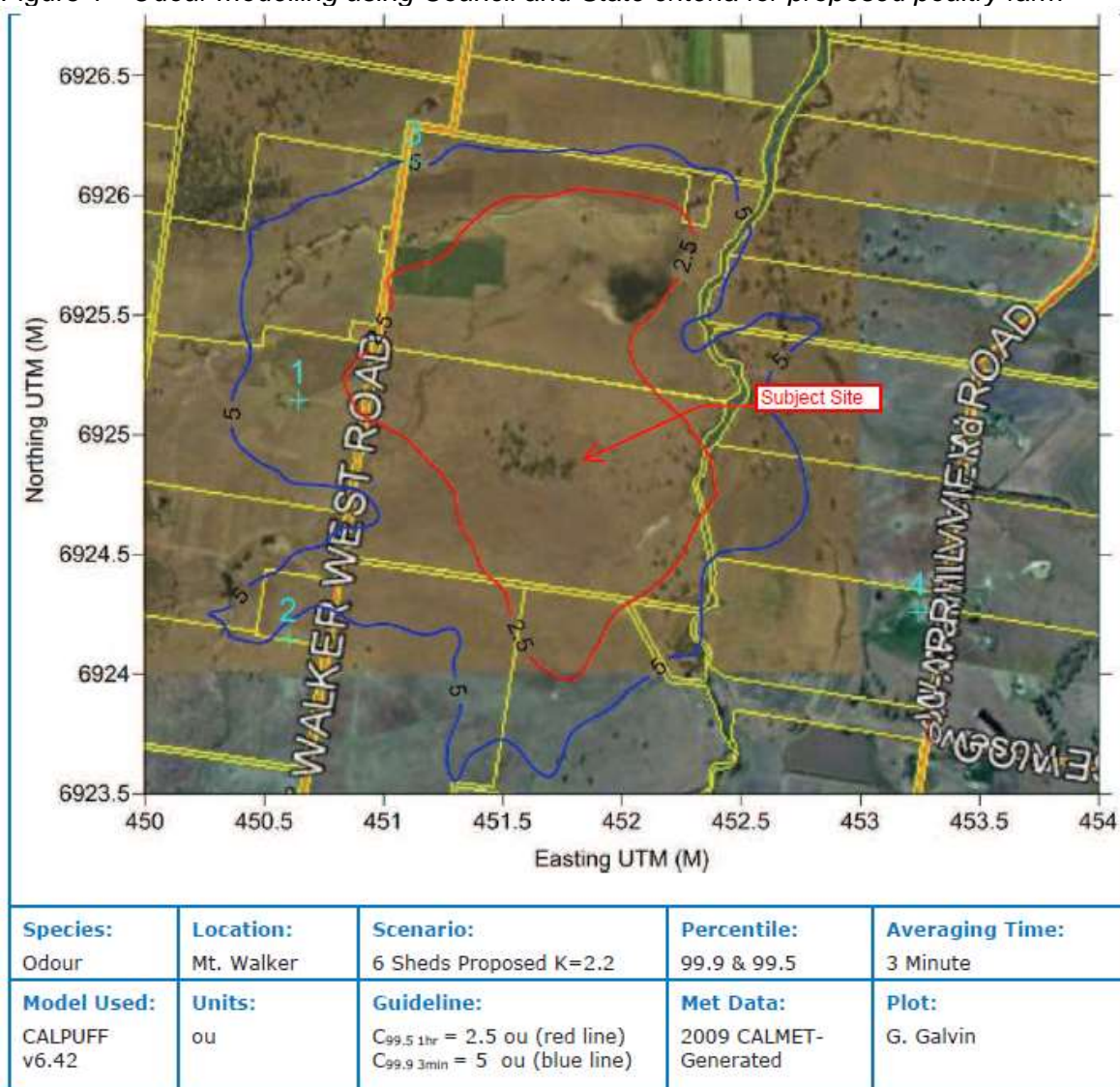
Odour Assessment mapping

The application included an Odour and Dust Assessment Report for the proposed development dated 11 September 2014, created by Pacific Environment Pty Ltd. The conclusion of the report states:

Dispersion modelling of predicted odour emissions (K factor of 2.2) from the proposed (6 sheds, 50,000 birds per shed) indicates that odour levels associated with the farm at the nearest off-site sensitive receptors will be well within the Queensland DAFF/EHP odour guideline criterion (C99.5 1-hr = 2.5 ou). Even when allowances are made for variations in emissions due to batch placement regimes, the criterion is not expected to be exceeded.

Entailed within the above odour report is dispersion modelling maps which illustrate the extent of odour levels and proximity to receptors (residents). Figure 1 illustrates the odour modelling and expected odour levels surrounding the subject site.

Figure 1 - Odour modelling using Council and State criteria for proposed poultry farm



On 10 February 2015 and 7 July 2015, Council received further representations from the applicant in relation to the cumulative odour impacts of the Duke's Farm and the proposed poultry farm. The following resulting dispersion modelling maps are shown in the following figures:

- Figure 2 below illustrates the expected odour levels surrounding the existing poultry farm using the *Boonah Shire Planning Scheme 2006* criteria.
- Figure 3 below illustrates the cumulative odour modelling using the *Queensland Guidelines for Meat Chicken Farms (2012)* criterion.

Figure 2 - Odour levels for existing poultry farm only using the Council's criteria

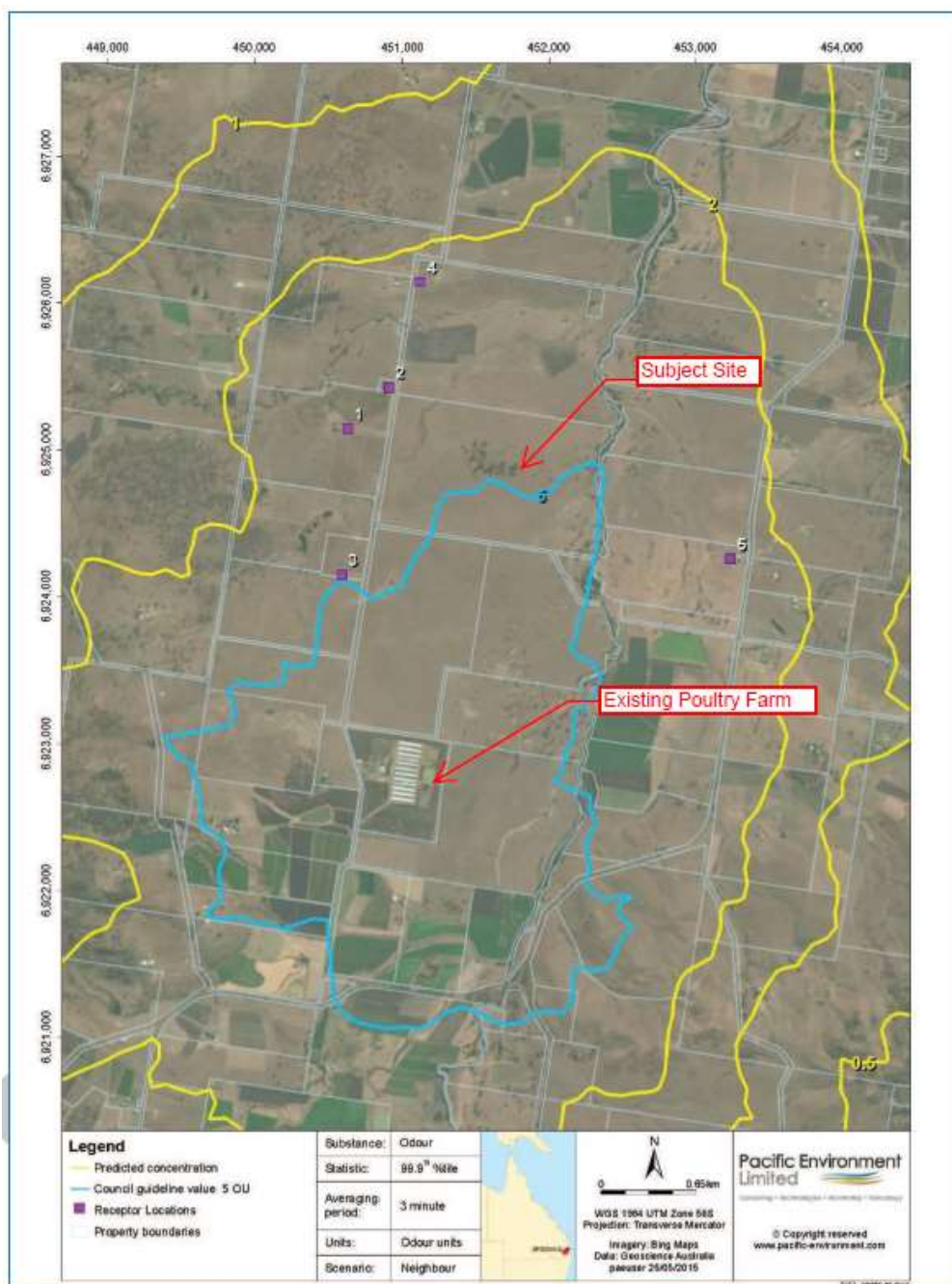
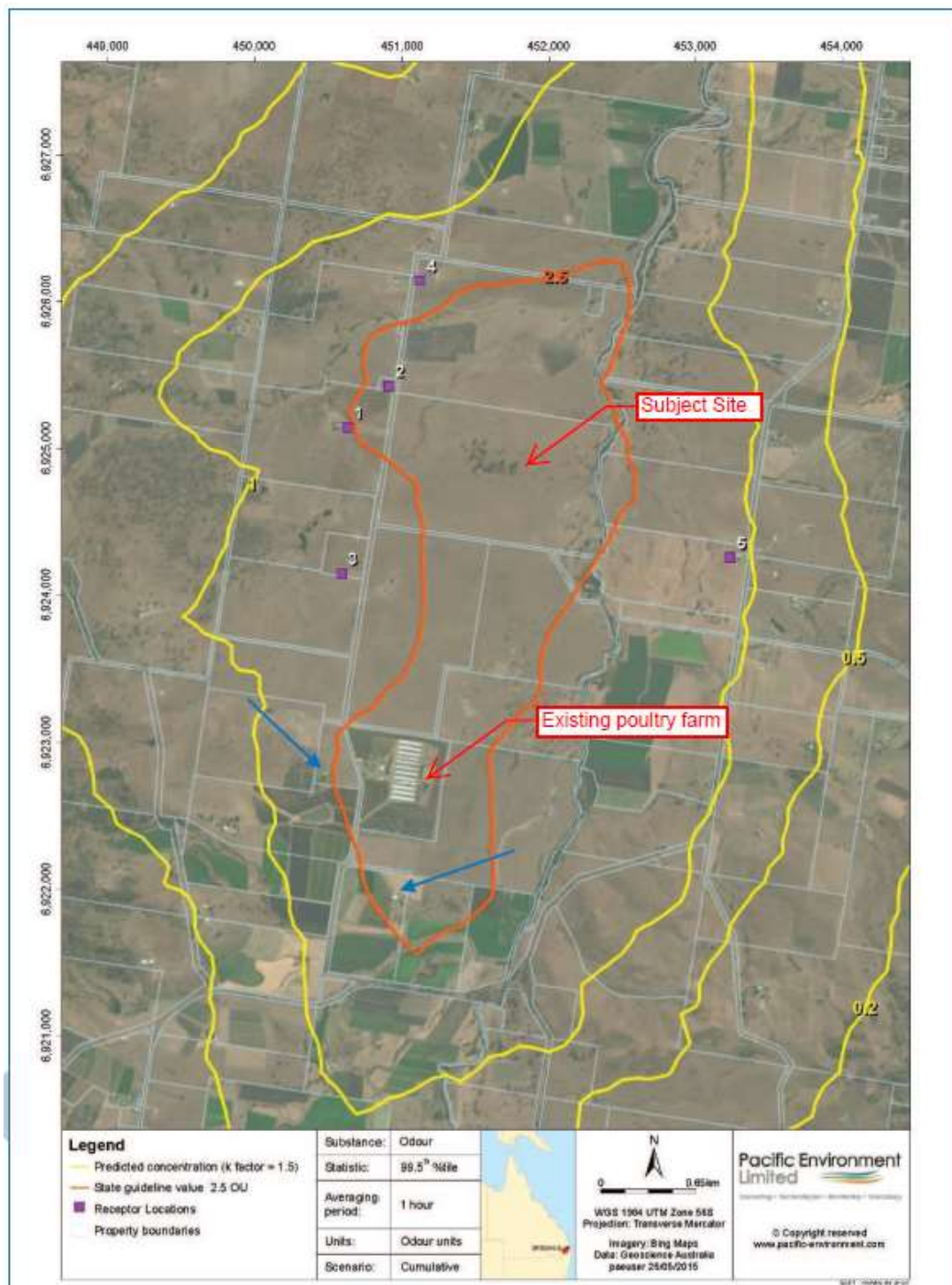


