

## 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:	Educational Establishment (Training Facility)	
Application No:	030.2017.362.001	File Refs: A12235 & LG7.6.1
Street Address:	259 Windmill Road, Chinchilla	
Real Property Description:	Lot 2 on RP210818	

On 23 May 2018, the above development application was approved in full, with conditions.

### 1. Reasons for the Decision

The reasons for this decision are:

- The proposed development is considered able to meet the intent of the Western Downs Planning Scheme Strategic Framework. The development is located on the edge of the Chinchilla township, a Major Centre in the region, and will provide regionally significant education facilities.
- The proposed Material Change of Use is considered able to generally comply with the Rural Zone Code of the Planning Scheme. The historical use of the site for a highly intensive Storage Facility is considered to provide valid planning justification to support the proposed development. The proposed use will be located within the footprint of the previously approved use and is considered to be of a less intensive nature.
- Through applying reasonable and relevant conditions, the potential impacts on the amenity of the surrounding rural locality can be appropriately mitigated.

### 2. Assessment Benchmarks

The following are the benchmarks applying to this development:

ASSESSMENT MATTERS	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"><li>▪ State Planning Policy<ul style="list-style-type: none"><li>· Water Quality Objectives</li></ul></li><li>▪ Western Downs Planning Scheme 2017<ul style="list-style-type: none"><li>· Strategic Framework</li><li>· Rural Zone Code</li><li>· Transport, Access and Parking Code</li><li>· Infrastructure Services Code</li><li>· Airport Environs Overlay Code</li><li>· Bushfire Hazard Overlay Code</li><li>· Natural Resources Overlay Code</li></ul></li></ul>

<b>Reasons for Decision</b>	The development was assessed against all of the assessment benchmarks listed above and areas of non-compliance are detailed below:	
	<b>Assessment Benchmark</b>	<b>Reasons for the Approval Despite Non-compliance with Benchmark</b>
	<b>Rural Zone Code</b>	
	<p><b>"AO1</b></p> <p><i>Development has a maximum building height of 10 metres above natural ground level and no more than two storeys.</i></p> <p><i>Editor's Note - excluding windmills, silos and other rural structures ancillary to agricultural operations on-site."</i></p>	<p><b>Alternative Solution</b></p> <p>The proposed training aid structure is greater than 10 metres and three storeys in height. The proposed training aid structure is not considered to maintain a low-rise built form having regard to the existing landscape character values.</p> <p>If an approval is issued, conditions should be applied to screen the facility from view.</p>
	<p><b>"AO3.2</b></p> <p><i>Buildings and structures have a minimum side and rear boundary clearance of 15 metres."</i></p>	<p><b>Alternative Solution</b></p> <p>The existing buildings on-site are located less than 15 metres from the side (southern) boundary. No new buildings will be constructed closer to the property boundary than the existing building line.</p>
	<p><b>"PO5</b></p> <p><i>Development must not detract from the amenity of the local area, having regard to:</i></p> <p>(a) <i>noise;</i>  (b) <i>hours of operation;</i>  (c) <i>traffic;</i>  (d) <i>lighting;</i>  (e) <i>advertising devices;</i>  (f) <i>visual amenity;</i>  (g) <i>privacy;</i>  (h) <i>odour; or</i>  (i) <i>emissions."</i></p>	<p><b>Performance Solution</b></p> <p>The proposed development has the potential to detract from the amenity of the local area in relation to noise, hours of operation, traffic, lighting, visual amenity and emissions.</p> <p>It is considered that the recommended conditions of approval are able to mitigate the potential impacts based on the information provided by the applicant.</p>
	<p><b>"PO6</b></p> <p><i>Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</i></p> <p>(a) <i>noise;</i>  (b) <i>hours of operation;</i>  (c) <i>traffic;</i>  (d) <i>lighting;</i>  (e) <i>advertising devices;</i>  (f) <i>visual amenity;</i>  (g) <i>privacy;</i>  (h) <i>odour; or</i>  (i) <i>emissions."</i></p>	<p><b>Performance Solution</b></p> <p>The subject site has been operating as a Storage Facility for a Bus Depot over a number of years. The proposed development has been set reasonable and relevant conditions to ameliorate existing negative impacts where possible.</p>
	<p><b>"PO7</b></p> <p><i>Development protects environmental values and facilitates the achievement of water quality objectives for Queensland waters."</i></p>	<p>The applicant has not provided Council with any detail on the proposed methods of collecting and treating stormwater runoff from the new structures on-site, nor of the impact on water quality by any of the practical training exercises.</p> <p>The applicant has been conditioned to prepare a Stormwater Management Plan reflective of the development site.</p>

