

NOTICE ABOUT DECISION - STATEMENT OF REASONS

The following information is provided in accordance with Section 63(5) of the Planning Act 2016

The development application for:

Proposed Development:	Request to Change an Existing Approval for a Material Change of Use to establish a Noxious Industry (Regulated Waste Storage and Sewage Treatment Plant) and ERAs 56(2) and 63(2)(b)(i)	
Application No:	050.2017.309.001	File Refs: A6729 & LG7.6.1
Street Address:	3101 Chinchilla-Tara Road, Crossroads	
Real Property Description:	Lot 10 on SP237009	

On 20 September 2017, the above Request to Change application was:

approved in full, with conditions.

1. Reasons for the Decision

PROPOSED DEVELOPMENT	
Name of Applicant	John Mann
Type of Application	Change Application (Minor Change) under Section 78 of the <i>Planning Act 2016</i>
Proposed Development	<p>Changes to the Conditions of Development Approval 030.2013.1411.001 and 050.2014.1079.001 for a Material Change of Use to establish a Noxious Industry (Regulated Waste Storage and Sewage Treatment Plant and ERAs 56(2) and 63(2)(b)(i).</p> <p>The applicant sought to extend the relevant period of the Noxious Industry (Sewage Treatment Plant) component of the application from three (3) years to ten (10) years in line with the Noxious Industry (Regulated Waste Storage) component. The applicant sought to amend the following condition with respect to the approval:</p> <p>Condition 10.0 - Approved Development Amend to reflect extended period.</p>
Level of Assessment	Impact
Decision	<p>It was decided that the applicant's Change Application be approved. The reason for this decision is:</p> <ul style="list-style-type: none"> ▪ The proposed change does not change the scale, location, intensity or operational capacity of the development.
Decision Date	20 September 2017

2. Assessment Benchmarks

The following are the benchmarks applying to this development:

ASSESSMENT MATTERS

Assessment Benchmarks

The proposed development was assessed against the following assessment benchmarks:

- *Planning Act 2016*
 - Section 81
- Development Assessment Rules
 - Schedule 2
- Planning Scheme for Chinchilla Shire 2006
 - Rural Zone Code
- State Planning Policy
 - Part E - Water Quality
- Western Downs Planning Scheme 2017
 - Rural Zone Code
 - Infrastructure Overlay Code
 - Natural Resources Overlay Code
 - Waterway Corridors Overlay Code
 - Wetlands Overlay Code
 - Transport, Access and Parking Code
 - Infrastructure Services Code

Reasons for Decision

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark

Reasons for the Approval Despite Non-compliance with Benchmark

Planning Scheme for Chinchilla Shire 2006

Any conflict with the Code as a result of the original application is considered to have been resolved as part of the original Development Approval.

"PC1 Non-rural Activities - Locational Criteria

Non-rural Activities are located in the Rural Zone only where those activities:

- (a) *do not impact adversely on the amenity of the Rural Zone;*
- (b) *demonstrate a nexus with rural activities or natural or cultural resources;*
- (c) *do not prejudice the consolidation of like Non-rural Activities in other more appropriate Zones;*
- (d) *do not prejudice the productive capacity of existing or future rural land; and*
- (e) *protect the landscape values and scenic qualities of the rural Zone."*

The proposed development is a Non-rural Activity and therefore must be assessed against the Performance Criteria.

The proposed change relates solely to the term the approved use operates on the site and therefore the scale of the use will not increase.

The proposed change is not considered to impact on the amenity of the Rural Zone. No complaints have been received by Council since the use commenced.

The use is adjacent to the QGC Desalination Plant and is considered to consolidate like uses in the Rural Zone.

"AS2 *The 'Total Use Area' is less than 150m² on a lot."*

The proposed change will not increase the scale of the use on the site. The scale of the approved use is considered to be consistent with development in the locality, particularly the QGC Desalination Plant on the lot adjoining the western boundary.

		<p>The use is not considered to prejudice the operation and viability of other uses or activities in the Rural Zone.</p>
	<p>"PC33 Good Quality Agricultural Land Areas</p> <p><i>Good Quality Agricultural Land areas as identified on the Land Characteristics Map – Good Quality Agricultural Land are conserved and managed for the longer term and protected from development that may lead to its alienation or diminished productivity."</i></p>	<p>The subject site is identified as being Class B GQAL. The applicant undertook a soil quality assessment in relation to the site which determined that the site is not suitable for broad scale cropping activities.</p> <p>Notwithstanding, the development is considered to be compatible with the intent for the Rural Zone, provided that it is appropriately screened and impacts managed on-site.</p> <p>The site is alienated between Vanrenen Road, Chinchilla-Tara Road and adjoining resources activities. The proposed development is not considered to result in further alienation of GQAL.</p>
	<p>"PC36 Groundwater Vulnerability Area</p> <p><i>'Development' in Groundwater vulnerability areas as identified on the Land Characteristics Map – Groundwater Vulnerability ensures:</i></p> <p>(a) <i>water quality is maintained; and</i></p> <p>(b) <i>the natural characteristics of the setting are protected from pollutants and contaminants."</i></p>	<p>The subject site is mapped as being within a groundwater vulnerability area. The proposed development ponds are bunded and lined appropriately to protect the groundwater. Council issued a Compliance Certificate for the Operational Work application for the construction of the ponds. The ponds on-site are therefore considered suitable to ensure no adverse impacts on the groundwater quality.</p> <p>The proposed change to extend the life of the sewage treatment aspect is not considered to be beyond the life of the lining or bunding.</p>
Western Downs Planning Scheme 2017		
	<p>Natural Resources Overlay</p> <p>"AO6.1</p> <p><i>Development (inclusive of the development footprint) is not located on land identified as ALC Class A and B Land on the Agricultural Land Overlay Maps (OM-008) unless identified in Table 8.2.7.2."</i></p>	<p>The proposed development is not identified in Table 8.2.7.2 and therefore does not comply with the Acceptable Outcome. The applicant undertook significant soil assessments at the time the application was lodged. This assessment determined that the site is not suitable for broad scale agricultural cropping.</p> <p>The proposed development is therefore not considered to result in the loss or fragmentation of ALC.</p>
	<p>Natural Resources Overlay</p> <p>"AO8.1</p> <p><i>The following activities are not located on land identified as a Water Resource Catchment Area on Water Resource Catchment Areas Overlay Maps (OM-009):</i></p> <p>(a) <i>Animal Keeping;</i></p> <p>(b) <i>Intensive Animal Industry;</i></p> <p>(c) <i>Intensive Horticulture;</i></p> <p>(d) <i>Industry Activities."</i></p>	<p>The proposed development would be defined as a High Impact Industry and therefore does not comply with the Acceptable Outcome.</p> <p>The approved development included a Groundwater Monitoring Plan to ensure the quality of groundwater in the locality is not impacted by the development.</p> <p>Council issued a Compliance Certificate on 3 October 2014 for the Operational Work application related to construction of the ponds. It is considered that the ponds are suitable to ensure no adverse effects on the groundwater occur as a result of the use.</p>