Figure 3 - Cumulative odour levels for proposal and existing poultry farm using State (DAFF) criteria



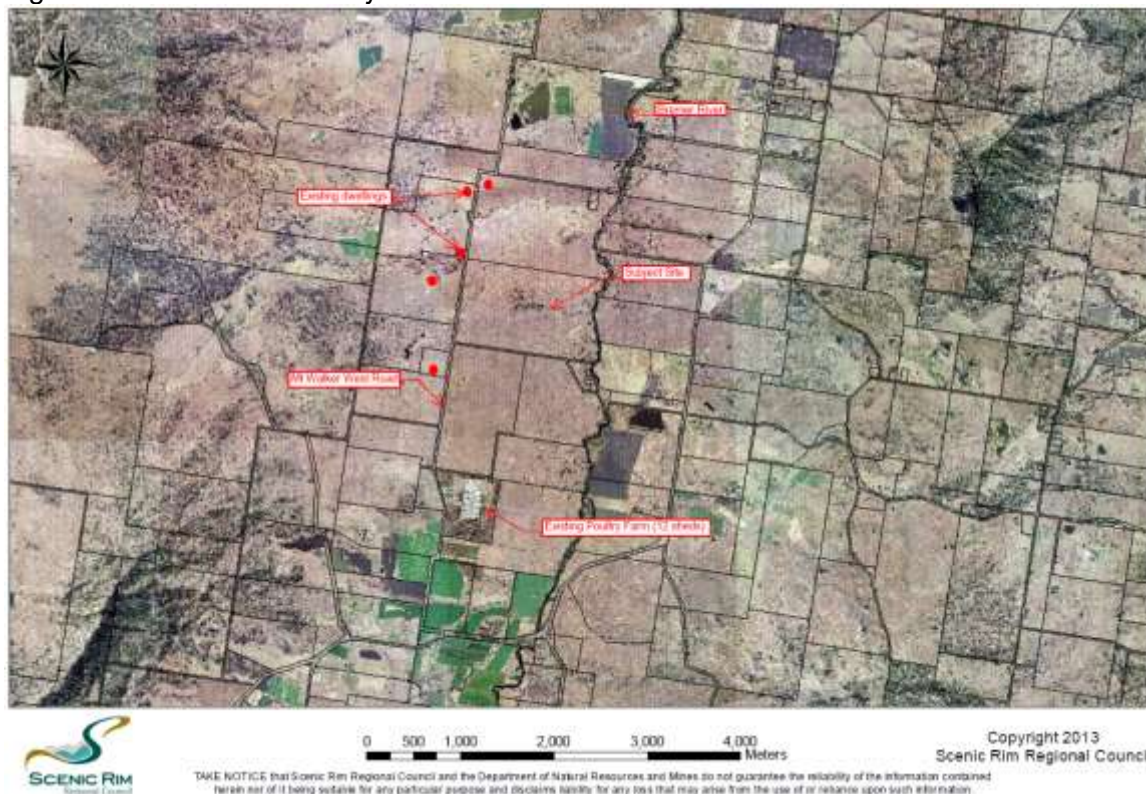
Site and Environment

The subject site is located at Mount Walker West Road, Mount Walker and described as Lot 73 on CH31675. The subject site has a total area of 129.5 hectares.

The subject land is located approximately 31kms south-west of Ipswich and approximately 27km north-west of Boonah.

The subject land is situated with frontage to the Mount Walker West Road and lies adjacent to the Bremer River. The subject site also has frontage to unconstructed road reserve which lies adjacent to the southern boundary of the site. Refer to Figure 4 below which shows an aerial view of the subject site and surrounding properties.

Figure 4 - Aerial view of subject site



Characteristics of Site & Surrounding Environment

The site has frontage to the Mount Walker West Road which lies adjacent to the western boundary of the site and an unconstructed road reserve which lies adjacent to the southern boundary of the site. The subject land is vacant and utilised for low intensity grazing purposes. The subject site is characterised by undulating hills and rises and drains in an eastern direction towards the Bremer River.

Advertising

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Sustainable Planning Act 2009*. During the Public Notification period, two properly made submissions were received by Council.

Submissions

As mentioned previously, Council received two submissions of which both were considered properly made. These submissions were received from:

Mr Mark Hayes
 266 Wilsons Plains Road
 WILSONS PLAINS QLD 4307

Ms Jude Ahearn
 1339 Mt Walker West Road
 MOUNT WALKER WEST QLD 4340

The main points of the objection are listed below, followed by the Officer's comment.

Points of Objection	Officers' Comment
<p>Submissions have been received raising concerns in relation to the proposed development being in conflict with the intent of the Rural Zone.</p>	<p>The Rural Zone is described as a zone which provides "for areas of rural land which are suitable for traditional rural pursuits such as intensive cultivation, grazing, dairying and other rural uses (and their associated activities such as spraying, irrigation, etc)". It is noted that the proposal is for intensive animal industry that is not considered traditional rural farming or akin to the aforementioned rural pursuits. It is also noted that the proposal does not enhance the rural amenity, character, environmental and scenic landscape values of the rural locality by introducing large poultry sheds, frequent heavy vehicle movements and odour and dust emissions impacting adjoining residents, which is evident from submission against the proposal. The proposal has therefore not demonstrated that the above impacts can mitigate the submitters concerns and is therefore not supported.</p>
<p>Submissions have been received raising concerns in relation to the odour emissions adversely impacting on neighbouring allotments.</p>	<p>As shown previously, the proposed development will result in odour emissions levels that exceed the Planning Scheme requirements on adjoining lands. The odour emission levels and extent of the influence are considered to adversely affect the amenity of surrounding residents. The applicant has stated that the proposal complies with the <i>Queensland Guidelines: Meat Chicken Farms</i> and therefore should be approved. However, the applicant has not demonstrated compliance with Council's Intensive Animal Industry Code, and has not provided sufficient evidence to suggest that the amenity of nearby residents will not be adversely affected.</p>

Points of Objection	Officers' Comment
	<p>It is also worth mentioning that as a result of this application, the adjoining vacant land to the south will be in the middle of two (2) poultry farms, will be completely covered by five (5) Odour Unit (OU) at 99.9% of the maximum odour levels averaged over a three (3) minute period. This will essentially limit any future dwelling to be located on this lot without being affected by high odour levels.</p> <p>Furthermore, depending on the "catch-out" times when the odour is the greatest, if both poultry farms catch-out at different times during the week; the affected lots could be affected by unacceptable odour levels throughout the week and at odd times of the day. As such, the proposed development is not supported.</p>
<p>Submissions have been received raising concerns in relation to the road infrastructure in its current form will not cope with large vehicle movements generated from the proposed development.</p>	<p>The applicant maintains that the current road standards are sufficient to cater for the proposed development. Council's internal Infrastructure Services section have reviewed the proposal and concluded that the proposal would need significant upgrades to comply with Council's standards. Furthermore, the applicant has not provided any evidence to suggest the nearby bridges will cope with the increased heavy vehicle traffic; preferring to do these investigations in subsequent Operational Works applications. Infrastructure Services confirmed that investigations need to be done prior to issuing a land use approval. At this point, officers agree with the submitters concerns in that the proposal does not comply with Council's road standards and that no information has been provided to indicate nearby bridges are able to cope with increased heavy vehicle traffic generated by the development. Therefore the proposal is not supported.</p>
<p>Submissions have been received raising concerns in relation to the Mt Walker West Road being a gravel road, causing health concerns due to dust emissions during vehicle trips.</p>	<p>Mt Walker Road is currently a gravel road which will cause dust emissions from passing traffic. Council's standards require this road to be sealed which would alleviate this concern; however the current proposal does not provide for this option. Council officers can require that all roads be sealed in accordance with Council standards through conditions of approval; however an approval is not recommended for this application.</p>

Points of Objection	Officers' Comment
<p>Submissions have been received raising concerns in relation to the noise levels from traffic movements occurring during day and night.</p>	<p>The applicant has provided a Site Based Management Plan which indicates that delivery trucks will be required to employ procedures that limit the production of noise, such as limiting the use of air brakes in residential areas. Council's internal Environmental Health section is also able to impose conditions of approval that will ameliorate any noise impacts from heavy vehicles during night times. However an approval is not recommended for this application and therefore no conditions will be introduced.</p>
<p>Submissions have been received raising concerns in relation to the impact of stormwater run-off on the local environment.</p>	<p>The applicant has provided a Site Based Management Plan (SBMP) to capture and treat all stormwater prior to releasing in grassed areas of the subject site. The proposed development is setback a sufficient distance from the Bremer River with a buffer distance of approx. 200m; and all stormwater will not be released into other natural overland flow paths. The proposed development is considered to satisfy the Planning Scheme requirements and the SBMP is considered to effectively manage and treat stormwater from the proposed development. As such, the proposal is considered to address the submitters concerns.</p>
<p>Submissions have been received raising concerns in relation to whether consideration has been given to public transport (school bus) along Mt Walker West Road.</p>	<p>The applicants' traffic assessment report has stated that the proposed development will have nominal increase in traffic activity and therefore will have nominal impact on the surrounding road network. Council's internal Infrastructure Services sections require the applicant to upgrade the relevant section of Mt Walker West road to a standard rural access road, which will be sufficient for a school bus route also. The submitters concerns would be addressed should Council proceed to impose a condition for road upgrades; however in this instance a recommendation for approval is not forthcoming.</p>

Development Assessment

The proposed development is defined under the *Boonah Shire Planning Scheme 2006* as Intensive Animal Industry, which is described as:

the keeping of animals, birds or reptiles in a confined area with predominantly introduced water and feeding (as opposed to grazing) including, but not limited to:

- *and dairies – for lots with an area less than or equal to 2ha – more than 10 animals; for lots with an area greater than 2ha but less than or equal to 10ha – more than 20 animals and; for lots with an area greater than 10ha – more than 50 animals;*
- *piggeries - for lots with an area less than or equal to 2ha - more than 10 standard pig units; for lots with an area greater than 2ha but less than or equal to 10ha - more than 20 standard pig units and; for lots with an area greater than 10ha - more than 50 standard pig units;*
- *poultry farm - more than a combined total of 100 domestic fowl, geese, turkeys, ducks or quail;*
- *emu and ostrich farms – for lots with an area less than or equal to 2ha - more than 20 birds and; for lots with an area greater than 2ha - more than 40 birds/ha; and*
- *other animals eg. horses, goats, sheep, deer, alpaca, free range pigs etc. - for lots with an area less than or equal to 2ha - more than 20 animals and; for lots with an area greater than 2ha - more than 50 animals. (DPI – 3) where not otherwise defined as Animal Husbandry or Domestic Animal Husbandry.*
- *Poultry farm includes the keeping or breeding of poultry for sale, exchange, egg production or slaughtering and means any fowl, duck, goose, pheasant, turkey or other gallinaceous bird, and includes a broiler farm.*

The definition also includes land utilised for the land disposal of effluent.