<p><b>"AO8</b></p> <p><i>Development achieves objectives as specified in <b>Table 6.2.9.2 - Construction Phase - Stormwater Management Design Objectives.</b>"</i></p>	<p>The applicant has not demonstrated that the proposed development is able to achieve the water quality objectives specified in the Western Downs Planning Scheme 2017 and submits that compliance is not applicable to the development.</p> <p>The applicant has been conditioned to prepare a Stormwater Management Plan reflective of the development site.</p>
<p><b>"PO9</b></p> <p><i>Land for urban purposes is located in areas which avoid or minimise the disturbance to natural drainage, areas subject to erosion risk and groundwater."</i></p>	<p>The applicant has not provided Council with any detail in relation to the proposed erosion and sediment control measures.</p> <p>The applicant has been conditioned to prepare a Stormwater Management Plan reflective of the development site.</p>
<b>Transport, Access and Parking Code</b>	
<p><b>"AO1.1</b></p> <p><i>Vehicle crossovers are constructed in accordance with <b>SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.</b>"</i></p>	<p>Three crossovers are constructed to provide access to the subject site. Conditions have been applied to ensure these crossovers are constructed to a suitable standard for the proposed use.</p>
<p><b>"AO2</b></p> <p><i>Vehicle access is designed and constructed in accordance with <b>SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.</b>"</i></p>	<p>Conditions were applied to the original approval requiring sealing of all parking and manoeuvring areas in accordance with Council's Development Manual.</p> <p>Similar conditions have been applied to mitigate dust impacts from the site.</p>
<p><b>"AO5.2</b></p> <p><i>Where service vehicle spaces are required in accordance with <b>Table 9.4.5.2 - Car parking generation rates and service vehicle requirements</b> vehicle crossovers are constructed in accordance with <b>AS2890.2 – Parking facilities – Off-street commercial vehicle facilities.</b>"</i></p>	<p>Conditions have been applied based on the maximum sized service vehicle specified in the Planning Scheme to ensure service vehicle parking is adequate.</p>
<p><b>"AO6</b></p> <p><i>Provision of parking for persons with disability and general access is to be made in accordance with the requirements of Australian Standards <b>AS1428 – Design for access and mobility</b> and <b>AS2890.6 – Parking facilities</b>, in relation to parking space width and location, manoeuvring areas for mobility aides, gradients, location of stairs, ramps, doorways and signage."</i></p>	<p>The proposed development has not made provision for parking for persons with disability.</p> <p>Conditions have been applied to ensure compliance with the Australian Standard.</p>
<p><b>"AO9.1</b></p> <p><i>Car parking dimensions are designed and line- marked in accordance with Australian Standard <b>AS 2890.1 Parking Facilities – Off Street Parking using a B99 as the design vehicle (Minimum Class 2 User Class).</b>"</i></p>	<p>The applicant has demonstrated where the proposed 12-15 car parking spaces will be provided.</p> <p>Conditions have been applied to ensure these spaces are constructed in accordance with the Australian Standard.</p>

	<p><b>"AO9.2</b>  <i>Service vehicle spaces are designed in accordance with Australian Standard 2890.2 Parking Facilities – Commercial Off Street Parking.</i>"</p>	<p>Conditions have been applied to ensure service vehicle parking for an MRV sized vehicle is provided in accordance with the Australian Standard.</p>
<b>Infrastructure Services Code</b>		
	<p><b>"Where within the Rural Zone or Rural Residential Zone Where outside a sewerage service area</b>  <b>AO2.2</b>  <i>Development is connected to a safe and efficient on-site waste water disposal system in accordance with Queensland, Plumbing and Wastewater Code and Australian Standard AS/NZ3500.</i>"</p>	<p>The applicant submits that there is an existing on-site effluent disposal system that is of a sufficient capacity to service both uses operating on the site. The waste is pumped out and disposed of by a third party.</p> <p>The applicant has assessed this existing system and the requirements to support the Educational Establishment and proposes to install an on-site treatment system. Conditions have been applied accordingly.</p>
	<p><b>"AO3</b>  <i>Development is provided with stormwater infrastructure in accordance with SC6.2 – Planning Scheme Policy 1 – Design and Construction Standards.</i></p>	<p>The applicant has not provided Council with any detail on the proposed methods of collecting and treating stormwater runoff from the new structures on-site, nor of water run-off during any practical training exercises.</p> <p>The applicant has been conditioned to provide a Stormwater Management Plan reflective of the use.</p>
<b>Natural Resources Overlay Code</b>		
	<p><b>"Where for a Material Change of Use in the Rural Zone</b>  <b>AO6.1</b>  <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><b>Alternative Solution</b></p> <p>The proposed use is not listed in Table 8.2.7.2 and therefore the development does not comply with the Acceptable Outcome. The proposed use will be contained within the established footprint of the previously approved Storage Facility Use and no additional loss of Class A Agricultural Land will occur from this application. The development is therefore considered to comply with the Performance Outcome.</p>