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Rural Zone - Horticultural/Dairying Land Precinct	Economic Resources - Good Quality Agricultural Land Overlay Natural Features - Landscape and Natural Values Overlay	Intensive Animal Industry Code

Relationship to the Rural Zone Code

The subject site is located within the Rural Zone. The overall outcomes offer several statements of what the Rural Zone seeks to achieve. Part c) of the overall outcomes reads as follows:

- c) *Development maintains or enhances the rural amenity, character, environmental and scenic landscape values of rural areas. The scenic beauty and attraction of the Shire relies on the preservation of the rural character.*

The proposed development is considered to compromise the above overall outcome of the Rural Zone based on the following points:

- The applicant proposes six poultry farm sheds where each shed will be 4m in height, 18m wide and 180m long. The proposed farms will be of a scale and nature that is not considered to enhance the rural amenity, character, environmental and scenic landscape values of the surrounding rural land.
- A majority of Mt Walker West Road is currently a gravel single lane rural road which is primarily utilised for local residents. The applicant contends that the current road standard is sufficient to cater for the proposed development. However, Council officers consider that without significant road upgrades, the proposal adversely impacts the amenity of local residents utilising Mt Walker Road and will jeopardise the preservation of the rural character.
- The proposal will result in odour emissions are at levels on adjoining lands that are considered to greatly impact the level of amenity of neighbouring properties and their ability to enjoy the rural character and environment.

From the above statements, the proposed development is not considered to comply with the overall outcome (c) of the Rural Zone code.

Compliance with the Rural Zone Code

The proposal complies with all of the Place Code’s Acceptable Solutions and Specific Outcomes, except as follows:

Rural Zone Code			
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes
Element (vi) : CHARACTER/LANDSCAPE			
SO4 Water supply, sewerage, electricity and roads are provided to meet appropriate standards and are adequate for on-site services.	PS4.1 Road, water supply and sewerage works are designed and constructed to standards stated in Planning Scheme Policy 1 and 2.	No. The applicant has submitted a traffic report that found that the development will have nominal increases in traffic activity and will have negligible impact on the surrounding road network.	No. Council's Infrastructure Services have determined that, contrary to the applicant's traffic assessment, the proposed development will require significant road upgrades to occur as a result of the proposed development. It should also be noted that in officers' view the cost of necessary road upgrades would be an unreasonable cost on the

			<p>development. If Council imposed a condition for the road upgrades, officers believe the condition could never be complied with given the cost of the upgrades in comparison with the scale of development. As such, officers do not accept the proposed Alternative Solution and therefore does not comply with Specific Outcome SO4.</p>
<p>Element (vi) : CHARACTER/LANDSCAPE</p>			
<p>SO8 Development protects, maintains and/or enhances the rural amenity, character, environment, scenic landscape and cultural heritage values.</p> <p>Development is compatible with surrounding existing agricultural, rural and related activities.</p> <p>The rural character most visible along the Shire's main roads (those shown on Overlay Map 4) is maintained through landscaping, buffering and setbacks.</p>	<p>PS8.1 On-site landscaping is established and maintained so as to:</p> <p>(i) retain existing native vegetation; and (ii) provide screening to non-residential buildings, structures and outdoor use areas from view from surrounding roads and dwellings.</p>	<p>No. The applicant has stated that "Existing natural vegetation on the subject land will be maintained as part of the landscaping to the development site. An area of vegetation provides screening to the development site area from Mount Walker West Road."</p>	<p>No. Each of the six (6) proposed sheds will be 4m in height, 18m wide and 180m in length, and will be located on an elevated part of the land. The applicant has stated that existing vegetation and buffering distance will aid in screening the sheds when viewed from the public road. However officers consider given the substantial scale of the sheds, the elevated location of the site and the sparse nature of existing vegetation that the development</p>

			will not enhance the rural amenity or character of the surrounding area. The applicant acknowledges that some existing vegetation will be removed during construction. As such, the proposal is not considered to satisfy Specific Outcome SO8.
Element (ix) : PARKING AND ACCESS			
SO12 On site parking accommodates the number and nature of vehicles required to service uses on the site.	PS12 On site car parking is provided in accordance with the standards and provisions stated in Planning Scheme Policy 1.	No. The applicant has stated that "Table 1 within <i>Planning Scheme Policy 1</i> does not nominate a parking rate for Intensive Animal Industries (Poultry Farm). Table 1 notes that any use not specified should provide sufficient vehicle spaces to accommodate the traffic likely to be generated by the development. In this instance, a total of four (4) carparks are proposed to be located adjacent to the site office and amenities area. The Poultry Farm will employ two (2) full time staff, therefore a total of four (4) parking spaces will be sufficient for the proposed development. The majority of vehicles	Yes. The proposed number of carparking spaces provided by the applicant is considered appropriate and sufficient in this instance. Council's internal Development Assessment Engineering section has accepted the applicants' proposed number of car parking spaces as being sufficient. As such, the proposed development is considered to satisfy Specific Outcome SO12.

		entering the site other than the staff vehicles will be trucks. Sufficient on site manoeuvring and loading/unloading areas have been provided within the Poultry Farm for the service vehicles".	
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Compliance with the Relevant Overlay Code

The proposal has been assessed against the following Overlay Codes:

- Economic Resources Overlay (OL 1A – Good Quality Agriculture Land)
- Natural Features Overlay (OL 2A – Natural Values)

Through the assessment process, it has been determined that the proposal complies with all of the Overlay Code’s Specific Outcomes and Probable Solutions.

Compliance with the Relevant Specific Use Code

The proposal has been assessed against the Intensive Animal Industry Code. Though the assessment process, it has been determined that the proposal complies with all of the Code’s Acceptable Solutions and Performance Criteria, expect as follows:

Intensive Animal Industry Code																					
Specific outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Specific Outcomes																		
Element (i) : DESIGN LAYOUT																					
SO1 Buildings, pens, other structures and waste treatment and disposal areas are located, constructed and managed such that the maximum number of animals intended to be kept on the land are accommodated without creating significant adverse environmental and amenity impacts.	PS1.1 All proposals for new or expanding Intensive Animal Industries are to conform to the minimum separation distances and minimum site areas as nominated in Table 1.	No. Table 1 requires the development to be setback 800m to other land boundaries and 2,000m to dwellings to not associate with the proposed use. The applicant has stated that "The development area is located less than 800m from other boundaries, with a minimum setback of approximately 200m to the northern boundary. However, vegetative buffers will protect the visual amenity to adjoining properties. The nearest dwelling not associated with the use is located 1.3km west of the development site area. It is noted that the proposed development has been found to comply with the required	No. The applicant seeks to locate the proposed sheds to be within 200m of the northern boundary and less than 2km from the residential dwellings on neighbouring lots: <table border="1" data-bbox="1077 1568 1388 1780"> <thead> <tr> <th>House</th> <th>Lot/Plan</th> <th>Distance</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1 RP165531</td> <td>1.3km</td> </tr> <tr> <td>2</td> <td>1 RP129730</td> <td>1.4km</td> </tr> <tr> <td>3</td> <td>58 CH31592</td> <td>1.34km</td> </tr> <tr> <td>4</td> <td>2 RP165531</td> <td>1.46km</td> </tr> <tr> <td>5</td> <td>111 CH31591</td> <td>1.43km</td> </tr> </tbody> </table> The applicant contends that the existing vegetation will protect the visual amenity on adjoining properties; and that the separation distances comply with the	House	Lot/Plan	Distance	1	1 RP165531	1.3km	2	1 RP129730	1.4km	3	58 CH31592	1.34km	4	2 RP165531	1.46km	5	111 CH31591	1.43km
House	Lot/Plan	Distance																			
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5	111 CH31591	1.43km																			

		<p>separation distances to the nearest sensitive receptor using the S formula from the Queensland Guidelines: Meat Chicken Farms."</p>	<p>Queensland Guidelines: Meat Chicken Farms.</p> <p>The existing vegetation is very sparse and does not aid in screening the large reflective sheds from adjoining properties. In terms of setbacks to residential dwellings, officers do not accept a less setback distance given that the House 3 has raised objection to the proximity of the sheds and composting area located towards their residence. It should also be mentioned that while the proposal may satisfy the Queensland Guidelines: Meat Chicken Farms, this does not translate into complying with Council's Planning Scheme.</p> <p>As such, officers maintain that the proposal does not satisfy the purpose of Specific Outcome SO1.</p>
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Boonah Shire Planning Scheme

Table 1 - Separation Distances* and Site Areas for Intensive Animal Industries

Type of Intensive Animal Industry	Animal/Fowl Numbers	Town, Village, Rural Residential Zones (m)	Public Roads (m)	Other Boundaries of Land (m)	Dwelling not associated with site (m)	Watercourses, Wells and Bores (m)
Piggery (Standard Pig Units)**	Up to 500	2,000	100	50	800	100
	501 - 1,000	2,500	100	50	1,000	100
	1,001 - 5,000	3,500	100	50	1,000	200
	5,001 - 10,000	5,000	100	50	1,500	200
	>10,000	8,000	100	50	2,000	200
Poultry Farm	Up to 500	500	100	250	500	100
	501 - 1,000	1,000	100	250	800	100
	1,001 - 5,000	2,500	100	500	1,000	100
	5,001 - 10,000	4,000	120	500	1,300	100
	10,001 - 80,000	5,000	140	500	2,000	100
	80,001 - 120,000	5,000	140	500	2,000	100
	120,001 - 160,000	5,000	140	500	2,000	100
	160,001 - 200,000	5,000	140	600	2,000	100
	200,001 - 240,000	5,000	140	700	2,000	100
	240,001 - 320,000	5,000	140	800	2,000	100
>320,000	*	*	*	*	*	
Lot Feeding (Standard Cattle Units)**	Up to 500	2,000	200	500	700	100
	501 - 1,500	5,000	200	500	1,300	150
	1,501 - 5,000	6,000	200	500	1,500	200
	5,001 - 10,000	7,000	200	500	2,000	200
>10,000	15,000	200	500	2,500	200	
Sheep/Goats	Up to 500	1,000	150	100	800	100
	501 - 1,500	3,000	150	100	800	150
	1,501 - 10,000	4,000	200	130	1,000	200
>10,000	7,000	200	130	2,000	200	
Dairies	Up to 500	250 (based on 0.5m/ beast)	100	40	500	100
	501 - 1,500	750	100	40	500	100
	1,501 - 10,000	5000	100	40	500	100
	>10,000	>5000	100	40	500	100

* Separation distance determined by an Environmental Risk Assessment only. For the purposes of this table separation distances are to be measured from the buildings, pens, manure storage areas and effluent treatment and disposal areas.

Element (ii) : POULTRY FARMS

<p>SO7 The poultry farm is located so that noise, dust and odour impacts do not adversely affect the surrounding residents.</p>	<p>PS7.1 A poultry farm involving 10,001 – 320,000 birds: (i) achieves the minimum separation distances specified in Table 1</p>	<p>No. The applicant has undertaken odour and dust assessment which was submitted in the application common material. The applicant's odour assessment concluded that the proposal complied with</p>	<p>No. The applicant has provided an alternative solution to PS7.1(ii) for odour, in that at any point beyond the boundary of the site there will be odour levels above 5 odour units (OU). It is noted that the</p>
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	<p>measured from the nearest external shed wall to the closest property boundary; or</p> <p>(ii) uses superior technology to achieve the following emission criteria. Emission criteria (at any point at or beyond the boundary of the site) are as follows:</p> <p>Dust levels must not:</p> <p>(i) averaged over a 30 day period exceed 120mgm/m²/day; or</p> <p>(ii) comprise particles which exceed:</p> <ul style="list-style-type: none"> - PM10 of 150ug/m³ with an averaging time of 24 hours; or - 50ug/m³ with an averaging time of 1 year; or - TSP of 90ug/m³ averaged over 1 year. <p>Noise as measured in accordance with the Environmental Protection Regulation 1998 does not exceed:</p> <p>Odour – 99.9% of the maximum odour levels averaged over a 3 minute period does not exceed 5 odour units as measured in accordance with the Australian/New Zealand ASNZS 4323.3.2001 Part 3 Determination of Odour Concentration by Dynamic Olfactometry.</p>	<p>the Queensland Guidelines: Meat Chicken Farms and therefore the risk of adverse impacts are considered to be low.</p>	<p>applicants' odour modelling has indicated that several existing residential dwellings will be affected by 5OU as well as vacant land. It is also noted that the property located immediately to the south will be 100% covered by 5OU as a result to the proposed farm and the existing poultry farm further to the south (L10 SP181843).</p> <p>As a comparison, the Queensland Guidelines: Meat Chicken Farms requires an existing resident not to be located within 2.5OU and a setback to a lot boundary of 100m. This is obviously a less onerous requirement on the applicant with a less field of influence. It should be mentioned that while the applicant has demonstrated compliance with the Queensland Guidelines: Meat Chicken Farms, this does not render compliance with SO7.</p> <p>As a result of the proposal producing odour emissions (5OU) beyond the lot boundaries and affecting nearby residents, the proposal is not considered to satisfy the purpose of SO7.</p>
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Assessment of Other Aspects of the Proposal

2. QGMCF versus Council Odour Criteria

It can be argued that whilst the *Queensland Guidelines: Meat Chicken Farms* (QGMCF) odour criteria impacts on fewer properties as indicated by the modelling results arising from this development, it is the Council's odour criteria that indicate substantial adverse impacts to existing houses to the west and vacant lots adjoining the subject site to the south. This must be considered as prevailing and governing criteria for development controls when considering the location of poultry farms in the first instance as a land-use rather than the ongoing operational aspects of the facility which is the responsibility of DAFF through the ERA licence.

Council is the administering authority regulating the land-use component within the local government areas to provide an equitable developable platform for any properties and protects existing use rights. Not only has the above proposal potentially taking away the rights for future development of the vacant lots to build residences upon without being adversely impacted, it also creates an odour nuisance to existing residences within the surrounding areas.

It is the Local Authority (Council) in this case that has consciously set high standards for Odour Criteria in the Planning Scheme and adopted the Scheme that went through public and State consultation process. It is important to note that the stringent odour criteria set by Council in the Planning Scheme is for a reason to protect the health of residents living in surrounding areas from nuisance odour impacts arising from any poultry farm developments. History has shown that Council will be the first point of contact for any complaints regarding odour nuisance arising from the operation of poultry farms albeit the matter will need to be referred to DAFF for action.

It should be noted also that the QGMCF do not cater for vacant lots, but rather buffer distances to sensitive land use receptors, being existing residents. The concern is that the adjoining land to the south is 100% affected by odour levels above levels stated in the Planning Scheme. Therefore, this application will restrict the adjoining land owner from constructing a dwelling in the future which will be affected by unacceptable odour levels.

As numerous properties are being impacted by this odour nuisance alone, this application warrants a careful assessment of risks as identified above and its impacts on the health of existing and future residents living in the surrounding areas.

Relationship to Desired Environmental Outcomes

Desired Environmental Outcomes (DEOs) are the basis for the measures of the planning scheme. The 21 DEOs are based on the concept of 'ecological sustainability' established by the *Integrated Planning Act 1997* which is categorised as Community Wellbeing, Economic Development and Ecological Resources, Processes and Values.

The proposed development is considered to conflict with DEO 1:

- 1) Boonah Shire has a high level of amenity and provides a healthy and safe lifestyle for its residents and visitors.

Officers' comments:

In relation to the above DEO 1, the Planning Scheme seeks to promote a high level of amenity which provides a healthy and safe lifestyle for residents and visitors. The proposed development will introduce an intensive animal industry which will cause high odour emissions beyond the sites property boundaries and will adversely impact the level of amenity and health of adjoining residents. Furthermore, the introduction of heavy transport vehicles in an area that does not current have the necessary road infrastructure is considered to jeopardise the safety of the road users in the locality. As such, the proposal is considered to compromise DEO 1.

The proposed development is considered to conflict with DEO 13:

- 13) Development is located where it increases the efficient, viable and sustainable use of existing infrastructure (in terms of water supply, stormwater management, waste disposal and transport) and protects existing infrastructure.

Officers' comments:

In relation to the above DEO 13, the Planning Scheme seeks to encourage development in areas where it increases efficient, viable and sustainable use of existing infrastructure. Council officers believe that the current infrastructure is unsuitable to cater for the heavy vehicle traffic generated by the proposed development. The applicant does not propose any road upgrades and therefore any development approval would be a major burden on Council resources to maintain a functional and safe road network. The proposal is therefore considered to compromise the purpose of DEO 13.

Relationship to State Planning Policies and Regulations

State Planning Policy (SPP)

The subject site was identified as containing areas of State Interests, namely Agriculture, Biodiversity, Water Quality and Natural Hazards and Resilience (flooding and potential bushfire). The proposed development has been assessed against the relevant provisions of the SPP and is deemed to comply. Accordingly, the proposal is deemed to comply with the purpose of the SPP.

South-East Queensland Regional Plan 2009-2031

The subject site is located in the Regional Landscape and Rural Production Area pursuant to the *South East Queensland Regional Plan 2009-2031* (SEQRP). The proposed development, being for primary industry, is considered consistent with this designation and therefore consistent with the regulatory provisions of the *SEQ Regional Plan 2009-2031*.

Environmentally Relevant Activity

The applicant has advised that an application for a Environmental Authority for ERA 4 (1) will be made separately to the Department of Agriculture, Fishes and Forestry (DAFF) in accordance with the *Environmental Protection Regulation 2008* subsequent to gaining a Material Change of Use approval.

Internal Referrals*Health, Building and Environment – Building and Plumbing*

Council's internal Building and Plumbing section have no objection to the proposal subject to future applications for building and plumbing approval.

Health, Building and Environment – Environmental Policy

Council's Environment Policy section has assessed the application in relation to stormwater quality treatment and impacts on the natural environment. The Environmental Policy section has no objection to the proposal subject to the imposition of a condition in relation to the treatment all stormwater from the development.

Health, Building and Environment – Environmental Health

Council's internal Environmental Health section has assessed the application and do not support the proposal given that the odour emission levels which will affect neighbouring residents and land parcels are above levels mentioned in the Planning Scheme. The following comments were received:

- a) *Existing houses (sensitive receptors) will receive new or increased odour levels from the proposed develop, affecting their amenity and livelihoods.*
- b) *Owners of vacant lots will have their properties affected potentially inhibiting future development and economically impacting the value of the property.*

Concerning the above it is Environmental Health's recommendation that the development application be refused.

As such, Environmental Health section does not support the proposed development.

Development Assessment (Engineering)

Council's internal Development Assessment (Engineering) section has assessed the application in relation to car parking, stormwater drainage, erosion control and earthworks design and management. Development Assessment (Engineering) section have no objection to the proposed development subject to the imposition of conditions in relation to the aforementioned parameters.

Infrastructure Services

Council's internal Infrastructure Services section has assessed the application and advised that the recommendations in the applicant's Traffic Report are not in accordance with Austroads and QUDM current standards etc. For example -

- ❖ Austroads' Table 4.5 and subsequent notes clearly states that a minimum 7.0m seal should be provided on designated heavy vehicle routes (or where the AADT contains more than 15% heavy vehicles). Note - both aspects of this point are triggered by this development. i.e. it will be a heavy vehicle route and AADT is at 23% for heavy vehicles.
- ❖ The culverts within the section from existing seal at approx. Ch17720 and the site access do not meet QUDM standards for pipes under road pavement. i.e. pipe cover, spacing between pipes (class is unknown).

The applicant has not shown that the proposal will not be a burden on Council's road network. Furthermore, the applicant has not demonstrated to Council that the proposed development does not warrant road upgrades to cater for the increase in heavy vehicles. As such, Infrastructure Services section advised if the Council supported the development that Mount Walker West Road would need to be upgraded from the end of the existing seal pavement to the access of the development to a Class 5A Standard in accordance with Council's current standards, Austroads and QUDM. The applicant would also need to apply to Council for a *Works Within Existing Road Reserve* and *Access to Council Roads* approval.

External Referrals

State Assessment and Referral Agency (SARA)

The applicant referred a copy of the application to the State Assessment and Referral Agency in accordance with Section 273 of the *Sustainable Planning Act 2009* (SPA). Subsequently, SARA provided Council with correspondence dated 9 December 2014 having no objection or requirements in respect to the proposed development.

Conclusion

Council is receipt of an application seeking approval for a Development Permit for Material Change of Use (Intensive Animal Industry) to establish a Poultry Farm which will consist of six (6) sheds and a total of 300,000 birds, which triggers Impact Assessment in accordance with the *Boonah Shire Planning Scheme 2006* (Planning Scheme).