### 3. Matters Raised in Submissions for Impact Assessable Development

<b>Matters Raised in any Submission</b>	<b>Description of how Matters were Dealt with in Reaching the Decision</b>
<p><b>Conflict with Rural Zone</b></p> <p>Submitters are concerned that the use is not suitable for a Rural Zone.</p> <p>Some concerns raised include:</p> <p><i>"The site is zoned Rural, however, we do not see how a property, which if mostly gravelled, can currently provide for rural use. It also does compromise the long-term use of the property for rural purposes."</i></p> <p><i>"In closing, we are objecting (1) to an application of this type in a Rural Zone..."</i></p>	<p>The long-term use of the site for rural purposes is considered to have been compromised by the previous development approval on the site (030.2013.921.001). The proposed development does not affect any additional areas of land above what has previously been used for the approved Storage Facility.</p>
<p><b>Lighting</b></p> <p>Submitters are concerned in relation to the proposed night-time training activities and the potential lighting impacts arising from the use.</p>	<p>The applicant has submitted details in relation to the management of lighting on the site to protect the amenity of the area.</p>

<p><i>"...evening classes are being proposed on two nights per week going until 8pm. Should these classes be conducted using the shipping containers where bright lights are already installed, these lights would have an impact..."</i></p>	<p>As a result, conditions have been applied to ensure lighting does not cause nuisance to any nearby residents and meets all CASA requirements.</p>
<p><b>Hours of Operation/Noise Impacts</b></p> <p>Submitters expressed concerns with the proposed operating hours being 8am-6pm daily, plus 5pm-8pm two nights a week. The concerns in relation to the operating hours relate to the potential noise impacts.</p> <p><i>"It is noted that there could be some training sessions run at night time. The area is currently a peaceful area of a night time. With the night training sessions...will the training sessions be run outdoors for these night sessions? Will these activities be visible/audible from our residence?"</i></p>	<p>The applicant provided additional information as to the contents of the proposed night training sessions.</p> <p>Conditions have been applied to restrict operations to two (2) nights per week, rather than six (6). The submitters' concerns are reasonable and excessive night training should not be permitted given the scale of development in the locality.</p>
<p><b>Uncertainty of Proposed Use</b></p> <p>A number of the submissions received raised a series of further questions relating to the operation of the site that are unable to be answered from the application documents.</p> <p>Queries included:</p> <p><i>"We also note that road accident rescue training is to be conducted on this site. Is this training to be conducted near (the) boundary? Are old vehicles to be used with hydraulic cutting equipment as per realistic accident rescues? If so, what will happen with these used vehicles? We note a section of this property has been ear marked as a vehicle off road area. We hope this will not be used as a wrecked vehicle storage area as it will become an eye sore and also a snake and mosquito breeding area."</i></p>	<p>The submitters' concerns relating to the uncertainty of the proposed use were valid at the time of lodging the submission. The applicant has provided further detailed information to outline the scale and intensity of the proposed use.</p> <p>The additional information provided gives Council certainty around the proposed use.</p>
<p><b>Dust/Air Emissions</b></p> <ul style="list-style-type: none"> <li>• <i>"If Maguire's Coaches are continuing to operate on the property in the eastern part of the property, what is being done about dust management?"</i></li> <li>• <i>"Restrictions on the numbers of vehicles moving at any one time on the gravel pad...Should any dust arise from this gravel surface dust suppression should be applied..."</i></li> </ul> <p><i>"The practical training mentions firefighting. They have mentioned that the airport will not be affected, however, can they guarantee that our property will not get a lot of smoke from this part of the training?"</i></p>	<p>The applicant has provided detail on the proposed dust management techniques to be employed on-site.</p> <p>The submitters' concerns are considered to be valid. Conditions will be applied that all parking and manoeuvring areas are sealed to reduce vehicle dust generation.</p> <p>In addition, a Site Based Management Plan has been conditioned to be prepared generally in accordance with the additional information provided on 6/04/2018.</p>
<p><b>Overall Amenity</b></p> <p><i>"The non-permanent training structure which is already on-site is not listed in the original proposal plan. This structure is an eye sore to the property and definitely does not tie in with the rural outlook of the area."</i></p>	<p>The submitters' concerns are considered valid. The training aid was not detailed in the original application documents and further, is above the height requirements for the Rural Zone as specified in the Planning Scheme.</p> <p>A condition has been applied to screen the development along the northern boundary.</p>
<p><b>Stormwater Management</b></p> <p><i>"The current bus parking area which is gravelled and large workshop area produce a large amount of water runoff on our property...The current storm water treatment plan is obviously not being adhered to and if it is, it's not working."</i></p>	<p>The applicant has not provided any detail as to the proposed methods of stormwater management to be implemented on-site, specifically for the proposed use. The submitters' concerns are considered valid and the recommended conditions of the approval include a requirement to provide a Stormwater Management Plan.</p>

**Non-compliance of Existing Uses**

Submitters have raised concerns about the intensification of development on the site given non-compliance of the previous approval with Council's conditions.

- *"The site doesn't currently meet its previous development conditions and the further intensification on-site will only add to the existing problems in the area."*

*"We urge you to reference the approval notice with actual work completed on this site. Keeping in mind that there is still a bus business operating from this address. We know that there are a number of requirements that have not been complied with."*

The matter of non-compliance is being managed through Council's Compliance Team and is not considered applicable to the assessment of the current Development Application.