The applicant sought Council's acceptance of alternative solutions to the relevant Planning Scheme provisions in relation to landscape screening, road works, setbacks and odour levels. Subsequent to a thorough assessment of the proposal against the provisions of the Planning Scheme, the proposal is not considered to comply with the relevant Planning Scheme provisions; in that the adjoining properties to the south are significantly impacted by the cumulative odour emissions from the proposal and the existing poultry farm further to the south. The result is that the adjoining lands in between the poultry farms will in essence be inhibited from any future residential land use. Additionally, the current road infrastructure (roads and bridges) is not considered suitable to cater for the proposed development without significant upgrades.

It is noted that during public notification period, two (2) properly made submissions were received objecting to the proposal on concerns in relation to odour emissions, noise and dust adversely impacting on neighbouring properties, the development being in conflict with the intent of the Rural Zone, the current road infrastructure will not cope with large vehicle movements, and stormwater runoff into the local environment. The proposal did not alleviate the submitters concerns.

Accordingly, it is recommended that Council resolves to refuse the subject application based on the reasons mentioned in the Director's recommendation and within this report.

Director's Recommendation

1. That Council resolve to refuse the development in respect to the following property:

Real Property Description:	Lot 73 CH31675
Address of property:	Mt Walker West Road MOUNT WALKER WEST QLD 4340
Site area:	129.4ha
Proposal:	Development Permit for Material Change of Use (Intensive Animal Industry)
Planning Scheme:	<i>Boonah Shire Planning Scheme 2006</i>

Further development permits required:

2. **Reasons for Refusal:**

- 1) The proposal conflicts with Desired Environmental Outcome (DEO) DEO 1 and DEO 13. The applicant does not propose any road upgrades and will introduce an intensive animal industry which is significantly unlike the traditional agricultural farms in the surrounding area. The proposal will introduce heavy vehicle traffic and odour emission levels that will compromise DEO 1 and DEO 13 by creating a burden on road networks and adversely impacting on the amenity and health of surrounding residents.
- 2) The proposal conflicts with the purpose of the Rural Zone Code as the proposal seeks to locate large poultry sheds within 200m of the closest property boundary and approximately 1.3km to the nearest residential dwelling. The location of the sheds and the perceived bulk is considered to conflict with Part c) of the Overall Outcomes of the Rural Zone in that the proposal does not maintain or enhance the rural amenity, character, environmental or scenic landscape values of rural areas.
- 3) The proposed development conflicts with Specific Outcome SO4 of *Rural Zone Code* of the *Boonah Shire Planning Scheme 2006*. The applicant contends that the proposed development will have nominal increases in traffic activity and will have negligible impact on the surrounding road network. Council's internal departments agree that significant road upgrades are needed and the applicant has failed to demonstrate how the proposal will comply with the purpose of SO4.
- 4) The proposed development conflicts with Specific Outcome SO1 of *Intensive Animal Industry Code* of the *Boonah Shire Planning Scheme 2006*. The applicant proposes alternative building setback distances from the property boundary and nearby dwellings. The proposed setback distances are considered to create significant adverse impacts on the amenity of nearby residents and the surrounding area.

- 5) The proposal does not comply with the Specific Outcome SO7 of *Intensive Animal Industry Code* of the *Boonah Shire Planning Scheme 2006*. The proposal development will result in high odour emission levels beyond the sites property boundaries and impacting nearby residential dwellings. The proposal will also increase or worsen the odour levels surrounding the site when combined with the emissions from an existing poultry farm to the south. The vacant lands in between the two poultry farms will be 100% affected by odours levels above the Planning Scheme levels. The odour emissions are therefore considered to compromise the purpose of SO7 which seeks to locate poultry farms away from residents to protect their level of amenity.

3. Approval Conditions (Referral Agency):

The State Assessment and Referral Agency (SARA) provided Council with correspondence dated 9 December 2014 having no objection or requirements in respect to the proposed development.

4. That the Submitters be advised of the following:

SUBMITTER ADVICE - REFUSAL - Council has considered all matters relevant to this application, including your submission, and has resolved to refuse the application for the reasons stated. Council is therefore of the view that the development is not suitable for the locality.

5. Administrative Action:

That Decision Notices be issued in accordance with s335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

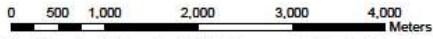
Attachments

1. Proposed site plan.
2. Dekho Map.
3. SARA response dated 9 December 2014.

Attachment 1 - Proposed site plan



Attachment 2 - Dekho Map



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TAKE NOTICE that Scenic Rim Regional Council and the Department of Natural Resources and Mines do not guarantee the reliability of the information contained herein nor of it being suitable for any particular purpose and disclaims liability for any loss that may arise from the use of or reliance upon such information.

Attachment 3 - SARA response dated 9 December 2014



Our ref: SDA-1114-015653
 Council ref: MCBn14/013

Date: 9 December 2014

Scenic Rim Regional Council
 PO Box 25
 BEAUDESERT QLD 4285
mail@scenicrim.qld.gov.au

Attn: Thor Nelson

Dear Mr Nelson

Concurrence agency response - no requirements

Mount Walker West Road, Mount Walker West
 (Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 11 November 2014.

Applicant details

Applicant name: Fat Hen Pty Ltd c-Precinct Urban Planning
 Applicant contact details: PO Box 3038
 Toowoomba Village Fair QLD 4350

Site details

Street address: Mount Walker West Road, Mount Walker West, QLD 4340
 Real property description: Lot 73 on CH31675
 Local government area: Scenic Rim Regional Council

Application details

Proposed development: Development Permit for Material Change of Use (Intensive Animal Industry – Poultry Farm)

SDA-1114-015653

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 1 – Environmentally Relevant Activities

 Schedule 7, Table 3, Item 2 – Development impacting on State
 transport infrastructure

No requirements

The department advises the assessment manager, under section 287(2)(a) of the *Sustainable Planning Act 2009*, that it has no requirements relating to the application.

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

If you require any further information, please contact Angela Cleary, Senior Planner, on (07) 3432 2410, or via email lpwvichSARA@dspdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Nathan Rule
Manager - Planning

cc: Fat Hen Pty Ltd c/- Precinct Urban Planning, kim@precinctplan.com.au
 Department of Transport and Main Roads, south.coast.idas@tmr.qld.gov.au

3.2 OW.Bn/000034 Request for a Negotiated Decision Notice pursuant to section 361 of the Sustainable Planning Act 2009 to negotiate a condition of the stated approval for Signage Bishopp Outdoor Advertising Pty Ltd Lot 2 SP238324

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: OW.Bn/000034

Applicable Planning Scheme	OW – Boonah Planning Scheme 2006
Applicant	Bishopp Outdoor Advertising Pty Ltd
Owner(s)	Queensland Bulk Water Supply Authority
Site Address	Beaudesert-Boonah Road COULSON
Real Property Description	Lot 2 on SP238324
Site Area	214.7 Ha
Relevant Zone and Precinct	Rural Zone Precinct 2 - Grazing Lands
Proposal	Signage – A Request for a Negotiated Decision Notice pursuant to section 361 of the <i>Sustainable Planning Act 2009</i> to negotiate a condition of the Development Approval
Assessment Level	Code Assessment
Approval Type	Development Permit
Date Application Received:	Negotiated Decision Notice request received 12 June 2015

Purpose of Report

The purpose of this report is to provide the facts and circumstances surrounding a request for a Negotiated Decision pertaining to a condition of a Development Permit for an Operational Works Permit for the establishment of a Signage (Billboard Sign) on land located at Beaudesert-Boonah Road COULSON and described as Lot 2 on SP238324.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	Ensure reasonable and relevant test applicable to assessment processes Model Litigant processes followed in court cases Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	Transparent reporting of assessment Communications	Low

Brief Summary

Council is in receipt of a request for a Negotiated Decision Notice pursuant to section 361 of the *Sustainable Planning Act 2009*. The application was initially lodged and approved under the *Sustainable Planning Act 2009* and this current request has been lodged and will be decided under the same legislation.

On 11 May 2015, the above development application for the establishment of a sign was considered by Council's delegate and was approved in full with conditions.

Subsequent to the issuing of this development approval the applicant is now requesting Council to amend or delete the *Approved Plans* and *Condition 1* relating to the approved plans of the granted approval.

Council officers have assessed the Applicant's request and do not support the representations made to have the relevant conditions amended or deleted and to further issue a Negotiated Decision Notice.

Background

Currently, there is no existing Billboard sign on this property. The speed limit along this road is 100km. The Queensland Moto Park property does not have a frontage to the Beaudesert-Boonah Road where they can advertise their established development activity. The Park is located behind a hill that generally not visible from the road. This warranted a sign that could provide a dual purpose as a directional sign and as an advertising device for Queensland Moto Park activity.

The Applicant had originally proposed to establish one double sided Billboard sign having a cumulative sign face area of approximately 36m² (18m² on each face) at the intersection of Beaudesert-Boonah Road and Goan Road.

The location of the proposed signage did not comply with the Signage Code requirements of the Boonah Shire Planning Scheme 2006 and was therefore considered not appropriate at the proposed location at the intersection of the road.

As the proposed sign location did not comply with the above Planning Scheme requirements, Council approved an alternative location for the Signage that could be considered to be acceptable to Council. This alternative location provided a more satisfactory outcome to the Planning Scheme whilst providing the Queensland Moto Park a Billboard location to primarily promote its activities and to further give directions to the site.

The proposed sign was approved at a location on Queensland Bulk Water Supply Authority property to a distance of 150m from the intersection of Boonah Beaudesert Road along Goan Road. Refer to **Attachment 2** for the plans showing the approved location of the signage. This location is envisaged to provide a clear field vision of the Billboard signage from a distance to the passing traffic travelling in both directions along Boonah Beaudesert Road.

Proposal

The Applicant's request involves amending or deleting the Approved Plans and the amendment to the associated Condition 1 of the approval. The conditions requested to be negotiated included the following:

Approved Plans

<i>Plan/Drawing</i>	<i>Prepared by</i>	<i>Plan/Dwg No.</i>	<i>Date</i>
<i>Proposal Plan (as amended in red by Council)</i>	<i>Bishopp Outdoor Advertising</i>	<i>Sheet 1 of 1</i>	<i>23 Mar 2015</i>
<i>site plan - Approved location (Scenic Rim Regional Council Dekho Map)</i>	<i>Scenic Rim Regional Council</i>	<i>Sketch drawing Number 1</i>	<i>06/05/2015</i>

General

- 1) **SIGNAGE IN ACCORDANCE WITH THE APPLICATION – OPERATIONAL WORKS -** Development being undertaken generally in accordance with Plans and accompanying documentation received by Council on 14 April 2015, except as amended and marked in RED on approved site plans, and insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with the Sustainable Planning Act 2009 without the need for a further Development Application for a Material Change of Use.

The following addresses each of the conditions listed above.

Approved Plans

Applicants Request

The Applicant has sought to delete or amend the approved plans listed within the table below.

The Approved Plans currently reads as follows:

Approved Plans

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Proposal Plan (as amended in red by Council)	Bishopp Outdoor Advertising	Sheet 1 of 1	23 Mar 2015
site plan - Approved location (Scenic Rim Regional Council Dekho Map)	Scenic Rim Regional Council	Sketch drawing Number 1	06/05/2015

Applicants Relief Sought

The applicant stated that "We do not agree with the following condition of approval, and seek to have it either deleted or amended:

3. Approved Plans

Council's Condition:

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
<i>Proposal Plan (as amended in red by Council)</i>	<i>Bishopp Outdoor Advertising</i>	<i>Sheet 1 of 1</i>	<i>23 Mar 2015</i>
<i>site plan - Approved location (Scenic Rim Regional Council Dekho Map)</i>	<i>Scenic Rim Regional Council</i>	<i>Sketch drawing Number 1</i>	<i>06/05/2015</i>

Change Requested:

We request that council approve the originally proposed position or seek to negotiate a suitable alternate location. The location approved by council will not work as a directional sign for the use by the Queensland Motopark. We request that the condition nominating the alternate position be removed from the approval and that the approval be reissued.

Basis for our request

The Specific Outcome S02 (signage contributes to the character and streetscape value of the locality) is achieved by positioning the billboard in the originally submitted location. Although the sign will be located within 200m of an intersection and therefore not strictly meet the Probable Solution PS2, careful consideration has been made to ensure no sight lines are obstructed nor visibility to road names, or other important traffic safety features. As previously mentioned the location also complies with Specific Outcome S02.

Probable Solution PS2, is met with the alternate location suggested by Council, however it will not fulfil the needs of the Queensland Motopark - for the advertising device to act as a directional sign for visitors to the park. Possible driver distraction may be caused by positioning the sign on Goan Rd, 200m south of the intersection of Beaudesert-Boonah Rd and Goan Rd. Decreasing visibility of the sign for those travelling to the Motopark along Beaudesert-Boonah Rd may cause unnecessary distraction as their way finding marker is not clearly defined. We request that we be reissued with another approval package which either has this condition deleted or amended as requested."

Officer comments:

The representation made by the Applicant with respect to this condition is not accepted.

Currently there is already an existing directional sign established on the Boonah Beaudesert Road when approaching the facility in both directions with a smaller sign located at the intersection of Goan Road. However, the approved signage location will further complement as a directional sign in its approved location.

The approved site was chosen after a detailed site inspection with the applicant apprising him of the non-compliance aspects of the applicant's preferred signage location. With this site inspection, an alternative signage location was investigated and chosen by council officers that is considered to generally comply with the Planning Scheme requirements as well as providing the Queensland Motopark a suitable signage location for its advertising needs and further act as a directional sign.

The following table highlights the initial assessment undertaken of the code requirements and compliance with *Specific Outcomes and Probable Solutions for Signage* under the Boonah Shire Planning Scheme 2006 for the applicant's proposed signage site.

6.57 Specific Outcomes and Probable Solutions for Signage

Specific Outcomes	Probable Solutions	Compliance With Specific Outcomes/ Probable Solutions
Element (i) : DESIGN		
SO2 Signage contributes to the character and streetscape value of the locality	PS2 Advertising signage complies with the detailed design provisions set out in Table 1.	Partly complies as shown in the Table 1 below
SO3 Signage is designed, located and constructed to contribute to a high quality streetscape appearance and maintains the character of the locality including:	PS3.1 The advertisement is consistent in colour and appearance with buildings and natural features of the environment in which it is situated.	Does not comply at current location but can comply with conditions imposed - This can be conditioned to comply with the requirements such as alternative location.
(i) not restrict panoramic views or rural or open space areas (egg. plains, valleys, ranges and park);	PS3.2 The advertisement is consistent with the character and amenity of the environment in which it is to be situated.	Does not comply at the current location as the panoramic views will be partly restricted. An alternative location is supported so that it will comply and will not impact the amenity of the environment.
SO4 Advertising signage does not cause a traffic or safety hazards.	PS4 The advertisement causes no significant obstruction of, or distraction to, vehicular or pedestrian traffic.	Does not comply at the current location as the sign is being located on the intersection and will cause significant obstruction and distraction to vehicular traffic. An alternative location is supported so that it will generally comply with the requirements and will not cause obstruction or distraction to vehicular and pedestrian traffic.

Table 1: Detailed Design Provisions

Type of Signage	Number of Signs	Detailed Design Provisions	Comments
4. Where not attached to a building	N/A	i) Does not exceed 6m in height above natural ground level. ii) Does not exceed 18m ² of surface area.	Complies - the sign does not exceed 6m in height and does not exceed 18m ² of surface area on one face. However, the total sign face area proposed is 36m ² on two faces.
5. Along roads where speed limit is 100km	N/A	(i) Not located within 200 metres of an existing sign or proposed location of any approved sign facing the one direction of travel.	(i) Complies - The sign is not located within 200m of an existing sign. ii) Does not comply as the sign is within 200m of an intersection. The signage

Type of Signage	Number of Signs	Detailed Design Provisions	Comments
		(ii) Not within 200 metres of any intersection. (iii) Not within 6m of the road boundary of the parcel of land upon which it is to be erected.	proposed is located at the intersection of Beaudesert - Boonah Road and Goan Road. An alternative location is supported so that it can be considered to comply with the distance requirements with no adverse impacts. The sign is to be re-sited at a different location on Goan Road away from the Beaudesert - Boonah Road intersection by at least 150m. (iii) Does not comply - The sign is proposed to be erected within 6m of the road boundary. The alternative site approved will comply with this requirement.

From the above assessment, it is evident that the proposal did not generally comply with the code requirements under the Boonah Planning Scheme 2006. Rather than refusing the application as proposed for non-compliance or approving the non-complying application that would create precedence for future applications, an alternative site was proposed and approved that not only generally satisfied the Planning Scheme requirements but also provided the Queensland Motopark with a signage location to advertise its activities.

This alternative location will provide a clear line of sight of the signage with no obstruction to the traffic travelling from both directions and also does not compromise traffic safety features and is considered unlikely to cause adverse impacts on adjoining land uses or the travelling motorist. Refer to the map below showing the clear lines of sight in both directions to the approved signage location.



Furthermore there are already existing directional signs installed on the Boonah Beaudesert Road in both directions to guide any visitors to the Queensland Motopark site. Therefore, a duplicated directional sign is not warranted.

Photos of the existing directional signage installed on the Boonah Beaudesert Road in both directions are shown below:





In consideration to the above discussion it is recommended that the approved plans remain with no amendments.

Referrals

Internal

Nil.

External

Nil.

Conclusion

A request for a Negotiated Decision Notice has been received by Council from Bishopp Outdoor Advertising Pty Ltd on behalf of Queensland Moto Park to negotiate one condition of a Development Permit for an Operational Works approval for the establishment of an Advertising Device (Billboard Sign) on land located at Beaudesert-Boonah Road COULSON and described as Lot 2 on SP238324.

Following assessment of the request, it is generally considered that the proposed changes not be supported as discussed above and it is recommended that Council resolve to retain the original conditions for the Development Permit in accordance with the conditions approved before. Following resolution of the matter by Council, a Negotiated Decision Notice is to be subsequently issued pursuant to section 363 of the *Sustainable Planning Act 2009* to the Applicant replacing the current Decision Notice of 24 February 2015.

Director's Recommendation

1. That Council resolve to refuse the proposed amendment to the development in respect to the following property:

RPD: Lot 2 SP238324
Address of property: Beaudesert-Boonah Road COULSON
Site area: 214.7 Ha
Proposal: A Request for a Negotiated Decision Notice pursuant to section 361 of the *Sustainable Planning Act 2009* to Negotiate 1 condition of the Development Approval.

Further development permits required:

- a) Building Works approval is required for all building works with the proposed development prior to undertaking any building work on the subject site.

2. **Conditions of Approval:**

Approved Plans

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Proposal Plan (as amended in red by Council)	Bishopp Outdoor Advertising	Sheet 1 of 1	23 Mar 2015
site plan - Approved location (Scenic Rim Regional Council Dekho Map)	Scenic Rim Regional Council	Sketch drawing Number 1	06/05/2015

General

- 1) **SIGNAGE IN ACCORDANCE WITH THE APPLICATION – OPERATIONAL WORKS -** Development being undertaken generally in accordance with Plans and accompanying documentation received by Council on 14 April 2015, except as amended and marked in RED on approved site plans, and insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

3. **That the Applicant be further advised of the following:**

- a) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD -** This Development Approval will lapse if the Operational Works does not happen before the end of the relevant period. The relevant period is two (2) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- b) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND –** Development Approvals which include conditions and any modifications attach to the land and are binding

on the owner, the owner's successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.

- c) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- d) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:
- (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) **ADVERTISING SIGNS** - The majority of advertising devices require a licence in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444. Approval for a licence must be acquired prior to the undertaking of any building work on the subject property.

4. Further approvals are required for:

- a. Building Works approval is required for any/all building works associated with the proposed development, prior to undertaking any building work on the subject property.

5. Administrative Action:

That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitter/s and referral agencies.

Attachments

- 1. Applicant's Request for Negotiated Decision Notice dated 11 June 2015.
- 2. Plans showing the approved location of the proposed signage.

Attachment 1 - Applicant's Request for a Negotiated Decision Notice dated 11 June 2015

From: [Kathryn Sinfield](#)
To: [Scenic Rim Regional Council Mail](#); [Scott Turner](#)
Cc: [Shabana Hanif-Sabherwal](#)
Subject: Negotiated Decision Request - DW Br/000034
Date: Thursday, 11 June 2015 4:03:52 PM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)
[Request for Negotiated Decision Notice.pdf](#)

Good Afternoon

Please find attached negotiated decision request in regards to abovementioned approval.

Kind regards

Kathryn Sinfield



Kathryn Sinfield
 Project Administrator
 p 07 3552 5600 | f 07 3552 5677
 w www.bishepp.com.au
 25 Bishop Street PO BOX 335,
 Kelvin Grove, QLD 4059



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11 June 2015

Town Planning Department
Scenic Rim Regional Council
 PO Box 25
BEAUDESERT QLD 4285

Attn. Scott Turner

RE: Negotiated Decision Request for Beaudesert-Boonah Rd, COULSON (Lot 2 on SP238324) – Ref OW.Bn/000034

This Request is for a Negotiated Decision Notice for the above-mentioned site in response to Council's Decision Notice received on 13 May.

We do not agree with the following condition of approval, and seek to have it either deleted or amended:

3. Approved Plans
Council's Condition:

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Proposal Plan (as amended in red by Council)	Bishopp Outdoor Advertising	Sheet 1 of 1	23 Mar 2015
site plan - Approved location (Scenic Rim Regional Council Dekho Map)	Scenic Rim Regional Council	Sketch drawing Number 1	06/05/2015

Change Requested:

We request that council approve the originally proposed position or seek to negotiate a suitable alternate location. The location approved by council will not work as a directional sign for the use by the Queensland Motopark. We request that the condition nominating the alternate position be removed from the approval and that the approval be reissued.

Basis for our request

The Specific Outcome SO2 (signage contributes to the character and streetscape value of the locality) is achieved by positioning the billboard in the originally submitted location. Although the sign will be located within 200m of an intersection and therefore not strictly meet the Probable Solution PS2, careful consideration has been made to ensure no sight

54 Bishop Street Kelvin Grove, Brisbane. Postal PO Box 335 Kelvin Grove Qld 4059
 Telephone 07 33564622 Facsimile 07 3356 9177
 Email: dlam@bishopp.com.au

lines are obstructed nor visibility to road names, or other important traffic safety features. As previously mentioned the location also complies with Specific Outcome SO2.

Probable Solution PS2, is met with the alternate location suggested by Council, however it will not fulfil the needs of the Queensland Motopark - for the advertising device to act as a directional sign for visitors to the park. Possible driver distraction may be caused by positioning the sign on Goan Rd, 200m south of the intersection of Beaudesert-Boonah Rd and Goan Rd. Decreasing visibility of the sign for those travelling to the Motopark along Beaudesert-Boonah Rd may cause unnecessary distraction as their wayfinding marker is not clearly defined.

We request that we be reissued with another approval package which either has this condition deleted or amended as requested.

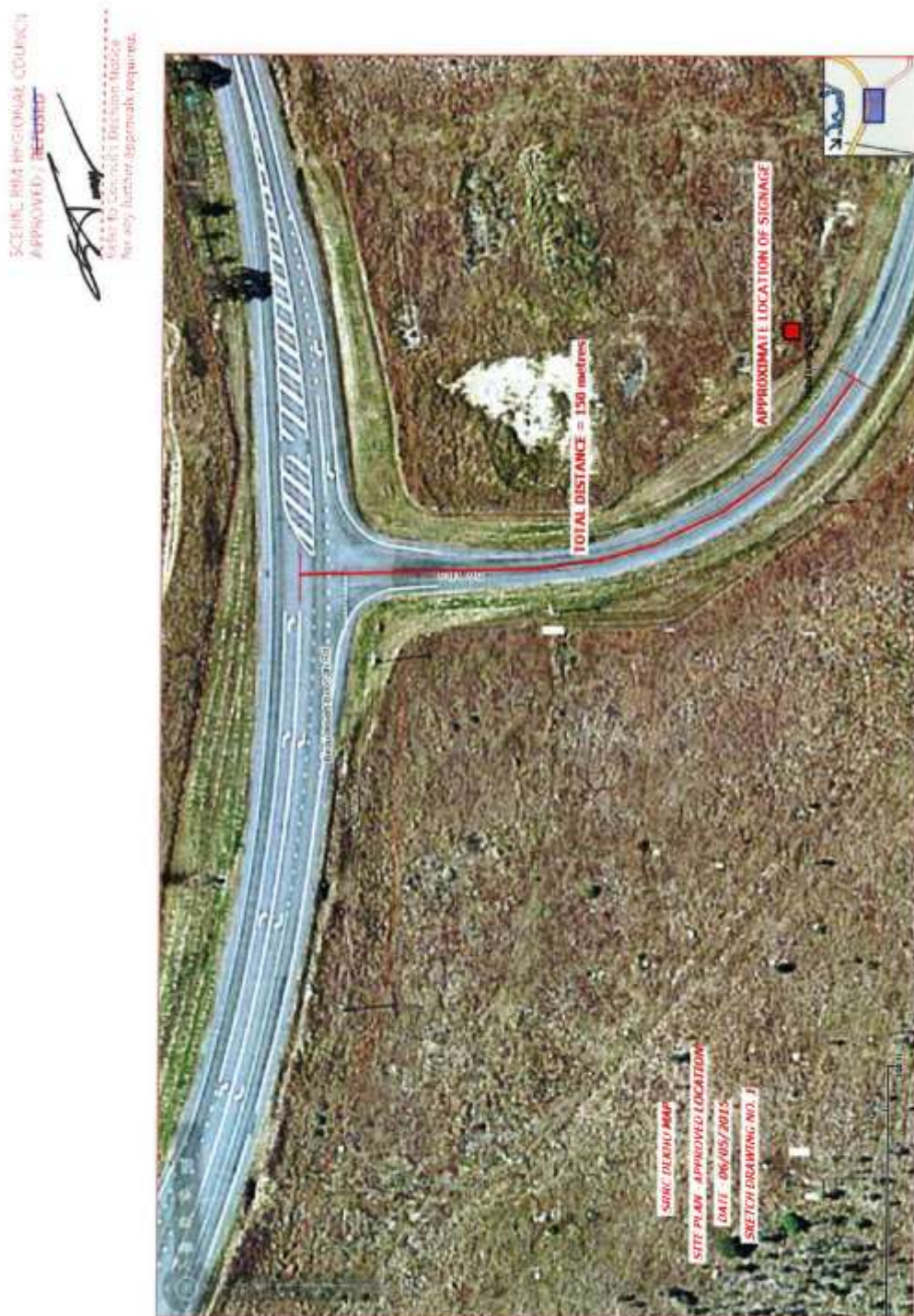
Sincerely Yours,



p.p. Shabana Hanif-Saheed
SENIOR TOWN PLANNER

Bishopp Outdoor Advertising
Mobile: 0411 064 035

Attachment 2 - Plans showing the approved location of the proposed signage



** REFER DEKHO AERIAL MAP SHOWING APPROVED SITE **

bishopp
JOB NO: DUF Notional Billboard
ADDRESS: D/S of Beaudesert Rd, Maranoa Shire QLD 4310
LEGAL DESCRIPTION: Lot 2 on FZ245524
GPS: 527.9670, E 92.748714
PROPOSAL: Double sided 6m x 3m billboard overall height 7m
DATE: 23-Mar-15
SHEET 1 of 1
Scale 1:1000 N

L-APPROVED SITE

bishopp

3.3 RLIp15/001 Goodwin Midson Pty Ltd Development Permit for Reconfiguring a Lot 22 Peak Court Peak Crossing L19 SP196105

Executive Officer: Director Regional Services

Item Author: Manager Planning

File Reference: RLIp15/001

Applicable Planning Scheme	Ipswich Planning Scheme 2006
Applicant	Ms A F Galvin
Owner(s)	Ms A F Galvin
Site Address	22-30 Peak Court PEAK CROSSING
Real Property Description	Lot 19 on SP196105
Site Area	12000m ²
Relevant Zone and Precinct	Township Residential
Proposal	Development Permit for Reconfiguration of a Lot
Assessment Level	Code Assessment Subdivision
Approval Type	Development Permit
Date Application Received:	11 May 2015

Purpose of Report

This report provides an assessment against the applicable planning provisions and is intended to assist Council in its decision, pertaining to an application seeking approval for a Development Permit for Reconfiguring a Lot. The report reviewed the proposed development against the *Ipswich Planning Scheme 2006* (referred to hereafter as “*the Planning Scheme*”), which has been identified as the relevant planning scheme applicable to the proposed location, under the *Sustainable Planning Act 2009*.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CE2 - Failure to discharge regulatory responsibilities under legislation or local law;
- CE5 - Failure to ensure regulatory applications are managed, assessed and processed in accordance with legislative timeframes and protocols;
- PO2 - Political influence impacting on operational management of organisation.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Environmental Impacts on environment as a result of development activity	Moderate	Unlikely	Medium	Environmental impacts considered and documented during assessment	Low
Legal Compliance and Liability Failure to ensure application is assessed in accordance with IDAS process	Minor	Possible	Medium	Documented assessment process	Low
Legal Compliance and Liability Opportunity for applicant or third party appeal against Council decision	Minor	Possible	Medium	Ensure reasonable and relevant test applicable to assessment processes Model Litigant processes followed in court cases Minimise opportunities for appeals	Low
Reputation Negative perception from community or development proponents	Minor	Unlikely	Low	Transparent reporting of assessment Communications	Low

Brief Summary

The Applicant is seeking a Development Permit for the Reconfiguration of Lot 19 on SP196105 situated at 22-30 Peak Court PEAK CROSSING to reconfigure the aforementioned allotment by subdivision and creating three township residential allotments. The proposed development is considered to be consistent with the intent of the Township Residential Zone and the planned land used for the area.

The proposed development has been assessed against the *Planning Scheme*, the *South East Queensland Regional Plan*, and the Council's various engineering requirements considered relevant. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions outlined in the recommendation section of this report.

Background

Nil.

Proposal

The applicant intends to develop three residential lots within the township of Peak Crossing. It is intended to subdivide Lot 19 on SP196105 with an area of 12,000m² into three 4,000m² allotments. The reader is referred to the applicant’s proposal plan attached to this report (**Attachment 1**).

Lot 1 will have frontages to both Peak Court and Franmar Place. Lot 2 will have frontage to Peak Court whilst Lot 3 will have frontage to Franmar Place off the bottom of the road. Lot 1 will retain the existing house and existing shed and services.

The lots are proposed to be serviced via reticulated water, on-site effluent disposal and reticulated power in keeping with a rural residential development.

The applicant maintains that "*...The proposed development provides a natural extension to an existing developed area with the Peak Crossing Township. It merely seeks to excise two additional allotments of a scale consistent with the preeminent surrounding development within the boundaries of the township.*"

Site and Environment

Characteristics of Site & Surrounding Environment

The subject site is located in the township of Peak Crossing within a rural residential development. The site is relatively flat, generally sloping towards the eastern boundary, is substantially cleared of significant vegetation and has frontages to both Peak Court and Franmar Place. There is reticulated a water service provided to the locality which extends to Franmar Place. Electricity and telecommunications services are also available to the locality.

The site contains a house, a shed and associated domestic services. The house and outbuildings are generally located towards the south eastern corner of the subject land towards the intersection of Peak Court with Franmar Place.

Development Assessment

Relevant Planning Scheme Codes – Summary

Zone & Precinct Code	Overlay Code	Use Code
Township Residential Zone Code	Defence Area	Reconfiguring a Lot Code

Relationship to the Zone Code

Level of Assessment

As stated above, the site is located within the Township Residential Zone. The planning scheme establishes that development being reconfiguring in the Township Residential Zone is Code-Assessable.

The proposed reconfiguration of a lot has been assessed against the Township Residential Zone Code and is considered generally compliant with the Specific Outcomes of same. It is considered that the proposed development does not detract from the amenity of the site. Overall the proposed development is characterised by a high level of amenity and primarily caters for low density, urban residential development and ancillary/associated uses and are unsewered.

Compliance with the Relevant Overlay Code

The proposal complies with all of the Overlay Code's Acceptable Solutions and Specific Outcomes.

Compliance with the Reconfiguring a Lot Code

The proposal has been assessed against the Specific Outcomes for the Reconfiguring a Lot Code. The proposal generally complies with all of the Specific Outcomes or has the potential to comply with the requirements. Overall the proposed development achieves the intent of this Code. The provision of a lesser frontage than 40m to Franmar Place for Lot 3 is justified in the fact that this lot is located at the bottom of the dead-end road.

Relationship to State Planning Policies and Regulations

South East Queensland Regional Plan 2009-2031

The site is located in the Urban Footprint under the *South East Queensland Regional Plan 2009-2031*. The proposed development is consistent with the intended land use within the Urban Footprint.

State Planning Policy

No State interest is identified as relevant for this application under the State Planning Policy.

Referrals

Internal

Infrastructure and Design – Technical Services

Council's Technical Services Section has assessed the proposed development and advised that the proposal is generally supported subject to conditions.

External

Nil.

Infrastructure Charges

Effective as of 1 July 2011, all development approvals granted within 'Priority Infrastructure Areas' are required to be charged for infrastructure contributions in accordance with the State Planning Regulatory Provision (Adopted Infrastructure Charges).

In accordance with Council's *Fair Value Charges* Resolution (version No. 2) adopted on 1 July 2015, developments including Reconfiguration of a Lot, the table below summarizes the Infrastructure Charges payable to *Council*.

Full details of the charges will be provided in a separate notice under *Infrastructure Charges Notice (ICN)* to be issued to the applicant with the *Decision Notice Approval*.

These contribution amounts are not required to be included within the Director's Recommendation as a condition of approval, but rather as an Attachment to the Decision Notice.

Use	Unit of Measure (dwelling unit per allotment)	No. of Units (No of allotments)	Charge Rate (\$) per dwelling unit (3 or more bedroom dwelling)	Amount
Residential				
Council	1	2	\$12,878.00	\$25,756.00
Total				\$25,756.00

Conclusion

The Applicant is seeking a Development Permit for the Reconfiguration of Lot 19 on SP196105 situated at 22-30 Peak Court PEAK CROSSING to create three township residential allotments. The assessment included in this report demonstrates that the proposed development is consistent with the *Ipswich Planning Scheme 2006*, the *South East Queensland Regional Plan 2009-2031* and the State Planning Policy. Based on this assessment, it is recommended that Council approve the application, subject to the imposition of reasonable and relevant conditions.

Director's Recommendation

- That Council resolve to approve the development in respect to the following property:

RPD:	Lot 19 SP196105
Address of property:	22-30 Peak Court PEAK CROSSING
Site area:	12000m ²
Proposal:	Development Permit for Reconfiguration of a Lot

2. Conditions of Approval:**General**

1. **FINAL PLAN OF SURVEY** - Subdivision of the site occurs generally in accordance with the proposal plan prepared by Goodwin Midson Pty Ltd with reference No. 14917-1 Revision B titled "*Plan of Proposed Lots 1-3 Cancelling Lot 19 on SP196105*" dated 01/12/14. The Developer shall submit a final plan of survey that conforms with the approved plan.
2. **ACCESS TO COUNCIL ROAD** - An application for Property Access Location Approval is to be lodged for approval of any existing and/or any proposed accesses and submitted to Council to evaluate the safety of the location. Any construction or upgrading of accesses conditioned by this approval will be assessed upon inspection and are to comply with current Council standards or to the satisfaction of Councils Director Infrastructure Services, or equivalent, acting reasonably. The access provisions shall be maintained in good condition for the lifetime of the proposed use.
3. **WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.
4. **ADVERSE DRAINAGE IMPACT - GENERAL** - No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
5. **STORMWATER DISCHARGE** - The Developer shall provide all necessary stormwater drainage (both internal and external to the development) and such drainage works shall be designed and constructed in accordance with Queensland Urban Drainage Manual (QUDM). Inter-allotment roofwater drainage systems are to be provided where discharge to the road drainage system cannot be achieved. They are to be designed to the requirements of QUDM. Easements are to be provided where the pipeline traverses lots and to provide, where necessary, a connection to a legal point of discharge. Due consideration is to be given to the "*Stormwater Management Plan*" prepared by Ryacon Engineers Pty Ltd dated 20 April 2015.
6. **EROSION CONTROL** - The Applicant is responsible for implementation of erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.
7. **ON-SITE SEWAGE FACILITY** - The treatment and disposal of wastewater is to be designed and constructed in accordance with the "*Queensland Plumbing & Wastewater Code*", QPW and AS/NZS 1547:2000. Detailed design of any upgrading / new system must be undertaken by a suitably qualified person and is to be submitted as part of a Development Application for Plumbing and Drainage Works. Sales literature is to contain details of these requirements, indicative costs of installation and maintenance.

8. **ELECTRICITY** - The Developer shall be responsible for the provision of electricity supply (underground service) from the State electricity grid through the State authorised supplier (Energex) to all proposed lots within the development. The developer must submit to Council, prior to the endorsement of survey plans, a written evidence in the form of a Certificate of Supply from Energex indicating that satisfactory arrangements had been made for the supply of electricity to all the proposed lots. Consumer power lines not contained wholly within the proposed allotment serviced by the line are to be either relocated accordingly or incorporated within a service easement to be registered on the final plan of survey for the reconfiguration.
9. **EARTHWORKS AND ALLOTMENT FILLING** – All earthworks and allotment filling is to be undertaken in accordance with Section 3.4 of Council's *Design and Construction Manual*, to Council's satisfaction.
10. **SURVEYOR TO CERTIFY** – The Surveyor shall certify at the time of making application for signing of the Final Plan(s) of Survey:
- the existing dwelling house and any other associated building structures including effluent disposal areas upon Lot 1 are wholly contained within the bounds of this lot; and
 - the existing building structure(s) and any other associated building structures including effluent disposal areas upon proposed Lot 1 meet current statutory setback requirements from the boundaries.

In the event that one or more of the aforementioned associated building structure(s) including effluent disposal areas straddles the boundary, the Applicant will need to either alter the proposed configuration or alternatively demolish the offending structure(s).

11. **EASEMENT ARRANGEMENTS** – All necessary documentation facilitating the implementation or amendments to easements arising from this reconfiguration will be undertaken by the Applicant at the Applicant's full cost.
12. **PAYMENT RATES AND CHARGES** - Payment of all rates, charges or expenses which are in arrears or remain a charge over the land under the provisions of the *Local Government Act 2009*, the *Sustainable Planning Act 2009* (in particular Section 815) or any other relevant Act.
3. **Approval Conditions (Referral Agency):**
4. **That the Applicant be further advised of the following:**
- a) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Reconfiguring a Lot does not happen before the end of the relevant period. The relevant period is two (2) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.

- b) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modification attach to the land and are binding on the owner/s, the owner/s successors in title and any occupier of the land pursuant to Section 245 of the *Sustainable Planning Act 2009*.
- c) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant will need to satisfy himself/herself that in undertaking the proposed development works that their actions will not contravene the provisions of the aforementioned Acts.
- d) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to Section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:
- (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) FINAL PLAN OF SURVEY** – All conditions are to be complied with before or at the time the Applicant lodging an application for the signing of the Final Plan of Survey unless otherwise stated herein.
- f) APPROVED PLAN** – To clear any doubt, the approved plan does not constitute approval of any reticulated or on-site services the subdivision will need to be provided with. Only the conceptual subdivision is approved. These services will need approval from the relevant authorities.
- g) SEWAGE FACILITY** – Plumbing application required for the relocation of the on-site sewerage facility.

Further development permits required:

- a. A Building Works approval is required prior to undertaking any building relocation/demolition works.
- b. A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c. A Property Access Permit and a Road Corridor Use Permit Applications are required.

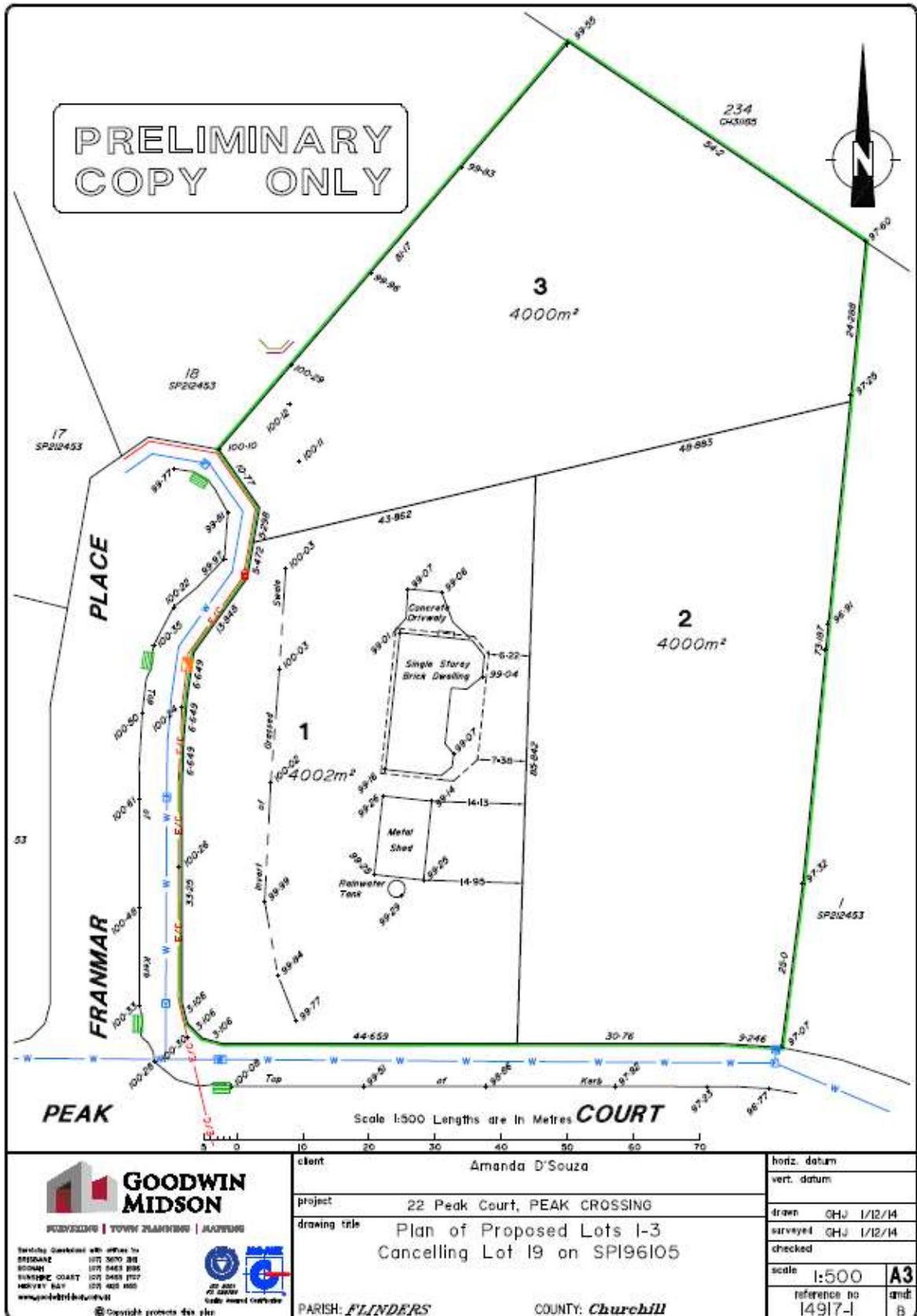
5. Administrative Action:

That Decision Notices be issued in accordance with Section s.335 of the *Sustainable Planning Act 2009* to the Applicant.

Attachments

1. Proposed Plan of Development (undetermined scale).
2. Locality Map (undetermined scale).

Attachment 1 - Proposed Plan of Development (undetermined scale)



Attachment 2 - Locality Map (undetermined scale)



4. INFRASTRUCTURE SERVICES

Nil.